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THOMAS F. MCFARLAND

May 16, 2006

*By e-mail*

Vernon A. Williams, Secretary  
Surface Transportation Board  
Case Control Unit, Suite 713  
1925 K Street, N.W.  
Washington, DC 20423-0001

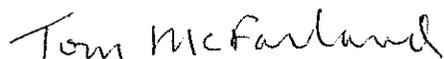
Re: STB Docket No. AB-33 (Sub-No. 242X), *Union Pacific Railroad Company --  
Abandonment Exemption -- in Montgomery County, KS*

STB Docket No. AB-471 (Sub-No. 7X), *South Kansas & Oklahoma Railroad,  
Inc. -- Discontinuance of Service Exemption -- in Montgomery County, KS*

Dear Mr. Williams:

Hereby transmitted is a Draft Environmental and Historic Report in the above proceedings, which is being sent to appropriate agencies on this date.

Very truly yours,



Thomas F. McFarland

*TMcF:kl:enc:1163\trstb1*

cc: Ms. Victoria Rutson, *by overnight mail*  
Mr. E.S. Gross, *by overnight mail*  
Mack H. Shumate, Jr., *by e-mail*

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THOMAS F. MCFARLAND

May 16, 2006

**State Clearinghouse (or alternate):**

Kansas Department of Transportation  
Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3754

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

**State Environmental Protection Agency:**

Kansas Department of Health and Environment  
Curtis State Office Building  
1000 SW Jackson  
Topeka, KS 66612

**State Coastal Zone Management Agency**

**(if applicable):**

Not Applicable

**Head of County (Planning):**

Montgomery County Commissioners  
217 E Myrtle, PO Box 446  
County Courthouse  
Independence, KS 67301-3758

**Environmental Protection Agency**

**(regional office):**

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

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 6  
134 Union Blvd.  
Lakewood, CO 80228

**U.S. Army Corps of Engineers:**

U.S. Army Engineer Division - Tulsa District  
1645 S. 101<sup>st</sup> E. Ave.  
Tulsa, OK 74128-4609

**National Park Service:**

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

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
760 South Broadway  
Salina, KS 67401

**National Geodetic Survey:**

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

**State Historic Preservation Office:**

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

**Other Agencies Consulted:**

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

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

Re: STB Docket No. AB-33 (Sub-No. 242X), *Union Pacific Railroad Company -- Abandonment Exemption -- in Montgomery County, KS*

STB Docket No. AB-471 (Sub-No. 7X), *South Kansas & Oklahoma Railroad, Inc. -- Discontinuance of Service Exemption -- in Montgomery County, KS*

THOMAS F. MCFARLAND

May 16, 2006  
Page 2

Dear Sirs:

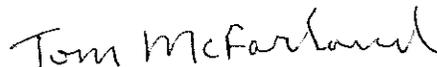
On or about June 9, 2006, Union Pacific Railroad Company (UP) and South Kansas & Oklahoma Railroad, Inc. (SKOL) are filing with the Surface Transportation Board Notices for Exemption under 49 C.F.R. § 1152 for (A) abandonment by UP of: (1) its rail line between Milepost 166.0 at the west bank of the Verdigris River and Milepost 166.6 at the west edge of Sunflower Road; and (2) that portion of its railroad easement between Milepost 166.6 at the west edge of Sunflower Road and Milepost 166.8 at the west edge of Linden Street, a total distance of approximately 0.8 miles near Coffeyville, KS; and (B) discontinuance of rail service by SKOL who operates over the Rail Line pursuant to a lease with UP effective December 10, 1990.

Attached is an Environmental and Historic Report describing the proposed action and any expected environment and historic effects, as well as a map of the affected area.

This report is being provided so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423, 202-565-6211 and refer to the above Docket No. AB-33 (Sub-No. 242X) and Docket No. AB-471 (Sub-No. 7X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204.

Very truly yours,



Thomas F. McFarland

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

UNION PACIFIC RAILROAD	)	
COMPANY -- ABANDONMENT	)	DOCKET NO. AB-33
EXEMPTION -- IN MONTGOMERY	)	(SUB-NO. 242X)
COUNTY, KS	)	
	)	
SOUTH KANSAS & OKLAHOMA	)	
RAILROAD, INC. -- DISCONTINUANCE	)	DOCKET NO. AB-471
OF SERVICE EXEMPTION -- IN	)	(SUB-NO. 7X)
MONTGOMERY COUNTY, KS	)	

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**DRAFT ENVIRONMENTAL  
AND HISTORIC REPORT**

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UNION PACIFIC RAILROAD COMPANY  
1400 Douglas Street  
Omaha, NE 68179

SOUTH KANSAS & OKLAHOMA  
RAILROAD COMPANY, INC.  
123 North Depot Street  
Cherryville, KS 67335

Applicants

MACK H. SHUMATE, JR.  
Senior General Attorney  
Union Pacific Railroad Company  
101 North Wacker Drive, Suite 1920  
Chicago, IL 60606-1718

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

Attorneys for Applicants

DATED: May16, 2006

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

UNION PACIFIC RAILROAD	)	
COMPANY -- ABANDONMENT	)	DOCKET NO. AB-33
EXEMPTION -- IN MONTGOMERY	)	(SUB-NO. 242X)
COUNTY, KS	)	
	)	
SOUTH KANSAS & OKLAHOMA	)	
RAILROAD, INC. -- DISCONTINUANCE	)	DOCKET NO. AB-471
OF SERVICE EXEMPTION -- IN	)	(SUB-NO. 7X)
MONTGOMERY COUNTY, KS	)	

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**DRAFT ENVIRONMENTAL  
AND HISTORIC REPORT**

---

On or about June 9, 2006, Union Pacific Railroad Company (UP) will file with the Surface Transportation Board (STB) a Notice of Exemption for abandonment of (1) its rail line between Milepost 166.0 at the west bank of the Verdigris River and Milepost 166.6 at the west edge of Sunflower Road; and (2) that portion of UP's railroad easement between Milepost 166.6 at the west edge of Sunflower Road and Milepost 166.8 at the west edge of Linden Street, a total distance of approximately 0.8 miles near Coffeyville, Montgomery County, Kansas (collectively, the "Rail Line"). The portion of the Rail Line over which UP has a railroad easement is located within the refinery of Coffeyville Resources Refining & Marketing, LLC (the Refinery Company). The Refinery Company owns the right-of-way land and track materials within that portion of the Rail Line. By lease effective December 10, 1990 (the "Lease"), UP leased the Rail

Line and other trackage to South Kansas & Oklahoma RR, Inc. (SKOL).<sup>1/</sup> UP is terminating the Lease with regard to the Rail Line. SKOL is filing its own Notice of Exemption for discontinuance of its rail service pursuant to that Lease.

As part of its processing of the Notices of Exemption, the STB is required to make findings regarding the effect of the proposed abandonment and discontinuance of rail service on (1) the quality of the human environment and (2) historic properties. Pursuant to STB regulations, the rail carriers filing Notices of Exemption are required to prepare a Draft Environmental and Historic Report (Report) containing their assessment of the environmental and historic effects of the proposed abandonment and discontinuance of rail service. The rail carriers are required to send copies of the Report to specified agencies of federal, state and local governments having jurisdiction over environmental and historic matters. Those agencies are encouraged to provide comments to the STB on the Draft Report and/or on any other environmental and historic effects of the proposed abandonment and discontinuance of service. This is the Draft Environmental and Historic Report in this matter.

**I. Environment Report**

**Information Required By 49 C.F.R. § 1105.7**

*(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.*

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<sup>1/</sup> The UP lease originally was with Southeast Kansas Railway Company (SEKR). SEKR later was merged into SKOL.

The proposed action is: (A) abandonment by UP of: (1) its rail line between Milepost 166.0 at the west bank of the Verdigris River and Milepost 166.6 at the west edge of Sunflower Road; and (2) its railroad easement between Milepost 166.6 at the west edge of Sunflower Road and Milepost 166.8 at the west edge of Linden Street, a total distance of approximately 0.8 miles at or near Coffeyville, Montgomery County, KS (the "Rail Line"); and (B) discontinuance of rail service over the Rail Line by SKOL which is operated by SKOL subject to the Lease as herein-before defined.

The right-of-way land and track materials in the Rail Line are owned by Coffeyville Resources Refining & Marketing, LLC (the Refinery Company ) in the portion of Rail Line that is located within its refinery between Milepost Nos. 166.6 and 166.8 (between the west edge of Sunflower Road and the west edge of Linden Street), and by UP in the portion of the Rail Line between Milepost Nos. 166.0 and 166.6 (between the Verdigris River and the west edge of Sunflower Road). The track materials in the Rail Line will be removed and salvaged by the Refinery Company and by UP in their respective portions of the Rail Line. The Refinery Company will retain the right-of-way land within the refinery for nonrail use. UP will dispose of the right-of-way land outside the refinery for nonrail use.

There will be no changes in current operations or maintenance practices as a result of the proposed abandonment and discontinuance of rail service inasmuch as the Rail Line has not been used for rail transportation of any commodities for more than two years prior to the filing of the Notices of Exemption.

There is no reasonable alternative to the proposed abandonment and discontinuance of rail service inasmuch as there is no reasonable prospect for rail transportation of commodities to

or from the Rail Line, nor for the sale of the Line for continued rail use. A “no-action” alternative would cause unwarranted opportunity costs to be incurred by UP and the Refinery Company.

Attached to this Report as Appendix 1 is a copy of a readable, detailed map and drawing clearly delineating the Rail Line proposed for abandonment and discontinuance of rail service.

*(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.*

UP and SKOL believe that the proposed abandonment and discontinuance of rail service will not have any effect on regional or local transportation systems or patterns inasmuch as the Rail Line has not been used for rail transportation of any kind for more than two years prior to the filing of the Notices of Exemption. In view of the absence of any such rail transportation during that time, no passenger or freight traffic will be diverted as a result of the proposed abandonment and discontinuance of rail service.

*(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.*

UP and SKOL believe that the proposed abandonment and discontinuance of rail service will be consistent with existing land use plans. As noted, a significant portion of the Rail Line is located within a refinery. It is likely that conversion of right-of-way land within that refinery to nonrail use by the Refinery Company would be consistent with local and/or regional land use plans. It is likely that conversion of the right-of-way land outside the refinery to nonrail use would be consistent with regional and/or local land use plans. As required by this regulation, UP and SKOL have consulted on this subject by letters directed to the Planning Department of

Montgomery County. See Appendix 2 attached to this Report. No responses to that letter have been received to date.

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

UP and SKOL believe that the proposed abandonment and discontinuance of service will not have any effect on prime agricultural land. There is no prime agricultural land within the refinery, nor is there believed to be prime agricultural land located outside the refinery. As required by this regulation, UP and SKOL have consulted on this subject by letter directed to the United States Department of Agriculture, Natural Resources Conservation Service (successor of the U.S. Soil Conservation Service) (Appendix 2). No response to that letter has been received to date.

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

Not applicable. The Rail Line is not located within a designated coastal zone.

*(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.*

The right-of-way land within the refinery is not suitable for alternative public use because that land is owned by the Refinery Company, which intends to make private nonrail use of that land. The land proposed for abandonment is reversionary, acquired via Condemnation August 18, 1886. Based on information in the possession of UP and SKOL, the Rail Line does not contain federally granted right of way. Any document in the possession of UP and SKOL will be made available to those requesting it.

In the opinion of UP and SKOL, the property proposed for abandonment is not suitable for public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as the area is adequately served by existing roads and utility lines at the present time.

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

The proposed abandonment and discontinuance of rail service will have no effect on the transportation of energy resources.

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

The proposed abandonment and discontinuance of rail service will have no effect on recyclable commodities.

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

The proposed abandonment and discontinuance of rail service will result in neither an increase nor decrease in energy efficiency inasmuch as the Rail Line has not been used for rail transportation for more than two years prior to the filing of the Notices of Exemption.

*(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.*

Not applicable. Inasmuch as the Rail Line is not being used for rail transportation, the specified diversion thresholds will not be met.

*(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 10502) 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.*

The proposed abandonment and discontinuance of rail service will not result in meeting or exceeding the specified thresholds.

*(ii) If the proposed action affects a class I or nonattainment 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. 10502), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.*

The proposed abandonment and discontinuance of rail service will not result in meeting or exceeding the specified thresholds.

*(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.*

Transportation of ozone-depleting materials is not contemplated.

*(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.*

No applicable.

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

The proposed abandonment and discontinuance of rail service will have a beneficial effect on public health and safety inasmuch as at grade crossings at Sunflower Road and Linden Street will be eliminated.

*(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.*

The proposed abandonment and discontinuance of rail service will not affect the transportation of hazardous materials.

*(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

UP and SKOL are not aware of any hazardous materials waste sites or sites where hazardous materials spills have occurred on or along the rail corridor of the Rail Line.

*(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.*

UP and SKOL believe that the proposed abandonment and discontinuance of rail service is not likely to adversely affect endangered or threatened species or areas designated as critical habitats. As required by this regulation, UP and SKOL have consulted on this subject by letter directed to the U.S. Fish and Wildlife Service (Appendix 2). No response to that letter has been received to date.

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

UP and SKOL believe that there are no wildlife sanctuaries or refuges, nor National or State parks or forests that will be affected by the proposed abandonment and discontinuance of rail service. As required by this regulation, UP and SKOL have consulted on this subject by letter directed to the National Park Service. (Appendix 2). No response to that letter has been received to date.

*(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.*

UP and SKOL believe that the proposed abandonment and discontinuance of rail service will be consistent with applicable Federal, State or local water quality standards. As required by this regulation, UP and SKOL have consulted on this subject by letter directed to the Kansas Water Resources Division. (Appendix 2).

Attached to this Report as Appendix 3 is a copy of a letter from the Kansas Department of Agriculture, Division of Water Resources, dated May 9, 2006, stating that no authorization is required from State water quality officials in relation to the proposed abandonment.

*(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.*

UP and SKOL believe that no permits under Section 404 of the Clean Water Act are required for the proposed abandonment and discontinuance of rail service, nor will designated wetlands or 100-year flood plains be affected by those actions. As required by this regulation,

UP and SKOL have consulted on these subjects by letter direct to the U.S. Army Corps of Engineers. (Appendix 2). No response to that letter has been received to date.

*(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.)*

UP and SKOL believe that no permits under Section 402 of the Clean Water Act are required for the proposed abandonment and discontinuance of rail service. As required by this regulation, UP and SKOL have consulted on this subject by letter directed to the U.S. Army Corps of Engineers. (Appendix 2).

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

Not applicable.

## **II. Historic Report**

### **Information Required By 49 C.F.R. § 1105.8**

*(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;*

A U.S.G.S. topographic map showing the location of the Rail Line and the location of a bridge on that Line that is at least 50 years old is attached as Appendix 4.

*(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;*

The right-of-way of the Rail Line is generally 100 feet wide and 0.8 miles long. The following is a description of the Line from west to east: The line begins at the west edge of Linden Street within the refinery of Coffeyville Resources Refining & Marketing, LLC (the

Refinery Company). The Line exits from the refinery at Sunflower Road. The Line dead-ends at the west bank of the Verdigris River. All of the foregoing locations are near the City of Coffeyville, Montgomery County, Kansas. The topography of the surrounding area is generally flat. The western portion of the Line is characterized by industrial use (refinery). The eastern portion of the Line is open land to the Verdigris River.

*(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;*

Attached as Appendix 5 are photographs of the bridge on the Rail Line at Milepost 166.5. That bridge is the only structure on the Line that is 50 years old or older. The photograph shows that the bridge is a short wooden structure that does not appear to have historical significance.

*(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;*

The bridge at Milepost 166.5 was constructed in 1943. The dates of any major alterations of that bridge are not known.

*(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;*

The Rail Line originally was part of a main line of the Missouri-Kansas-Texas Railroad Company (M-K-T) between Fort Scott, Kansas and Oklahoma City, Oklahoma. M-K-T became a part of the UP system in 1988. UP leased the Rail Line to Southeast Kansas Railway Company (SEKR) in 1990. SKOL succeeded SEKR by merger as lessee of the Rail Line in 2000. The portion of the Rail Line within the refinery will be removed and converted to nonrail use as a result of the proposed abandonment and discontinuance of rail service. The portion of the Rail Line east of the refinery will be put to a nonrail use by UP.

*(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;*

Other than the photographs attached as Appendix 5, UP and SKOL do not have additional documentation in their possession that would further assist in documenting the bridge at Milepost 166.5.

*(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);*

UP and SKOL believe that neither the bridge at Milepost 166.5 nor the Rail Line itself is unusual or noteworthy as to warrant inclusion in the National Register of Historical Places. UP and SKOL believe that there are no archeological resources or other railroad-related historic properties in the project area.

*(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.*

UP and SKOL believe that there are no existing records as to the nature of any subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of any potential historic resources. However, the original construction and subsequent maintenance of the Rail Line would by necessity have included subsurface ground disturbances.

*(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or 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).*

UP and SKOL do not foresee a likelihood that any additional information will need to be supplied in regard to adjacent properties in that such adjacent properties like the Rail line itself do not appear to be of any historical significance.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY  
1400 Douglas Street  
Omaha, NE 68179

SOUTH KANSAS & OKLAHOMA  
RAILROAD COMPANY, INC.  
123 North Depot Street  
Cherryville, KS 67335

Applicants

*Mack H. Shumate, Jr. TM*

MACK H. SHUMATE, JR.  
Senior General Attorney  
Union Pacific Railroad Company  
101 North Wacker Drive, Suite 1920  
Chicago, IL 60606-1718

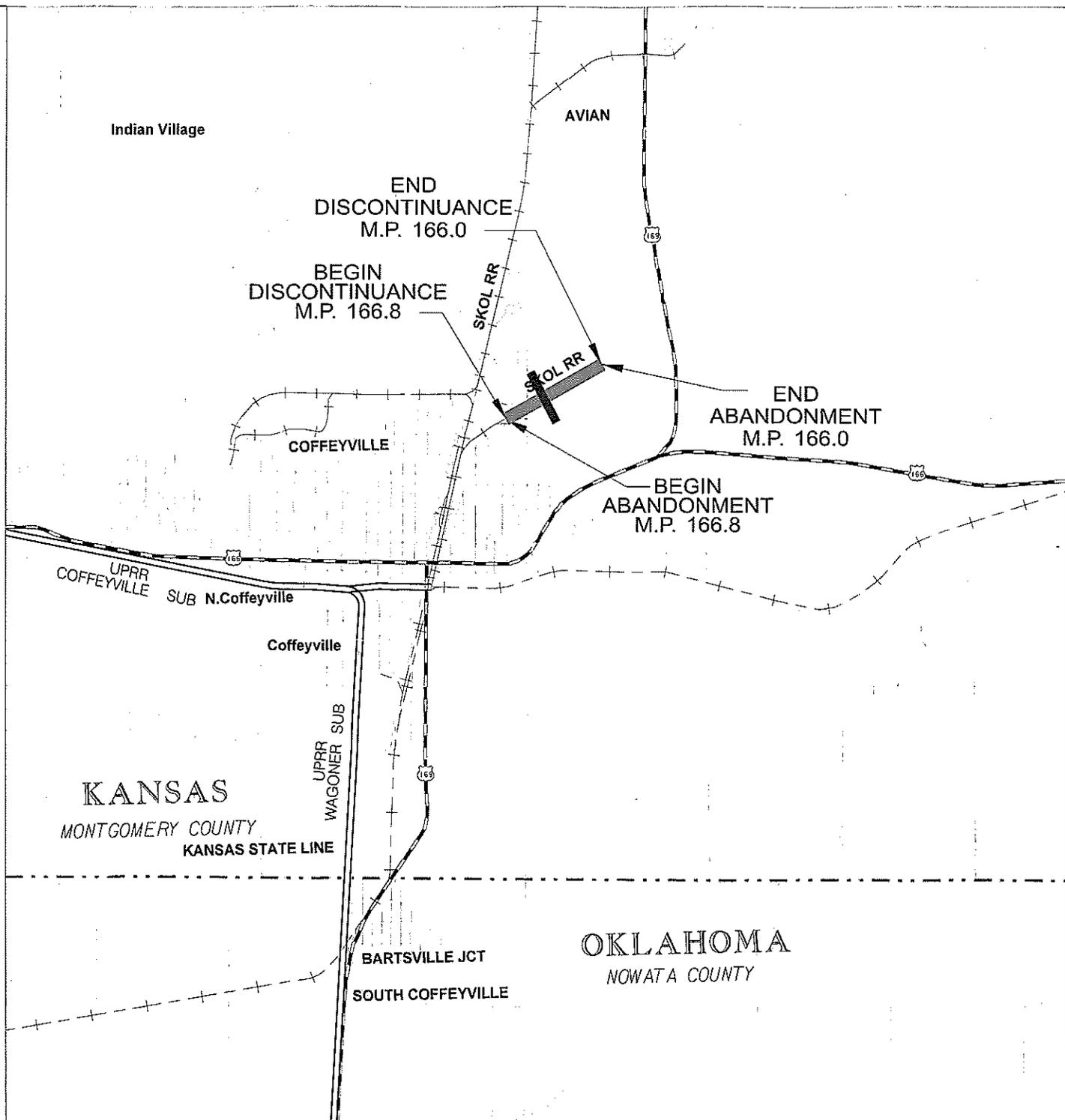
*Thomas F. McFarland*

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

Attorneys for Applicants

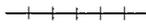
DATED: May 16, 2006

# APPENDIX 1



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
166.5	7 SPAN TIMBER PILE TRESTLE OPEN DECK (TPTOD)	93'	1943

**LEGEND**

-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  RAILROADS (abandoned)
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50+ YEAR OLD STRUCTURES

**OLD COFFEYVILLE SUBDIVISION**  
 MP166.8 TO MP 166.0  
 TOTAL OF 0.8 MILES IN MONTGOMERY COUNTY  
**UNION PACIFIC RAILROAD CO.**  
**SOUTH KANSAS & OKLAHOMA RAILROAD**  
**LESSEE**

INCLUDING 50+ YEAR OLD STRUCTURES



## APPENDIX 2



April 24, 2006

**State Clearinghouse (or alternate):**

Kansas Department of Transportation  
Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3754

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

**State Environmental Protection Agency:**

Kansas Department of Health and Environment  
Curtis State Office Building  
1000 SW Jackson  
Topeka, KS 66612

**State Coastal Zone Management Agency**

**(if applicable):**

Not Applicable

**Head of County (Planning):**

Montgomery County Commissioners  
217 E Myrtle, PO Box 446  
County Courthouse  
Independence, KS 67301-3758

**Environmental Protection Agency**  
**(regional office):**

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

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 6  
134 Union Blvd.  
Lakewood, Colorado 80228

**U.S. Army Corps of Engineers:**

U.S. Army Engineer Division - Tulsa District  
1645 S. 101st E. Ave.  
Tulsa, OK 74128-4609

**National Park Service:**

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

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
760 South Broadway  
Salina, KS 67401

**National Geodetic Survey:**

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

**State Historic Preservation Office:**

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

**Other Agencies Consulted:**

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

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

Re: Proposed Abandonment and Discontinuance of the Old Coffeyville Subdivision from Milepost 166.8 to Milepost 166.0 near Coffeyville, a distance of 0.8 miles in Montgomery County, Kansas; STB Docket No. AB-33 (Sub-No. 242X) and AB-471 (Sub-No. 7X)

Dear Sirs:

Union Pacific Railroad Company ("UP") and South Kansas & Oklahoma Railroad Company ("SKOL") plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Old Coffeyville Subdivision from Milepost 166.8 to Milepost 166.0 near Coffeyville, a distance of 0.80 miles in Montgomery County, Kansas. A map of the proposed track abandonment shown in black is attached.

Law Department

UNION PACIFIC RAILROAD  
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580  
fx. (402) 501-0127

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

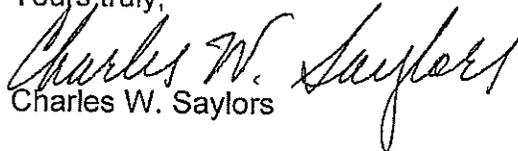
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,

  
Charles W. Saylor

Attachment

## APPENDIX 3



# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

May 9, 2006

UNION PACIFIC RAILROAD  
MR CHUCK SAYLORS  
1400 DOUGLAS ST MAIL STOP 1580  
OMAHA NE 68179

RE: DWR A-95 2006.143

Dear Mr. Saylor:

This will acknowledge receipt of your letter and attachments dated April 24, 2006 regarding the Proposed Abandonment and Discontinuance of the Old Coffeyville Subdivision from Milepost 166.8 to Milepost 166.0 near Coffeyville, Montgomery County, Kansas; STB Docket No. AB-33 (Sub-No. 242X) and AB-471 (Sub-No. 7X).

Based upon the information provided, it does not appear that any authorization is required from the Chief Engineer of the Division of Water Resources under either the Kansas Water Appropriation Act, K.S.A. 82a-701 et seq., or the Obstruction in Streams Act, K.S.A. 82a-301 to 305a.

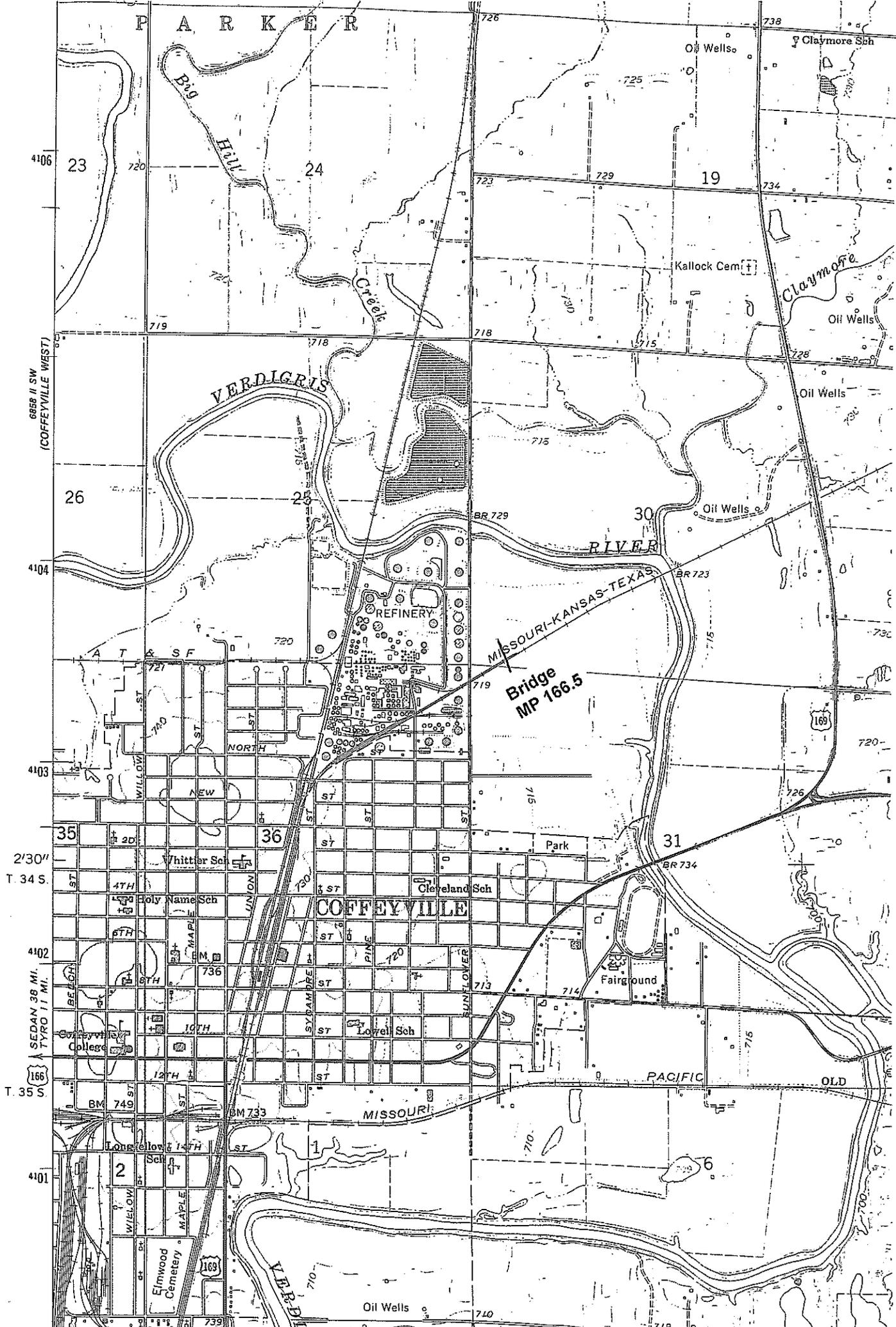
Sincerely,



Bob Lytle  
Environmental Scientist  
Technical Services Section

RFL:ssc

## APPENDIX 4



6858 II SW  
(COFFEYVILLE WEST)

2'30"  
T. 34 S.

SEDAN 36 MI.  
TYRO 11 MI.  
166  
T. 35 S.

P A R K E R

VERDIGRIS

COFFEYVILLE

MISSOURI-KANSAS-TEXAS

Bridge  
MP 166.5

MISSOURI

PACIFIC

OLD

Oil Wells

Kallock Cem

REFINERY

Lowell Sch

Cleveland Sch

Elmwood  
Cemetery

Longfellow Sch

Coffeyville  
College

Holy Name Sch

Whittier Sch

Claymore Sch

Oil Wells

Oil Wells

Oil Wells

Oil Wells

BR 729

BR 723

BR 734

23

24

19

26

25

30

35

36

31

4106

4104

4103

4102

4101

726

738

720

718

723

729

734

719

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736

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714

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## APPENDIX 5







## CERTIFICATE OF SERVICE

I certify that on May 16, 2006, I served the foregoing document, Draft Environment and Historic Report on the following by first-class, U.S. mail, postage prepaid:

**State Clearinghouse (or alternate):**

Kansas Department of Transportation  
Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3754

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

**State Environmental Protection Agency:**

Kansas Department of Health and Environment  
Curtis State Office Building  
1000 SW Jackson  
Topeka, KS 66612

**State Coastal Zone Management Agency**

**(if applicable):**

Not Applicable

**Head of County (Planning):**

Montgomery County Commissioners  
217 E Myrtle, PO Box 446  
County Courthouse  
Independence, KS 67301-3758

**Environmental Protection Agency**

**(regional office):**

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

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 6  
134 Union Blvd.  
Lakewood, CO 80228

**U.S. Army Corps of Engineers:**

U.S. Army Engineer Division - Tulsa District  
1645 S. 101<sup>st</sup> E. Ave.  
Tulsa, OK 74128-4609

**National Park Service:**

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

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
760 South Broadway  
Salina, KS 67401

**National Geodetic Survey:**

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

**State Historic Preservation Office:**

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6425 SW Sixth Avenue  
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Wildlife & Parks Department  
900 Southwest Jackson Street, #502N  
Topeka, KS 66612

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

*Thomas F. McFarland*

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Thomas F. McFarland