



GREATHOUSE ASSOCIATES, LTD.

209327
A13-33 SUB - NO. 208X

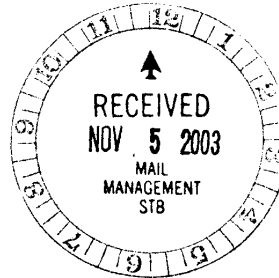
MEMO

October 31, 2003

TO: Vernon Williams
FROM: Ross Greathouse
RE: Contact Information for questions

Ross Greathouse
Nebraska Trails Foundation
3901 South 27 St., No. 29
Lincoln, NE 68502

Phone: 402/475-7712
Fax: 402/420-7712



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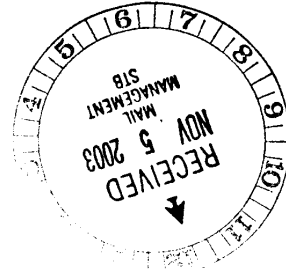


Nebraska Trails Foundation, Inc.

1644 Woodview • Lincoln, NE • 68502-4649 • 402-420-5885

October 31, 2003

Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001



RE: Surface Transportation Board, Docket No. AB-33 (Sub-No 208X).
Union Pacific Railroad Company – Abandonment Exemption in
Marshall County, Kansas (Marietta Industrial Lead) from M. P. 133.13
to M. P. 125.0.

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of Nebraska Trails Foundation, Inc., a non-profit organization interested in promoting trail development, which is hereinafter referred to as "Commenter." Further support has been attained through the City of Marysville's "Quality of Life" advisory committee. The City of Marysville appointed this committee to define and implement quality of life elements.

Commenter takes no position on the propriety of discontinuance of current rail service, but Commenter does request issuance of a Notice of Interim Trail Use rather than outright abandonment authorization. These comments pertain to the rail line of Union Pacific Railroad, with respect to that portion of the right-of-way in Marshall County, Kansas between Milepost 125 near Marietta, Kansas to Milepost 133.13 near Marysville, Kansas, a distance of approximately 8.13 miles. The right-of-way is part of a line proposed for abandonment in Docket AB-33 (Sub-No 208X.)

A map of the right-of-way is attached.

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A. Public Use Condition

Commenter requests the Surface Transportation Board find that this property is suitable for other public use, specifically trail use, and to place the following condition on the abandonment:

1. Barring non-public disposition

Condition sought: an order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms.

Justification: This corridor offers an excellent addition to the recreational trails system of the state of Kansas which connect to major trails in the state of Nebraska. This property would allow us to provide hiking and bicycle routes paralleling the Big Blue River connecting Marysville, Kansas to Beatrice, Lincoln and Omaha, Nebraska. It would offer excellent wildlife viewing and recreational facilities for many small towns.

The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to coordinate efforts with local interest groups and to commence negotiations with the carrier.

2. Preserving trail-related structures

Condition sought: an order barring removal or destruction of trail-related structures such as bridges, culverts, ballast and rip/rap, but not removal of tracks, ties, and signal equipment.

Justification: Bridges, culverts, ballast and rip/rap have considerable value for, and would certainly facilitate, recreational trail purposes. On the other hand, such structures generally have negative salvage value for a railroad so their preservation poses no burden on interstate commerce.

The time-period requested is 180 days from the effective date of the abandonment authorization for the same reason indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail-banking, in addition to the public use conditions sought above, Commenter also requests rail-banking and interim trail use. Commenter accordingly makes the following statement:

STATEMENT OF WILLINGNESS TO ASSUME 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 City of Marysville, Kansas Quality of Life Committee 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 Union Pacific Railroad.

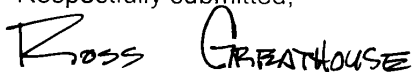
A map depicting right-of-way is attached.

Nebraska Trails Foundation, Inc. and City of Marysville, Kansas Quality of Life Committee acknowledge that use of the right-of-way is subject to the users continuing to meet its responsibilities 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,

The signature is handwritten in black ink. It consists of the first name 'ROSS' in a stylized, slightly slanted font, followed by the last name 'GREATHOUSE' in a more upright, blocky font.

Ross Greathouse
For Nebraska Trails Foundation, Inc.
3901 South 27th Street, No. 29
Lincoln, NE 68502

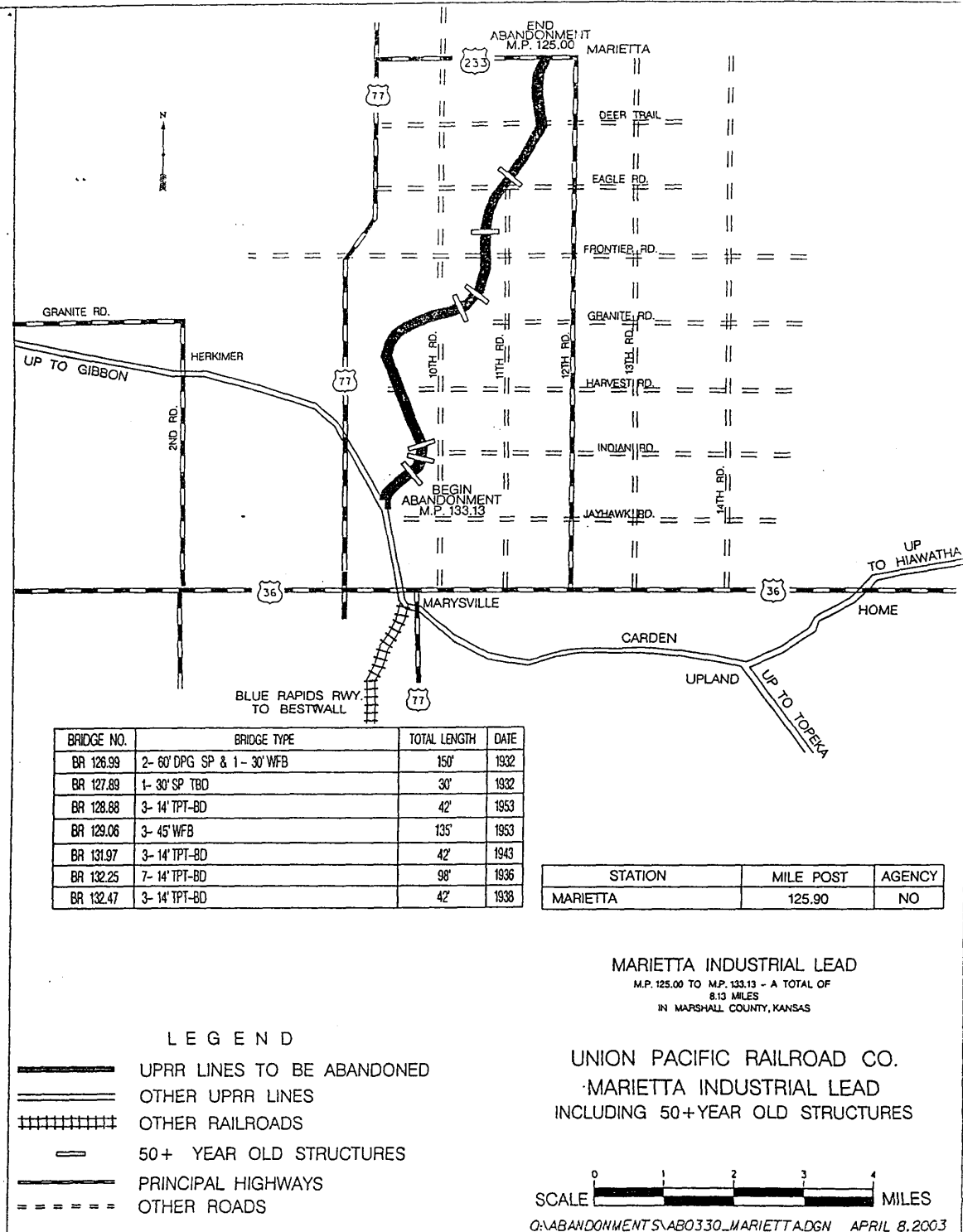
RG:cg

CC: Mack Shumate, Jr.,
Senior General Attorney
101 N Wacker Dr, Room 1920
Chicago, IL 60606

John Angle, President
Nebraska Trails Foundation, Inc
3800 South 42 Street
Lincoln, NE 68506

Don Abel
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Union Pacific Railroad
1800 Farnam Street
Omaha, NE 68102

Steve O'Neal
City of Marysville Quality of Life Committee
406 N 18 Street
Marysville, KS 66508





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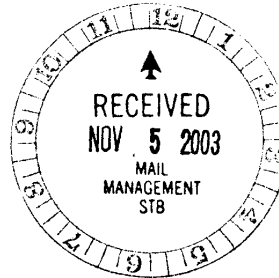
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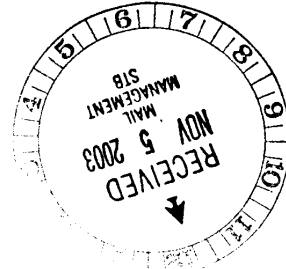


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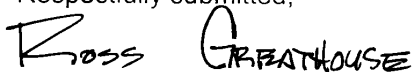
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