Before the
SURFACE TRANSPORTATION BOARD
Washington, D.C. 20423

230703

Docket No. AB-3 (Sub-No. 137X)

MISSOURI PACIFIC RAILROAD COMPANY—ABANDONMENT—
IN RED RIVER AND BOWIE COUNTIES, TX

SECOND SUPPLEMENT TO PETITION TO REOPEN AND MODIFY

Comes now Bowie County, Texas ("Bowie County"), by and through its undersigned attorney, and files this Second Supplement to Petition to Reopen and Modify pursuant to the provisions of 49 C.F.R. § 1152.29(c)(2). Pursuant to the Board's July 1, 2003 Decision in this Docket, Bowie County is the authorized interim trail user for the railroad right-of-way from milepost 23.0 at New Boston, Bowie County, Texas, to milepost 42.59 at the Red River County line. By this petition, Bowie County seeks to terminate trail use over a 50 foot wide portion of the railroad right-of-way (measured from the northernmost edge of the right-of-way) between Railroad Milepost 25.139 (approximately 1334.52 feet east of the centerline of SH 98 west of New Boston, Texas) and Railroad Milepost 34.429 (approximately 867.45 feet west of the centerline of FM 992/Runnels Street in DeKalb, Texas), a distance of approximately 9.29 miles.[1]

[1] In its original petition, Bowie sought to vacate a portion of the NITU from milepost 23.0 to milepost 42.59, a distance of 19.59 miles. The abandoned rail corridor can be viewed on Google maps using the satellite feature. Type in New Boston, Texas and then scroll the screen along U.S. Hwy. 82 in a west-bound direction to the outskirts of DeKalb, Texas, which is

Bowie County's original Petition to Reopen and Modify the NITU to vacate a portion of the NITU issued on July 1, 2005, was filed on April 10, 2007. By Decision, served May 16, 2007, slip. op. at 2, Bowie County was instructed to "demonstrate that, in this particular case, the remaining width of the right-of-way would be sufficient to permit trail use and the reestablishment of rail service."

By way of summary, and as the attached engineering study demonstrates, it has been determined that "no impediments exist along the route that would not allow for a rail facility to be built in the future" within the remaining 50 foot corridor. Based on this study, which was performed by an independent engineering firm, Bowie County once again respectfully requests the Surface Transportation Board ("Board") to vacate a portion of the Notice of Interim Trail Use ("NITU") issued by the Board on July 1, 2005.

In order to satisfy the Board's request, Bowie County engaged H. W. Lochner, Inc. ("Lochner"), an engineering firm, with offices located throughout the United States, which specializes in transportation related infrastructure projects, including highways, bridges, rail and transit. Lochner was asked to render an independent evaluation whether retaining the southern 50 feet of the 100 foot corridor would be sufficient to permit trail use and the possible reestablishment of rail service.

As stated in its report, Lochner's project team studied the portion of the corridor that will remain railbanked "to determine the ability to meet rail design

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the next community to the west of New Boston. The abandoned rail corridor is located parallel to and just south of the highway.

standards (the controlling design requirements considering trail and rail use) using The US Army Corps of Engineers "Railroad Design and Rehabilitation Manual" for a future rail facility. Attachment 1 at 1. "Particular attention in this study included evaluating the horizontal and vertical alignment as well as a conceptual typical section for a future rail facility." *Id.* As also explained (*id.* at 2):

> The proposed rail horizontal alignment will be offset 25 ft to the south resulting in a parallel horizontal alignment reflecting the same horizontal alignment. A maximum one degree horizontal curvature will be located within the subject mileposts, allowing for rail speeds of over 60 mph without the need for superelevation.

A vertical alignment was developed with 0.5% maximum grades, which "was determined to be practical and economical if rail service were to be reestablished." *Id.* at 3. As was noted, "the natural ground is relatively flat with a low elevation of 365 at Red Bayou to a high elevation of 410 at Malta." *Id.*

On June 27, 2011, Lochner engineers conducted a field evaluation, which revealed that rails, ties and most of the ballast from previous construction have been salvaged. It was also noted (*id.* at 1) that wooden trestle bridges "shown on the June 30, 1916 T&P Railway Co. ROW and track map remain in place." As is further explained (*id.* at 3):

> These bridges are approximately 100 years old and have reached the end of their design life. These bridges will need to be removed due to the resulting design alignment change to the south and should be replaced with drainage culverts to economically convey cross drainage flows while providing adequate design loading support based on the relatively small drainage areas and resulting design flows. This

> drainage design strategy would reflect the drainage designs used on US 82 with no span bridges existing on US 82 within the limits of this ROW release.

As stated in its Conclusions and Recommendations (*id.*):

> Based upon the results of the study performed by H. W. Lochner, Inc., our engineering opinion is that rail service could be reestablished for a rail facility meeting commonly used design criteria without the use of exotic or unusual construction techniques after release of 50 ft of the Railbanked ROW between Milepost 25.139 and Milepost 34.429. No impediments exist along the route that would not allow for a rail facility to be built in the future.

The Lochner analysis clearly shows that should Union Pacific Railroad Company ("UP"), as the successor-in-interest to the Missouri Pacific Railroad Company, decide to reinstate rail operations over the former right-of-way, it would be able to do so over the entirety of the remaining 50-foot corridor. Because the minimum required for rail operations is 25 feet and because there are no impediments along the route that would prevent UP, or some other railroad, from rebuilding, there is no reason to disallow the request that the NITU be modified.

Requested Relief:

Bowie County respectfully requests that the Board:

(i) modify a portion of the outstanding NITU, by specifically terminating a 50 foot wide portion of the railroad right-of-way (measured from the northernmost edge of the right-of-way) from milepost 25.139 to milepost 34.429, including all bridges and ballast, a distance of approximately 9.29 miles; and immediately

(ii) issue a decision permitting the immediate abandonment of the aforesaid portion of the 9.29-mile line of railroad between milepost 25.139 and milepost 34.429, in Bowie County, TX.

To satisfy the requirements of 49 C.F.R. § 1152.29(d)(2), the Board should send copies of its decision permitting the immediate abandonment of the specified portion of the right-of-way to the following entities:

(i) The abandonment exemption applicant
Union Pacific Railroad Company
(successor-in-interest of Missouri Pacific Railroad Company)
c/o Mack Shumate, Jr.
101 North Wacker Drive
Room 1920
Chicago, IL 60606-1718

(ii) The owner of the right-of-way
Bowie County, Texas
c/o Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

(iii) The current trail user
Bowie County, Texas
c/o Judge Sterling Lacy
710 James Bowie Drive
New Boston, Texas 75570

(iv) Texas Department of Transportation
William Glavin, P.E.
Director – Rail Division
125 E. 11th Street
Austin, Texas 78701-2483

Should further information be required, please contact the undersigned.

Respectfully submitted,

By: _____

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016
(202) 363-2011

Dated: July 27, 2011

CERTIFICATE OF SERVICE

I, Richard H. Streeter, do herby certify that a true copy of the foregoing Supplement to Petition to Reopen and Modify was served this 27th day of July, 2011, by first-class mail, postage prepaid, on the following:

Union Pacific Railroad Company
c/o Mack Shumate, Jr.
101 North Wacker Drive
Room 1920
Chicago, IL 60606-1718

_____
Richard H. Streeter

Before the
SURFACE TRANSPORTATION BOARD
Washington, D.C. 20423

Docket No. AB-3 (Sub-No. 137X)

MISSOURI PACIFIC RAILROAD COMPANY—ABANDONMENT—
IN RED RIVER AND BOWIE COUNTIES, TX

VERIFIED STATEMENT OF JOHN GOODWIN, PE
IN SUPPORT OF
SECOND SUPPLEMENT TO PETITION TO REOPEN AND MODIFY

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1. My name is John Goodwin. I am a registered Professional Engineer: TX #63174. I am currently employed by H. W. Lochner, Inc. ("Lochner") as a Project Manager in its Tyler, Texas office. A copy of an abbreviated write up of Lochner's activities is attached. I have over 28 years of experience in the designing of transportation infrastructure and am fully qualified to offer the facts and opinions expressed herein. A copy of my resume is attached. I have personal knowledge of the facts that I am presenting and have been duly authorized to present this Verified Statement and attachments thereto in support of the Petition to Reopen and Modify the Notice of Interim Trail Use or Abandonment ("NITU") issued by the Surface Transportation Board ("STB) on July 1, 2005.

2. I am the Program Manager on behalf of Bowie County under a Texas Department of Transportation ("TxDOT") Pass-Through Agreement for

improving a nine-mile segment of US 82 that parallels the Railbanked ROW that is the subject of this proceeding. Our work for Bowie County includes studying and making recommendations for future highway, rail and trail use for this corridor. TxDOT studies and public input have revealed the common interest to release 50 feet of the Railbanked ROW to TxDOT to allow the improvements to US 82. The current phase of this project anticipates TxDOT's acquisition of a 9.29 mile-long corridor of 50 feet of the 100-foot minimum right-of-way, which is only a fraction of the railbanked corridor that extends from milepost 23.0 in Bowie County to milepost 42.59 at the Red River County line, a distance of approximately 19.59 miles.

3. As stated in the attached Report, which was prepared under my supervision, Lochner was asked to "determine if releasing 50 ft. of the 100 ft. minimum of Railbanked ROW in Bowie County Texas between Milepost 25.139 (approximately 1334.52 ft. east of the centerline of SH 98 west of New Boston, Texas) and Milepost 34.429 (approximately 867.45 ft. west of the centerline of FM 992/Runnels Street in DeKalb, Texas), a distance of approximately 9.29 miles, would be sufficient to permit trail use and the reestablishment of rail service on the remaining 50 ft. minimum of Railbanked ROW."

4. As detailed in the attached Report, the remaining 50 foot portion of the railbanked right-of-way was studied to determine the ability to meet rail design standards using The US Army Corps of Engineers "Railroad Design and Rehabilitation Manual" for a future rail facility to be located within the remaining right-of-way. As part of this study, a field evaluation of existing

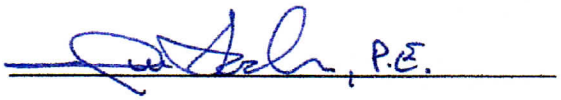
conditions was made of the affected 9.29 miles of right-of-way. During the field evaluation, Lochner determined that rails, ties, and most of the ballast from previous construction have been salvaged. Wooden Trestle bridges that are approximately 100 years old and have reached the end of their design line are still in place. In order for new rail operations to commence, it would be necessary to remove these bridges and replace them with drainage culverts.

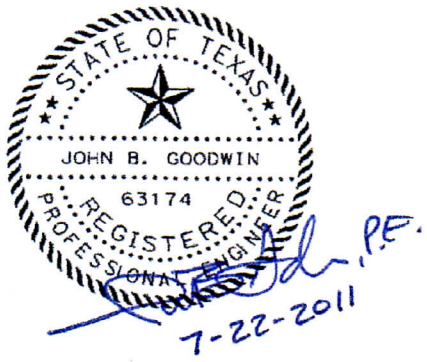
5. After completing the study, Lochner determined that rail service could be reestablished for a rail facility meeting commonly used design criteria without the use of exotic or unusual construction techniques after release of 50 feet of the Railbanked right-of-way between Milepost 25.139 and Milepost 34.429. Also, no impediments exist along the route that would not allow for a rail facility to be built in the future within the remaining 50 ft. minimum right-of-way.

FURTHER SAYETH THE AFFIANT NOT.

VERIFICATION

I, John Goodwin, P.E., hereby declare under penalty of perjury that the foregoing is true and correct. Executed on July 26, 2011.





Employed by: H W Lochner, Inc.
TBPE Firm # : 10488

Problem Statement Determine if releasing 50 ft of the 100 ft minimum of Railbanked ROW in Bowie County Texas between Milepost 25.139 (approximately 1334.52 ft east of the centerline of SH 98 west of New Boston, Texas) and Milepost 34.429 (approximately 867.45 ft west of the centerline of FM 992/Runnels Street in DeKalb, Texas) would be sufficient to permit trail use and the reestablishment of rail service on the remaining 50 ft minimum of Railbanked ROW.

Problem Statement Purpose and Need The northern 50 ft portion of the existing Railbanked ROW is desired for the expansion of US 82 to a four lane divided highway. This action would increase the adjacent ROW on US 82 from 120 ft to 170 ft typically which would be sufficient for widening US 82 to a four lane divided facility. Without this ROW release, additional ROW for widening US 82 would be needed from numerous private property owners on the north side of US 82 resulting in significant adverse impacts.

Study Strategy The remaining 50 ft minimum Railbanked ROW was studied to determine the ability to meet rail design standards (the controlling design requirements considering trail and rail use) using The US Army Corps of Engineers "Railroad Design and Rehabilitation Manual" for a future rail facility. Particular attention in this study included evaluating the horizontal and vertical alignment as well as a conceptual typical section for a future rail facility.

Field Evaluation A field evaluation of existing conditions of the Railbanked ROW was made on June 27, 2011. Rails, ties, and most of the ballast from previous construction have been salvaged. Some ballast mixed with existing soil serve as the existing ground surface. Wooden Trestle bridges shown on the June 30, 1916 T&P Railway Co. ROW and track map remain in place. The field evaluation performed has determined that no impediments exist along the route that would not allow for a rail facility to be built in the future. Typical pictures of the existing facility are as follow:

Section approaching Malta near Milepost 28.0 looking west at CR 4104
(US 82 on Right, County Road 4130 on Left)

Section approaching DeKalb near Milepost 33.8 looking west at FM 1840
(US 82 on Right, SE Front Street on Left)

Horizontal Alignment Evaluation

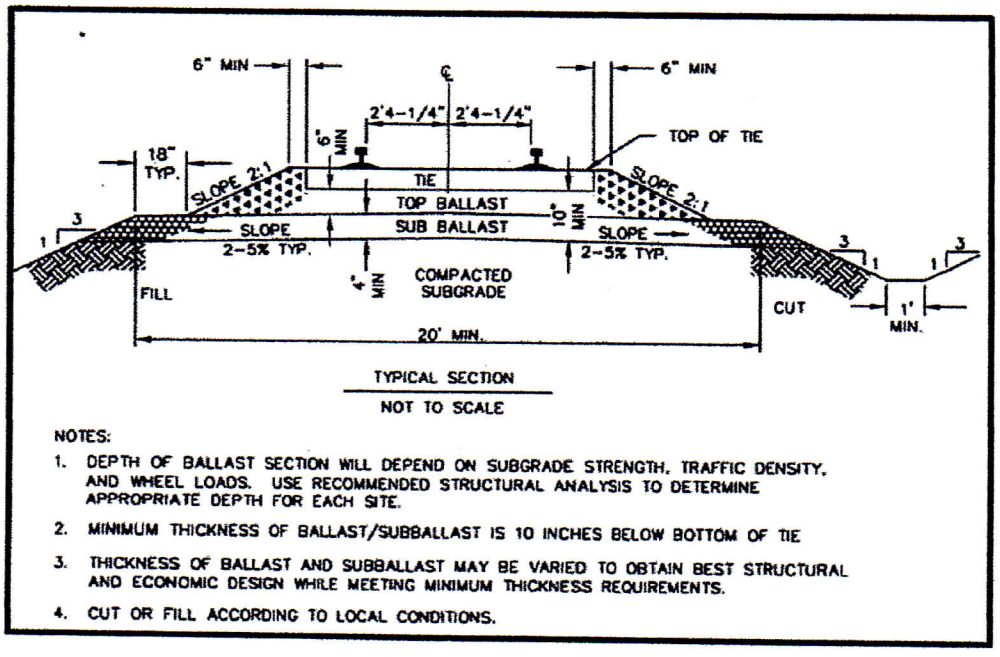
The proposed rail horizontal alignment will be offset 25 ft to the south resulting in a parallel horizontal alignment reflecting the same horizontal alignment. A maximum one degree horizontal curvature will be located within the subject mileposts, allowing for rail speeds of over 60 mph without the need for superelevation.

Vertical Alignment Evaluation

Following the horizontal alignment between Milepost 25.139 and Milepost 34.429, the natural ground is relatively flat with a low elevation of 365 at Red Bayou to a high elevation of 410 at Malta. Resulting natural ground slopes over these limits are approximately 0.3% usual. A design vertical alignment using 0.5% maximum grades was determined to be practical and economical to reestablish rail service reflecting reasonable design values for a rail facility.

Typical Section Evaluation

A typical section with a 20 foot wide sub ballast crown for the track was used for the conceptual typical section for the rail facility (see below). Using 3:1 cut and fill slopes, this section can deviate from existing terrain as much as 2 ft in a cut section and 5 ft in a fill section within a 50 ft minimum ROW width. Cross sections were developed every 2000 ft between the subject mileposts and a vertical alignment was developed with 0.5% maximum grades. This conceptual alignment fell between the 2 ft cut and 5 ft fill condition outside of floodplain areas or spot drainage locations indicating adequate ROW for future construction. Cross sections over floodplain areas or spot drainage locations within the subject limits, such as at Red Bayou, will require structure wingwalls and approach walls to keep construction work within the ROW reflecting common construction practices. The existing wooden trestle bridges within the existing Railbanked ROW are approximately 100 years old and have reached the end of their design life. These bridges will need to be removed due to the resulting design alignment change to the south and should be replaced with drainage culverts to economically convey cross drainage flows while providing adequate design loading support based on the relatively small drainage areas and resulting design flows. This drainage design strategy would reflect the drainage designs used on US 82 with no span bridges existing on US 82 within the limits of this ROW release. Using this drainage design strategy, the proposed culverts should closely match the existing culvert openings under US 82.



Conceptual Typical Section
(From US Army Corps of Engineers "Railroad Design and Rehabilitation Manual")

Conclusions and Recommendations

Based upon the results of the study performed by H. W. Lochner, Inc., our engineering opinion is that rail service could be reestablished for a rail facility meeting commonly used design criteria without the use of exotic or unusual construction techniques after release of 50 ft of the Railbanked ROW between Milepost 25.139 and Milepost 34.429. No impediments exist along the route that would not allow for a rail facility to be built in the future.

LOCHNER

John Goodwin, PE

Project Manager, Transportation

John Goodwin, PE, is a Project Manager in Lochner's Tyler, Texas, office. He began his career in 1983 as an engineer with the Texas Department of Transportation (TXDOT) and has specialized in transportation engineering ever since.

Mr. Goodwin remained with TXDOT for 14 years before moving to the private sector. He has a broad background of technical knowledge, with his project experience including preliminary and final roadway design—from city streets to complex freeway facilities; hydraulic design for culverts, bridges, and storm drainage systems; pavement design; traffic control plans; bridge layout design; and signing and striping plans. He has also developed pass-through finance proposals for TXDOT, as well as alternate technical concepts, value-added concepts, and design quality management plans for potential design-build projects.

As a project manager, Mr. Goodwin has successfully delivered dozens of projects for state, county, and municipal clients. He has managed projects ranging in size from small rest area rehabilitations, to toll road feasibility studies, to complex freeway design, such as preliminary engineering for Loop 49—a proposed $100 million new-location tollway in Smith County, Texas. He is currently managing such notable projects as the nine-mile US 82 reconstruction in Bowie County, Texas, under a pass-through financing agreement, and preliminary design of a proposed $70 million US 69 reliever roadway for Lindale, Texas. He maintains active technical participation in all his projects.

Mr. Goodwin has developed and delivered design training courses to hundreds of TXDOT and consultant technicians and engineers. He served for several years as the director of his local ASCE chapter and has been a member of the Highway Employees Credit Union board of directors for close to 20 years.

Mr. Goodwin currently serves Lochner as a Project Manager. His duties include design or oversight of preliminary schematic design; hydraulic design for culverts, storm drains and bridges; roadway design for intersection improvements, roadway widening, and interchange improvements; traffic control plans; PS&E supporting paper work and quality control reviews. He also assists in contract management and administration as needed to meet client needs and obligations.

Mr. Goodwin has over 28 years of experience in transportation engineering, including 14 years with the Texas Department of Transportation (TxDOT) and the remaining years as a consultant Project Manager. Mr. Goodwin's TxDOT service time includes service as the Assistant District Design Engineer and Advanced Project Development Engineer for the TxDOT Tyler District. Mr. Goodwin's consultant work experience and activities include developing technical sections of proposals, developing and submitting letters of interest (LOI), participating in interviews as task engineer and as project manager, developing client cost proposals, developing in-house design cost reports, determining future in-house manpower needs, advertising for and hiring workers, performing and managing technical design tasks, and performing duties needed to maintain chargeable time and company profitability.

Years of Experience:
28

Education:
Bachelor of Science,
University of Texas-Austin, 1982

Professional Registration:
Professional Engineer: TX #63174

Professional Affiliations:
ASCE (Past Chapter President & Director)

Community Service Affiliations:
Highway Employee's Credit Union (Director)
Trinity Lutheran Church, Tyler (Past President & Elder)
Thrivent (Past Chapter President)

Areas of Expertise:

- Design Management
- Design Study Reports
- Engineer Quantity Take-offs
- Freeway Design
- Guardrail and Safety Barrier Design
- Hydraulic Modeling
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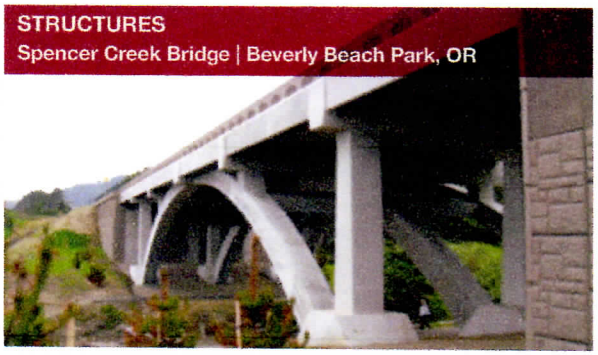

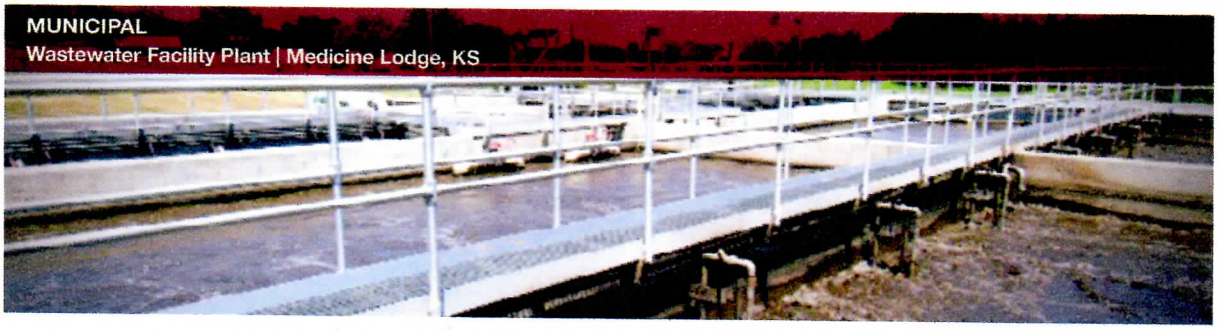

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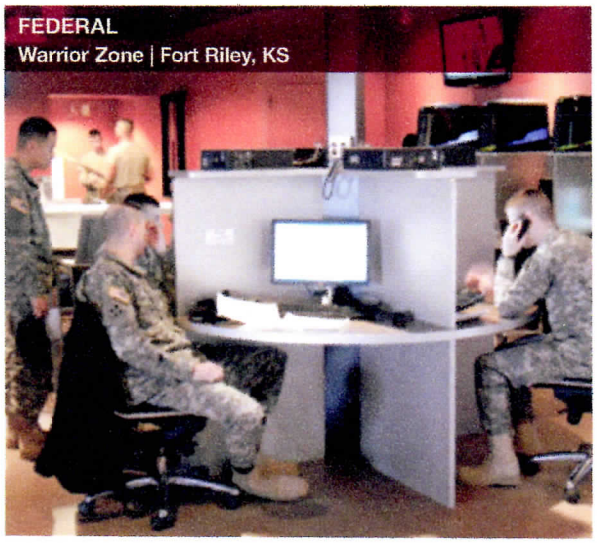
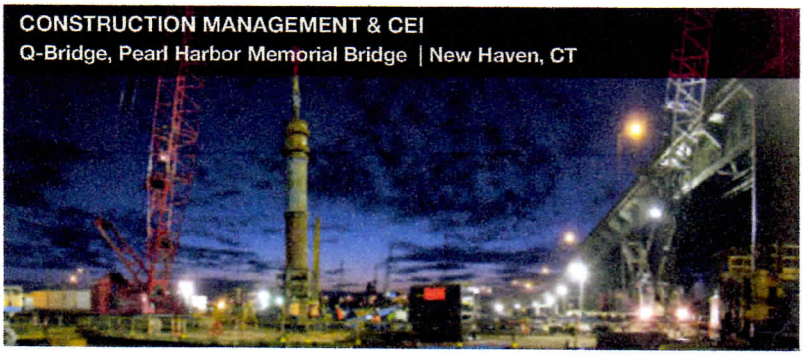


CONSTRUCTION MANAGEMENT & CEI
Q-Bridge, Pearl Harbor Memorial Bridge | New Haven, CT



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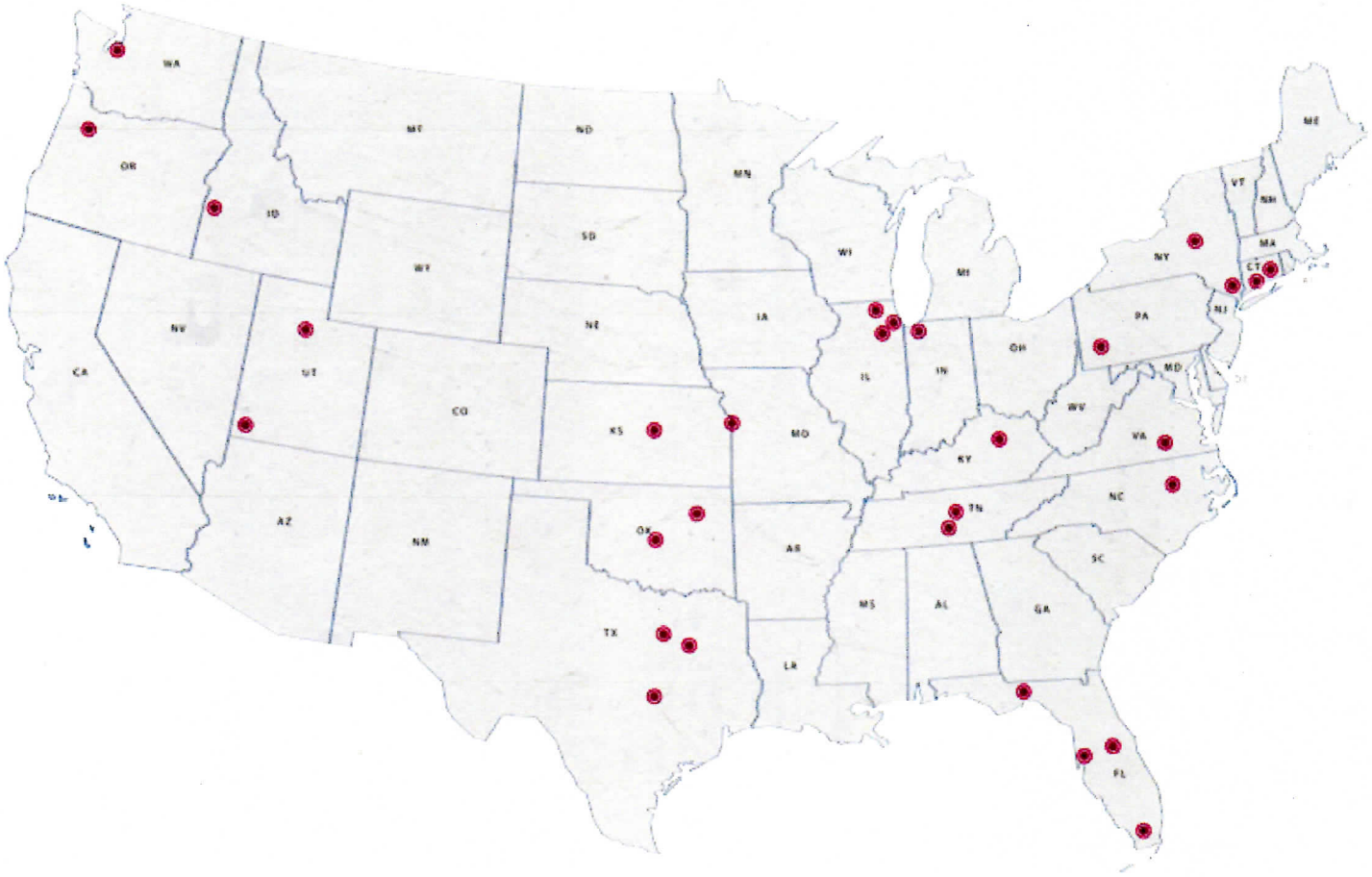

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