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November 27, 2018

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Via E-File

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W., Room 1034
Washington, DC 20024

**Re: Proposed Abandonment and Discontinuance of the Omaha Belt Industrial Lead, a total distance of approximately .28 miles in Douglas County, Nebraska
STB Docket No. AB-33 (Sub-No. 336X)**

Dear Ms. Brown:

Attached for filing is a Verified Petition of Exemption pursuant to 49 U.S.C. § 10502.

Please file the Petition in Docket No. AB-33 (Sub-No. 336X). Enclosed is a credit authorization voucher in the amount of \$7,400.00 for the filing fee.

Sincerely,

/s/ Jeremy Berman
by *LC*
Jeremy M. Berman

FILED
November 27 2018
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
November 27, 2018
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 336X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN DOUGLAS COUNTY, NEBRASKA

(OMAHA BELT INDUSTRIAL LEAD)

PETITION FOR EXEMPTION

UNION PACIFIC RAILROAD COMPANY

Jeremy M. Berman
General Attorney
1400 Douglas St. MS #1580
Omaha, NE 68179
(402) 544-4735 (Tel.)
402-501-0129 (FAX)
jmberman@up.com

Dated: November 27, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 336X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN DOUGLAS COUNTY, NEBRASKA

(OMAHA BELT INDUSTRIAL LEAD)

Petition For Exemption

Union Pacific Railroad Company ("UP") petitions the Surface Transportation Board ("STB" or "Board") to exempt from 49 U.S.C. § 10903 under 49 U.S.C. § 10502, UP's abandonment of an approximately .28 mile rail line known as the Omaha Belt Industrial Lead (the "Line") between railroad milepost 485.55 near Grover Street to milepost 485.27, the point switch on the Wimmer Wye just West of Dahlman Avenue, all in Omaha, Douglas County, Nebraska, traversing U.S. Postal Service Zip Codes 68105 and 68107.

I. Proposed Transaction

UP is seeking to abandon the Line and sell the track and property to Darling Ingredients ("Darling"), the only shipper on the Line. A map showing the location of the line to be abandoned is attached to this Petition as **Exhibit 1**.

Darling supports abandonment of the Line and provided a letter of support for this Petition, attached as **Exhibit 2**. UP also provided Darling with a copy of this Petition. UP is currently working towards an agreement with Darling that will take effect once the abandonment has been consummated. Darling plans to use the track for continued rail service but will use the track and property to support an expansion of its

facility. UP will continue to serve Darling in substantially the same manner as it does today.

Darling's use of the Line will be limited to: (1) movement of railcars at Darling's facilities; (2) storage, loading, and unloading operations; and (3) receipt and delivery of railcars to UP. No other shipper will be served from the Line. Given the short length of the Line and Darling's current ownership footprint, it is unlikely that any other shipper would be able to locate on the Line.

Based on information in UP's possession, the Line does not contain federally granted rights of way. The right of way is primarily fee title. Any documentation in UP's possession concerning ownership of the Line will be made available to those requesting it.

As part of the sale to Darling, UP would retain an easement over the property for common carrier rail service to maintain connectivity with right of way currently under a Certificate of Interim Trail Use arising out of STB Docket AB-3 (Sub-No. 138X). The easement will allow UP to provide common carrier rail service if necessary in the future.

II. Background

The Line was built by the Omaha Belt Railway as part of its Belt Line from South Omaha to North Omaha, which later became part the Missouri Pacific Railroad Company ("MP"). Following the merger of UP and MP, the Belt Line was no longer needed as a through route because the MP Nicholas St yard in North Omaha could be accessed more directly using other routes. As local customers closed or moved, the Belt Line was gradually abandoned in segments, leaving only small active portions at each end.

III. Exemption Standards Have Been Met

UP seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 to permit it to abandon the Line. Under 49 U.S.C. § 10502, the Board must exempt a transaction from regulation when it finds that: (1) continued regulation is not necessary to carry out the Rail Transportation Policy (“RTP”) of 49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope, or (b) regulation is not necessary to protect shippers from an abuse of market power.

The Board recently allowed exemptions under similar circumstances in *Wisconsin Central Ltd.—Aban. Exemption—in Lake County, Ill.*, AB 303 (Sub-No. 46X) (STB served June 25, 2015) (“*Wisconsin Central*”), *Brandon Railroad, L.L.C.—Aban. Exemption—in Douglas County, Neb.*, AB 1182X (STB served May 25, 2016) (“*Brandon*”), and *BNSF Railway Company—Aban. Exemption—in Flathead County, Mont.*, AB 6 (Sub-No. 495X) (STB served Aug. 14, 2017) (“*BNSF*”).

A. The Application of 49 U.S.C. § 10903 Is Not Necessary to Carry Out The Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expense associated with the preparation and filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit. 49 U.S.C. § 10101 (2), (7). *See, e.g., Wisconsin Central*, slip op. at 2; *Brandon*, slip op. at 2; *BNSF*, slip op. at 2. Since UP will continue to serve the only shipper on the Line, there will be no loss of rail service.

Other aspects of the rail transportation policy are not adversely affected. For example, competition and the continuation of a sound rail transportation system are not

affected since Darling, the only shipper using the Line, will not be deprived of any needed rail services. In fact, following abandonment Darling will likely be able to increase its use of rail service.

Granting the Petition would also foster sound economic conditions and would encourage efficient management by allowing to UP to better meet its customer's needs. 49 U.S.C. § 10101(5), (9).

B. This Transaction Is Of Limited Scope

UP is seeking this exemption to abandon .28 miles of track, just over a quarter mile, which serves only one customer. If the exemption is allowed, that customer will retain the same access to rail service as it enjoys today. UP is also retaining an easement to provide common carrier rail service over the track in the highly unlikely event that future traffic demands such service. The proposed abandonment is of limited scope.

C. This Transaction Will Not Result In An Abuse Of Market Power

UP will abandon the Line but continue to serve the lone shipper located on the Line. The shipper is entering into an agreement with UP to purchase the track and property following abandonment and will use the track to facilitate its operation. UP will continue to access the track to pick up loaded trains and drop off empty cars. Regulation is not necessary to protect the one shipper on the Line because that shipper will benefit from this exemption.

IV. Exemption From Public Use And Interim Trails Use Conditions And Offers Of Financial Assistance

Darling is the only shipper on the Line, and following consummation of the proposed transaction, it will remain the only shipper, receiving common carrier rail service from UP. Darling will continue to use the track and property for its operations.

Therefore, public use of the Line is neither feasible nor appropriate. UP and Darling would object to the imposition of a public use condition pursuant to 49 C.F.R. § 1152.28 and be unwilling to negotiate interim trail uses. These alternative use procedures are inconsistent with the purpose of the Petition.

Given that Darling is the only shipper on the Line and has indicated it does not want or require common carrier service on the Line, it would not be appropriate to allow an offer of financial assistance ("OFA"). If the Board were to allow an OFA, UP requests that the Board require any person seeking to file an OFA to also provide evidence that there is some other shipper other than Darling that would make use of common carrier service on the Line, consistent with Board precedent and recently adopted modifications to the OFA procedures.

V. Other Required Information

A. Labor Protection

UP is agreeable to the labor protection conditions imposed in abandonment proceedings as prescribed in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 ICC 91 (1979).

B. Certifications

Attached as **Exhibit 3** is a Certificate of Service and Publication, pursuant to the notice requirements of 49 C.F.R §§ 1152.50(d)(1), 1105.11 and 1105.12.

C. Environmental And Historic Reports

A copy of the cover letter which accompanied UP's Combined Environmental and Historic Report ("CEHR"), containing the information required by 49 C.F.R. §§ 1105.7(e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached as **Exhibit**

4, along with a copy of the CEHR.

D. Federal Register Notice

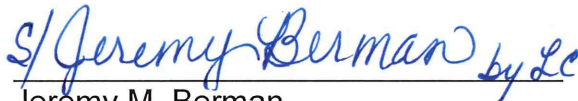
A draft Federal Register notice is attached to this Petition as **Exhibit 5**.

VI. Conclusion

The proposed transaction is of limited scope, and its regulation is not necessary to carry out the rail transportation policy or to protect shippers from the abuse of market power. Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment from the provisions of 49 U.S.C. § 10903 and direct that the exemption be effective on the date of the Board's decision.

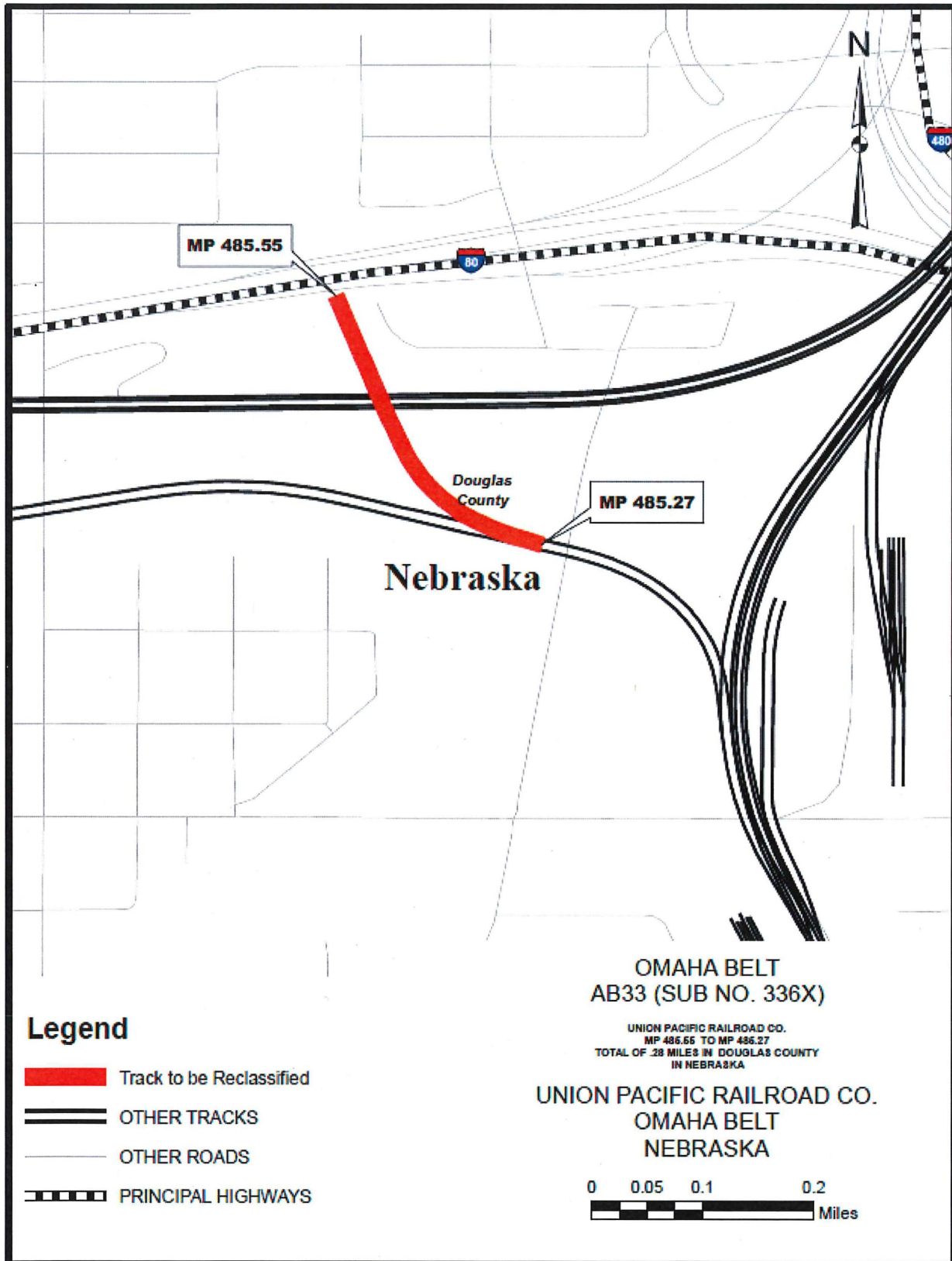
Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Jeremy M. Berman
General Attorney
1400 Douglas St. MS #1580
Omaha, NE 68179
(402) 544-4735 (Tel.)
402-501-0129 (FAX)
jmberman@up.com

Dated: November 27, 2018



251 O'Connor Ridge Blvd., Suite 300
Irving, Texas 75038

T 972-281-0300
darlingii.com

November 20, 2018

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

Re: Union Pacific Abandonment in Omaha, Nebraska

Dear Ms. Brown,

I am writing on behalf of Darling Ingredients Inc. to express our support for the Petition for Exemption by Union Pacific to abandonment the rail line that serves Darling's Omaha facility. We are currently in negotiations with Union Pacific to purchase the track and property that is the subject of this abandonment. We will use the property to support an expansion of our facility.

The abandonment is necessary because we do not wish to obtain authority from the Surface Transportation Board for the sale and do not wish to operate the track as a common carrier railroad. Our facility will continue to receive rail service from Union Pacific, as the track to be owned by Darling will connect directly with Union Pacific's track.

I urge the Surface Transportation Board to approve Union Pacific's Petition so that we can move forward with the sale and expansion.

Sincerely,



Michael L. Rath
Senior Vice President Commodities
T: 972.281.4438
E: mrath@darlingii.com

Docket No. AB-33 (Sub-No. 336X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN DOUGLAS COUNTY, NEBRASKA

(OMAHA BELT INDUSTRIAL LEAD)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on October 22, 2018 (at least 10 days before a Notice of Exemption is filed), written notice was given by Union Pacific stating Union Pacific's intent to use the Petition for Exemption procedure to abandon a portion of the Omaha Belt Industrial Lead, extending from Milepost 485.55 to Milepost 485.27 in Douglas County, Nebraska in Docket No. AB-33 (Sub-No. 336X).

Said written notice (a copy of which is attached hereto as **Attachment 1**) was served on the following:

Nebraska Public Service Commission
P.O. Box 94927
Lincoln, NE 68509-4927

Chief of the Forest Service
U. S. Department of Agriculture
4th Floor, N.W. Auditors Bldg.
1400 Independence Ave. SW
Washington, DC 20250-1111

National Park Service - Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

ATTN: ADTE – SA
Railroads for National Defense Program
Transportation Engineering Agency
Headquarters Military Surface Deployment
& Distribution
Command
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357



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ATTACHMENT 1

October 22, 2018

Nebraska Public Service Commission
P.O. Box 94927
Lincoln, NE 68509-4927

Chief of the Forest Service
U. S. Department of Agriculture
4th Floor, N.W. Auditors Bldg.
1400 Independence Ave. SW
Washington, DC 20250-1111

National Park Service - Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

ATTN: ADTE – SA
Railroads for National Defense Program
Transportation Engineering Agency
Headquarters Military Surface Deployment & Distribution
Command
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

**Re: Proposed Abandonment and Discontinuance of the Omaha Belt Industrial Lead, a total distance of approximately .28 miles in Douglas County, Nebraska
STB Docket No. AB-33 (Sub-No. 336X)**

Dear Sir or Madam:

Please be advised that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after November 1, 2018, a Petition for Exemption seeking authority to abandon the Omaha Belt Industrial Lead from MP 485.55 near Grover Street to MP 485.27, the point switch on the Wimmer Wye just West of Dahlman Avenue in Omaha, NE, a total distance of approximately .28 miles all in Douglas County, NE. The Line traverses U.S. Postal Service Zip Codes 68105 and 68107.

A Petition for Exemption to abandon service on the Line pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 will be filed with the STB on or after November 1, 2018.

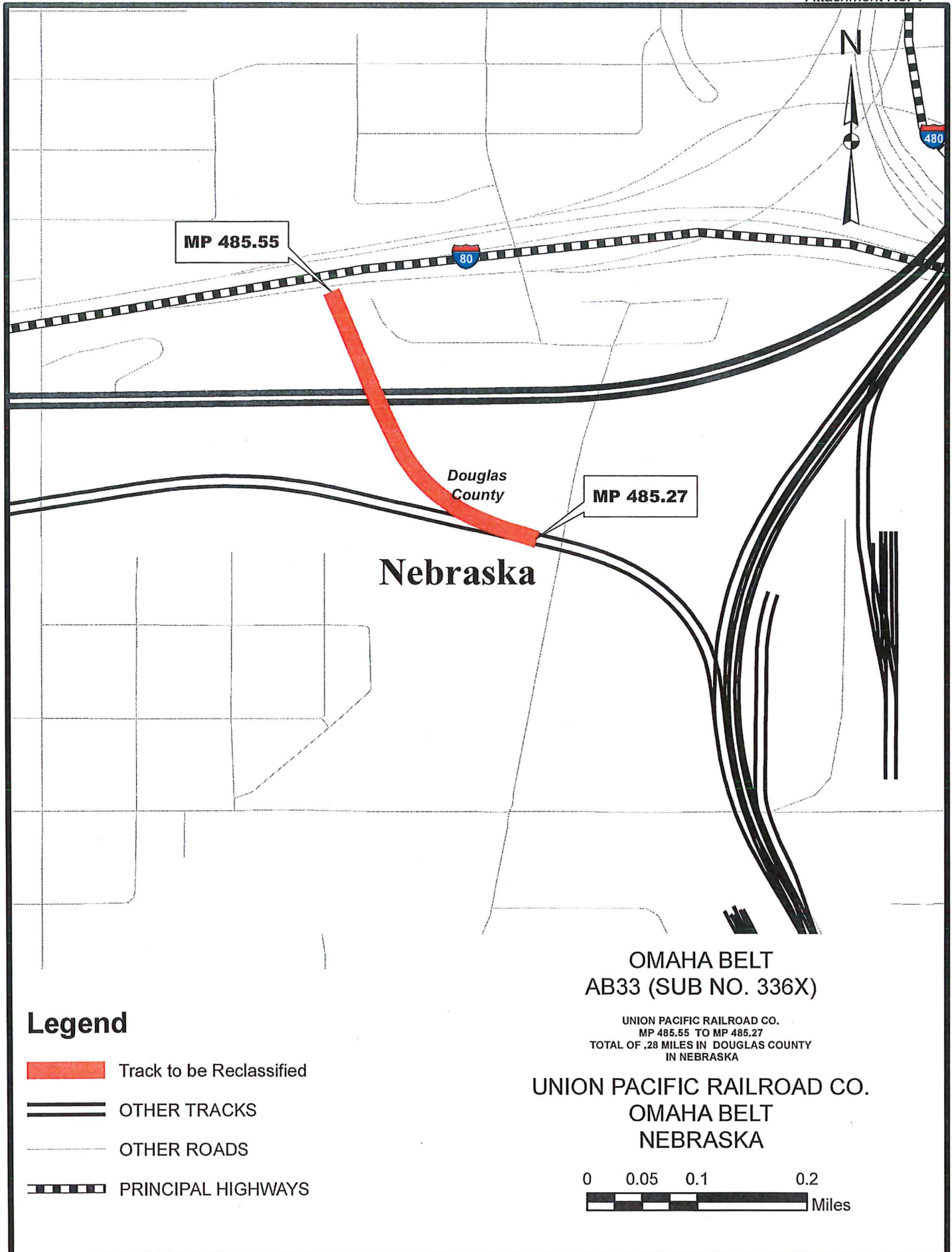
Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

A map showing the segment of Line to be abandoned is attached for your information.

Sincerely,

Jeremy M. Berman
General Attorney

Attachment



49 C.F.R. § 1105.11 – Transmittal Letter for Applicant's Report

The undersigned certifies that on October 11, 2018 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 336X) on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) Head of each County
- (4) U.S. Environmental Protection Agency, Regional Office
- (5) U.S. Fish and Wildlife Service
- (6) U.S. Army Corps of Engineers
- (7) National Park Service
- (8) U.S. Natural Resources Conservation Service
- (9) The National Geodetic Survey
- (10) Other Agencies Consulted (As Listed)
- (11) State Historic Preservation Office

(The Certificate of Service attached to Combined Environmental Historic Reports lists the names and addresses of the federal, state and local agencies.)

49 C.F.R. § 1105.12 – Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon and Discontinue Service" was published in the form prescribed by the Board for a Notice of Exemption (Copy Attached as **Attachment 2**). The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Douglas	Omaha World Herald	October 31, 2018

Dated this 27th day of November, 2018



Jeremy M. Berman

NOTICE OF INTENT TO ABANDON RAIL SERVICE

UNION PACIFIC RAILROAD COMPANY (UP) GIVES NOTICE THAT AFTER November 1, 2018, it intends to file with the Surface Transportation Board, Washington, D.C., a Petition for Exemption under § 10502 for abandonment of the Omaha Belt Industrial Lead f 485.55 near Grover Street to MP 485.27, the point switch Wimmer Wye just West of Dahlman Avenue in Omaha, NE, a t tance of approximately .28 miles all in Douglas County, NE. traverses U.S. Postal Service Zip Codes 68105 and 68107. The ing has been docketed as No. AB-33 (Sub-No. 336X).

The Board's Office of Environmental Analysis (OEA) will gene pare an Environmental Assessment (EA), which will normally able 25 days after the filing of the notice of exemption. Comi environmental and energy matters should be filed no latei days after the EA becomes available to the public and wi densed in a Board decision. Interested persons may obtain the EA or make inquiries regarding environmental matters b to the Office of Environmental Analysis (OEA), Surface Trans Board, 395 E Street, SW, Washington, DC 20423 or by calling t at (202) 245-0291.

Appropriate offers of financial assistance to continue rail se be filed with the Board. Requests for environmental conditio use conditions, or rail banking/trails used also can be filed Board. An original and 10 copies of any pleading that raise other than environmental issues (such as trails use, public u fers of financial assistance) must be filed directly with the B fice of Proceedings, 395 E Street, SW, Washington, DC 204 CFR 1104.1(a) and 1104.3(a)], and one copy must be served plicant's representative. [See 49 CFR 1104.12(a)] Questions offers of financial assistance, public use or trails use may t to the Board's Office of Public Assistance, Governmental A Compliance at (866) 254-1792. Copies of any comments or r conditions should be served on UP's representative: Jerer man, General Attorney, 1400 Douglas St., STOP 1580, Omaha 402-544-4735.

UNION PACIFIC RAILROAD

Proof of publication**AFFIDAVIT**

State of Nebraska, County of Douglas, ss:

Trawn Chandler, being duly sworn, deposes and says that he/she is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published in the newspaper on the 31st, day of October, 2018 and that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 95,415 Daily and 115,419 Sunday, in 2018.

(Signed)

*Trawn Chandler*Title: Account Executive

Subscribed in my presence and sworn to before me this 31 day of October, 2018.

State of Nebraska - General Notary
SUSAN E. VIOLI
My Commission Expires
November 25, 2021

Susan E. Violi
Notary Public

Printer's Fee \$ _____

Affidavit _____

Paid By _____



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EXHIBIT 4

October 11, 2018

VIA US Mail

TO: See Attached Service List

RE: Proposed Abandonment and Discontinuance of the Omaha Belt Lead in Douglas County, Nebraska; STB Docket No. AB-33 (Sub-No. 336X)

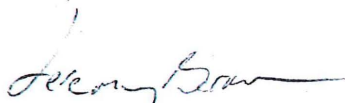
To whom it may concern:

On or after November 1, 2018, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Petition for Exemption seeking authority to abandon the Omaha Belt Industrial Lead from MP 485.55 near Grover Street to MP 485.27, the point switch on the Wimmer Wye just West of Dahlman Avenue in Omaha, NE, a total distance of approximately .28 miles all in Douglas County, NE. Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, Telephone (202) 245-0291 and refer to the above Docket No. AB-33 (Sub-No. 336X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Jeremy M. Berman who may be contacted by telephone at 402-544-4735 or by mail at 1400 Douglas St., Stop 1580, Omaha, NE 68179.

Sincerely,



Jeremy M. Berman

Attachment

Docket No. AB-33 (Sub-No. 336X)

Service List

State Clearinghouse (or Alternate):

Nebraska Public Service Commission
P.O. Box 94927
Lincoln, NE 68509-4927

County Commissioners:

Douglas County Commissioners
Omaha-Douglas Civic Center
1819 Farnam St., LC2
Omaha, NE 68183-0100

City Planner

City of Omaha Planning Dept.
1819 Farnam St. #1100
Omaha, NE 68183-1100

Nebraska Historical Preservation Office:

History Nebraska
1500 R Street
Lincoln, NE 68508-1651

U.S. Natural Resources Conservation Service:

NRCS Nebraska State Office
100 Centennial Mall North, Rm 152
Lincoln, NE 68508

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service Region 6
P.O. Box 25486 - DFC
Lakewood, CO 80226

National Park Service (Regional Office):

National Park Service - Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

National Oceanic & Atmospheric Admin.

NGS Information Services, NOAA, N/NGS12
Geodetic Services Division SMCC-3 #9340
1315 E-W Highway
Silver Spring, Maryland 20910-3282

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers - Omaha District
1616 Capitol Ave., Suite 9000
Omaha, NE 68102

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency Region 7
11201 Renner Blvd.
Lenexa, KS 66219

State Environmental Protection Agency:

Nebraska Dept. of Environmental Quality
1200 "N" Street, Suite 400
PO Box 98922
Lincoln, NE 68509

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-33 (Sub-No. 336X)
UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN DOUGLAS COUNTY, NE
(OMAHA BELT INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Jeremy M. Berman
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
402-544-4735 (Tel.)
402-501-3773 (FAX)
jmberman@up.com

Dated: October 11, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 336X)
UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN DOUGLAS COUNTY, NE
(OMAHA BELT INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for abandonment of the Omaha Belt Industrial Lead from MP 485.55 near Grover Street to MP 485.27, the point switch on the Wimmer Wye just West of Dahlman Avenue in Omaha, NE, a total distance of approximately .28 miles all in Douglas County, NE. The Line traverses U.S. Postal Service Zip Codes 68105 and 68107. UP anticipates that it will file a Petition for Exemption to abandon the Line on or after November 1, 2018.

A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**), are attached to this EHR. There are no bridge structures on the Line 50 years or older. Responses received thus far to UP's letters are also attached.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves a Petition for Exemption to reclassify as exempt spur track a remaining portion of this STB certificated line known as the Omaha Belt Industrial Lead from MP 485.55 near Grover Street to MP 485.27, the point switch on the Wimmer Wye just West of Dahlman Avenue in Omaha, NE, a total distance of approximately .28 miles all in Douglas County, NE. A map of the Line is attached as **Attachment No. 1.**

The subject line segment was built by the Omaha Belt Railway as part of its Belt Line from South Omaha to North Omaha, which later became part the Missouri Pacific. When the Union Pacific and MP merged in 1983, the line was no longer needed as a through route because the MP Nicholas St yard in North Omaha could be accessed more directly, first via the UP Omaha Sub mainline and the "side hill" connection, and later after further rationalization, via joint facility rights along the river. As local customers such as the ready mix plant near Saddle Creek and Dodge closed or moved, the Belt Line was gradually abandoned in segments, leaving only small active portions at each end.

The Right of Way is primarily fee title and UP would retain an easement strip for common carrier rail service to maintain the trail certificate requirements for the 1996 trail sale in AB33 (Sub No. 138X). Based upon information in UP's possession, the Line

does not contain federally granted right-of-way. Any documentation in UP's possession with regard to ownership of the Line will be made available to those requesting it.

There is one shipper on the line, Darling. After the abandonment, track will be sold to Darling to allow Darling to reconfigure track for its own use. UP will continue providing rail service to Darling.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: Given that UP will continue serving the Line in substantially the same manner as it does today, the proposed abandonment will have no impact on area transportation systems and patterns.

(3) Land Use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response:

(i) UP is unaware of any adverse effects on local and existing land use plans. The Douglas County Commissioners and City of Omaha Planning Department have been contacted. To date, no responses have been received. The National Oceanic & Atmospheric Administration (NOAA) Geodetic Services Division has been contacted. The response, dated September 20, 2018, is attached as **Attachment No. 3**.

(ii) The Natural Resources Conservation Service ("NRCS") has been contacted. To date, UP has not received a response.

(iii) Not Applicable.

(iv) Following abandonment, track will remain in use for Darling to receive rail service. Therefore, the property is not suitable for public use.

(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the proposed action.

(iv)(A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

(5) Air. (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by

carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

Response: UP does not anticipate any such effects.

(5) Air. (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) Air. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) an incremental increase in noise levels of three decibels Ldn or more or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).
- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.
- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response:

- (i) The proposed action will have no detrimental effects on public health and safety.
- (ii) The proposed action will not affect the transportation of hazardous materials.
- (iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) Biological resources.

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) and (ii). The U.S. Fish and Wildlife Service and the National Park Service were contacted. No response has been received to date. Also, the Line does not appear to enter any national or state parks or forests, wildlife sanctuaries, or refuges.

(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The U. S. Environmental Protection Agency Region 7 office has been contacted. To date, no responses have been received. The Nebraska Department of Environmental Quality has been contacted. The response, dated September 25, 2018, is attached as **Attachment No. 4.**

(ii) The U. S. Army Corps of Engineers (Corps) has been contacted. To date, no responses have been received.

(iii) UP does not anticipate that there will be any requirements for Section 402 permits.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The proposed action involves a Petition for Exemption to reclassify as exempt spur track a remaining portion of this STB certificated line known as the Omaha Belt Industrial Lead from MP 485.55 near Grover Street to MP 485.27, the point switch on the Wimmer Wye just West of Dahlman Avenue in Omaha, NE, a total distance of approximately .28 miles all in Douglas County, NE. A map of the Line is attached as **Attachment No. 1.**

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response to (3) and (4): There are no structures 50 years or older on the Line.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See UP's response to question (1) in the Environmental Report for a brief history and description.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: There are no structures 50 years or older on the line.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and

the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: In a letter dated September 18, 2018 (**Attachment No. 5**), the Nebraska Historical Preservation Office, History Nebraska, determined no historic properties would be affected by the proposed abandonment.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

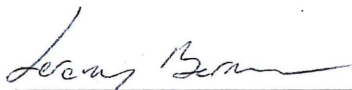
Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 11th day of October, 2018.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY

Jeremy M. Berman

General Attorney

1400 Douglas St, #1580

Omaha, NE 68179

402-544-4735 (Tel.)

402-501-0129 (FAX)

jmberman@up.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 336X), the Abandonment and Discontinuance of Service on the Omaha Belt Industrial Lead in Douglas County, NE was served by First Class U.S. Mail, postage prepaid, on the 11th day of October 2018, on the following parties:

State Clearinghouse (or Alternate):
Nebraska Public Service Commission
P.O. Box 94927
Lincoln, NE 68509-4927

County Commissioners:
Douglas County Commissioners
Omaha-Douglas Civic Center
1819 Farnam St., LC2
Omaha, NE 68183-0100

City Planner
City of Omaha Planning Dept.
1819 Farnam St. #1100
Omaha, NE 68183-1100

Nebraska Historical Preservation Office:
History Nebraska
1500 R Street
Lincoln, NE 68508-1651

U.S. Natural Resources Conservation Service:
NRCS Nebraska State Office
100 Centennial Mall North, Rm 152
Lincoln, NE 68508

U.S. Fish and Wildlife Service:
U.S. Fish and Wildlife Service Region 6
P.O. Box 25486 - DFC
Lakewood, CO 80226

National Park Service (Regional Office):
National Park Service -Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

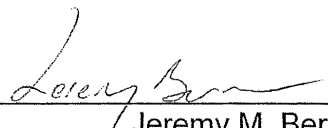
National Oceanic & Atmospheric Admin.
NGS Information Services, NOAA, N/NGS12
Geodetic Services Division SMCC-3 #9340
1315 E-W Highway
Silver Spring, Maryland 20910-3282

U.S. Army Corps of Engineers:
U.S. Army Corps of Engineers - Omaha District
1616 Capitol Ave., Suite 9000
Omaha, NE 68102

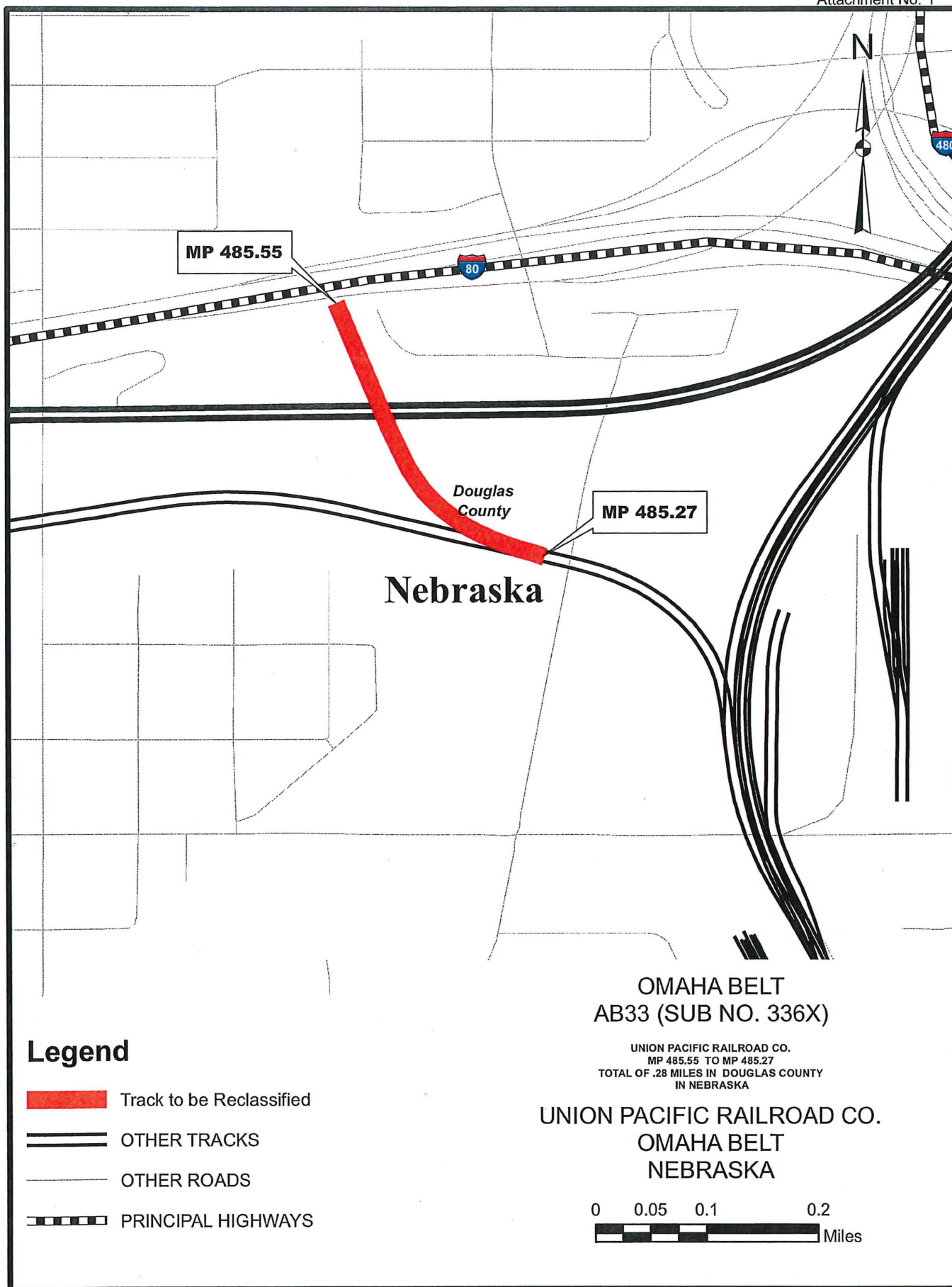
Environmental Protection Agency (Regional Office):
U.S. Environmental Protection Agency Region 7
11201 Renner Blvd.
Lenexa, KS 66219

State Environmental Protection Agency:
Nebraska Dept. of Environmental Quality
1200 "N" Street, Suite 400
PO Box 98922
Lincoln, NE 68509

Dated this 11th day of October, 2018.



Jeremy M. Berman





BUILDING AMERICA®

Attachment No. 2

September 5, 2018

State Clearinghouse (or Alternate):

Nebraska Public Service Commission
P.O. Box 94927
Lincoln, NE 68509-4927

County Commissioners:

Douglas County Commissioners
Omaha-Douglas Civic Center
1819 Farnam St., LC2
Omaha, NE 68183-0100

City Planner

City of Omaha Planning Dept.
1819 Farnam St. #1100
Omaha, NE 68183-1100

Nebraska Historical Preservation Office:

History Nebraska
1500 R Street
Lincoln, NE 68508-1651

U.S. Natural Resources Conservation Service:

NRCS Nebraska State Office
100 Centennial Mall North, Rm 152
Lincoln, NE 68508

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service Region 6
P.O. Box 25486 - DFC
Lakewood, CO 80226

National Park Service (Regional Office):

National Park Service -Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

National Oceanic & Atmospheric Admin.

NGS Information Services, NOAA, N/NGS12
Geodetic Services Division SMCC-3 #9340
1315 E-W Highway
Silver Spring, Maryland 20910-3282

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers - Omaha District
1616 Capitol Ave., Suite 9000
Omaha, NE 68102

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency Region 7
11201 Renner Blvd.
Lenexa, KS 66219

State Environmental Protection Agency:

Nebraska Dept. of Environmental Quality
1200 "N" Street, Suite 400
PO Box 98922
Lincoln, NE 68509

Re: Proposed Abandonment and Discontinuance of the Omaha Belt Lead, a total distance of approximately .28 miles in Douglas County, Nebraska; STB Docket No. AB-33 (Sub-No. 336X)

To Whom It May Concern:

Union Pacific Railroad Company ("UP") plans to request authority from the Surface Transportation Board (STB) for UP to abandon and discontinue service on the Omaha Belt Industrial Lead from MP 485.55 near Grover Street to MP 485.27, the point switch on the Wimmer Wye just West of Dahlman Avenue in Omaha, NE, a total distance of approximately .28 miles all in Douglas County, NE. A map of the Line proposed for discontinuance is attached hereto and made a part hereof.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in

UNION PACIFIC RAILROAD CO.
1400 Douglas Street, MS 1580
Omaha, Nebraska 68179

Jeremy M. Berman
General Attorney
Law Department

P 402-544-4735
F 402-501-0129
E jmberman@up.com

order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.

U.S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U.S. FISH AND WILDLIFE SERVICE (And State Game and Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

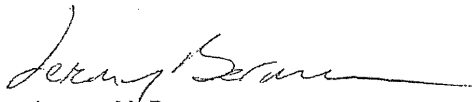
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Please describe any inconsistencies.

U.S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Please describe the effects.

U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

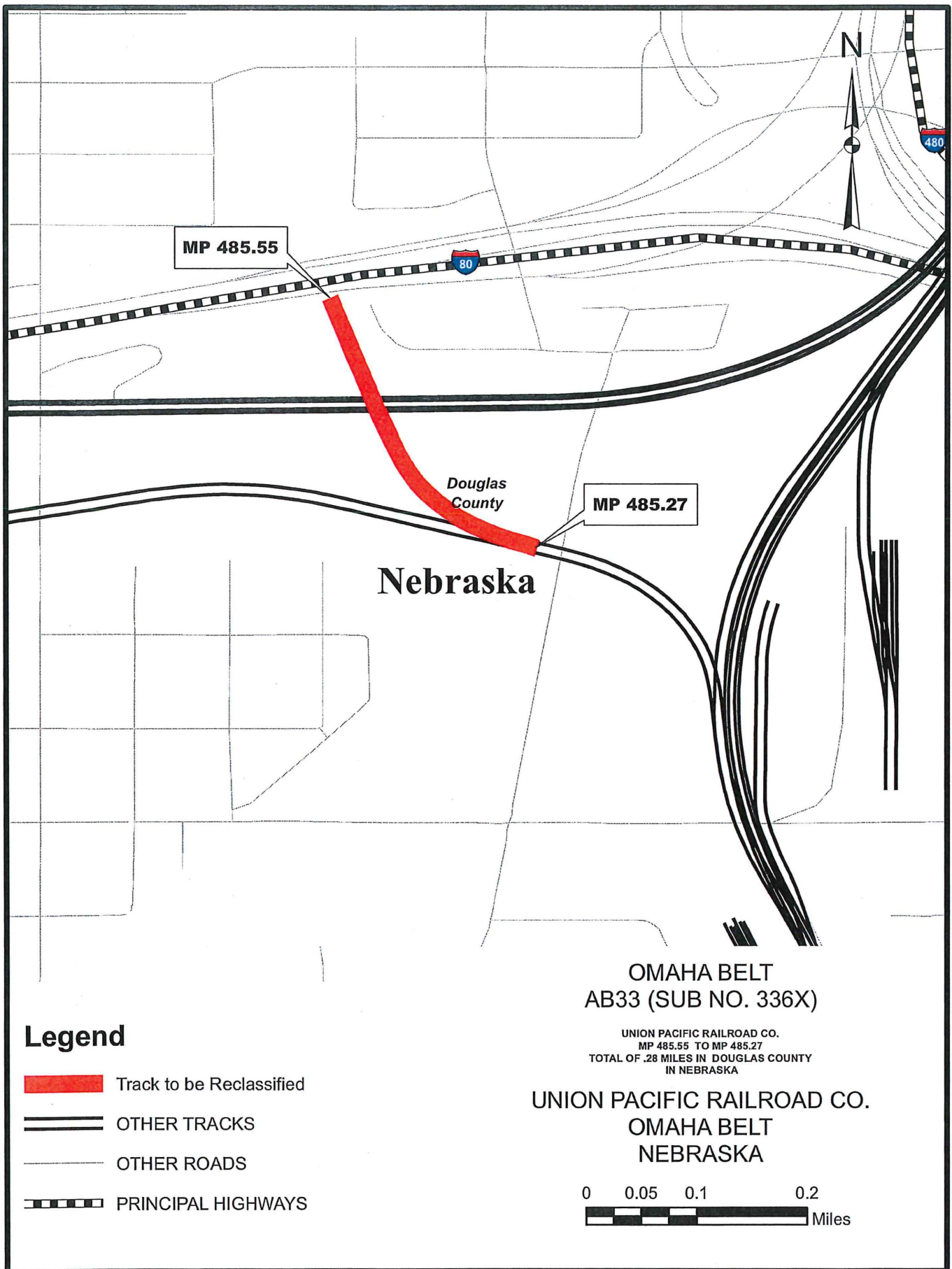
Thank you for your assistance. Please send your reply to the undersigned.

Sincerely,



Jeremy M. Berman
General Attorney

Attachment





To: Lori J. Casey/UPC@UP,
Cc:
Bcc:
Subject: Fwd: NGS RESPONSE: STB Docket No. AB-33 (Sub-No. 336X)
From: Jeremy M. Berman/UPC - Thursday 09/20/2018 05:34 PM

For the Omaha belt line filing.

On Sep 20, 2018, 5:16:05 PM, Deborah.Brooks@noaa.gov wrote:

From: Deborah.Brooks@noaa.gov
To: jmberman@up.com
Cc: sea@stb.dot.gov, christine.gallagher@noaa.gov
Date: Sep 20, 2018, 5:16:05 PM
Subject: NGS RESPONSE: STB Docket No. AB-33 (Sub-No. 336X)

This email originated from outside of the company. Please use discretion if opening attachments or clicking on links.

NGS Response, STB Docket AB-33 (Sub No. 336X) Union Pacific Railroad Company, Proposed Abandonment and Discontinuance

Thank you for sharing your proposed railroad abandonment and discontinuance of the Omaha Belt Lead of Omaha, Douglas County, Nebraska.

There is **1** geodetic survey mark located in the area described. This mark may or may not be disturbed.

If this mark will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks below.

Dist	FID...	Set	Set_By	H	V	Vert_Source	Latitude.....	Longitude.....	Stab	C	Designation
....	MJ1345	1989	NGS...	1	88	ADJUSTED	N411331.....	W0955741.....	B...	G/Y	428

Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>



Omaha Belt Lead Abandonment

Scott, Tricia to: jmberman@up.com

09/25/2018 04:37 PM

From: "Scott, Tricia" <tricia.scott@nebraska.gov>

To: "jmberman@up.com" <jmberman@up.com>

History: This message has been forwarded.

This email originated from outside of the company. Please use discretion if opening attachments or clicking on links.

25 September 2018

Union Pacific Railroad
ATTN: Mr. Jeremy M. Berman

RE: Omaha Belt Lead Abandonment

Dear Mr. Berman:

The Nebraska Department of Environmental Quality (NDEQ) has reviewed the above referenced project. As with any project, permits may be required prior to beginning construction or operation. At a minimum, you should be aware of the possible requirements or permits:

	<u>Contact</u>	<u>Phone</u>
Fugitive Dust Regulations	Hannah Jones	(402) 471-4262
Construction Storm Water – General Permit	Ryan Joe	(402) 471-8330
Wastewater	Dan LeMaistre	(402) 471-4203
Water Quality Section 404 Permitting	Kim Copenhaver	(402) 471-2875
Waste Disposal	Erik Waiss	(402) 471-8308

Nebraska Title 129, Chapter 32 fugitive dust regulations shall apply to all demolition, grading, and construction activities.

The project will require a Construction Stormwater Permit if construction activities result in land disturbances of one or more acres.

If any sanitary sewers are disturbed, they must be restored to their original design or a permit may be necessary.

Please be sure to properly dispose of all wastes generated or discovered on site (Railroad ties) as per all applicable regulations in Nebraska Titles 128 and 132..

If you have questions about the permitting process, or any other questions, feel free to contact me at (402) 471-4285, or the individual listed above. For more information, please visit our website at deq.ne.gov.

Sincerely,

Tricia Scott



Preserving the past. Building the future.

Jeremy Berman
General Attorney/Law Department
Union Pacific Railroad Co.
1400 Douglas Street, MS 1580
Omaha, Nebraska 68179

September 18, 2018

RE: HP# 1809-034-01; Abandonment and Discontinuance of Omaha Belt Industrial Lead from MP 485.55 to MP 485.27, STB Docket No. AB-33 (Sub-No. 336X), Douglas County

Dear Mr. Berman,

Thank you for submitting the information for the above referenced project for Nebraska State Historic Preservation Office (NeSHPO) review and comment under Section 106 of the National Historic Preservation Act of 1966, as amended in 2014 (Title 54 U.S.C. § 306108 [formerly 16 U.S.C. § 470f]), and its implementing regulations at 36 CFR§800.

According to the information provided along with a check of NeSHPO records, the ground disturbing activities associated with the proposed abandonment and discontinuation of service on the Omaha Belt Industrial Lead from MP 485.55 to MP 485.27 in Omaha, Nebraska are unlikely to impact any prehistoric or historic cultural resources listed on the National Register of Historic Places or eligible for such a listing. Thus, a determination of *no historic properties affected* is appropriate for this undertaking and the project should continue as planned.

However, there is always the possibility that currently buried or otherwise obscured cultural or human remains may be discovered during the undertaking. If any such discovery is made or if the project area becomes expanded in any way, please contact this office immediately for further instruction.

Be advised that this determination does not necessarily reflect the opinion of Native American Tribes that may have an interest in the area, nor does it pertain to Traditional Cultural Properties, if they exist in the area.

Please submit this letter to the project's lead federal agency to fulfill the statutory obligation of Section 106 consultation with the Nebraska State Historic Preservation Office. Should you have any questions regarding this determination, please contact this office by phone (402-471-2609) or email (John.Rissetto@nebraska.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Rissetto', is written over a blue line.

John Rissetto, Ph.D.
Preservation Archeologist

PLEASE NOTE
ADDRESS CHANGE
1500 R Street
Lincoln, Nebraska
68508-1651
P: 402.471.4787
History.Nebraska.Gov

Draft Federal Register Notice

**Docket No. AB-33 (Sub-No. 336X)
Notice of Petition for Exemption to Abandon**

On November 27, 2018, Union Pacific Railroad Company ("UP") filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad known as the Omaha Belt Industrial Lead, extending from railroad milepost 485.55 near Grover Street to milepost 485.27, the point switch on the Wimmer Wye just West of Dahlman Avenue, which traverses through United States Postal Service ZIP Codes 68105 and 68107, a distance of approximately .28 miles, in the City of Omaha, Douglas County, Nebraska.

The line does not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the labor protection conditions imposed in abandonment proceedings as prescribed in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 ICC 91 (1979).

With its petition, UP requested an exemption from the offer of financial assistance ("OFA") provisions at 49 U.S.C. § 10904 and waiver of the OFA regulations at 49 C.F.R. § 1152.27. If the Board denies UP's request for OFA exemption, any OFA will be due no later than 10 days after service of a decision granting the petition for exemption.

With its petition, UP requested an exemption from the public use regulations at 49 C.F.R. § 1152.28 and UP does not believe the lines is suitable for public use or interim trail use. If the Board denies UP request for public use exemption, all interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its

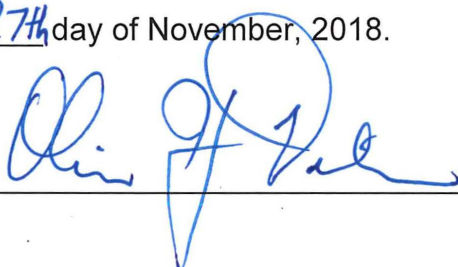
preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

VERIFICATION

State of Nebraska)
) ss:
County of Douglas)

I, Olin H. Dirks, Lead – Commercial and Interline Strategy, for Union Pacific Railroad Company declare under penalty of perjury, under the laws of the United States of America, that I have read the forgoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

Dated at Omaha, Nebraska, this 27th day of November, 2018.



SUBSCRIBED AND SWORN TO
before me this 27th day of
November, 2018.



Notary Public

