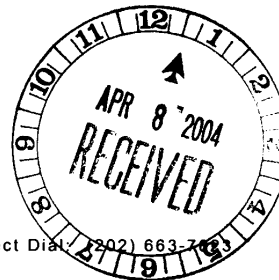


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William A. Mullins

Direct Dial (202) 663-7820

April 8, 2004

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

FILED

APR 6 - 2004

**SURFACE
TRANSPORTATION BOARD**

**RE: The Kansas City Southern Railway Company – Petition for Exemption –
Abandonment Of Second Street Track In Kansas City, MO,
Docket No. AB-103 (Sub-No. 17X)**

Dear Secretary Williams:

Enclosed please find an original and eleven copies of a Petition for Exemption by The Kansas City Southern Railway Company ("KCSR") for the abandonment of KCSR's Second Street Track, located in Kansas City, MO. Please date stamp the extra copy and return it to our courier. Also enclosed is a draft *Federal Register* notice pursuant to 49 C.F.R. §1152.60(c).

Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(iii) please find enclosed a check for \$4,700.00 for the filing fee. Please feel free to contact me if you have any questions.

Sincerely yours,

ENTERED
Office of Proceedings

APR - 2004

William A. Mullins

Enclosures

FILED
Public Record

cc: All parties of record

CONTAINS COLOR COPIES

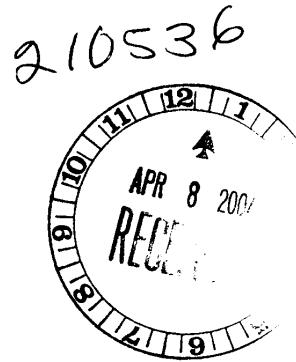
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APR 8 - 2004

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-103
(SUB-NO. 17X)



THE KANSAS CITY SOUTHERN RAILWAY COMPANY

-- PETITION FOR EXEMPTION --

ABANDONMENT OF SECOND STREET TRACK
IN KANSAS CITY, MO

FILED
APR 6 - 2004
SURFACE
TRANSPORTATION BOARD

Thomas J. Healey
THE KANSAS CITY SOUTHERN
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Office of Proceedings

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Part of
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*Attorneys for The Kansas City Southern
Railway Company*

Dated: April 8, 2004

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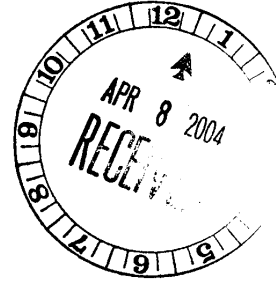
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APR 8 - 2004

SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**DOCKET NO. AB-103
(SUB-NO. 17X)**



**THE KANSAS CITY SOUTHERN RAILWAY COMPANY
-- PETITION FOR EXEMPTION --
ABANDONMENT OF SECOND STREET TRACK
IN KANSAS CITY, MO**

INTRODUCTION

Pursuant to 49 U.S.C. §10502 and the Rules applicable thereto at 49 C.F.R. Parts 1121 and 1152, and the Special Rules at 49 C.F.R. §1152.60, The Kansas City Southern Railway Company ("KCSR") files this petition seeking an exemption from the provisions of 49 U.S.C. §10903 to abandon approximately 1.3 miles of rail line known as the Second Street Track, located in Kansas City, Jackson County, MO. Maps showing the Second Street Track are attached as Exhibits 1 and 2 to the Environmental and Historic Report, which is Exhibit A to this petition.

The abandonment exemption should be granted because it is limited in scope, involving only 1.3 miles of rail line, and because regulation is not necessary to protect shippers from the abuse of market power as there are no longer any active shippers on the Second Street Track. Likewise, granting the exemption is fully consistent with the National Rail Transportation Policy of 49 U.S.C. Section 10101. Indeed, a principal purpose of the proposed abandonment is to facilitate municipal redevelopment activities in an area that the City of Kansas City has targeted as an urban redevelopment district. As a result, KCSR also seeks exemption from the financial assistance and public use provisions of 49 U.S.C. §§10904-10905 and related regulations, and

from trail use provisions of 49 C.F.R. §1152.27. The City of Kansas City supports all of these exemption requests. *See* Letter from Wayne A. Cauthen, City Manager, Kansas City, MO (Exhibit B hereto). In support of its petition, KCSR shows the following.

FACTUAL BACKGROUND

KCSR is a Class I common carrier by railroad which is subject to 49 U.S.C. Subtitle IV, chapter 105. By this petition, KCSR seeks an exemption in order to abandon its Second Street Track in Kansas City, MO. That line consists of two segments. The first segment runs from Milepost 0+/-, located in an unused rail yard, to Milepost 0+5188'+/-, at the crossing of the Second Street Track and a Union Pacific Railroad Company ("UP") line, a distance of approximately 0.98 miles. This track is referred to herein as Track 500. The second segment branches off northwest from Track 500 between Main Street and Grand Avenue at Milepost 0-W of that line, and continues west to approximately Milepost 0+1518'-W at the east end of railroad bridge B-1-W.¹ This latter track is referred to herein as Track 741. Tracks 500 and 741 are referred to together here as the Second Street Track. (*See* Exhibits 1 and 2 to Exhibit A hereto, maps showing the location of the proposed action.) The purpose of the abandonment is to eliminate an unused railroad facility, tracks, yard, and right-of-way, while improving public safety and allowing community redevelopment in the neighborhood to move forward. The line crosses U.S. Postal Service Zip Code 64105.

The Second Street Track has been little-used during the past several years, due largely to the changing nature of the surrounding community. The focused redevelopment of this area of Kansas City, known as the River Market area, has been underway for more than two decades.

¹ Bridge B-1-W was incorrectly identified as "Bridge C-1-W" in KCSR's newspaper notice of this abandonment, published in the Kansas City Star on March 8, 2004, though the location of the bridge was correctly stated.

What formerly was an industrial/warehousing area has been changing for a number of years over to residential and mixed-use retail, along with some light commercial enterprises. Accordingly, the sources of traffic that KCSR once served via the Second Street Track no longer exist.

Indeed, while much has already been done to facilitate the changing nature of the area and community, the City has extensive future plans for further redevelopment of the area. As stated on the City's Planning and Development Department website:²

The River Market is an urban redevelopment district with concentrated public and private investments which are revitalizing the area as a residential and commercial adjunct to the downtown. . . . In the heart of the River Market area is the [city-owned] City Market, an indoor-outdoor market containing a variety of food related specialty shops, restaurants, cultural entertainment facilities and the Steamboat Arabia Museum (<http://www.1856.com>):

In addition to the City Market, other significant redevelopment activities have occurred and are still occurring in the River Market Area. Most significant is the conversion of the historic buildings into loft residential development. Over 700 loft[] units have been developed in the last decade with an additional 500 units anticipated in the next three years."

As further evidence of the City's commitment to redevelopment of this area, particularly in conjunction with this proposed abandonment, the City issued a Request for Qualifications ("RFQ") in July 2003, seeking bids for planning redevelopment of the Second Street area once the rail line is removed. The RFQ stated in part, "The railroad tracks along Second Street will be abandoned which will open up Second Street for redevelopment and planning for capital and infrastructure improvements along Second Street, the subject of this RFQ." It also stated,

Along 2nd Street, unattractive industrial uses (recycling facilities), active railroad switching, and power plant facilities present a challenge . . . to revitalizing the 2nd Street Corridor. . . .

The City has made a major commitment to both the historic City Market and the district's open areas, with street improvements, new parks and parking

² <http://www.kcmo.org/planning.nsf/web/econcmr?opendocument>

areas. At the edge of the bluff, overlooking the Town of Kansas, underutilized railroad and industrial property is primed for redevelopment. . . . Much planning has been done and significant dollars have been spent in hopes of attracting people and private development back to the river again.

Accordingly, abandoning the rail operations along Second Street in downtown Kansas City and sale of adjoining railroad-owned property for alternate uses will bring important public benefits to the local community, consistent with long-standing City efforts. By moving rail operations out of this location, the City will be able to realize its redevelopment plan for the area through new, private investment to go along with the substantial public investment already made by the City, creating a mixed-use, residential, retail and light commercial use neighborhood. Because of the positive benefits that can be achieved if the line is abandoned, the City fully supports this abandonment exemption petition. *See Exhibit B hereto.*

The plans by the City and KCSR will not impact service to shippers in any way. There has been no service on the Second Street Track for at least six months. Prior to that time, the line was still relatively unused. Although during the past two years this line was used for a transload operation, as well as local service, the transloading operation stopped over six months ago and has been relocated to Coburg Yard east of Kansas City, where the traffic has been retained by KCSR.

Other than the transload operation, there was only one carload of local traffic on the Second Street Track in the past two years. That car moved to Republic Fiber, located on a spur connecting to Track 741. Republic Fiber has since ceased doing business at that location and has boarded up those facilities. There are no other prospects for future rail shipments on the line.

KCSR notes that there is no economic basis to justify the continued operation of the Second Street Track. As an initial matter, any revenue received from the transload operation is irrelevant to the economic analysis, as the transload operation has relocated, and revenue

generated thereby would not be creditable to the Second Street Track in the future even if that Track continued in operation. Similarly, the other shipper that used the Second Street Track during the last two years has closed its doors, and the revenue from the one carload of scrap paper that shipper received during the last two years would barely cover the cost of the crew in delivering the car, much less cover any maintenance expense, equipment cost, etc. No one can seriously contend that one carload over two years can justify the continued operation of the Second Street Track, particularly in light of the fact that the one shipper who moved a car during the last two years has closed its operation.

In short, neither shipper that moved traffic on the Second Street Track in the last two years is still in operation at that location. Continued operation of the Second Street Track, particularly given its interference with the City's redevelopment plans, cannot be justified.

PETITIONER'S REPRESENTATIVE

KCSR is represented in this matter by William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; telephone (202) 663-7823; facsimile: (202) 663-7849.

THE EXEMPTION STANDARDS HAVE BEEN MET

Under 49 U.S.C. §10903, a rail line cannot be abandoned without the prior approval of the Board. However, under 49 U.S.C. §10502, the Board must exempt a rail transaction from application of §10903 when it finds that (1) regulation of the transaction is not necessary to carry out the rail transportation policy of 49 U.S.C. §10101; and (2) either (a) the transaction is of limited scope, or (b) regulation is not needed to protect shippers from the abuse of market power. The abandonment proposed by KCSR clearly meets the statutory requirements of Section 10502.

A. Regulation Is Not Necessary To Carry Out The Rail Transportation Policy

The National Rail Transportation Policy contained in 49 U.S.C. §10101 obviates the need for detailed scrutiny by the Board under 49 U.S.C. §10903 in this instance. Granting KCSR's exemption petition, rather than requiring KCSR to absorb the costs and delays involved in submitting a full-blown abandonment application for slightly more than one mile of unused track, will lead to fair and expeditious regulatory decisions, will reduce regulatory barriers to exit from the industry, and will provide for the expeditious handling and resolution of proceedings required or permitted to be brought under this part. *See* 49 U.S.C. §10101(2), (7) and (15). Allowing KCSR to abandon an operation that has no traffic prospects sufficient to fund operation and maintenance of a line, and to sell some of the underlying real estate consistent with the City of Kansas City's redevelopment plans, will promote a safe and efficient rail transportation system by allowing KCSR to earn adequate revenues. *See* 49 U.S.C. §10102(3). Permitting KCSR to abandon a line that is significantly deteriorated and that serves no active customers will allow KCSR to compete more effectively, will foster sound economic conditions, and will encourage efficient management in accordance with the National Rail Transportation Policy. *See* 49 U.S.C. §§10101(4), (5), and (9). Finally, allowing KCSR to abandon this unused track will promote the public health and safety by allowing elimination of approximately eight crossbuck-protected at-grade crossings, and by eliminating the need for the crossing diamond where KCSR's line intersects UP's. 49 U.S.C. §10101(8). Accordingly, it is not necessary to apply the Board's abandonment application procedures to KCSR's proposed abandonment in order to carry out the National Rail Transportation Policy. 49 U.S.C. §10502(a)(1). Indeed, abandonment is fully consistent with that policy.

B. The Proposed Abandonment Is Of Limited Scope

The proposed abandonment exemption is of limited scope. The abandonment involves only approximately 1.3 miles of unused tracks that are currently preventing the redevelopment of the downtown area and for which there are no prospects for future shipments. But for the transload operation that was relocated about six months ago and the single, non-transload shipment that occurred since the beginning of 2002, the line would have been eligible for abandonment via the two-year out-of-service notice of exemption procedures. Now that the transload operation has been relocated to another site and the shipper that received the individual carload shipment has closed its business along the Second Street Track, no potential shippers remain on the line. As a result, because the proposed abandonment involves only slightly more than one mile of line which has no existing traffic, either local or overhead, and no realistic prospects for development of new traffic, the proposed abandonment is clearly of limited scope.³

C. Regulation Of The Proposed Abandonment Is Not Necessary To Protect Shippers From Market Power Abuse

Because the transaction is of limited scope, KCSR does not need to show that regulation of the abandonment is not necessary to protect shippers from market abuse. Nonetheless, it is clear that the Board's abandonment procedures are not needed to protect shippers from a potential abuse of market power. No shippers currently use the line, and there are no realistic prospects for future rail shipments. The only active regular shipper in recent years was a transload shipper that has moved its operations to another KCSR location, clearly showing that it has market options and that abandonment of the line will not subject it to market abuse. In fact,

³ The proposed project also includes the abandonment of several yard and spur tracks that connect with the Second Street Track. KCSR is not seeking abandonment authority for these yard and spur tracks and any abandonment of these tracks will be conducted pursuant to 49 U.S.C. §10906.

businesses moving into the area around the line are retail or similar types of businesses that are unlikely to have a need for rail service, and the City's plans for redevelopment of the area call for elimination of rail freight service. If there are future businesses that require rail service, the presence of other railroads (UP, Burlington Northern and Santa Fe, and Kansas City Terminal) within a mile of the involved line assures that the abandonment creates no opportunity for abuse of railroad market power.

RELATED EXEMPTION REQUESTS

As noted, the City has been working for two decades to support redevelopment of the area where the Second Street Track is located. If the track or the right-of-way were to remain intact, the City's redevelopment plans would be substantially undercut. As a result, the abandonment should be exempted from public use, trail use and financial assistance provisions of Sections 10903-10905 and related regulations that normally apply to abandonment exemptions and applications. In addition to supporting KCSR's abandonment proposal, the City specifically supports these requested exemptions. *See Exhibit B.*

Exemption from these provisions is consistent with the public interest. For example, by abandoning the rail operations along Second Street, the public will acquire badly-needed on-street parking to serve local businesses⁴ because abandonment of the rail line will, effectively, broaden the portion of the street that can be used by vehicular traffic, making more on-street parking possible for neighborhood businesses and residences. Likewise, removal of the line from the street will eliminate approximately eight at-grade crossings and allow the City to improve the surface along the right-of-way for better access by vehicular traffic. Traffic flow and public safety will also be improved by elimination of these crossings. For these reasons and

⁴ Expansion of public parking is one of the goals of the local business owners' association, the

others, the proposed abandonment and the proposed exemptions from financial assistance, trail use and public use procedures are consistent with public policy and the public interest.

Exemption from these provisions is entirely consistent with Board precedent. The Board has previously stated that these provisions will be waived where there is an overriding public purpose to be served by doing so. *See 1411 Corporation--Abandonment Exemption--In Lancaster County, PA*, STB Docket No. AB-581X, and *Middletown & Hummelstown Railroad Company--Abandonment Exemption--In Lancaster County, PA*, STB Docket No. AB-529X, served Sept. 6, 2001 (OFA provisions have been waived "primarily when the right-of-way is needed for an overriding public purpose and there is no apparent interest in continued rail service"). As noted and as shown by Exhibit B, Kansas City has an ongoing, twenty-year commitment to redevelopment of this area. The public interest would best be served by allowing abandonment of the line and redevelopment of the surrounding area to occur consistent with the City's plans. Allowing an offer of financial assistance or the creation of a trail would be inconsistent with these public purposes and benefits.

MAPS AND EXHIBITS

The Environmental Report required by 49 C.F.R. §1105.7 and the Historic Report required by 49 C.F.R. §1105.8 were previously served on the STB and the required parties. The combined report is attached here as Exhibit A. (The maps required by 49 C.F.R. §§1152.60(b) and 1152.22(a)(4) are Exhibits 1 and 2 thereto.) Correspondence of Wayne A. Cauthen, City Manager, Kansas City, MO, is Exhibit B hereto. A copy of the draft *Federal Register* notice is Exhibit C. A certification of compliance with 49 C.F.R. §§1105.7(c), 1105.11, 1105.12 and 1152.60(d), along with copies of the transmittal letters to each required agency and River Market Business Association. *See* <http://kansascityrivermarket.com/RMBA/default.htm>.

proof of publication of the newspaper notice, is Exhibit D hereto. A verification of the factual statements herein is Exhibit E.

LABOR PROTECTIVE CONDITIONS

KCSR is agreeable to the labor protective conditions imposed in abandonment proceedings as prescribed in *Oregon Short Line R. Co--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

CONCLUSION

KCSR seeks an exemption from the provisions of 49 U.S.C. § 10903 to abandon approximately 1.3 miles of rail line located in Kansas City, Jackson County, MO. Exemption is warranted because there are no active shippers on the line and abandonment will facilitate municipal redevelopment activities in an area that the City of Kansas City has targeted as an urban redevelopment district. As such, application of the Board's full abandonment procedures is not needed to serve the National Rail Transportation Policy. Instead, eliminating delays in abandonment of this unused line will facilitate the Board's efficient regulation of rail activity while avoiding unnecessary delays to community redevelopment and public safety improvements. Likewise, the proposed abandonment is of limited scope, and no potential for abuse of railroad market power will result from the proposed exemptions. Exempting this proposal from public use, trail use and financial assistance provisions is also necessary because such exemptions will serve the overriding public purposes of fostering community redevelopment and public safety and creating needed on-street parking.

For the foregoing reasons, the Board should grant the requested exemptions.

Respectfully submitted,



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Kansas City, MO 64121-9335

*Attorneys for The Kansas City Southern
Railway Company*

Dated: April 8, 2004

Exhibit A

ENVIRONMENTAL AND HISTORIC REPORT

(*See* Attached Exhibits 1 and 2 hereto – Maps of Second Street Track)

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

**DOCKET NO. AB-103
(SUB-NO. 17X)**

**THE KANSAS CITY SOUTHERN RAILWAY COMPANY - PETITION FOR
EXEMPTION – ABANDONMENT OF SECOND STREET TRACK
IN KANSAS CITY, MO**

ENVIRONMENTAL AND HISTORIC REPORT

ENVIRONMENTAL REPORT

(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 Kansas City Southern Railway Company ("KCSR") proposes to abandon its Second Street Track in Kansas City, Jackson County, MO. The track consists of two segments. The first segment runs from Milepost 0+/-, located in an unused rail yard, to Milepost 0+5188'+/-, at the crossing of the Second Street Track and a Union Pacific Railroad Company ("UP") line, a distance of approximately 0.98 miles. This track is referred to herein as Track 500. The second segment branches off northwest from Track 500 between Main Street and Grand Avenue at Milepost 0-W of that line, and continues west to approximately Milepost 0+1518'-W at the east end of railroad bridge B-1-W.¹ This latter track is referred to herein as Track 741. Tracks 500 and 741 are referred to together here as the Second Street Track.

These tracks are not currently in use. The most recent use of Track 500 was for transportation of plastic pellets for rail/truck transloading at the rail yard in the vicinity of Milepost 0+/- of Track 500. That transload operation was relocated six or more months ago to a location in KCSR's Coburg Yard east of Kansas City. There was one other known shipment in the past two years on the Second Street Track, to Republic Fiber, a business that was located off of a spur from Track 741 and is now closed at that location. Accordingly, there have been no shipments on the Second Street Track for at least six months, and the shippers who used the line during the past two years are now transloading at another site or have gone out of business at that

¹ Bridge B-1-W was incorrectly identified as "Bridge C-1-W" in KCSR's newspaper notice of this abandonment, published in the Kansas City Star on March 8, 2004.

location. Once abandonment approval is obtained, KCSR will remove any salvageable rail and track materials and liquidate other saleable assets.

A detailed graphic representation of the western portion of the area affected is included as Exhibit 1. A broader area view of the location of the entire proposed action is included as Exhibit 2.

(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:

As noted, the rail line has been used only minimally in recent years, and not at all in the past six months. The only known regular use of the line in the past two years was for transloading plastic pellets at the rail yard on Track 500. The shipper that used the transload service now receives transloading service at a different location not on the involved line. In addition, one other individual carload was shipped on the Second Street Track since the beginning of 2002. That receiver is no longer in business at that location. Consequently, there will not be any diversion of traffic as a result of the abandonment.

(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.

Response:

The proposed abandonment is consistent with local land use plans; in fact, the abandonment is being undertaken in large part to facilitate the City of Kansas City's plans for downtown redevelopment. Track 500 consists of main line, attendant to which are spur tracks and a small rail yard. Much of the main line lies within the boundaries of Second Street in downtown Kansas City, MO. The property where the yard lies is one of the last remaining undeveloped properties in the re-emerging River Market area of Kansas City. By moving rail operations out of this location, the City will be able to further its redevelopment plan for the area through new, private investment to go along with the substantial public investment already made by the City. City leaders want to return this neighborhood to a mixed residential/retail/light commercial use, and have given incentives for that kind of private redevelopment on properties adjacent to the KCSR property.

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

Response:

The line lies, for the most, part, within the limits of a city street in downtown Kansas City, MO. According to Mr. David Kacirek of the St. Joseph, MO, area service office of the Natural Resources Conservation Service [(816) 232-6555, ext. 6], developed urban land is exempt from treatment as prime farmland. Therefore, KCSR anticipates that no prime agricultural lands are affected by the proposed removal of the line.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec.1105.9.

Response:

There is no approved coastal zone management program in Missouri, according to information available on the Surface Transportation Board's website.

(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. 10906 and explain why.

Response:

Much of Track 500 lies within an existing city street. The most likely use of that portion of the property following abandonment of the line is for expansion of public parking to serve businesses along the street. Alternative public uses do not appear feasible. The remaining property is comprised principally of a single lot where a small rail yard, some spur tracks and Track 741 lie. Because of the compact nature and the location of this lot, it is not expected to be suitable for an alternative public use.

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

Response:

The line has not been used within recent memory for transportation of energy resources. Accordingly, abandonment is not expected to affect transportation of energy resources.

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

Response:

The line has not been used within recent memory for transportation of any significant volume of recyclable commodities. Accordingly, abandonment is not expected to affect transportation of recyclable commodities.

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

Response:

Abandonment will remove the need to maintain the line and will remove the need for locomotive usage on the track. As such, abandonment will reduce energy usage and improve energy efficiency.

(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. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.

Response:

These thresholds will not be exceeded. The transload traffic on the line has been relocated to an alternate location off the line and the receiver of the other carload known to have moved on the line in the past two years has closed its doors.

(5) Air. (i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (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 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent 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:

These thresholds will not be exceeded.

(ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent 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:

Not applicable. See 40 C.F.R. §81.326.

(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:

Not applicable. This is a proposal for cessation of service, not a proposal to provide transportation.

(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:

None of the thresholds in item (5)(i) will be surpassed.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Response:

Removal of Track 500 will result in elimination of approximately eight crossbuck-protected at-grade crossings, and is not expected to cause a diversion of rail traffic to trucks. Accordingly, the proposed action should lead to improvement in the public safety by a reduction in vehicle delay and the elimination of potential collisions at at-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.

Response:

Not applicable. This is a proposal for cessation of service, not a proposal to provide transportation.

(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:

No such sites are known.

(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.

Response:

Because the proposed action takes place in a populated urban environment, KCSR believes that the proposed action is not likely to adversely affect endangered or threatened species or areas designated as critical habitat. Rick Hanson of the U.S. Fish and Wildlife Service's office in Columbia, MO [(573) 234-2132] confirmed in a telephone conversation that it would not be anticipated that any endangered species or critical habitats exist in this urban location.

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

Response:

No such places will be affected.

(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.

Response:

Based on consultation with Mr. Joe Heffner of the Kansas City regional office of the Missouri Department of Natural Resources [(816) 622-7000], the proposed action will require a

state land disturbance permit only if an acre or more of land is being disturbed and the City of Kansas City requires a land disturbance permit. Otherwise, it does not appear that additional permits would be required. The proposed action appears to be consistent with applicable Federal, State or local water quality standards.

(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.

Response:

A call to the U.S. Army Corps of Engineers' office at Kansas City, MO [816-983-3370], was not returned. Because the proposed action does not involve salvage operations in or immediately adjacent to a navigable waterway, KCSR believes that permits under Section 404 of the Clean Water Act (33 U.S.C. §1344) would not be required for the proposed action and no designated wetlands or 100-year flood plains will be affected.

(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:

A call to the U.S. EPA's office in Kansas City, KS [(913) 551-7003], was not returned. KCSR believes that permits under section 402 of the Clean Water Act (33 U.S.C. §1342) are not required for the proposed action.

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

Response:

No environmental effects requiring mitigation are apparent.

(11) Additional Information for Rail Constructions.

Response:

Not applicable.

HISTORIC REPORT

(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 Exhibits 1 and 2, showing the location of the proposed action. The only known railroad structure on the line which is 50 years old or older is a simple 70', timber-deck, steel-girder bridge spanning Delaware Street, designated as Bridge A-1-W. The bridge appears to have been constructed in approximately 1892. It is like many others on the KCSR system and appears to have no particular historic significance.

(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 for Track 500 was constructed pursuant to permission granted in several ordinances enacted by the City of Kansas City, Missouri, commencing in 1887. The ordinances did not specify a width for the right-of-way, but did specify that the permission was to be exercised "upon Second Street", which is generally 60 feet in width. Track 741 is located on privately held right-of-way that was acquired in lots of various sizes. It is generally between 32' and 100' feet in width. The topography is generally flat with a gradual ascent from East to West. The line exists in a developed, urban setting.

(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:

See Exhibit 3.

(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:

Bridge A-1-W is believed to have been constructed when Track 741 was originally built, around 1892. The abutments to Bridge A-1-W were revised subsequent to construction of the bridge, in approximately 1934. No major alterations are known to have occurred.

(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:

The Second Street Track has been operated since the 1890's and is located in the Kansas City downtown area. In recent years, the only regular shipper has been a receiver of plastic pellets that were transloaded between rail and truck. In addition, one isolated carload was moved on the Second Street Track during the past two years to a company that, to KCSR's knowledge, has gone out of business at that location. There are several other rail lines (Burlington Northern and Santa Fe, Kansas City Terminal, and UP) in close proximity to this one. The City desires that this area be redeveloped into a mixed residential/retail/light commercial use area. As a result, KCSR proposes to abandon and remove the line.

(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:

Engineering drawings with respect to the Delaware Street bridge exist, and a summary of them is included as Exhibit 4. Full-scale copies of the drawings referenced in Exhibit 4 shall be provided upon written request to counsel. Photographs are included with this report as Exhibit 3.

(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 CFR §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:

KCSR believes that neither site nor structures would meet the National Register criteria. The property is not associated with any famous individual or event that has broad historical effect. Nothing about the property is distinct or unique with respect to construction of the rail facilities currently remaining there. The site was disturbed in the 1890's for the construction of the line and has been disturbed periodically over the years for track maintenance, for construction of yard and spur tracks, and for rehabilitation work. The surrounding properties have been developed and re-developed over the years. Accordingly, KCSR does not expect that historic or pre-historic materials would have survived intact to this date. Again, there is only one structure, the A-1-W bridge over Delaware Street, known to be 50 years old or older, and nothing about that bridge indicates any historic significance as it is a standard timber-deck steel girder bridge over a municipal right of way. (See photos attached as Exhibit 3.).

(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:

Some portions of Tracks 500 and 741 were constructed on minor fill. KCSR is unaware of any major disturbance of the subsurface after the line to be abandoned was constructed. KCSR is unaware of any environmental conditions such as swampiness or the presence of toxic wastes that would affect the recovery of archeological resources.

(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 location and type of the site (i.e., prehistoric or native American).

EXHIBIT 1

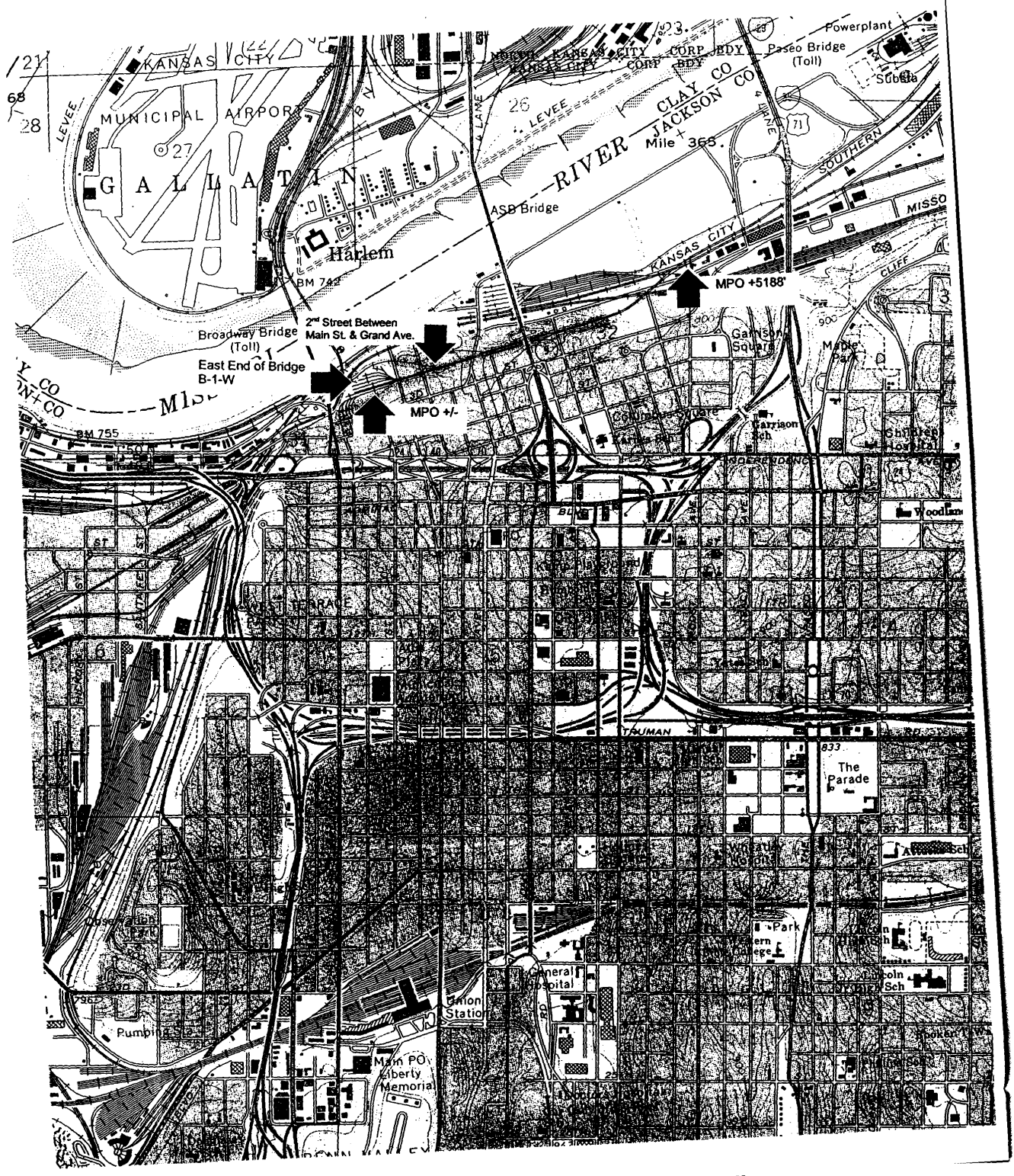


EXHIBIT 2

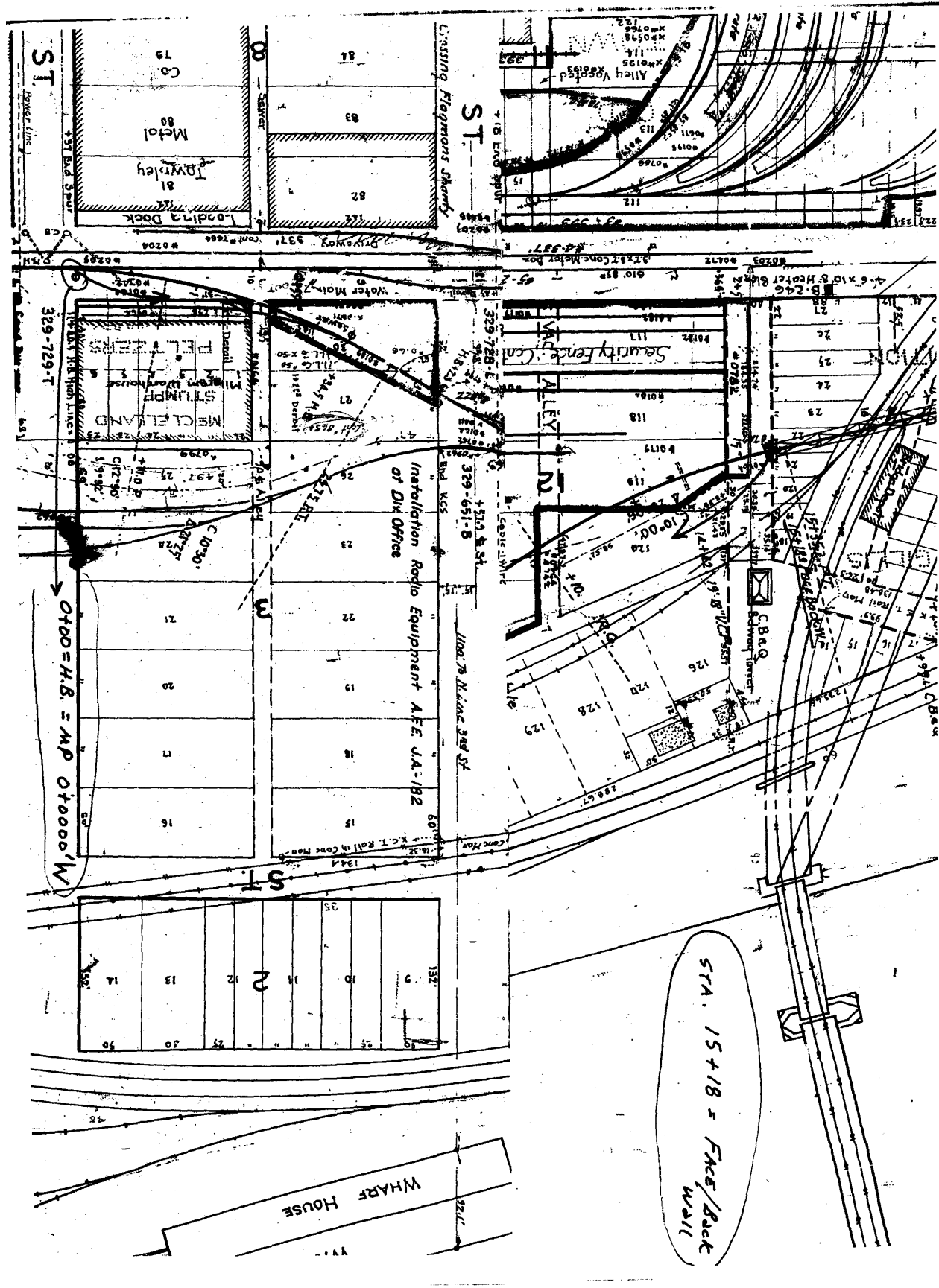


EXHIBIT 3



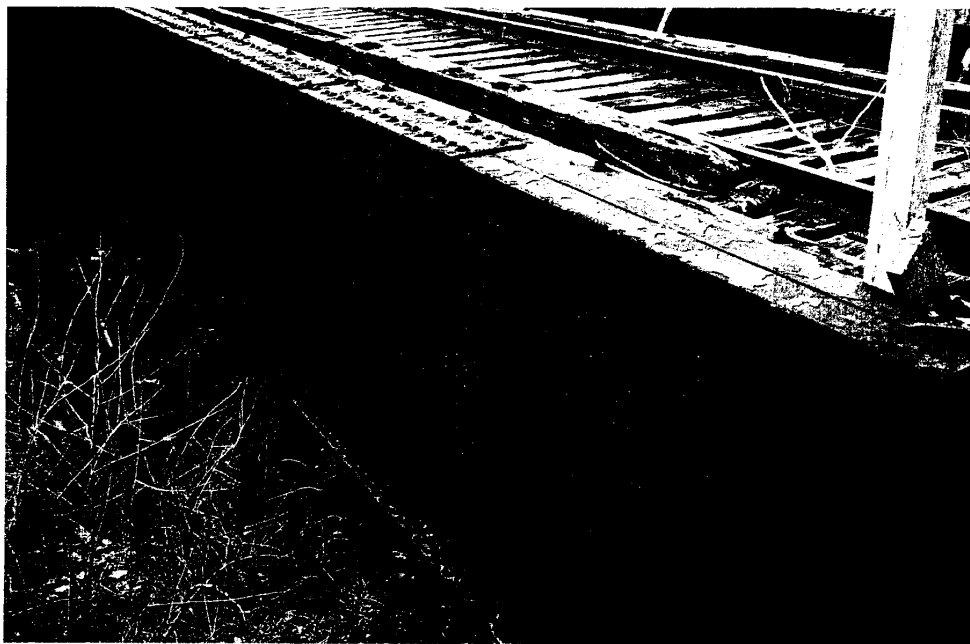
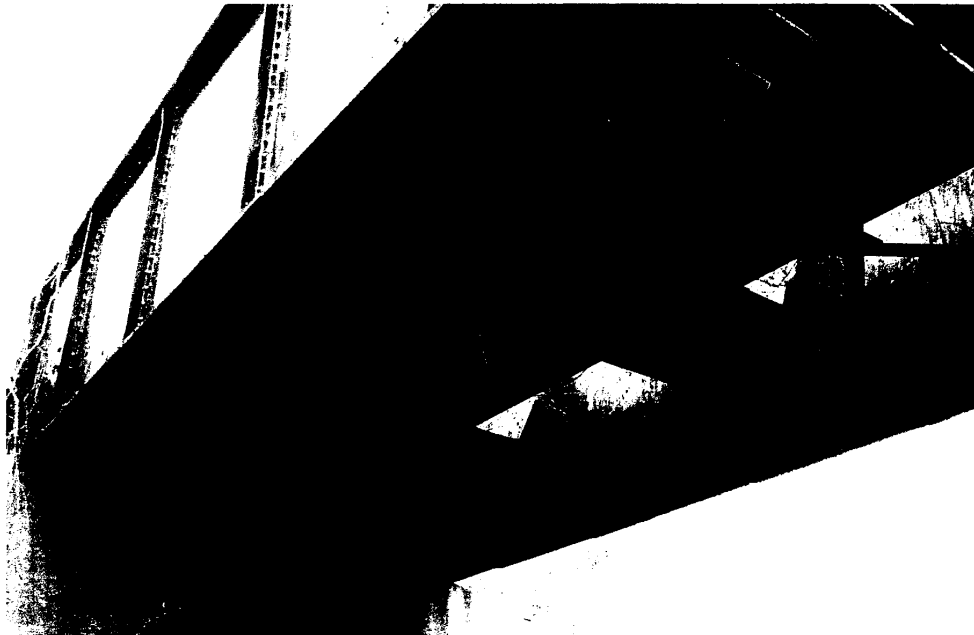


EXHIBIT 4

LOCATION

[illegible]

EXHIBIT 5

Certification In Compliance With 49 C.F.R. §1105.7(c)

I hereby certify that The Kansas City Southern Railway Company ("KCSR") has sent copies of its Environmental and Historic Report with respect to its Petition for Exemption for its proposed Second Street Abandonment to each of the agencies specified in 49 C.F.R. §1105.7(b) at least 20 days prior to the planned filing of the said Petition with the Surface Transportation Board. I further certify that KCSR has published in a newspaper of general circulation in the county in which the affected line lies a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how the public may participate in the STB proceeding.

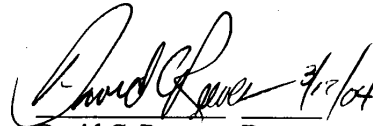

David C. Reeves Date

Exhibit B

**LETTER OF SUPPORT FOR PETITION
ON BEHALF OF CITY OF KANSAS CITY, MO**

CITY OF FOUNTAINS
HEART OF THE NATION



KANSAS CITY
MISSOURI

Office of the City Manager

29th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

(816) 513-1408
Fax (816) 513-1363

March 12, 2004

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

RE: *The Kansas City Southern Railway Company-Petition for Exemption-
Abandonment of Second Street Track In Kansas City, MO*
Docket No. AB-103 (Sub-No. 17X)

Dear Secretary Williams:

The City of Kansas City, Missouri wishes to state its full support for the above-captioned petition filed by The Kansas City Southern Railway Company ("KCSR") whereby KCSR seeks to abandon its Second Street Track located in downtown Kansas City. The City fully supports the abandonment of this track and also supports KCSR's request to be exempted from the rules and requirements relating to offers of financial assistance and public and trail use conditions. KCSR's petition is consistent with the City's long-standing redevelopment efforts for the River Market area of Kansas City.

For many years, the City has supported the redevelopment of this area where KCSR's Second Street track and yard lies. Over time, that area has changed from one of primarily industrial use to a more mixed use, involving residential and retail. Currently, the City has an approved redevelopment plan for this area and removal of the rail facilities makes this redevelopment possible. The continued existence of rail operation in this small area would only hamper our redevelopment efforts while serving no shipper's needs nor any public interest. In fact, since KCSR relocated the rail transloading operation from its yard at the end of the Second Street Track to another part of town, area property owners, businesses, and the public have benefited from the cessation of rail operations through this corridor. The potential for further development opportunities that the proposed abandonment would create for this area is important to the City.

The abandonment would provide additional, on-street parking opportunities in the area and eliminate a number of at-grade rail crossings of city streets, leading to reduced maintenance expense for the City and improvements to public safety. Allowing a continued rail presence, on the other hand, would obstruct the City's redevelopment plans for this area by leaving a rail right-of way down the middle of Second Street. This would prevent the proper redevelopment of the rail yard property, which is of a size and shape suitable for the type of residential and/or retail mixed-use development that is planned for this area. Furthermore, it would be inconsistent with the City's redevelopment plan to permit another public use or trail use in the middle of the street where the rail right-of-way now lies. As a result, the City also supports KCSR's requests for waiver of the offer of financial assistance, trail use and public use provisions.

Secretary Williams

Page 2

March 12, 2004

In short, the City fully supports KCSR's petition to abandon the rail operations of its Second Street Track in order to allow redevelopment of the property in a manner consistent with the surrounding community and the City's approved redevelopment plan for that area.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne A. Cauthen".

Wayne A. Cauthen

City Manager

cc: Parties of Record

Warren K. Erdman

Thomas J. Healey

William A. Mullins

DRAFT FEDERAL REGISTER NOTICE

STB No. AB-103
(Sub-No. 17X)

THE KANSAS CITY SOUTHERN RAILWAY COMPANY
-- PETITION FOR EXEMPTION --
ABANDONMENT OF SECOND STREET TRACK IN KANSAS CITY, MO,

Notice of Petition for Exemption to Abandon Service

On April 7, 2004, The Kansas City Southern Railway Company ("KCSR") 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 Second Street Track. That line consists of two segments totaling approximately 1.3 miles in length. The first segment runs from Milepost 0+/-, located in an unused rail yard, to Milepost 0+5188'+/-, at the crossing of the Second Street Track and a Union Pacific Railroad Company ("UP") line, a distance of approximately 0.98 miles. The second segment branches off northwest from the first segment, between Main Street and Grand Avenue at Milepost 0-W of that line, and continues west to approximately Milepost 0+1518'-W at the east end of railroad bridge B-1-W. Both segments are located in the City of Kansas City, Jackson County, MO. The line traverses through United States Postal Service ZIP Code 64105. There are no stations on the line segments for which the abandonment exemption is requested. KCSR has also requested to be exempted from the financial assistance, public use and trail use/rail banking provisions of the ICC Termination Act of 1995 and related statutes and regulations.

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 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 _____, 2004.

If an exemption from financial assistance provisions is not granted, any offer of financial assistance 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 C.F.R. 1002.2(f)(25).

All interested persons should be aware that if exemptions from public use and trail use provisions are not granted, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use, and that 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.

All filings in response to this notice must refer to STB Docket No. AB-103 (Sub-No. 17X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania

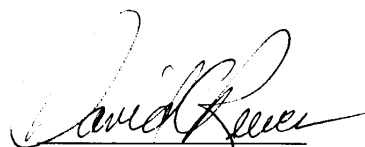
Avenue, NW, Suite 300, Washington, DC 20037. Replies to the petition are due on or before _____, 2004.

Persons seeking further information concerning abandonment and discontinuance 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 C.F.R. 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 at 1-800-877-8339.]

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 persons who would like to obtain a copy of the EA (or EIS) may contact the Section 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.

Certification Of Compliance With 49 C.F.R. §§1105.7(c), 1105.11, 1105.12 and 1152.60(d)

I hereby certify that The Kansas City Southern Railway Company has sent copies of its Environmental and Historic Report with respect to its Petition for Exemption for its proposed Second Street Abandonment to each of the agencies specified in 49 C.F.R. §1105.7(b) at least 20 days prior to the filing of the said Petition with the Surface Transportation Board. (See attached copies of transmittal letters.) I further certify that KCSR has published in a newspaper of general circulation in the county in which the affected line lies a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how the public may participate in the STB proceeding. (See attached proof of newspaper publication.) I also certify that copies of the foregoing petition for exemption have been sent on this date to the entities specified in 49 C.F.R. §1152.50(d), as required by 49 C.F.R. §1152.60(d), with the notation that "Based on information in our possession, the line does not contain federally granted right-of-way. Any documentation in petitioner's possession will be made available promptly to those requesting it." Finally, I certify that a copy of this petition has been served upon Paper Stock Dealers, Inc., 834 SE Adams St., Topeka, KS 66607, which KCS believes to be the successor in interest to Republic Fiber.


David C. Reeves
4/8/04
Date

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 18, 2004

HAND DELIVERY

Ms. Victoria Rutson
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

2004 MAR 18 A 11:03
SCS

RE: *The Kansas City Southern Railway Company – Petition for Exemption –
Abandonment of Second Street Track In Kansas City, MO*
STB Docket No. AB-103 (Sub-No. 17X)

Dear Ms. Rutson:

Yesterday, we sent the enclosed letters to the relevant consulting agencies¹ regarding The Kansas City Southern Railway Company's ("KSCR") intention to file, on or about April 7, 2004 a petition for exemption, seeking to abandon its Second Street Track, being approximately 1.3 miles of railroad line consisting of two segments, the first located between Milepost 0+/- at an unused rail yard near Delaware Street and Milepost 0+5188' +/- near a crossing of the Second Street Track with Union Pacific Railroad Company, and the second segment extending from a point in Second Street between Grand Avenue and Main Street at Milepost 0-W westwardly to approximately Milepost 0+1518' -W+/-, a point at the east end of Bridge B-1-W located near Broadway Boulevard, all located in Kansas City, Jackson County, MO.

We enclosed the Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. A copy of that report is also enclosed herewith.

¹ The City Manager of Kansas City, MO; County Executive of Jackson County, MO; Federal Assistance Clearinghouse; Mayor of Kansas City, MO; Missouri Department of Natural Resources; Missouri Office of Historic Preservation; National Oceanic and Atmospheric Administration; National Park Service; U.S. Army Corps of Engineers; U.S. Department of Agriculture Natural Resources Conservation Service; U.S. Environmental Protection Agency; and the U.S. Fish & Wildlife Service.

BAKER & MILLER PLLC

Ms. Victoria Rutson

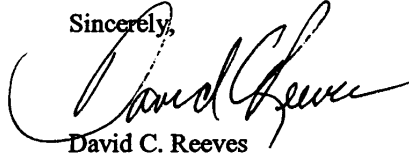
March 18, 2004

Page 2

We asked the consulting agencies to respond in writing within three weeks to your office and to KCSR's legal counsel, William A. Mullins, Esq. at Baker & Miller, PLLC, if any of the information in the Environmental and Historic Report was misleading or incorrect, if pertinent information is missing, or if they had questions about the STB's environmental review process.

If you have any questions concerning this proposed abandonment, please contact me at (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Reeves", written over a horizontal line.

David C. Reeves

Enclosures

cc: William A. Mullins

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037
TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 17, 2004

Wayne Cauthen
City Manager
414 East Twelfth Street
City Hall/29th Floor
Kansas City, MO 64106

RE: *The Kansas City Southern Railway Company – Petition for Exemption –
Abandonment of Second Street Track In Kansas City, MO*
STB Docket No. AB-103 (Sub-No. 17X)

To Consulting Agencies:

On or about April 7, 2004, The Kansas City Southern Railway Company ("KSCR") expects to file with the Surface Transportation Board ("STB") a petition for exemption, seeking to abandon its Second Street Track, being approximately 1.3 miles of railroad line consisting of two segments, the first located between Milepost 0+/- at an unused rail yard near Delaware Street and Milepost 0+5188' +/- near a crossing of the Second Street Track with Union Pacific Railroad Company, and the second segment extending from a point in Second Street between Grand Avenue and Main Street at Milepost 0-W westwardly to approximately Milepost 0+1518' -W+/-, a point at the east end of Bridge B-1-W located near Broadway Boulevard, all located in Kansas City, Jackson County, MO. Enclosed is an Environmental and Historic Report describing 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 STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001; TEL: (202) 565-1545 and refer to STB Docket No. AB-103 (Sub-No. 17X).

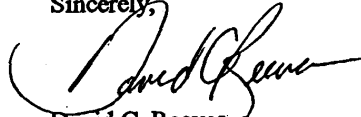
BAKER & MILLER PLLC

Wayne Cauthen
March 17, 2004
Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the SEA (at the address provided in the above paragraph) along with a copy to KCSR's representative (at the address provided in the paragraph below) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact KCSR's representative by mail at: William A. Mullins, Esq., Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: wmullins@bakerandmiller.com or by TEL: (202) 663-7823.

Sincerely,



David C. Reeves

Enclosures

cc: Section of Environmental Analysis (SEA)
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 17, 2004

Katheryn J. Shields
County Executive, Jackson County, MO
415 East Twelfth Street
Jackson County Courthouse
Kansas City, MO 64106

RE: *The Kansas City Southern Railway Company – Petition for Exemption –
Abandonment of Second Street Track In Kansas City, MO
STB Docket No. AB-103 (Sub-No. 17X)*

To Consulting Agencies:

On or about April 7, 2004, The Kansas City Southern Railway Company ("KSCR") expects to file with the Surface Transportation Board ("STB") a petition for exemption, seeking to abandon its Second Street Track, being approximately 1.3 miles of railroad line consisting of two segments, the first located between Milepost 0+/- at an unused rail yard near Delaware Street and Milepost 0+5188' +/- near a crossing of the Second Street Track with Union Pacific Railroad Company, and the second segment extending from a point in Second Street between Grand Avenue and Main Street at Milepost 0-W westwardly to approximately Milepost 0+1518' -W+/-, a point at the east end of Bridge B-1-W located near Broadway Boulevard, all located in Kansas City, Jackson County, MO. Enclosed is an Environmental and Historic Report describing 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 STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001; TEL: (202) 565-1545 and refer to STB Docket No. AB-103 (Sub-No. 17X).

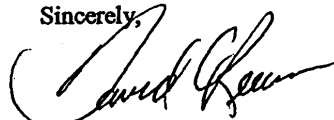
BAKER & MILLER PLLC

Katheryn J. Shields
March 17, 2004
Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the SEA (at the address provided in the above paragraph) along with a copy to KCSR's representative (at the address provided in the paragraph below) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact KCSR's representative by mail at: William A. Mullins, Esq., Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: wmullins@bakerandmiller.com or by TEL: (202) 663-7823.

Sincerely,



David C. Reeves

Enclosures

cc: Section of Environmental Analysis (SEA)
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 17, 2004

Federal Assistance Clearinghouse
Office Of Administration
P.O. Box 809
Jefferson City, MO 65102

RE: *The Kansas City Southern Railway Company – Petition for Exemption –
Abandonment of Second Street Track In Kansas City, MO*
STB Docket No. AB-103 (Sub-No. 17X)

To Consulting Agencies:

On or about April 7, 2004, The Kansas City Southern Railway Company ("KSCR") expects to file with the Surface Transportation Board ("STB") a petition for exemption, seeking to abandon its Second Street Track, being approximately 1.3 miles of railroad line consisting of two segments, the first located between Milepost 0+/- at an unused rail yard near Delaware Street and Milepost 0+5188' +/- near a crossing of the Second Street Track with Union Pacific Railroad Company, and the second segment extending from a point in Second Street between Grand Avenue and Main Street at Milepost 0-W westwardly to approximately Milepost 0+1518' -W+/-, a point at the east end of Bridge B-1-W located near Broadway Boulevard, all located in Kansas City, Jackson County, MO. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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BAKER & MILLER PLLC

Federal Assistance Clearinghouse

March 17, 2004

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Sincerely,



David C. Reeves

Enclosures

cc: Section of Environmental Analysis (SEA)
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 17, 2004

Honorable Kay Barnes
Mayor
414 East Twelfth Street
City Hall/29th Floor
Kansas City, MO 64106

RE: *The Kansas City Southern Railway Company – Petition for Exemption –
Abandonment of Second Street Track In Kansas City, MO*
STB Docket No. AB-103 (Sub-No. 17X)

To Consulting Agencies:

On or about April 7, 2004, The Kansas City Southern Railway Company ("KSCR") expects to file with the Surface Transportation Board ("STB") a petition for exemption, seeking to abandon its Second Street Track, being approximately 1.3 miles of railroad line consisting of two segments, the first located between Milepost 0+/- at an unused rail yard near Delaware Street and Milepost 0+5188' +/- near a crossing of the Second Street Track with Union Pacific Railroad Company, and the second segment extending from a point in Second Street between Grand Avenue and Main Street at Milepost 0-W westwardly to approximately Milepost 0+1518' -W+/-, a point at the east end of Bridge B-1-W located near Broadway Boulevard, all located in Kansas City, Jackson County, MO. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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BAKER & MILLER PLLC

Honorable Kay Barnes

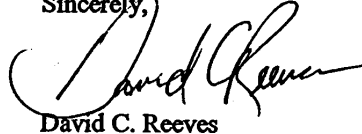
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DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 17, 2004

Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

RE: *The Kansas City Southern Railway Company – Petition for Exemption –
Abandonment of Second Street Track In Kansas City, MO*
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Department of Natural Resources

March 17, 2004

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TELEPHONE: (202) 663-7820

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DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 17, 2004

Office Of Historic Preservation
100 East High Street
Jefferson City, MO 65101

RE: *The Kansas City Southern Railway Company – Petition for Exemption –
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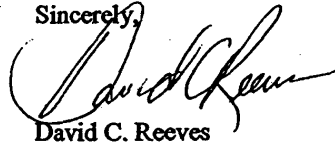
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DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 17, 2004

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

RE: *The Kansas City Southern Railway Company – Petition for Exemption –
Abandonment of Second Street Track In Kansas City, MO*
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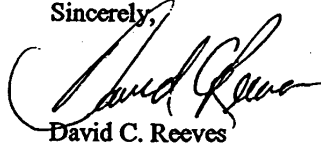
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Washington, DC 20423

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2401 PENNSYLVANIA AVENUE, NW
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TELEPHONE: (202) 663-7820
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DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 17, 2004

National Park Service
1709 Jackson Street
Omaha, NE 68102

RE: *The Kansas City Southern Railway Company – Petition for Exemption –
Abandonment of Second Street Track In Kansas City, MO*
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(202) 663-7824 (Direct Dial)

March 17, 2004

U.S. Army Corps of Engineers
Kansas City District
601 East Twelfth Street
Kansas City, MO 64106

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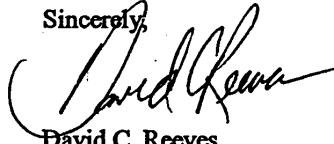
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DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 17, 2004

USDA Natural Resources Conservation Service
601 Business Loop 70 West
Parkade Center/Suite 250
Columbia, MO 65203-2546

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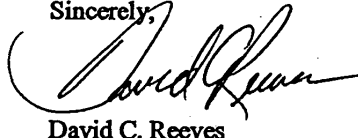
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March 17, 2004

U.S. Environmental Protection Agency
901 North Fifth Street
Kansas City, KS 66101

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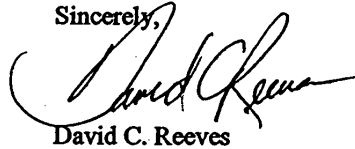
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DAVID C. REEVES

(202) 663-7824 (Direct Dial)

March 17, 2004

U.S. Fish & Wildlife Service
One Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

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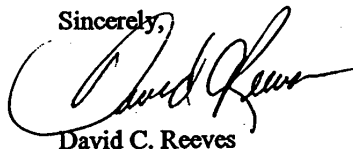
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1925 K Street, NW
Washington, DC 20423

AFFIDAVIT OF PUBLICATION

THE KANSAS CITY STAR COMPANY, publishers of
THE KANSAS CITY STAR, a newspaper published in
the City of Kansas City, County of Jackson, State of
Missouri, confirms that the notice and/or advertisement of

KANSAS CITY SOUTHERN
427 WEST 12TH STREET
PO BOX 219335
KANSAS CITY MO 64121
23144753

9831372

a true copy of which is hereto attached,
was duly published in the above said newspaper

FOR THE PERIOD OF: 1 Day (s)

COMMENCING: March 8, 2004

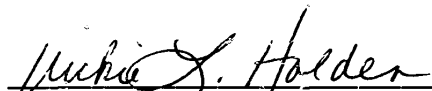
ENDING: March 8, 2004

STAR EDITION (S): 3/ 8/

STAR PAPER (S): 173

VOLUME: #124

Subscribed and sworn to before me,
this Tuesday, 09 March, 2004 .
I certify that I was duly qualified
as a Notary Public for the State of
Missouri, commissioned in Jackson
County, Missouri. My commission
expires August 15, 2006.


Vickie L. Holden, Notary

The Kansas City Southern Railroad Company ("KCS") give notice that on or about March 29, 2004, it intends to file with the Surface Transportation Board ("Board"), 1925 K St. N.W., Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et. seq., permitting the abandonment of approximately 1.3 miles of railroad line consisting of two segments, the first located between Milepost 0+/- at the Second Street Yard near Delaware Street and Milepost 0+5188 near a crossing with Union Pacific Railroad Company, and the second segment extending from a point in Second Street between Grand Avenue and Main Street westwardly to a point at the east end of Bridge C-1-W located near Broadway Boulevard, all in Kansas City, Jackson County, MO. The line traverses through United States Postal Service ZIP Code 64105. The proceeding has been docketed as No. AB-103 (Sub-No. 17X). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, 1925 K St. N.W., Suite 504, Washington, DC 20423-0001 or by calling SEA at 202-565-1545. KCS intends to request that the STB also exempt KCS's proposed abandonment from trail use, public use and offer of financial assistance provisions. Nevertheless, consistent with the Board's regulations, parties may file appropriate offers of financial assistance to continue rail service or file requests for environmental conditions, public use conditions, or rail banking/trails use. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trail use, public use and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 (see 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (see 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1554. Copies of any comments or requests for conditions must be served on the applicant's representative, William A. Mullins, Esquire, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, N.W., Suite 500, Washington, DC 20037.

VERIFICATION

State of Missouri)
) ss.
County of Jackson)

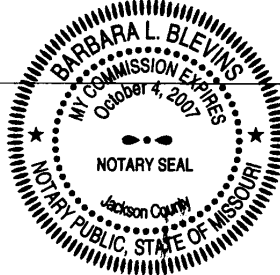
Kevin McIntosh makes oath and says that he is the Terminal Superintendent – Kansas City for The Kansas City Southern Railway Company, petitioner herein; that he has been authorized by the petitioner to verify and file with the Surface Transportation Board the foregoing petition in STB Docket No. AB-103 (Sub-No. 17X); that he has carefully examined all of the statements in the petition as well as the exhibits attached thereto and made a part thereof; that he has knowledge of the facts and matters relied upon in the petition; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.


Kevin McIntosh

Subscribed and sworn to before me, a Notary Public in and for the State and County above named, this 7th day of April, 2004.


Notary Public

My Commission expires _____



APPENDIX

Color Photographs from Environmental & Historic Report

