

UNION PACIFIC RAILROAD
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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

October 9, 2014

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

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ENTERED
Office of Proceedings
October 9, 2014
Part of
Public Record

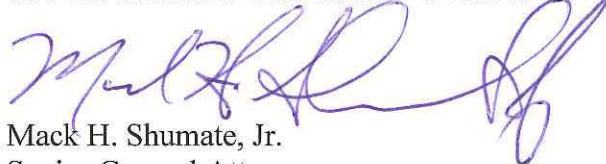
Re: Docket AB-33 (Sub No. 140) Union Pacific Railroad Company Abandonment and Discontinuance of Operation from M.P. 66 near Jamaica, Nebraska, to M.P. 125 near Marietta, Kansas – in Lancaster and Gage Counties, Nebraska and Marshall County, Kansas. Also Docket AB-33 (Sub No. 208X) Abandonment and Discontinuance of Operation from M.P. 125 near Marietta, Kansas, to M.P. 133.13 near Marysville, Marshall County, Kansas

Dear Ms. Brown:

Please be advised that Union Pacific Railroad Company has no objection to the attached late filed notice of transfer of ownership of a section of railbanked right-of way from the Nebraska Trails Foundation to the Marshall County Connection, Inc. The notice of transfer is attached as Exhibit A and hereby made a part hereof.

Sincerely,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney

cc: Nebraska Trails Foundation



Nebraska Trails Foundation

3901 S. 27th Suite 29 • Lincoln, Nebraska • 68502-5703 • 402-475-7712

October 6, 2014

Ms. Cynthia Brown, Chief
Section of Administration
Surface Transportation Board
395 E Street SW
Washington, D C 20423

Dear Ms. Brown:

Enclosed are an original and ten copies of a request for change of ownership on a section of railbanked right-of-way.

Nebraska Trails Foundation, Inc., failed to make this request at the time the ownership was transferred. We realize we should have made the request at that time.

Thank you for your consideration of this request.

Should you or the board have any questions concerning this request, please direct them to me.

Yours truly,

A handwritten signature in black ink that reads "ROSS GREATHOUSE".

Ross Greathouse, V.P.
Nebraska Trails Foundation, Inc.
3901 So. 27th St., Ste 29
Lincoln, NE 68502
402-475-7712

RG:cg

CC: Mack Shumate, Senior General Attorney
Rick Harris, Union Pacific
David Schmidt, Pres., NTF
Lynn Lightner, Board, NTF



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October 6, 2014

Ms. Cynthia Brown, Chief
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395 E Street SW
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RE: Docket AB-33 (sub-No 140) Union Pacific Railroad Company Abandonment and Discontinuance of Operation from M.P. 66 near Jamaica, Nebraska, to M.P. 125 near Marietta, Kansas – in Lancaster and Gage Counties in Nebraska and Marshall County in Kansas. Also Docket AB-33 (sub-No 208X) Abandonment and Discontinuance of Operation from M.P. 125 near Marietta, Kansas, to M.P. 133.13 near Marysville, Kansas. See attached maps.

Dear Ms. Brown:

Nebraska Trails Foundation (NTF) purchased Docket AB-33 (sub-No 140) from Union Pacific Railroad Company in February, 2002, and then purchased Docket AB-33 (sub-No 208X) from Union Pacific Railroad Company in November 2005.

Then, also in November 2005, NTF transferred the title to the right-of-way from the Nebraska State Line M.P. 121.25 to M.P. 133.13 near Marysville, Kansas, to Marshall County Connection, Inc., a non-profit 501(c)-3 foundation. The Marshall County Connection then proceeded to develop the trail. Development of eight of the 11.88 miles of the trails have now been completed.

Nebraska Trails Foundation, Inc., failed to notify the STB of this transfer of ownership at that time, and now request that STB now make this transfer of ownership.

STATEMENT OF WILLINGNESS TO ASSURE FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail-banking under Section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, Nebraska Trails Foundation, Inc., and Marshall County Connection, Inc., are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the use is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Union Pacific Railroad.

Two maps depicting the right-of-way are attached.

Ms. Cynthia Brown, Chief
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Nebraska Trails Foundation, Inc., and Marshall County Connection acknowledge the use of the right-of-way is subject to the users continuing to meet its responsibility described above, and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of this statement is being served on the railroad on the same date it is being served on the Commission.

By my signature below, I certify service upon Mack Shumate, Jr., Senior General Attorney, 101 N. Wacker Dr., Room 1920, Chicago, IL 60606.

Respectfully submitted,


Ross Greathouse, V. P.
Nebraska Trails Foundation, Inc.
3901 South 27th St., Suite 29
Lincoln, NE 68502

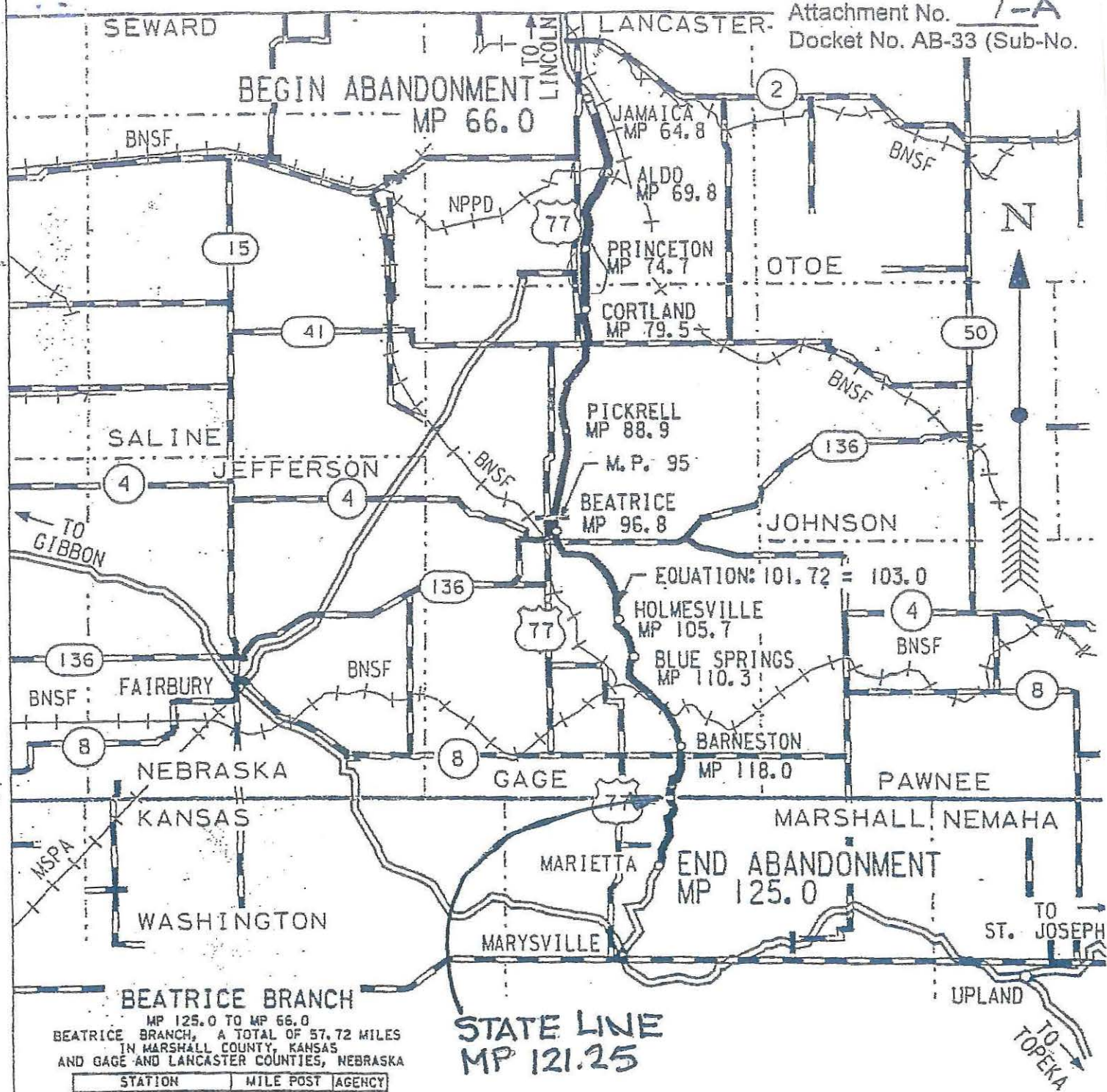


Randy Brown, President
Marshall County Connection, Inc.
1129 Juniper Road
Marysville, KS 66508

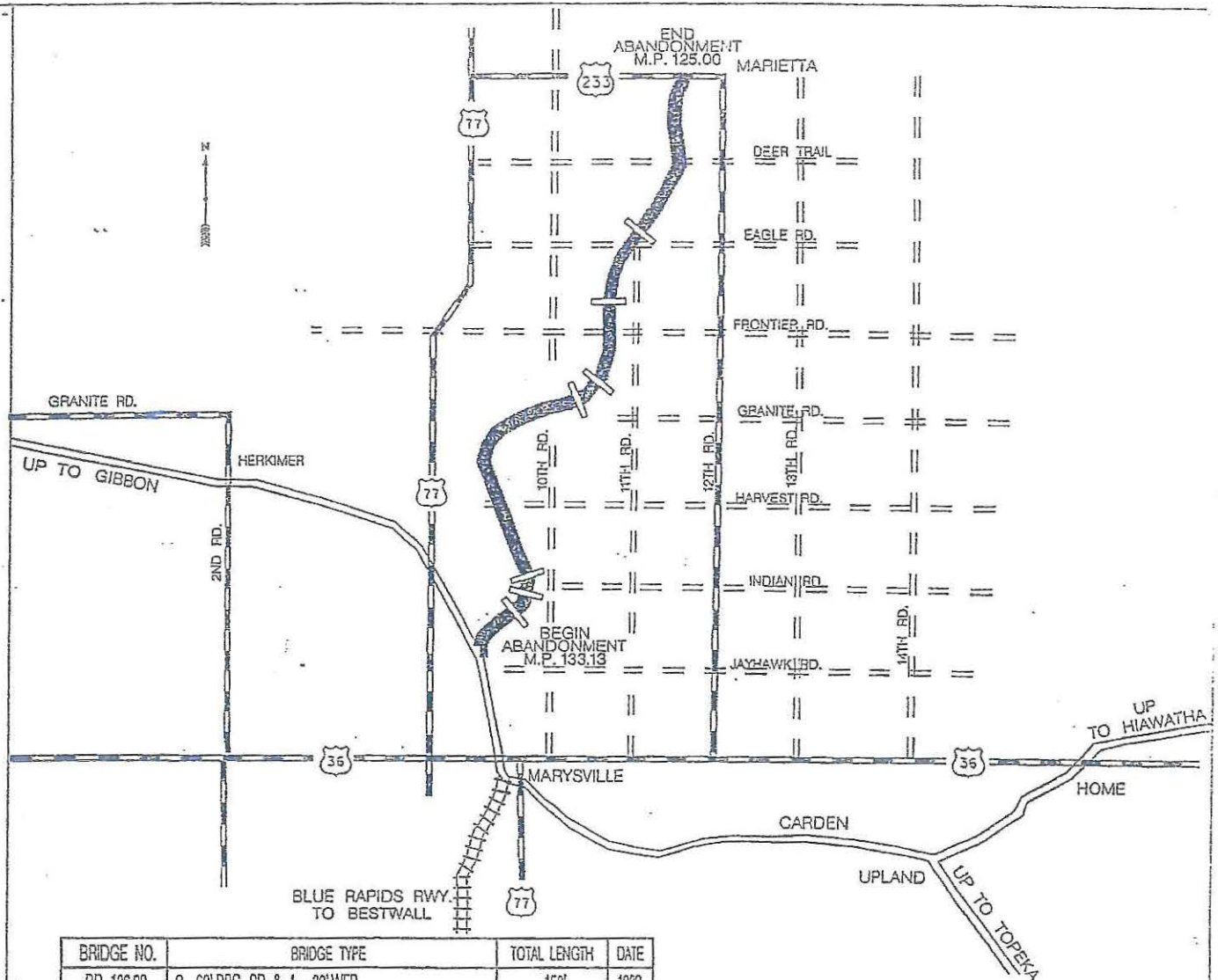
RG/RB: cg

Encl: 2

CC: Mack Shumate, Senior General Attorney
Rick Harris, Union Pacific
David Schmidt, Pres., NTF
Lynn Lightner, Board, NTF



UNION PACIFIC RAILROAD CO.
BEATRICE BRANCH
INCL. 50+ YEAR OLD STRUCTURES



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR 126.99	2- 60' DPG SP & 1- 30' WFB	150'	1932
BR 127.89	1- 30' SP TBD	30'	1932
BR 128.88	3- 14' TPT-BD	42'	1953
BR 129.06	3- 45' WFB	135'	1953
BR 131.97	3- 14' TPT-BD	42'	1943
BR 132.25	7- 14' TPT-BD	98'	1936
BR 132.47	3- 14' TPT-BD	42'	1938

STATION	MILE POST	AGENCY
MARIETTA	125.90	NO

MARIETTA INDUSTRIAL LEAD

M.P. 125.09 TO M.P. 133.13 - A TOTAL OF
8.13 MILES
IN MARSHALL COUNTY, KANSAS

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.
MARIETTA INDUSTRIAL LEAD
INCLUDING 50+ YEAR OLD STRUCTURES

SCALE 0 1 2 3 4 MILES

O:\ABANDONMENTS\AB0330_MARIETTA.DGN APRIL 8, 2003