

BB 12.4, and Columbus, OH, milepost BR 114.6.<sup>1</sup>

Because IOCR's projected annual revenues will exceed \$5 million, IOCR certified to the Board on August 12, 2004, that it sent the required notice of the transaction on August 12, 2004, to the national offices of all labor unions representing employees on the line and posted a copy of the notice at the workplace of the employees on the affected lines on August 12, 2004. *See* 49 CFR 1150.42(e).

The transaction is scheduled to be consummated on October 16, 2004, which is 60 days after IOCR's certification to the Board that it has complied with the Board's rule at 49 CFR 1150.42(e).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.<sup>2</sup>

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34536, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: Gary A. Laakso, IOCR Vice President Regulatory Counsel, 5300 Broken Sound Boulevard, NW., Boca Raton, FL 33487; and Louis E. Gitomer, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: September 24, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

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<sup>1</sup> IOCR will lease the right-of-way from CSXT.

<sup>2</sup> On September 13, 2004, the Brotherhood of Locomotive Engineers & Trainmen (BLET) filed a protest asking the Board to reject IOCR's notice and a notice to be filed in STB Finance Docket No. 34540, *Columbus & Ohio River Railroad—Acquisition Exemption—Lines of CSX Transportation, Inc.*, for another shortline carrier to operate through lease and/or purchase approximately 114 miles of CSXT's rail line between Columbus and Cambridge and Newark and Mt. Vernon, Ohio. On September 15, 2004, the United Transportation Union (UTU) filed a pleading titled as a petition to revoke, seeking relief identical to that sought by BLET.

On September 24, 2004, an amended petition to revoke was filed by UTU, and the notice of exemption was filed in STB Finance Docket No. 34540. The Board will address the filings by BLET and UTU in a subsequent decision.

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34546]

#### Western Rail Switching, Incorporated—Operation Exemption— Rail Line of Spokane County, WA

Western Rail Switching, Incorporated (WRS), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate, pursuant to an agreement with the county of Spokane, WA (the County), 4.93 miles of a line of railroad known as the Geiger Spur. The line extends from a point of connection with The Burlington Northern and Santa Fe Railway Company's (BNSF) line at milepost 0.00 near Fairchild Air Force Base (also known as milepost 1493.95 on BNSF's Columbia River Subdivision) to milepost 4.93 on the Geiger Spur line near Airway Heights, in Spokane County, WA.

The transaction was scheduled to be consummated on or after September 10, 2004.

This transaction is related to STB Finance Docket No. 34541, *Spokane County—Acquisition Exemption—The Burlington Northern and Santa Fe Railway Company*, wherein the County has filed a verified notice of exemption for its acquisition of the 4.93-mile line of railroad from BNSF.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34546, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112.

Board decisions and notices are available on our Web-site at "<http://www.stb.dot.gov>."

Decided: September 24, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 220X)]

#### Union Pacific Railroad Company— Abandonment Exemption—in Brown and Doniphan Counties, KS

On September 13, 2004, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad known as the St. Joseph Industrial Lead, extending from milepost 2.52 near Elwood to milepost 33.60 near Robinson, a distance of 30.98 miles in Brown and Doniphan Counties, KS (13.9 = 14.0).<sup>1</sup> The line traverses United States Postal Service ZIP Codes 66024, 66087, 66090, 66434, and 66532, and includes no stations.

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

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by December 30, 2004.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. *See* 49 CFR 1002.2(f)(25).

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 under

<sup>1</sup> On September 22, 2004, UP submitted a clarification to the milepost equation. UP states that, prior to 1934, the Chicago Pacific Rock Island Railroad (RIRR) and the St. Joseph and Grand Island Railway (SJ&GI), a subsidiary of UP, shared the rail line running from St. Joseph, MO, crossing the Missouri River, and extending through Wathena, KS. UP indicates that west of Wathena, at milepost 7.4, the two railroads split. In 1934, UP ceased using its line between milepost 7.4 and Troy, KS, as a separate route, and substituted via trackage rights the route over the RIRR. UP then returned to its own rail line and, rather than re-milepost the entire balance of the SJ&GI, UP did an equation so it could retain the rest of the SJ&GI mileposts as they were. UP further states that to correct for the milepost shift, UP placed the milepost equation at Troy, and then the traditional SJ&GI mileposts ran from that point.

49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than October 21, 2004. Each trail use request must be accompanied by a \$200 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-33 (Sub-No. 220X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001, and (2) Mack H. Shumate, Jr., 101 North Wacker Drive, Room 1920, Chicago, IL 60606. Replies to the UP petition are due on or before October 21, 2004.

Persons seeking further information concerning abandonment procedures

may contact the Board's Office of Public Services at (202) 565-1592 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 Section of Environmental Analysis (SEA) at (202) 565-1539. (Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.)

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

Other interested persons may contact

SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be 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.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: September 24, 2004.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

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