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December 18, 2002

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001
(202) 565-1519

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Office of Proceedings

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Re: Finance Docket No. AB-6 (Sub-No. 399X)

Dear Mr. Williams:

Please find enclosed the original and 10 copies of United Transportation Union's Motion for Stay for filing in the above-captioned matter. In accordance with prior Board requirements, we have also enclosed a disk in WordPerfect format.

Thank you for your cooperation.

Sincerely,

Daniel R. Elliott, III
Associate General Counsel

cc: C. J. Miller, III, General Counsel
R. L. Lineweber, NE State Legislative Director

Before the
Surface Transportation Board

206884

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Office of Proceedings

DEC 19 2002

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Public Record

Finance Docket No. AB 6 (Sub-No. 399X)

The Burlington Northern and Santa Fe Railway
Company - Abandonment Exemption - in
Jefferson County, NE



UNITED TRANSPORTATION UNION
MOTION FOR A STAY

United Transportation Union ("UTU") respectfully moves for a stay of this abandonment proceeding since local traffic has apparently moved across this line during the last two years, which calls for further investigation of this notice of exemption. Pursuant to 49 C.F.R. § 1152.50(b), the Burlington Northern and Santa Fe Railway Company ("BNSF") certified in accordance with the exemption procedure that no local traffic has moved within the last two years over the 10.8 mile line between milepost 127.83, near Reynolds, and milepost 117.63, near Endicott, in Jefferson County, Nebraska. However, this statement does not appear to be true based on UTU's sources.

BNSF currently operates over the subject trackage four (4) days per week. On Mondays, the specified crew operates out of Wymore, Nebraska, to Red Cloud, Nebraska, serving customers at 4 - 8 locations on the line. Two of the customers who would be affected by the proposed abandonment, Odell Coop and Endicott Brick, ship their loads west over the section to be abandoned.

On Tuesdays, the crew departs Red Cloud and picks up railcars in Superior for shippers east of the proposed trackage to be abandoned. They transport fertilizer cars for Pawnee City, Nebraska, the empty grain cars for Odell, and the empty box cars that are to be loaded at Endicott Brick. These are not the only shippers on the line, but are simply examples of the compelling need to retain the

line in question.

BNSF also uses the specified crew to operate between Wymore, Nebraska and Table Rock, Nebraska on Wednesdays. Normally, the crew only travels to Pawnee City with the fertilizer from the western trip. On Thursday and Friday, the crew repeats the trips they did on Monday and Tuesday. If the segment in question were to be abandoned, shippers on the line would be faced with inconsistent service.

The speed limit over this trackage is 30 mph, and the line does not appear to be in need of major rehabilitation.

In short, to abandon this segment would be shortsighted and counterproductive. This trackage stands to gain significantly with the purchase of the Reynolds elevator by a larger cooperative. But that is not the only reason to examine this abandonment. All shippers on the line would be in a dead-end situation without this line.

As a result, UTU respectfully asks the Board to stay this proceeding and fully investigate whether this line should be abandoned.

Respectfully submitted,



Daniel R. Elliott, III
Associate General Counsel
United Transportation Union
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Cleveland, Ohio 44107
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Fax: (216) 228-0937

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing United Transportation Union's Motion for a Stay has been served this 18th day of December 2002, via first-class, postage pre-paid mail upon the following:

Michael Smith, Esquire
Freeborn & Peters
311 S. Wacker Drive, Suite 3000
Chicago, IL 60606-6677

A handwritten signature in black ink, appearing to read "DR Elliott", written over a horizontal line.

Daniel R. Elliott, III