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ORIGINAL

August 22, 2003

VIA HAND DELIVERY - RETURN COPY

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

ENTERED
Office of Proceedings

AUG 22 2003

Part of
Public Record



Dear Secretary Williams:

208762

This refers to STB Docket No. AB-838, East St. Louis Junction Railroad Company-Adverse Abandonment-In St. Clair County, IL, and STB Docket No. AB-33 (Sub-No. 199), Union Pacific Railroad Company-Adverse Discontinuance-In St. Clair County, IL, and to the Adverse Abandonment and Discontinuance Application of the Illinois Department of Transportation, served August 20, 2003.

The Application inadvertently failed to include the proposed Federal Register Notice. An original and ten copies are enclosed, as is a diskette with the text of the Notice in WordPerfect format.

Additional copies of this letter and of the Notice are enclosed for you to stamp to acknowledge your receipt of them and to return to me via the messenger.

If you have any question concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,

Fritz R. Kahn

cc: Marc Lerner, Esq.

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Office of Proceedings

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FEDERAL REGISTER NOTICE

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

STB Docket No. AB-No. 838

EAST ST. LOUIS JUNCTION RAILROAD COMPANY
– ADVERSE ABANDONMENT –
IN ST. CLAIR COUNTY, IL

STB Docket No. AB-33 (Sub-No. 199)

UNION PACIFIC RAILROAD COMPANY
– ADVERSE DISCONTINUANCE AND ABANDONMENT –
IN ST. CLAIR COUNTY, IL



NOTICE OF ADVERSE DISCONTINUANCE AND ABANDONMENT APPLICATION

On August 20, 2003, the Illinois Department of Transportation ("IDOT") filed with the Surface Transportation Board, Washington, DC 20423, its application seeking the adverse abandonment of the East St. Louis Junction Railroad Company ("ESLJ") and the adverse discontinuance of service of the railroad's lessee, Union Pacific Railroad Company ("UP"), consisting of a line of railroad between Milepost 0.0 and Milepost 1.16, plus 6.40 miles of switch track and .34 miles of spur track, a total of 7.90 miles of track in National Stock Yard 62071, St. Clair County, Illinois. Appreciable portions of the land underlying the track of ESLJ are required in connection with the relocation and improvement of a segment of Illinois Route 3, a heavily used roadway paralleling the Mississippi River, and to construct a connector between

Interstate Highways I-64 and a proposed New Mississippi River Bridge and relocated Interstate Highway I-70. The affected railroad line is situated in U.S. Postal Service Zip Code 62071; it traverses no other U.S. Postal Service Zip Codes. The station to be affected by the proposed discontinuance and abandonment is National Stock Yards.

The current shippers on the line, Darling International, Sperry Rail Service and St. Louis Auto Shredding, Inc., will continue to receive railroad service from UP or its agent, and, as the case may be, from Norfolk Southern Railway Company, which heretofore served these shippers.

The application can be viewed on the Board's web page, www.stb.dot.gov, or a copy will be furnished to any interested person proposing to file a protest or comments upon request addressed to IDOT's counsel, whose name and address appear below.

Appreciable portions of the land underlying the railroad line proposed for abandonment and discontinuance of service are required for the construction of relocated Illinois Route 3 and the construction of a connection from Interstate Highway I-64 in Illinois to a proposed I-70 New Mississippi River Bridge. This abandonment will permit the grade separation of all state highways and the railroad lines in this area.

Based on information in IDOT's possession, the line does not contain Federally granted rights-of-way. Any documentation in IDOT's possession will be made available promptly to those requesting it. The applicant's entire case for abandonment and discontinuance was filed with the application.

This line of railroad has not appeared on the railroads' system diagram map in Category 1.

The interests of the UP's employees will be protected by the conditions of Oregon Short Line R. Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979); those of ESLJ, however, will not

receive such protection as all of the railroad's line is to be abandoned and it is not part of a system which will benefit from the abandonment. See, STB Docket No. AB-246 (Sub-No. 2X), Yreka Western Railroad Company--Abandonment Exemption--In Siskiyou County, CA, served May 4, 1999.

Any interested person may file with the Surface Transportation Board its protest of, or written comments concerning, the proposed discontinuance and abandonment, identifying them by the proceedings' docket numbers. These filings are due 45 days from the date of filing of the application, that is, on or before October 6, 2003. Persons opposing the proposed abandonment or discontinuance who wish to participate actively and fully in the process, either in an oral hearing, if one is requested by a party and granted by the Board, or through the submission of their entire opposition case in the form of verified statements and arguments, should file a protest.

Protests must contain that party's entire case in opposition (case in chief) including the following (1) protestant's name, address and business; (2) a statement describing protestant's interest in the proceeding including: (i) a description of the protestant's use of the line; (ii) if protestant does not use the line, information concerning the group or public interest it represents; and (iii) if protestant's interest is limited to the retention of service over a portion of the line, a description of the portion of the line subject to protestant's interest (with milepost designations if available) and evidence showing that the applicant can operate the portion of the line profitably, including an appropriate return on its investment for those operations; (3) specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service (this information must be supported by affidavits of persons with personal knowledge of the fact(s)); and any rebuttal of material submitted by applicant.

In addition, a commenting party or protestant may provide a statement of position and evidence regarding (i) environmental impact; (ii) impact on rural and community development; or (iii) recommended provisions for protection of the interests of employees.

A protest may demonstrate that: (1) the protestant filed a feeder line application under 49 U.S.C. 10907; (2) the feeder line application involves any portion of the rail line involved in the abandonment or discontinuance application; (3) the feeder line application was filed prior to the date the abandonment or discontinuance application was filed; and (4) the feeder line application is pending before the Board.

Written comments and protests must indicate the proceeding, i.e., STB Docket No. AB-No. 838, in the case of the abandonment of the East St. Louis Junction Railroad Company, and STB Docket No. AB-33 (Sub-No. 199), in the case of the discontinuance of service by the Union Pacific Railroad Company, and should be filed with the Secretary, Surface Transportation Board (Board), Washington, DC 20423, no later than October 6, 2003. An interested person may file a written comment or protest with the Board to become a party to this abandonment and discontinuance proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant, Fritz R. Kahn, Esq., Fritz R. Kahn, P.C., 1920 N Street, NW (8th fl.), Washington, DC 20036-1601. The original and ten copies of all comments or protests shall be filed with the Board, together with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment and discontinuance proceeding. 49 C.F.R. 1104.12(a).

Written comments and protests will be considered by the Board in determining what disposition to make of the application.

Offers of financial assistance, 49 C.F.R. 1152.27, and public use conditions, 49 C.F.R. 1152.28, are not available in these proceedings. Applicant is unwilling to accept a trails condition. 49 C.F.R. 1152.29.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Service at (202) 565-1592 or refer to the text of the abandonment and discontinuance regulations at 49 C.F.R. 1152.1, et seq., which can be viewed at www.gpo.gov/nara/cfr.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section 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 person who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EA's in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.