

211598



July 16, 2004



VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Proposed Abandonment of the St. Joseph Industrial Lead from M. P. 2.52 near Elwood to M. P. 33.60 near Robinson, a distance of 30.98 miles in Brown and Doniphan Counties, Kansas; STB Docket No. AB-33 (Sub-No. 220X)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after August 9, 2004.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.".

**ENTERED
Office of Proceedings**

JUL 19 2004

**Part of
Public Record**

Enclosures

O:\ABANDONMENTS\33-220X\STB-EHR.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

cc: w/ Enclosures

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

Kansas Department of Health and Environment
1000 SW Jackson
Topeka, KS 66612

County Commissioners
Brown County Courthouse
607 Oregon Street
Hiawatha, KS 66434-2241

County Commissioners
Doniphan County Courthouse
P. O. Box 278
Troy, KS 66087-0278

U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

U.S. Fish & Wildlife Service
Kansas Field Office
315 Houston Street, Suite E
Manhattan, KS 66502-6172

U.S. Army Engineer Division - Kansas City District
700 Federal Building
Kansas City, MO 64106-2896

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

Natural Resource Conservation Service
760 South Broadway
Salina, KS 67401

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

Wildlife & Parks Department
900 Southwest Jackson Street, #502 N
Topeka, KS 66612

Water Resources Division
921 S. Kansas Ave., Fl 2
Topeka, KS 66612

211598

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 220X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BROWN AND DONIPHAN COUNTIES, KANSAS
(ST. JOSEPH INDUSTRIAL LEAD)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: June 16, 2004
Filed: June 19, 2004

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BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 220X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BROWN AND DONIPHAN COUNTIES, KANSAS
(ST. JOSEPH INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service over the St. Joseph Industrial Lead from M.P. 2.52 near Elwood to M.P. 33.60 near Robinson, a distance of 30.98 miles, in Brown and Doniphan Counties, Kansas (the "Line"). The Line traverses U. S. Postal Service Zip Codes 66024, 66087, 66090, 66434 and 66532.

The UP anticipates that a Petition For Exemption to abandon the Line will be filed at the STB on or after August 9, 2004.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP's letter to federal, state and local government agencies marked **Attachment No. 2** is attached hereto and hereby made a part hereof. Responses received to UP's letters to date are attached and sequentially numbered as indicated below.

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 the abandonment and discontinuance of service over the St. Joseph Industrial Lead from M.P. 2.52 near Elwood to M.P. 33.60 near Robinson, a distance of 30.98 miles, in Brown and Doniphan Counties, Kansas. Two customers used the Line during 2003 and one customer used the Line in the first quarter of 2004. The customer and associated rail shipment activity levels are as follows:

Wathena Grain
P. O. Box 249
Wathena, KS 66090

2002: Anhydrous Ammonia, STCC 2819815, **2 cars**, 154 tons.

2003: Urea, STCC 2818170, **2 cars**, 196 tons.

Anhydrous Ammonia, STCC 2819815, **3 cars**, 227 tons.

First Quarter 2004: Anhydrous Ammonia, STCC 2819815, 1 car, 77 tons.

Base Year and Forecast Year:

Urea, STCC 2818170, **2 cars**, 196 tons.

Anhydrous Ammonia, STCC 2819815, **3 cars**, 226 tons.

Given the small amount of traffic handled.

The proposed abandonment should have minimal adverse impact on shipping activity based on the very small volume of rail traffic handled in the Base Years or expected in the Forecast Year. In the case of Wathena Grain, the closest rail line after abandonment would be UP at Elwood, approximately 3.5 miles to the east. Wathena lies

on U.S. Route 36, an east-west highway that connects to north-south Interstate 29 in St. Joseph, MO, approximately ten miles east. Transportation providers located in St. Joseph also offer rail service via BNSF and barge service. The development of new business in the Wathena area was explored but no commitments were made by prospective customers. UP will continue to evaluate traffic opportunities that may arise. The balance of the Line is in an agricultural area and it is not likely that a major new rail-oriented industry would locate in the area.

There appears to be no economically reasonable alternative to the abandonment. There will be minimal adverse effect on shippers. Currently, UP freight train service to Wathena is provided as needed by a yard crew based in St. Joseph. It is unlikely that a new rail user would locate in the area of the proposed abandonment. The Line is not utilized for overhead traffic on any scheduled basis. UP has an efficient parallel route from St. Joseph through Atchison to Hiawatha.

From milepost 2.52 to milepost 7.5 the St. Joseph Industrial Lead was constructed in 1857 by the Marysville or Palmetto and Roseport Railroad. The segment from milepost 7.5 to milepost 13.9 (13.9 equals 14.0) was constructed in 1888 by the Chicago, Kansas & Nebraska Railway Company. The balance of the Line was constructed by the St. Joseph and Denver City Railroad Company in 1872. UP sold the Line to the Northeast Kansas & Missouri Division of Mid-Michigan Railroad in 1990 and reacquired it in 1999. The Line is constructed primarily with 131- or 133-pound jointed rail, except for 6.5 miles of 90-pound jointed rail.

The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production

or transmission, as this area is adequately served by existing roads and utility lines at the present time. However, the Nebraska Trails Foundation has expressed an interest in acquiring the Line as a recreation trail. The land proposed for abandonment is mostly reversionary. Based on information in UP's possession, the Line does not contain federally granted right-of-way. The plan for disposition of the small amount of non-reversionary land would be to work with any adjacent landowners to the property. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1**.

(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 the small amount of rail traffic handled, there should be little effect on local transportation systems and patterns. Assuming a truck to railcar ratio of four to one for the forecast year volume of five rail cars, abandonment might result in the addition of 40 loaded or empty trucks to the area road network annually, or less than one truck per week.

(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 effects land or water uses within a designated coastal zone, include the coastal zone information required by § 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) The Economic Development Director for Doniphan County, Mr. Gary Weiland, was contacted by UP concerning the proposed abandonment. His response dated March 22, 2004 is attached hereto as **Attachment No. 3** and is hereby made a part hereof. Related to Mr. Weiland's response are letters received from Wathena Grain Company, Midland Steel Company and the City of Troy. These letters are attached hereto as **Attachment Nos. 4, 5 and 6** respectively, and are hereby made a part hereof.

With regard to the letter from Wathena Grain Company, the receipt of 2 or 3 cars of fertilizer products annually does not economically justify retention of approximately 3 miles of the track on the eastern portion of the Line.

With regard to the letter from Midland Steel Company, they do not currently ship by rail and make no claim that they will ship by rail in the future. Their plans for the future are speculative at best with no quantifiable commitment to rail services made.

With regard to the letter from the City of Troy, there is no indication of any need for rail service but rather a complaint that the crossings in town need maintenance. Upon abandonment and removal of the trackage, the crossings would be removed.

The letter from Mr. Galen Weiland, on behalf of Doniphan County seeks to cut back the abandonment to Milepost 5.60 with the claim that this trackage serves "many facilities". While UP has and does serve Wathena Grain Company on this segment of the Line (5 car loads in 2003 and 2 car loads in 2002) there have been no other customers on this segment of the Line in the last two years and there is little, if any,

indication that the situation will change in the foreseeable future. UP has told Doniphan County that UP continues to retain an open mind about development opportunities and will adjust the extent of any actual abandonment if confirmed new business warrants it.

(ii) The United States Natural Resources Conservation Service has been contacted and indicates that since the proposed abandonment does not affect or convert prime farmland soils, there are no impacts to prime farmland and there are no other negative environmental effects. The Natural Resources Conservation Service's response is attached at **Attachment No. 7** and is hereby made part hereof.

(iii) Not Applicable.

(iv) The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as this area is adequately served by existing roads and utility lines at the present time. However, the Nebraska Trails Foundation has expressed an interest in acquiring the Line as a recreation trail. The plan for disposition of the small amount of non-reversionary land would be to work with any adjacent landowners to the property.

(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 will be no effects on the transportation of energy resources.

(ii) Recyclable commodities moved over the Line are not affected.

(iii) Given the low volume of traffic, the overall impact on energy consumption is expected to be negligible.

(iv)(A)(B) There will be no rail-to-motor diversion of this magnitude.

(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 §§ (5)(i)(A) will apply.

Response: There is no such effect anticipated.

(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 of these magnitudes 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 material 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) The U. S. Fish and Wildlife Service has been contacted and upon review concluded there are no adverse impacts to fish and wildlife resources, including threatened and endangered species, as a result of the proposed abandonment. The Fish and Wildlife Service's response is attached as **Attachment No. 8** and is hereby made part hereof.

(ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

(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 Kansas Department of Agriculture Division of Water Resources gave no information to indicate that the proposed abandonment is inconsistent with applicable Federal, State or local water quality standards. The Division of Water Resources' response is attached as **Attachment No 9**, and is hereby made part hereof. Additionally, the Environmental Protection Agency Regional Office has been contacted. To date UP has received no response.

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

(iii) In that the track structure will not be removed, it is not anticipated 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 right-of-way considered in the proposed abandonment is typically 100 feet in width and passes through several small towns. The topography of the adjacent land is a mix of level, good farmland and hilly, tree covered pasture.

(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:

Response: The Kansas State Historical Society was provided with forty-nine (49) photographs of the thirteen (13) railroad bridges affected by the abandonment. A copy of the letter to the Kansas State Historical Society and pictures are attached hereto as **Attachment No. 10**, and hereby made a part hereof. Upon review, the Historical Society determined that the proposed abandonment should not affect any property listed on the National Register of Historic Places or otherwise identified as having historical significance. The Kansas State Historical Society's response is attached as **Attachment No. 11**, and is hereby made part hereof.

(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: The bridges and their dates of construction are listed on the map, **Attachment No. 1**, and in the letter, **Attachment No 10**.

(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 the preceding pages for a brief history and description of carrier operations.

(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: Not applicable.

(7) An opinion (based on readily available information in the railroad'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: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction of the Line and subsequent track and tie maintenance activities thereafter.

(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.

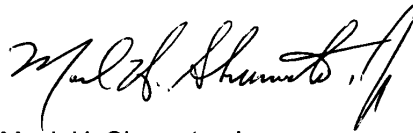
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties 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 16th of July, 2004.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written in a cursive style.

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

O:\ABANDONMENTS\33-220x\EHR.wpd

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 220X) for the St. Joseph Industrial Lead in Brown and Doniphan Counties, Kansas was served by first class mail on the 16th day of July, 2004 on the following:

State Clearinghouse (or alternate):

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:
Kansas Department of Health and Environment
1000 SW Jackson
Topeka, KS 66612

State Coastal Zone Management Agency
(if applicable):
Not Applicable

Head of County (Planning):
County Commissioners
Brown County Courthouse
607 Oregon Street
Hiawatha, KS 66434-2241

County Commissioners
Doniphan County Courthouse
P. O. Box 278
Troy, KS 66087-0278

Environmental Protection Agency
(regional office):
U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:
U.S. Fish & Wildlife Service
Kansas Field Office
315 Houston Street, Suite E
Manhattan, KS 66502-6172

U.S. Army Corps of Engineers:
U.S. Army Engineer Division - Kansas City District
700 Federal Building
Kansas City, MO 64106-2896

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:
Natural Resource Conservation Service
760 South Broadway
Salina, KS 67401

National Geodetic Survey:
National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:
Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

Other Agencies Consulted:
Wildlife & Parks Department
900 Southwest Jackson Street, #502 N
Topeka, KS 66612

Water Resources Division
921 S. Kansas Ave., Fl 2
Topeka, KS 66612

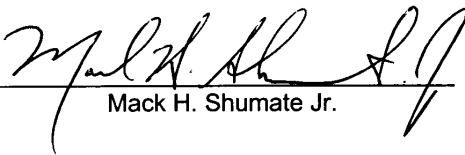
Shippers:
Wathena Grain Company
P. O. Box 249
Wathena, KS 66090

Other Parties:

City of Troy
137 W. Walnut
Troy, KS 66087

Midland Steel Company
P. O. Box 527
Wathena, KS 66090

Dated this 16th day of July, 2004


Mack H. Shumate Jr.

July 16, 2004



State Clearinghouse (or alternate):
Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:
Kansas Department of Health and Environment
1000 SW Jackson
Topeka, KS 66612

State Coastal Zone Management Agency
(if applicable):
Not Applicable

Head of County (Planning):
County Commissioners
Brown County Courthouse
607 Oregon Street
Hiawatha, KS 66434-2241

County Commissioners
Doniphan County Courthouse
P. O. Box 278
Troy, KS 66087-0278

Environmental Protection Agency
(regional office):
U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:
U.S. Fish & Wildlife Service, Region 6
Assistant Regional Director
Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Army Corps of Engineers:
U.S. Army Engineer Division - Kansas City District
700 Federal Building
Kansas City, MO 64106-2896

National Park Service:
National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:
Natural Resource Conservation Service
760 South Broadway
Salina, KS 67401

National Geodetic Survey:
National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:
Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

Other Agencies Consulted:
Wildlife & Parks Department
900 Southwest Jackson Street, #502 N
Topeka, KS 66612

Water Resources Division
921 S. Kansas Ave., Fl 2
Topeka, KS 66612

Re: Proposed Abandonment of the St. Joseph Industrial Lead from M. P. 2.52 near Elwood to M. P. 33.60 near Robinson, a distance of 30.98 miles in Brown and Doniphan Counties, Kansas; STB Docket No. AB-33 (Sub-No. 220X)

Dear Sirs:

On or after August 9, 2004, we expect to be filing with the Surface transportation Board (STB or Board) a Petition for Exemption seeking authority to abandon and discontinue operations over the St. Joseph Industrial Lead from M.P. 2.52 near Elwood to M.P. 33.60 near Robinson, a distance of 30.98 miles, in Brown and Doniphan Counties, Kansas (the "Line"). The Line traverses U.S. Postal Service Zip Codes 66024, 66087, 66434 and 66532. Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

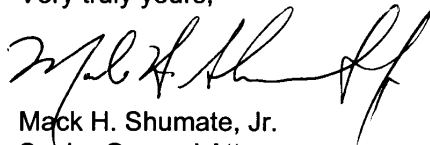
We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Numbers:

Surface Transportation Board
Section of Environmental Analysis(SEA)
1925 K Street, N.W., Room 504
Washington, D.C. 20423-0001
Telephone 202/565-1545

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three weeks.

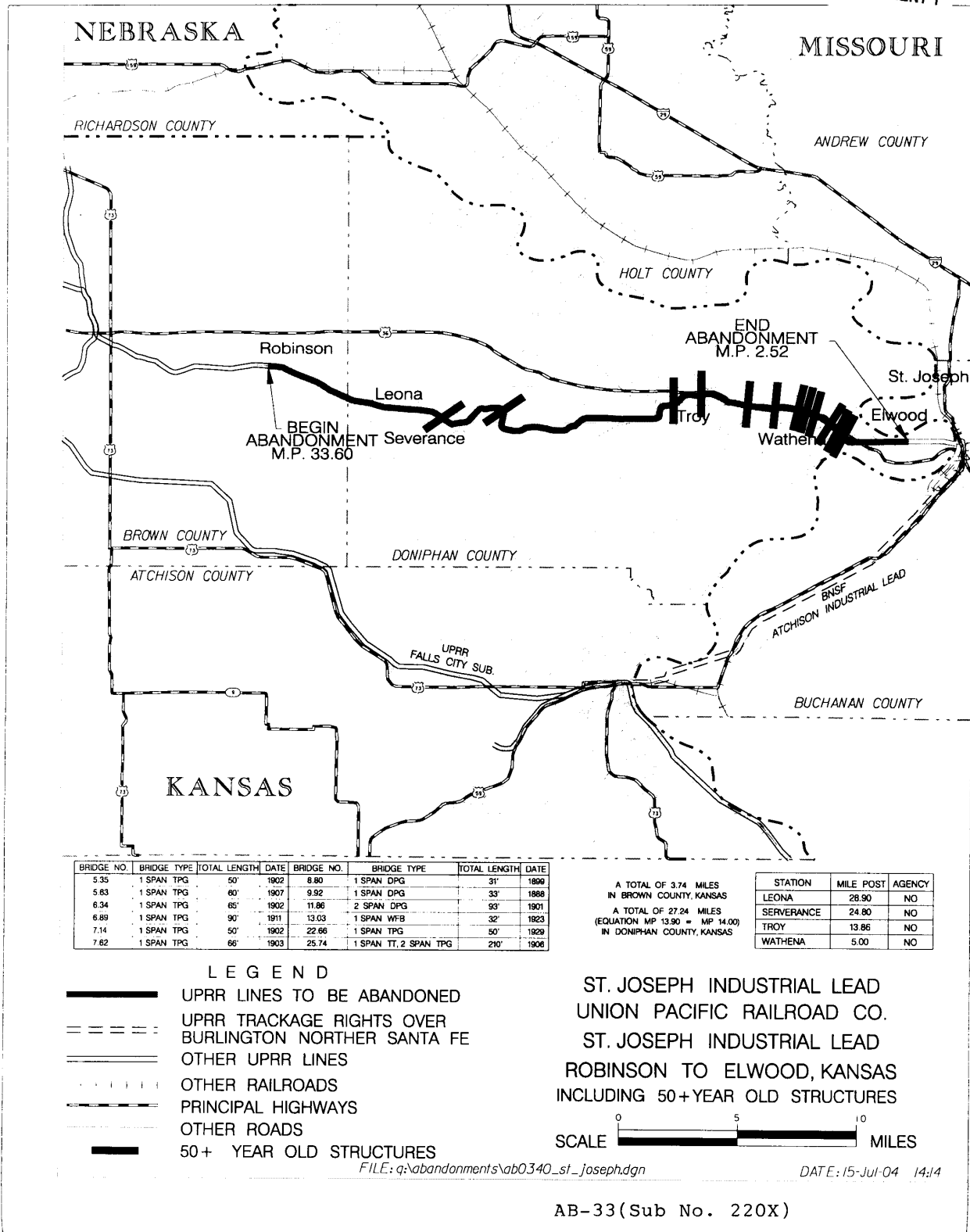
Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. UP's representative in this matter is the undersigned and may be contacted at the address and telephone number indicated on this letterhead.

Very truly yours,



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Suite 1920
Chicago, IL 60606
312/777-2055
312/777-2065(Fax)

Attachment



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY



ATTACHMENT 2

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861

(402) 271-5625 (FAX)

February 24, 2004

State Clearinghouse (or alternate):

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:

Kansas Department of Health and Environment
1000 SW Jackson
Topeka, KS 66612

State Coastal Zone Management Agency

(if applicable):

Not Applicable

Head of County (Planning):

County Commissioners
Brown County Courthouse
607 Oregon Street
Hiawatha, KS 66434-2241

County Commissioners
Doniphan County Courthouse
P. O. Box 278
Troy, KS 66087-0278

Environmental Protection Agency

(regional office):

U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
Assistant Regional Director
Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Kansas City District
700 Federal Building
Kansas City, MO 64106-2896

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
760 South Broadway
Salina, KS 67401

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

Other Agencies Consulted:

Wildlife & Parks Department
900 Southwest Jackson Street, #502 N
Topeka, KS 66612

Water Resources Division

921 S. Kansas Ave., Fl 2
Topeka, KS 66612

Re: Proposed Abandonment of the St. Joseph Industrial Lead from M. P. 2.52 near Elwood to M. P. 42.06 Hiawatha, a distance of 39.54 miles in Brown and Doniphan Counties, Kansas; STB Docket No. AB-33 (Sub-No. 220X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the St. Joseph Industrial Lead from M. P. 2.52 near Elwood to M. P. 42.06 Hiawatha, a distance of 39.54 miles in Brown and Doniphan Counties, Kansas. A map of the proposed track abandonment shown in black is attached.

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 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. 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.

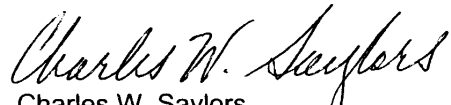
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

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. Describe the effects.

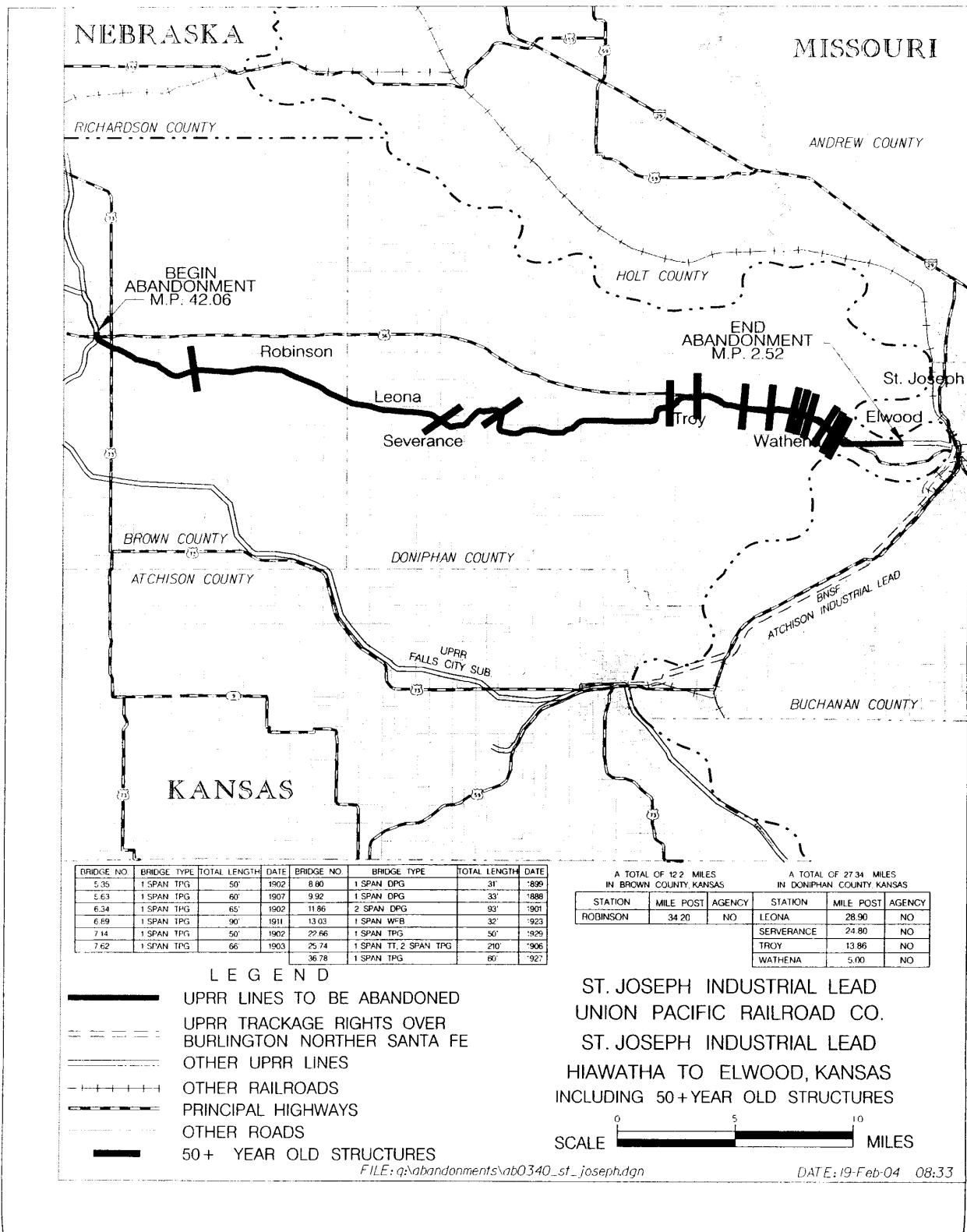
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials 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 Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

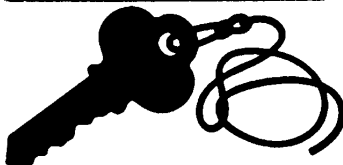
Yours truly,


Charles W. Saylor

Attachment



DONIPHAN COUNTY IS OPEN FOR BUSINESS



March 22, 2004

Union Pacific Railroad
Mr. Chuck Saylor
Director, Legal Support Services
1416 Dodge Street, Room 830
Omaha, NE 68179

Dear Mr. Saylor:

The Doniphan County Commissioners gave me a copy of your plan to abandon the Union Pacific Railroad track from M.P. 2.52 to 42.06 at Hiawatha, Kansas; STB Docket No. AB-33 (Sub-No. 220X).

There is an Industrial Development Park near Wathena that is served by rail. The Wathena Grain Company is receiving fertilizer by rail now; it is very important to the area that they are able to supply the producer from this service which is on the west side of the US 36 Highway crossing that you have rebuilt and is in very good condition at this time.

It would be very beneficial that the rail be extended from M.P. 2.52 at Elwood to approximately M.P. 5.60 or at the very first structure at Wathena over Peters Creek. Many facilities are served by your rail in this area from M.P. 2.52 to M.P. 5.60 approximately.

Porter Building Center opened in February 2004 in Elwood and the rail was a deciding factor. The DCEDC is working with a new business that will use many rail cars but will not locate here if we lose the rail.

I would request that you rethink the proposed abandonment. I am enclosing copies of letters from businesses that would be adversely affected.

Sincerely yours,

Galen Weiland
Galen Weiland, Economic Development Director
Doniphan County

GW:cp

cc: U.S. Senator Sam Brownback
U.S. Senator Pat Roberts
Congressman Jim Ryan
State Senator Ed Pugh
State Representative Jerry Henry
Kansas Corporation Commission

Robert Meng
County Commissioner/Chairperson

[Signature]
County Commissioner

[Signature]
County Commissioner

WATHENA GRAIN COMPANY

WATHENA GRAIN COMPANY

Telephone 785-989-3322

Fax 785-989-4881

P.O. BOX 249

2243 HWY 36

WATHENA, KANSAS 66090

March 11, 2004

**Union Pacific Railroad
Mr. Chuck Saylor
1416 Dodge Street, Room 830
Omaha, NE, 68179**

Dear Sir:

It has come to my attention that the Union Pacific Railroad is contemplating abandoning part of the rail line that serves my grain and fertilizer facility. As I understand the proposal, you want to abandon from M. P. 2.52 to M. P. 39.54.

I do not know the M. P. we are located on, but it should be between M. P. 2.52 and M. P. 6.0.

I understand that this might be premature, but I would like to suggest that you move your starting point from M. P. 2.52 to the first structure, which is located in Wathena, KS. . By doing this you would include Wathena Grain Co. and Midland Steel Co. with continued rail service.

Yours truly,



Dennis Ford



MIDLAND STEEL COMPANY

P.O. BOX 527 • 202 BOEH LANE • WATHENA, KANSAS 66090

ATTACHMENT 5

QUALITY CERTIFIED
BY THE AISC
FOR COMPLEX STRUCTURES

March 10, 2004
Doniphan County Economic Development Commission
P O Box 325
Elwood, Kansas 66024

Greetings:

We have received a copy of the Union Pacific Railroad Company's plan to abandon most of its track in Doniphan County. This, I believe, would mean that our plant could no longer be served by rail.

The raw steel producing industry has altered its marketing strategies during the past few years in ways that make it practically impossible for us to receive rail deliveries. Conditions often change however, and when the mills again find it to be in their interest to ship directly to firms such as ours, the rail siding would become very important.

Currently Midland Steel Company is making plans to expand its business to include the fabrication of highway bridges. Long and heavy material for this activity would usually come directly from the producing mills by rail. It is possible to expect that some of the fabricated material would also be shipped out on cars.

The Elwood-Wathena industrial area is primed to attract heavier industry and needs the service that only the Union Pacific can provide.

I would be pleased to discuss our thoughts on this matter with any interested group.

Sincerely,


C. R. Bibens, Chairman

City of Troy

Phone (785) 985-2265 or (785) 985-2101

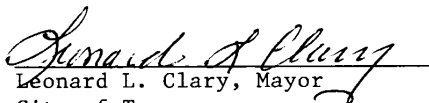
FAX: (785) 985-3871

March 16, 2004

Union Pacific Railroad
Attn: Mr. Chuck Saylor
1416 Dodge Street, Room 830
Omaha, NE 68179

Dear Sir:

There has been no train traffic over our cities portion of where railway exists for a number of years. Where it runs from the East end of city limits to West end it is an eye sore. Brush and thistles grow and hang out for all types of wild life. Also we have 5 street and driveway crossings that are pretty hard to maintain. As long as the trains were running and maintenance was done we had very little gripes. That has changed in the recent years.


Leonard L. Clary, Mayor
City of Troy

137 W. Walnut
TROY, KANSAS 66087



**United States Department of Agriculture
Natural Resources Conservation Service**

3231 S.W. Van Buren, Suite 2
Topeka, KS 66611-2291

Phone: 785-267-5721
FAX: 785-266-8293
www.ks.nrcs.usda.gov

March 3, 2004

Mr. Chuck Saylor
Union Pacific Railroad
1416 Dodge Street
Room 830
Omaha, NE. 68179

Re: Proposed railroad line abandonment in Brown and Doniphan Counties, Kansas
STB Docket No. AB-33

Dear Mr. Saylor:

Thank you for the opportunity to review the proposed abandonment of the 39.54 mile stretch of railroad line located in Brown and Doniphan Counties in Kansas.

Since the abandonment does not affect or convert prime farmland soils, I see no impacts to prime farmland as defined by the Farmland Protection Policy Act. Furthermore, I see no other negative environmental effects for which the Natural Resources Conservation Service is responsible for evaluating.

If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Boerger", with a long horizontal line extending to the right.

Alan R. Boerger
Resource Conservationist

Cc: Rod Egbarts, Soil Conservationist, NRCS, Salina, Kansas.
Ken Hoffman, Asst. State Conservationist, NRCS, Manhattan, Kansas.
Matt Sprick, District Conservationist, NRCS, Hiawatha, Kansas.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

March 10, 2004

Charles W. Saylor
Union Pacific Railroad Company
1416 Dodge Street, Room 830
Omaha, Nebraska 68179

RE: Docket No. AB-33 (Sub-No. 220X)

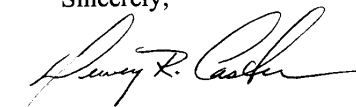
Dear Mr. Saylor:

This is in response to your letter of February 24, 2004, describing a proposed abandonment of 39.54 miles of the existing St. Joseph Industrial Lead railway line, between Elwood and Hiawatha, in Brown and Doniphan County, Kansas. Your letter was sent to our Denver Regional Office, who then forwarded it to this office for review, where it was received March 4. In the future, please direct all inquiries regarding Kansas projects to this office.

We have reviewed this proposal and conclude that there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species. Therefore, the U.S. Fish and Wildlife Service has no objection to your proposal as planned. The Service encourages the Railway Company to keep the right-of-way in a natural condition for the benefit of native wildlife, plants, and the public. You may wish to contact the National Park Service, Omaha, Nebraska, 402-221-3350, for more information on the "Rails to Trails" Program. You may also wish to contact the Kansas Department of Wildlife and Parks in Pratt, Kansas, 316-672-5911, to determine their interest in acquiring a nature trail.

Thank you for this opportunity to comment on your proposal.

Sincerely,


For: William H. Gill
Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)

WHG/dwm

KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

March 23, 2004

Mr Charles Saylor
Union Pacific Railroad Company
1416 Dodge Street
Omaha NE 68179

RE: DWR A-95 2004.097

Dear Mr. Saylor:

This will acknowledge receipt of your letter and attachments dated February 24, 2004 regarding the proposed abandonment of the St. Joseph Industrial Lead from M. P. 2.52 near Elwood to M. P. 42.06 Hiawatha, in Brown and Doniphan Counties, Kansas.

If the proposed project includes the construction of any facility, levee, floodplain fill, or other structure which controls, regulates or changes the flood waters of a stream or watercourse in this state, it will be subject to the provisions of K.S.A. 24-126 or 24-105, both of which require plans for the project to be approved by the Chief Engineer of the Division of Water Resources prior to construction.

If the proposed project includes the construction of a dam, or if it in any way changes or diminishes the course, current or cross section of a stream or watercourse in this state, it is subject to the provisions of K.S.A. 82a-301 to 305a, which requires the issuance of a permit and approved by the Chief Engineer prior to construction.

If you have questions regarding water structures, please contact Jean Darrah at (785) 296-2855.

Sincerely yours,



Bob Lytle
Environmental Scientist
Technical Services Section

RFL:ssc

pc: Iona Branscum, Water Commissioner, Topeka Field Office

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861



June 3, 2004

Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

RE: Proposed Abandonment of the St. Joseph Industrial Lead from M. P. 2.52 near Elwood to M. P. 42.06 Hiawatha, a distance of 39.54 miles in Brown and Doniphan Counties, Kansas; STB Docket No. AB-33 (Sub-No. 220X)

Dear Sir:

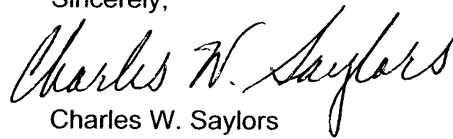
Enclosed for your review are forth-nine photographs of the thirteen bridges located on the St. Joseph Industrial Lead which are 50 years or older. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Year Constructed</u>
5.35	1 Span TPG Total Length: 50 Feet	1902
5.63	1 Span TPG Total Length: 60 Feet	1907
6.34	1 Span TPG Total Length: 65 Feet	1902
6.89	1 Span TPG Total Length: 90 Feet	1911
7.14	1 Span TPG Total Length: 50 Feet	1902
7.62	1 Span TPG Total Length: 66 Feet	1903
8.80	1 Span DPG Total Length: 31 Feet	1899

9.92	1 Span DPG Total Length: 33 Feet	1888
11.86	2 Span DPG Total Length: 93 Feet	1901
13.03	1 Span WFB Total Length: 32 Feet	1923
22.66	1 Span TPG Total Length: 50 Feet	1929
25.74	1 Span TT, 2 Span TPG Total Length: 210 Feet	1906

Please advise if you believe there is any historical significance to the bridge.
Thank you for your assistance.

Sincerely,



Charles W. Saylor
(402) 271-4861



Milepost 5.35



Milepost 5.35



Milepost 5.35



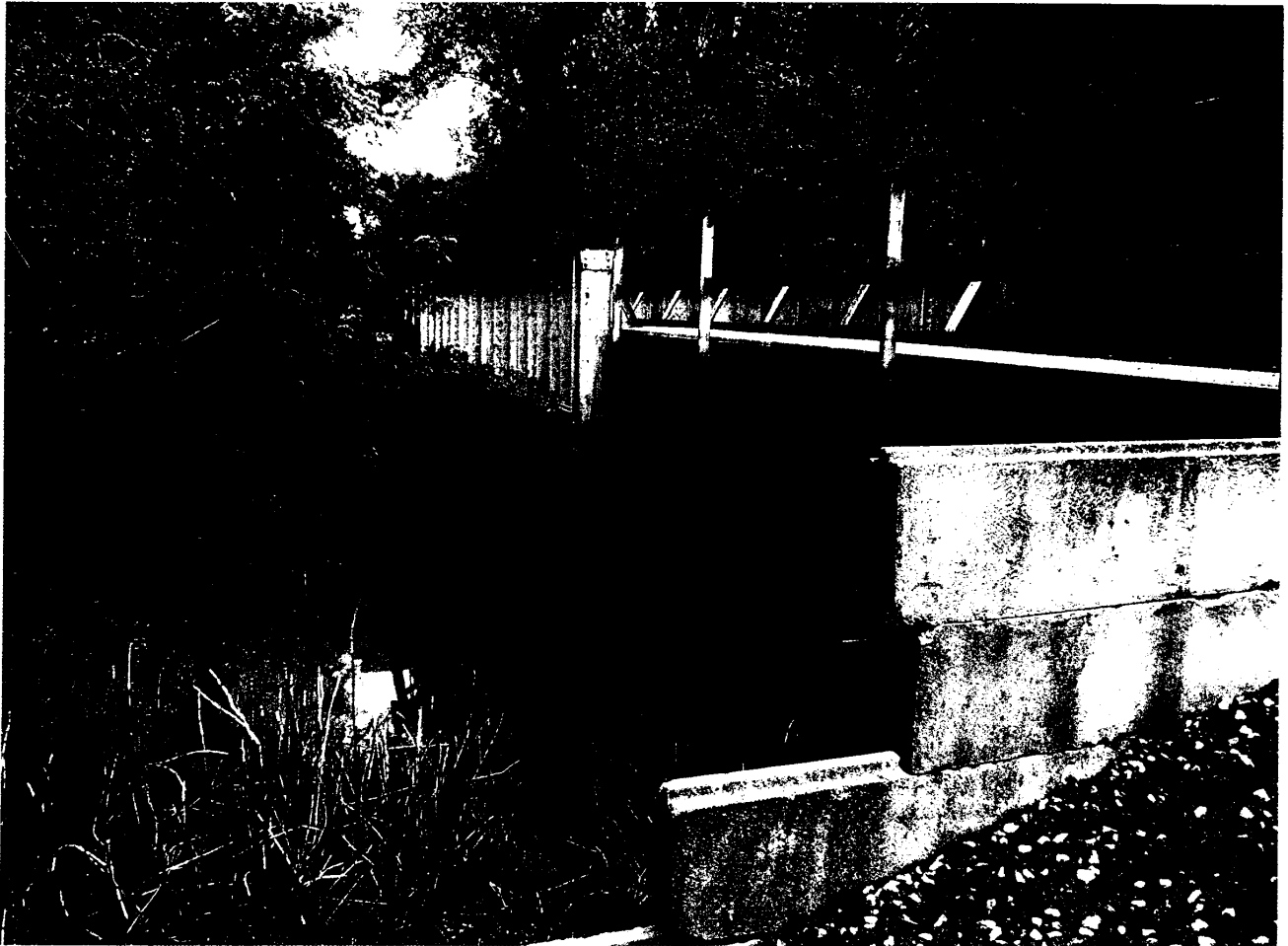
Milepost 5.35



Milepost 5.35



Milepost 5.63



Milepost 5.63



Milepost 5.63



Milepost 5.63



Milepost 6.34



Milepost 6.34



Milepost 6.34



Milepost 6.34



Milepost 6.89



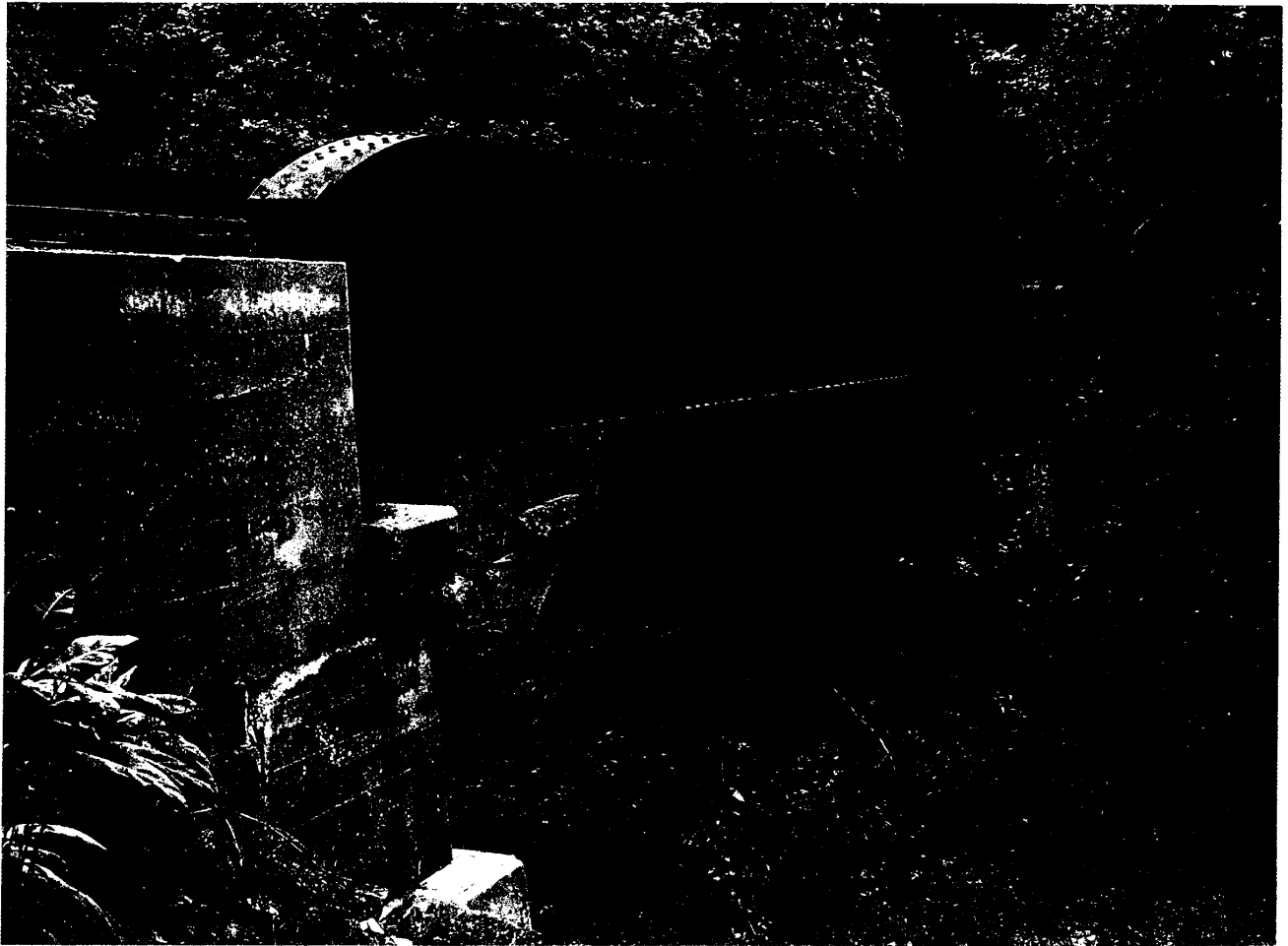
Milepost 6.89



Milepost 6.89



Milepost 6.89



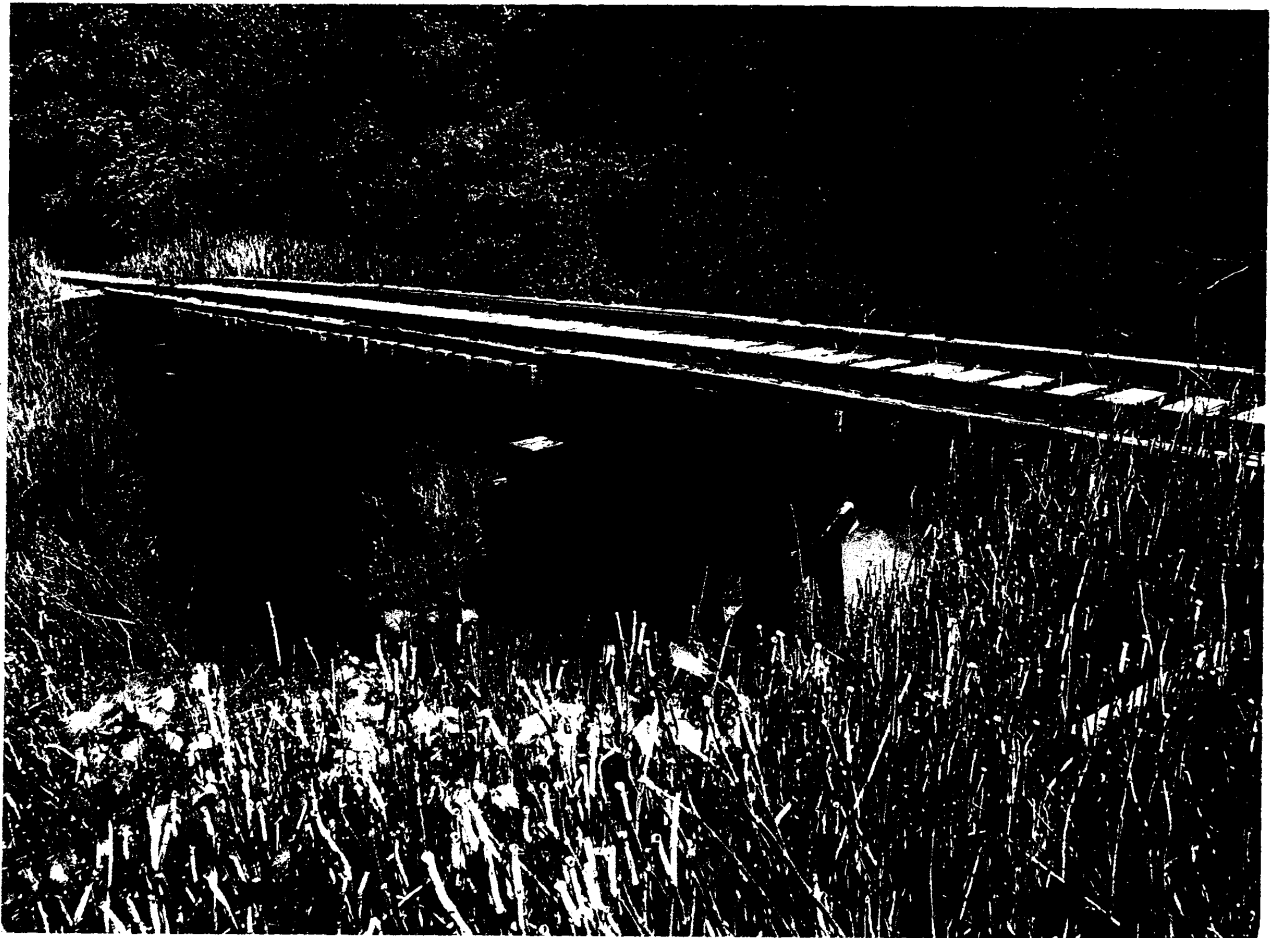
Milepost 7.14



Milepost 7.14



Milepost 7.14



Milepost 7.62



Milepost 7.62



Milepost 7.62



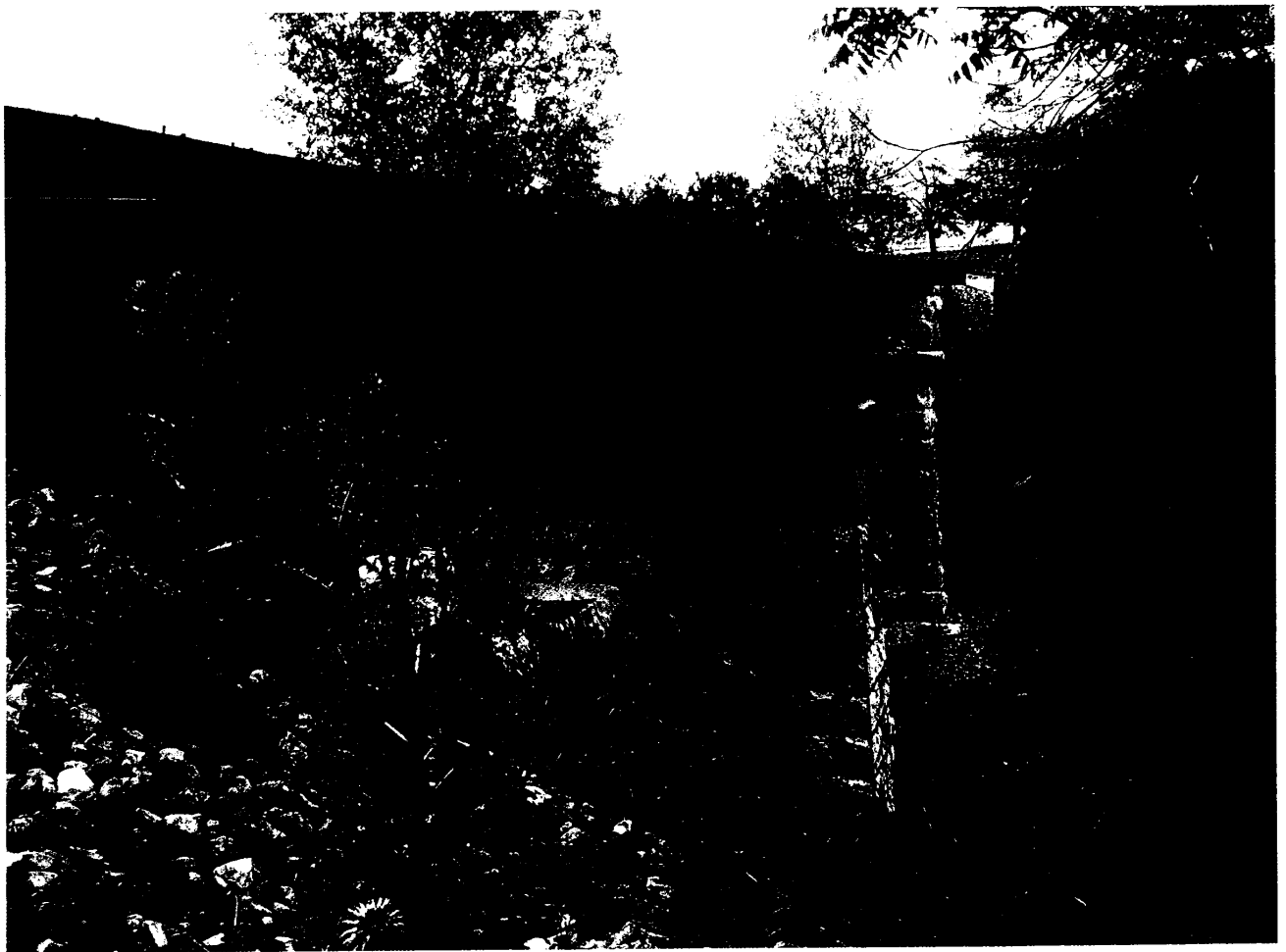
Milepost 8.80



Milepost 8.80



Milepost 8.80



Milepost 9.92



Milepost 9.92



Milepost 9.92



Milepost 11.86



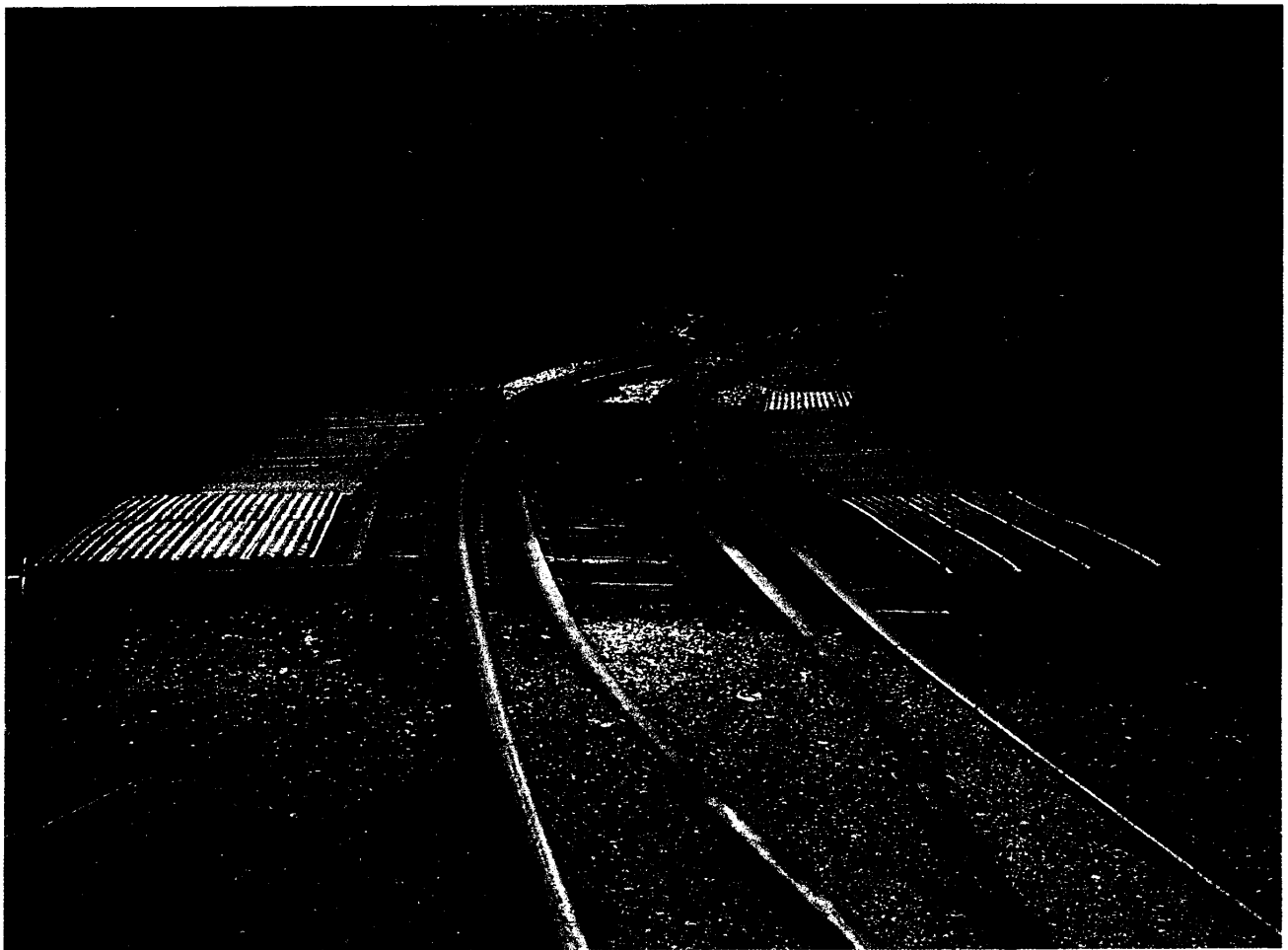
Milepost 11.86



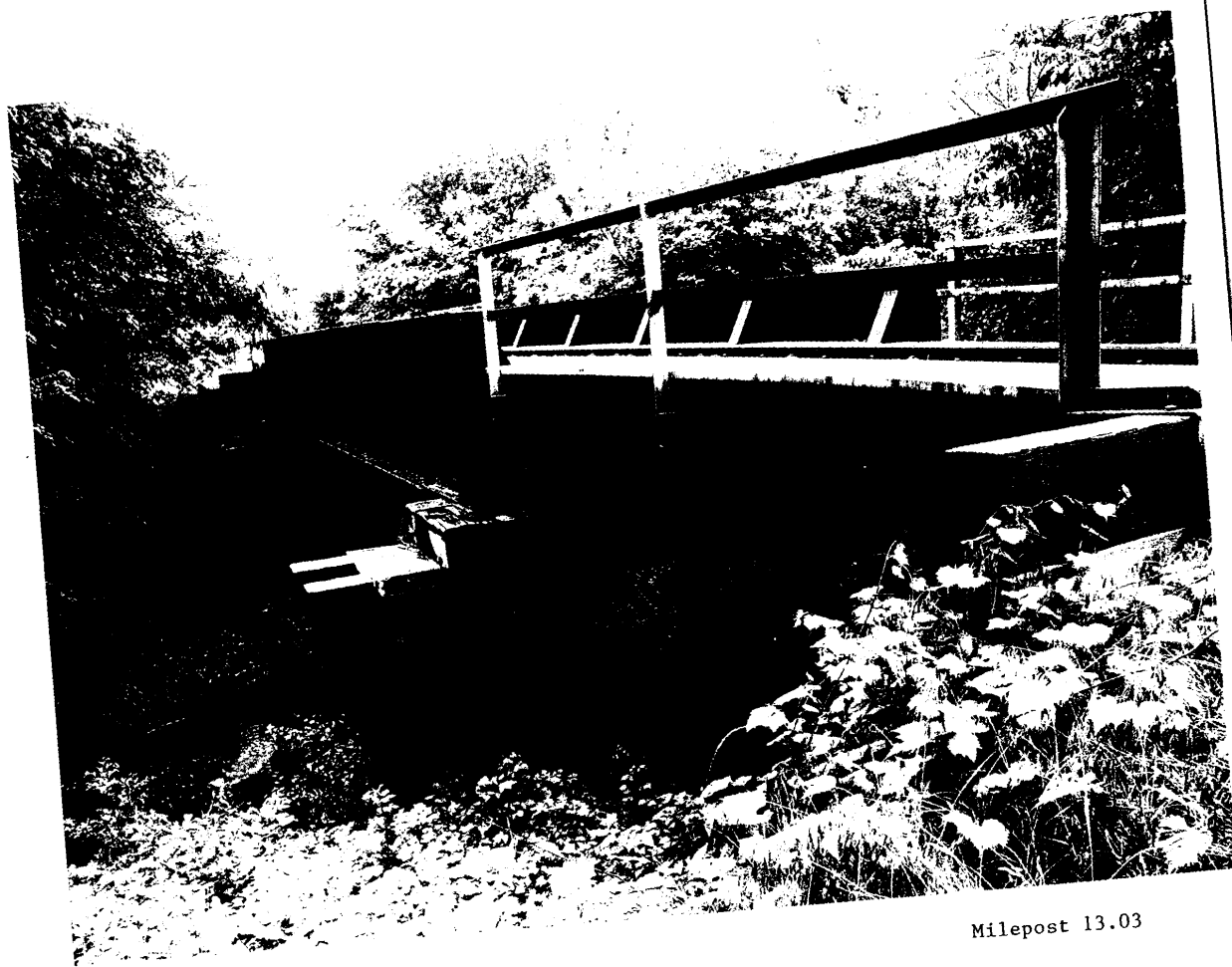
Milepost 11.86



Milepost 11.86



Milepost 13.03



Milepost 13.03



Milepost 13.03



Milepost 22.66



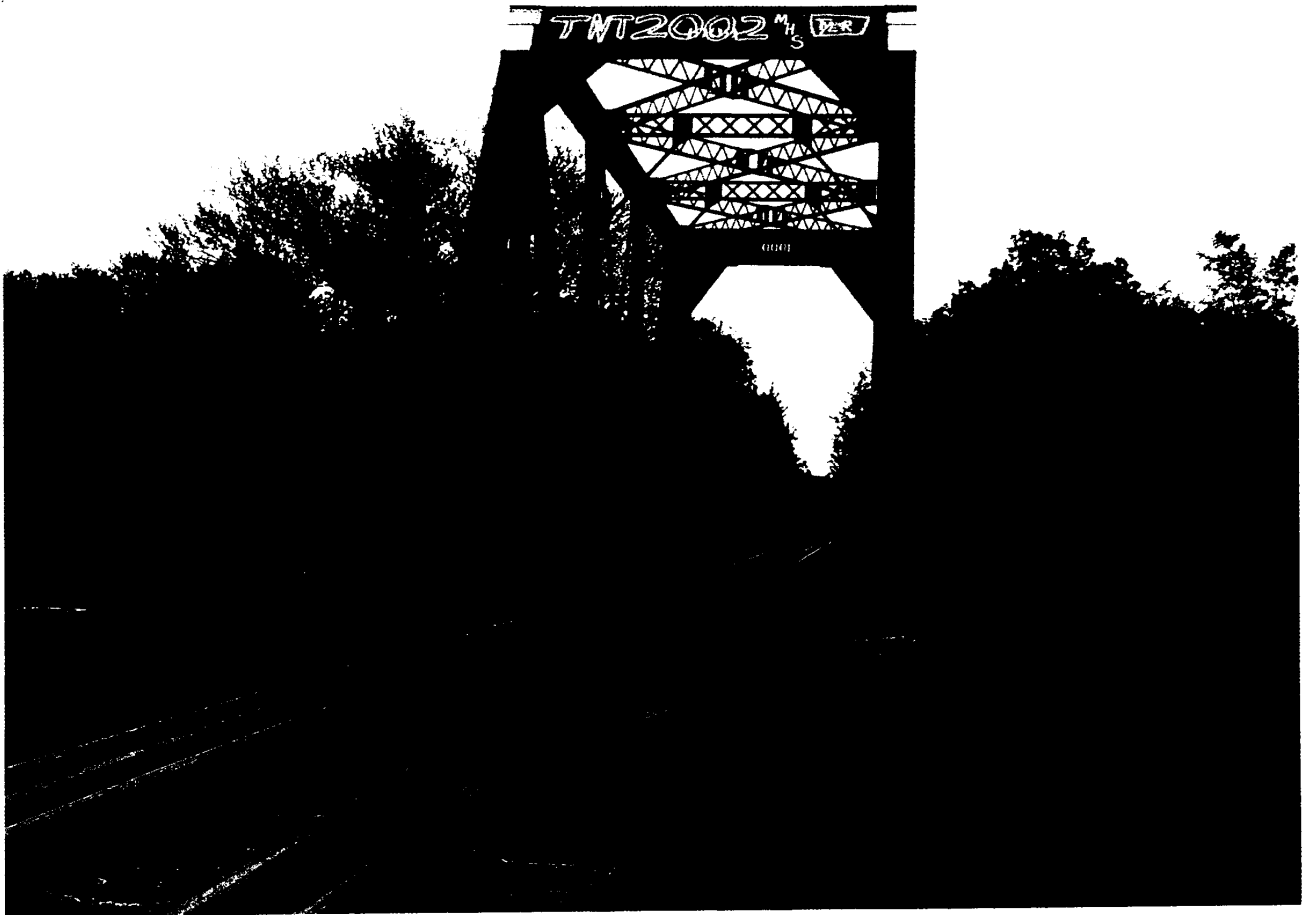
Milepost 22.66



Milepost 22.66



Milepost 22.66



Milepost 25.74



Milepost 25.74



Milepost 25.74



Milepost 25.74

KANSAS

KSR&C No. 04-06-044

Kansas State Historical Society
Dick Pankratz, Director, Cultural Resources Division

KATHLEEN SEBELIUS, GOVERNOR

June 10, 2004

Charles W Saylor
Union Pacific Railroad Co
1416 Dodge St
Omaha NE 68179

RE: Abandonment of UPRR Track From Elwood to Hiawatha
STB Docket No. AB-33 (Sub-No. 220X)
Brown and Doniphan Counties

Dear Mr. Saylor:

We have reviewed the project identified above and have determined that it should not affect any property listed on the National Register of Historic Places or otherwise identified in our files as having historical significance. This office has no objection to implementation of the project.

Sincerely yours,

Terry Marmet
Acting State Historic Preservation Officer



Richard Pankratz, Director
Cultural Resources Division

clg