

224480



Gabriel S Meyer
Assistant General Attorney

February 3, 2009

VIA UPS OVERNIGHT

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**Part of
Public Record**

Ms Virginia Rutson
Surface Transportation Board
Section of Environmental Analysis
395 E Street, S W
Washington, D C 20024

**RE: STB Docket No. AB-33 (Sub-No. 261), Union Pacific Railroad
Company - Abandonment - In New Madrid, Scott, and Stoddard
Counties, Missouri (Essex to Miner Line)**

Dear Ms Rutson

Enclosed for filing in the above-referenced matter are an original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C F R § 1105 7 and § 1105 8, with a Certificate of Service, and a transmittal letter pursuant to 49 C F R § 1105 11

Union Pacific anticipates filing an Application for Abandonment in this matter on or after February 24, 2009 Please do not hesitate to contact me if you have any questions

Sincerely,

A handwritten signature in cursive script that reads "Gabriel S Meyer".

Gabriel S Meyer

Enclosures

224480

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 261)

**UNION PACIFIC RAILROAD COMPANY
- ABANDONMENT -
NEW MADRID, SCOTT, AND STODDARD COUNTIES, MISSOURI
(ESSEX TO MINER LINE)**

**ENTERED
Office of Proceedings**

FEB 3 2009

**Part of
Public Record**

Combined Environmental and Historic Report

(Contains color image)

**UNION PACIFIC RAILROAD COMPANY
Gabriel S Meyer
Assistant General Attorney
1400 Douglas Street, Mail Stop 1580
Omaha, Nebraska 68179
(402) 544-1658
(402) 501-3393 FAX**

**Dated February 3, 2009
Filed February 4, 2009**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 261)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT --
NEW MADRID, SCOTT, AND STODDARD COUNTIES, MISSOURI
(ESSEX TO MINER LINE)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C F R § 1105 7(e) and 49 CFR §1105 8(d), respectively, for authorization to abandon its Essex to Miner Line (the "Line") from Milepost 196 7 near Essex, to Milepost 216 27 near Miner, a distance of 19 57 miles in New Madrid, Scott, and Stoddard Counties, Missouri ¹ The Line traverses U S Postal Service Zip Codes 63846, 63801, and 63868 UP anticipates that it will file an Application for Abandonment and Discontinuance of Service on the Line with the STB on or after February 24, 2009

A map of the Line (**Attachment No. 1**) and UP's letter to federal, state and local government agencies (**Attachment No. 2**) are attached Responses received thus far to UP's letter are attached and are referenced in appropriate sections of this Combined Environmental and Historic Report

¹ The Essex to Miner Line consists of a segment of UP's Sikeston Subdivision and the entire Miner Industrial Lead The segment of the Line from Milepost 196 7 to Milepost 211 1 is part of the Sikeston Subdivision, while the portion of the Line from Milepost 211 1 to Milepost 216 27 covers the Miner Industrial Lead

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) Proposed action and alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment and discontinuance of service on the Essex to Miner Line, from Milepost 196.7 near Essex, to Milepost 216.27 near Miner, a distance of 19.57 miles in New Madrid, Scott, and Stoddard Counties, Missouri. There are four shippers on the Line: (1) Tetra Pak, (2) Steward Steel Supply, (3) Cargill Ag Horizons, and (4) River Bend Ag. Their recent shipping histories are as follows:

Tetra Pak
2200 E. Malone Ave
Sikeston, MO 63801

Milepost 213.74

Inbound Traffic:

2007	Pulpboard (STCC 26311) 199 cars, 17,228 tons
2008	Pulpboard, 144 cars, 12,183 tons
Base Year (10/07-09/08)	Pulpboard, 202 cars, 17,187 tons
Forecast Year (2/09-1/10)	Pulpboard, 202 cars, 17,187 tons

Outbound Traffic: There are no outbound rail shipments from this location.

All Tetra Pak traffic is exempt traffic, pursuant to 49 U.S.C. § 1039.11

Steward Steel Supply
P O Box 551
Sikeston, MO 63801

Milepost 216 27

Inbound Traffic:

2007	Steel Billets (STCC 33121) 5 cars, 459 tons
2008	Steel Billets, 2 cars, 184 tons
Base Year (10/07-09/08)	Steel Billets, 4 cars, 368 tons
Forecast Year (2/09-1/10)	Steel Billets, 4 cars, 368 tons

Outbound Traffic:

2007	Steel Bars (STCC 33124), 26 cars, 2,340 tons
2008	Steel Bars, 31 cars, 2,775 tons
Base Year (10/07-09/08)	Steel Bars, 40 cars, 3,585 tons
Forecast Year (2/09-1/10)	Steel Bars, 40 cars, 3,585 tons

All Steward Steel traffic is exempt traffic, pursuant to 49 U S C § 1039 11

Cargill Ag Horizons
410 W Malone Ave
Sikeston, MO 63801

Milepost 211 27

Inbound Traffic: There are no inbound rail shipments to this location

Outbound Traffic:

2007	Wheat (STCC 11371), 0 cars, 0 tons
2008	Wheat, 23 cars, 2,390 tons
Base Year (10/07-09/08)	Wheat, 23 cars, 2,390 tons
Forecast Year (2/09-1/10)	Wheat 0 cars, 0 tons

River Bend Ag
P O Box 126
New Madrid, MO 63869
(received at Morehouse, MO, care of Southeast Cooperative Service, Co)²

² River Bend Ag's facility is located in New Madrid, MO, but is not rail-served. When it last shipped via the Line in 2007, River Bend Ag's traffic moved via rail, care of Southeast Cooperative Service, Co, which is located at Milepost 205 6 on the Line in Morehouse, MO. There, River Bend Ag's traffic was transloaded to motor carrier. All traffic destined to River Bend Ag moved under its own account. The New Madrid address listed above is River Bend's Ag's mailing address. Southeast Cooperative Service, Co has not shipped via the Line in its own account for more than two years. Southeast's address is 701 Highway Z.

Milepost 205 6

Inbound Traffic:

2007	Aluminum Sulphate (STCC 28191), 6 cars, 593 tons
2008	Aluminum Sulphate, 0 cars, 0 tons
Base Year (10/07-09/08)	Aluminum Sulphate, 0 cars, 0 tons
Forecast Year (2/09-1/10)	Aluminum Sulphate 0 cars, 0 tons

Outbound Traffic: There are no outbound rail shipments from this location

Total Traffic—Base Year and Forecast Year

Base Year (10/07-09/08)	Pulpboard, 202 cars, 17,187 tons
	Steel Billets, 4 cars, 368 tons
	Steel Bars, 40 cars, 3,585 tons
	Wheat, 23 cars, 2,390 tons
	Ammonium Sulphate, 0 cars, 0 tons

Total: 269 cars, 23,530 tons

Forecast Year (2/09-1/10)	Pulpboard, 202 cars, 17,187 tons
	Steel Billets, 4 cars, 368 tons
	Steel Bars, 40 cars, 3,585 tons
	Wheat, 0 cars, 0 tons
	Ammonium Sulphate, 0 cars, 0 tons

Total: 246 cars, 21,140 tons

No shippers in Essex, MO will be affected by the proposed abandonment

There appears to be no reasonable alternative to abandonment the Line. The traffic volumes generated by the existing shippers are insufficient to cover the Line's maintenance and operating costs³. UP does not anticipate that these shippers will increase their traffic volumes to levels necessary to sustain continued operation of the

Morehouse, MO, 63868

³ As discussed below, the coal-fired Sikeston Power Station is accessible from the Line. However, BNSF has been the sole provider of rail service to this facility for more than ten years. UP does not anticipate a need to provide such service in the future.

Line, nor does it anticipate that new rail-served industries will locate along the Line. Indeed, UP does not anticipate that Cargill and River Bend Ag will move any traffic on the Line during the Forecast Year. No overhead or passenger traffic uses the Line.

The Line was previously the subject of STB Finance Docket No. 34672, in which UP sought Board authority to acquire from BNSF Railway Company ("BNSF") 23.7 miles of BNSF's Main Line, from Rockview to Sikeston, MO. UP had proposed acquiring this line segment from BNSF in order to establish an alternative through route, which would have permitted UP to operate trains directionally between Rockview and Dexter, MO, via Sikeston and Essex, as part of its St. Louis, MO-Houston, TX rail corridor. In September 2006, UP requested discontinuance of the proceeding, due in part to the City of Sikeston's opposition to the transaction, which would have resulted in increased rail traffic through the city.

After abandonment, the closest rail lines will be the remaining portion of UP's Sikeston Subdivision at Essex, MO and BNSF's Memphis, TN-St. Louis, MO main line, which crosses UP's Essex to Miner Line at Milepost 211.1, in Sikeston.

All communities along the Essex to Miner Line are very well-served by major state highways. U.S. Highway 60, a four-lane divided thoroughfare, parallels the Line, and is situated within approximately one mile of it at all points. Additionally, State Highway 114 runs directly alongside the Line for most of the distance from Essex to Sikeston, while U.S. Highway 62 runs next to the Line from Sikeston to Miner. Interstate 55 crosses the Line in Miner, and connects with Interstate 57 and Highway 60 approximately one mile to the south of the Line.

The Line was constructed in 1873 by the Cairo, Arkansas & Texas Railroad. Its track structure consists primarily of 112-pound jointed rail laid in 1967 and 1969. The total property area that would be affected by UP's proposed abandonment consists of approximately 255 acres. Approximately 84 percent of this property is considered reversionary, while the remainder is fee equivalent ownership. Currently, there are no specific plans for the property. Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

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

(2) Transportation system

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: If the Board grants the requested abandonment authority, UP calculates that an additional 1,922 loaded and empty truck movements will potentially use area highways each year⁴, or approximately eight one-way truck movements per business day. The existing road network, which includes U.S. Highway 60, should be able to accommodate this increased traffic without adversely impacting overall traffic conditions. The estimate of 1,922 additional truck movements assumes that all trucks would travel empty in one direction. If trucks carried loads in both

⁴ This estimate of 1,922 one-way truck movements per year is based upon the following assumptions: the 21,141 tons of lading during the Forecast Year will require 961 loaded truck movements, with each truck carrying 22 tons. Assuming conservatively that each truck operates empty in one direction, this would result in a total increase of 1,922 one-way truck movements (loaded and empty). The 1,922 estimate is based on Forecast Year traffic. In a year with 250 business days, approximately eight additional trucks will use area highways each business day. In the event that these trucks travel on weekends and holidays as well, the net increase would be approximately five trucks per day.

directions, the number of additional truck movements could be substantially smaller. As noted above, no passenger traffic uses the Line, and therefore no passenger traffic will be diverted as a result of the abandonment.

Abandonment of the line will also allow UP to eliminate approximately 40 railroad-roadway at-grade crossings.

(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

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

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

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) UP has no current plans for the property after completion of the proposed abandonment. UP has contacted the Office of County Commissioners in each of the three counties through which the Line runs—New Madrid, Scott, and Stoddard. As of this date, UP has not received responses from any of the three offices.

(ii) The United States Natural Resources Conservation Service has been contacted and by letter dated September 8, 2008 has stated that the proposed abandonment will not affect any prime agricultural land or wetlands. The Natural Resources Conservation Service's response is attached as **Attachment No. 3**.

(iii) Not Applicable.

(iv) The Line's right-of-way may be suitable for alternative public use.

(4) Energy

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

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

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

(iv) If the proposed action will cause diversions from rail to motor carriage of more than

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given

Response:

(i) The commodities currently handled on the Line are pulpboard and steel, and the abandonment will therefore have no impact on the transportation of energy resources. While the coal-fired Sikeston Power Station is accessible from the Line, BNSF has been the sole provider of rail service to this facility for more than ten years. UP does not anticipate a need to provide such service in the future.

(ii) The only recyclable commodity that uses the Line is scrap metal, in the form of steel billets moving inbound to Steward Steel. Steward Steel is projected to receive four carloads of steel billets during the Forecast Year.

(iii) The proposed transaction may result in a limited decrease in overall energy efficiency, due to the need for shippers to move their traffic at least part of the distance to and from their respective facilities via motor carrier.

(iv)(A) Less than 1,000 railcars will be diverted from rail to motor carriage during the Forecast Year.

(iv)(B) The proposed action will cause the diversion of approximately 246 railcars from rail to motor carriage during the Forecast Year. 202 cars would move over the Line between the beginning of the abandonment at Milepost 196.7 and Tetra Pak at Milepost 213.74. An additional 44 carloads—all of them carrying Steward Steel traffic—would use the entire Line during the Forecast Year. This will result in a diversion from rail to motor carriage of more than 50 cars per mile over a portion of the Line. UP estimates the resulting net change in energy consumption from the abandonment would be as follows during the Forecast Year:

- For purposes of this calculation, UP assumes that the shipments diverted from rail to motor carriage will travel to Essex, which following the proposed abandonment, would be the nearest UP-served location. Essex is 17.04 miles from Tetra Pak, and 19.57 miles from Steward Steel. As a result, the Forecast Year traffic would travel a total distance of approximately 4,303 miles via motor carriage.⁵ The distance could be substantially less if either Tetra Pak or Steward Steel were to transload their shipments to and/or from rail at a location on BNSF, which crosses the Essex to Miner Line at Milepost 211.1.
- Traffic diverted to motor carriage will travel in highway trailers. Freight trains are approximately four times more fuel efficient than trucks—i.e., a ton of freight can move four times further on a single gallon of fuel when moving by rail than when moving by truck.⁶ UP estimates that

⁵ This distance is the sum of 17.04 miles x 202 carloads (Tetra Pak traffic), plus 19.57 miles x 44 carloads (Steward Steel traffic). This does not include empty highway trailer miles.

⁶ See <http://www.aar.org/Environment/Environment.aspx>

the movement of each highway trailer via motor carriage will require approximately the same amount of energy as the movement of a single railcar. Approximately four highway trailers will be required to move traffic now moved in a single railcar.

- Tetra Pak attempts to load each highway trailer it uses with approximately 22 tons of materials. As a result, the 17,187 tons that Tetra Pak would ship by rail during the Forecast Year would require 781 highway trailers (or 1,562 one-way trips via motor carriage). This estimate conservatively assumes that each highway trailer will have a 100 percent empty return rate—i.e., the trailers used to replace railcar shipments will deliver inbound materials to Tetra Pak only, and then depart empty from its facility. If Tetra Pak uses some of these highway trailers to haul outbound shipments from its plant, which already travel via motor carriage, then the net increase in motor carriage use may be significantly less.
- Steward Steel attempts to load each highway trailer it uses with approximately 22 tons of materials. As a result, the 3,953 tons (the combined total of inbound and outbound traffic) that Tetra Pak would ship by rail during the Forecast Year would require approximately 180 highway trailers (or 360 one-way trips via motor carriage). This estimate conservatively assumes that each highway trailer will carry traffic in one direction only—i.e., the trailers used to replace inbound railcar shipments will deliver materials to Steward Steel and then

depart empty from its facility, while trailers used to carry outbound railcar shipments from Steward Steel will operate empty inbound. If Steward Steel uses some of these highway trailers to haul traffic in both directions, then the net increase in motor carriage use may be significantly less.

- Assuming that the proposed abandonment results in a net increase of 961 highway trailers used to transport Tetra Pak and Steward Steel traffic, each carrying approximately 22 tons of lading and making 1,922 one-way trips (961 loaded trips and 961 empty trips), the total amount of energy required to move these trailers will be approximately four-times the amount of energy required to move them by rail over the portion of the Line proposed for abandonment.⁷ This will result in a net energy consumption increase equal to approximately three-times the amount of energy that would be used during the Forecast Year if the *Essex to Miner Line* remained in operation.⁸

(5) Air (i).

- (i) If the proposed action will result in either

⁷ The four-times measure represents a general comparison that may vary significantly in accordance with train size. In the case of the *Essex-Miner Line*, the four-times rule may overstate the actual difference in fuel consumption, as the local trains that serve the Line operate with few cars, thereby diminishing the inherent fuel efficiency advantage of rail transportation. Furthermore, the calculation of the net energy consumption increase assumes that each of the 961 additional highway trailers will travel roundtrip from Essex, MO, to the shipper, and return. If traffic volumes are lower than UP projects, if some transload operations occur on BNSF's line, or if some highway trailers carry loads in both directions, then the net increase in energy consumption will be lower.

⁸ This three-times net increase reflects the elimination of energy use for rail transport over the Line as the result of the abandonment.

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions For a proposal under 49 U S C 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply

Response:

(i)(A) Not applicable

(i)(B) Not applicable

(i)(C) Assuming that the proposed abandonment will result in a net increase of 1,922 one-way truck movements, this will not result in a 10% increase or a 50 vehicle-per-day increase in traffic on any road segment See UP's response to 49 C F R § 1105 7(e)(2), above

(5) Air (ii).

(ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan However, for a rail construction under 49 U S C 10901 (or 49 U S C 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply

Response:

(i)(A) *Not applicable*

(i)(B) *Not applicable*

(i)(C) See UP's response to 49 C F R § 1105 7(e)(5)(i)(c), above

(5) Air (iii).

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity, the frequency of service, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment

Response:

The proposed action will not affect the transportation of ozone depleting materials

(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause

(i) *an incremental increase in noise levels of three decibels Ldn or more*
or

(ii) *an increase to a noise level of 65 decibels Ldn or greater* If so, identify sensitive receptors (e g , schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed

Response: Not applicable

(7) Safety.

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

(ii) If hazardous materials are expected to be transported, identify the materials and quantity, the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety

practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills, the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials

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

Response:

(i) The proposed action will have no detrimental effects on public health and safety UP expects that safety will improve, because abandonment of the Line will allow it to close approximately 40 railroad-roadway at-grade crossings

(ii) The proposed action will not affect the transportation of hazardous materials

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the Line's right-of-way

(8) Biological resources.

(i) Based on consultation with the U S Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects

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

Response:

(i) The Fish and Wildlife Service has reviewed the proposed abandonment and has determined that no federally listed species or designated critical habitat areas are located within the proposed abandonment area The Fish and Wildlife Service's response, dated September 11, 2008 is attached as **Attachment No. 4**

(ii) The National Park Service (Midwest Regional Office) has been contacted and has reviewed the proposed abandonment The National Park Service

had no comments concerning the proposed abandonment Its response is attached as

Attachment No. 5

(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards Describe any inconsistencies

(ii) Based on consultation with the U S Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U S C § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected Describe the effects

(iii) State whether permits under section 402 of the Clean Water Act (33 U S C § 1342) are required for the proposed action (Applicants should contact the U S Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required)

Response:

(i) UP has contacted the Missouri Department of Natural Resources To date UP has received no response

(ii) UP has contacted the U S Army Corps of Engineers In a response letter dated October 28, 2008, the Corps of Engineers stated that no Department of Army permit will be required for UP's proposed abandonment The letter is attached as

Attachment No. 6

(iii) UP does not anticipate that there will be any requirements for Section 402 permits A letter from the U S Environmental Protection Agency is attached as

Attachment No. 7

(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate

Response: There are no known adverse environmental impacts

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U S G S topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action

Response: See Attachment No. 1

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area

Response: The right-of-way generally consists of a strip of land 100 feet wide through level terrain. The areas along the Line's right-of-way range from farmland, to the population centers of Miner and Sikeston, which include properties used for industrial, commercial, and residential purposes

(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: UP has provided the Missouri Department of Natural Resources State Historic Preservation Office ("SHPO") photographs of each of the structures on the property that are 50 years old or older. A copy of the letter to the State Historical Society and photographs is attached as Attachment No. 8. In a letter dated October 3, 2008, the SHPO stated that no historic properties will be affected by the proposed abandonment. A copy of the letter is attached as Attachment No. 9.

(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: See Attachment No. 1 and Attachment No. 8

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action

Response: See the preceding pages for a brief history and description of carrier operations

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic

Response: Not applicable

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 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: The SHPO has submitted comments related to the proposed abandonment. A copy of these comments is attached as **Attachment No. 9**. Based upon its own information and the SHPO's comments, UP knows of no historic sites, structures, or archeological resources on the Line or in the project area and believes there is nothing in the scope of the project that merits historical comment. Although the Line is approximately 135 years old (see page 6), none of the Line is original other than its alignment, as its track structure and associated components have been renewed multiple times since its construction. UP further believes that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain

Response: UP does not have any such readily available information

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or group of properties immediately adjacent to the railroad right-of-way Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i e , prehistoric or native American)

Response: Not applicable

Dated this 3rd day of February, 2009

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Gabriel S Meyer
Assistant General Attorney
1400 Douglas Street, Mail Stop 1580
Omaha, Nebraska 68179
(402) 544-1658
(402) 501-3393 FAX

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No AB-33 (Sub-No 261) for UP's Essex to Miner Line in New Madrid, Scott, and Stoddard Counties, Missouri, and an associated transmittal letter (**Attachment No. 10**), was served by first class mail on the 3rd day of February, 2009 on the following parties

State Clearinghouse (or alternate):

Missouri Department of Economic Development
301 W High Street
P O Box 1157
Jefferson City, MO 65102

State Environmental Protection Agency:

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

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of each County:

New Madrid County Commissioners
P O Box 68
County Courthouse
New Madrid, MO 63869-0068

Scott County Commissioners
P O Box 188
County Courthouse
Benton, MO 63736-0188

Stoddard County Commissioners
PO Box 110
County Courthouse
Bloomfield, MO 63825-0110

**Environmental Protection Agency
(Regional Office).**

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

U.S Fish and Wildlife:

U S Fish & Wildlife Service
Missouri Ecological Services Office
101 Park DeVilla Drive, Suite A
Columbia, MO 65203-0057

U.S. Army Corps of Engineers.

Department of the Army
St Louis District, Corps of Engineers
1222 Spruce Street
St Louis, MO 63103-2833

National Park Service:

Environmental Coordinator
Planning and Compliance Office
National Park Service, Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

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

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

National Geodetic Survey

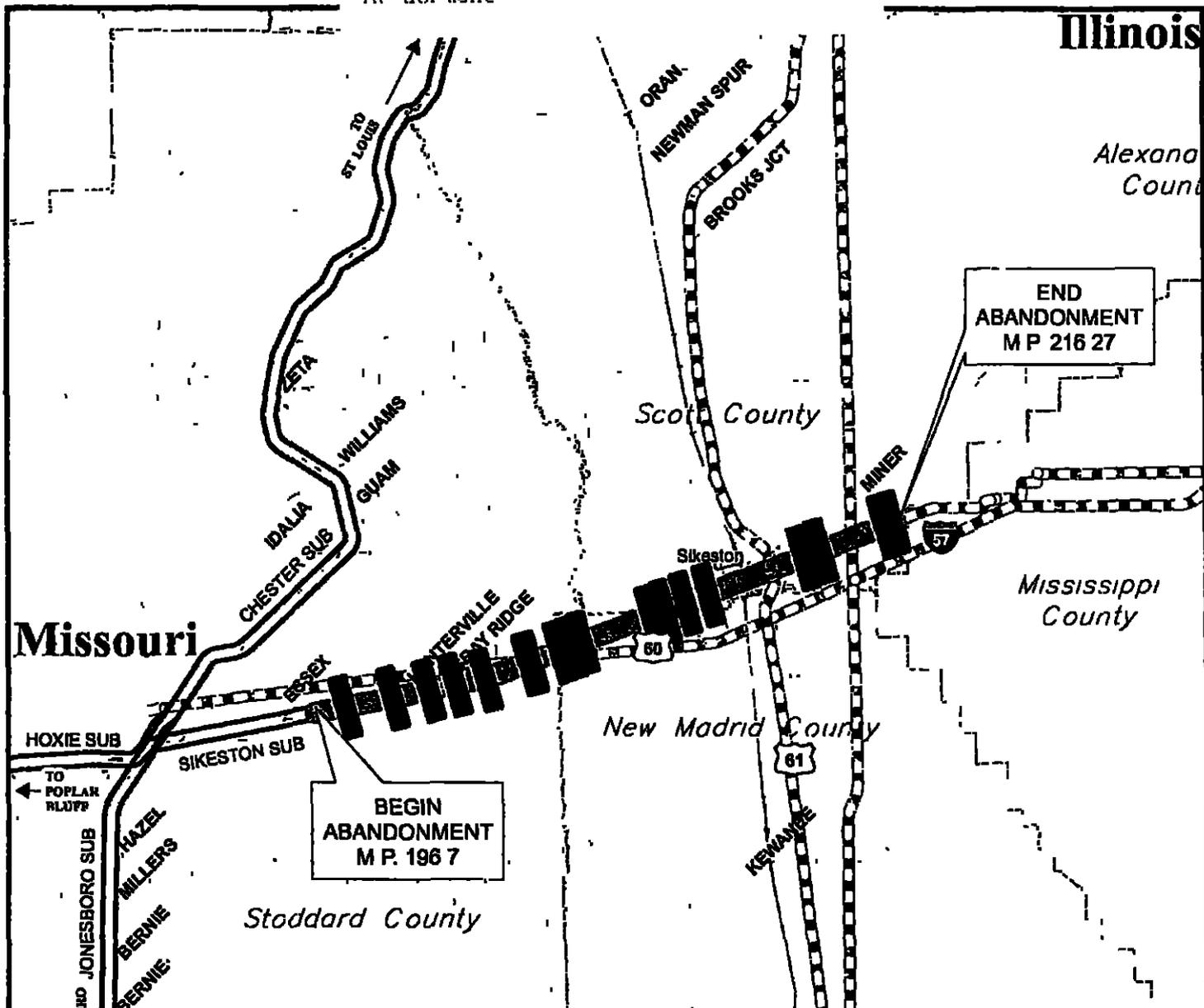
National Geodetic Survey
Edward J McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Mr Stephen Mahfood
State Historic Preservation Officer
Department of Natural Resources
P O Box 176
Jefferson City, MO 65102



Gabriel S Meyer



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
188 9	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	71'	1902
188 5	4 SPAN TIMBER PILE TRESTLE BALLAST DECK	63'	1901
189 7	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	70'	1946
200 8	3 SPAN I-BEAM	20'	1943
201 8	4 SPAN TIMBER PILE TRESTLE BALLAST DECK	56'	1940
203 1	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	71'	1944
203.2	2 SPAN THRU PLATE GIRDER	57'	1916
	4 SPAN REINFORCED CONCRETE TEE	105'	1978
204 2	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	41'	1978
	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	69'	1940

BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
204 8	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	75'	1934
205 0	7 SPAN TIMBER PILE TRESTLE BALLAST DECK	100'	1944
207 4	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	43'	1947
207 9	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	69'	1927
208 6	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	71'	1948
208 4	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	85'	1931
212 7	4 SPAN TIMBER PILE TRESTLE BALLAST DECK	57'	1934
213 3	1 SPAN DECK PLATE GIRDER	55'	1907
215 5	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	53'	1937
	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	43'	1937
215 5	1 SPAN DECK PLATE GIRDER	28'	1922
	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	69'	1943

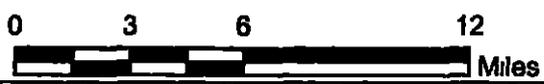
Legend

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

ESSEX TO MINER LINE
 MP 196.7 TO MP 216.27
 (excludes activity at Essex)
 TOTAL OF 19.57 MILES
 IN SCOTT COUNTY, MISSOURI = 7.31 MILES
 IN NEW MADRID COUNTY, MISSOURI = 3.66 MILES
 IN STODDARD COUNTY, MISSOURI = 8.60 MILES

UNION PACIFIC RAILROAD CO
ESSEX TO MINER LINE
MISSOURI

INCLUDING 50+ YEAR OLD STRUCTURES





September 2, 2008

State Clearinghouse (or alternate)

Missouri Department of Economic Development
301 W High Street
P O Box 1157
Jefferson City, MO 65102

State Environmental Protection Agency:

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

**State Coastal Zone Management Agency
(if applicable)**

Not applicable

Head of each County:

New Madrid County Commissioners
P O Box 68
County Courthouse
New Madrid, MO 63869-0068

Scott County Commissioners
P O Box 188
County Courthouse
Benton, MO 63736-0188

Stoddard County Commissioners
PO Box 110
County Courthouse
Bloomfield MO 63825-0110

**Environmental Protection Agency
(Regional Office).**

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

U.S. Fish and Wildlife:

U S Fish & Wildlife Service, Region 3
One Federal Drive
Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers'

Department of the Army
St Louis District, Corps of Engineers
1222 Spruce Street
St Louis, MO 63103-2833

National Park Service

Environmental Coordinator
Planning and Compliance Office
National Park Service, Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U S Natural Resources Conservation Service'

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

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:

Mr Stephen Mahfood
State Historic Preservation Officer
Department of Natural Resources
P O Box 176
Jefferson City, MO 65102

Re: **Proposed Abandonment of the Essex to Miner Line from M P 196 7 near Essex to M P. 216 27 near Miner, a distance of 19.57 miles in New Madrid, Scott, and Stoddard Counties, Missouri, STB Docket No AB-33 (Sub-No 261)**

Dear Sirs

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Sikeston Line from M P 196 7 near Essex to M P 216 27 near Miner, a distance of 19 57 miles in New Madrid, Scott, and Stoddard Counties, Missouri. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C F R Part 1152, and the environmental regulations at 40 C F R Part 1105 7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

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

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

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

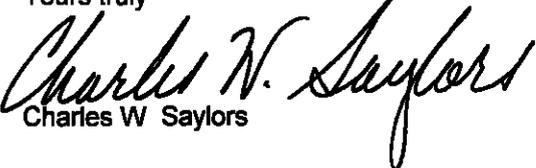
STATE WATER QUALITY OFFICIALS State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

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

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

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 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



Docket No AP-33 (Sub-No 261),
Attachment 3

601 Business Loop 70 West, Columbia, MO 65203

September 8, 2008

Charles W Saylor
Union Pacific Railroad
1400 Douglas Street, Mail Stop 1580
Omaha, Nebraska 68179

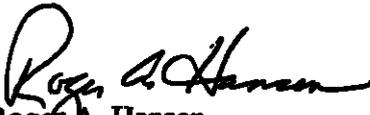
Re Proposed Abandonment of the Essex to Miner Line from M P 196 7 near Essex to M P 216 27 near Miner, a distance of 19 57 miles in New Madrid, Scott, and Stoddard Counties, Missouri, STB Docket No AB-33 (Sub-No 261)

Dear Mr Saylor

This letter is follow-up to your September 2, 2008 letter to me regarding the above listed project. The Natural Resources Conservation Service (NRCS) sees no effect of the proposed action on any prime agricultural land or wetlands. Any impacts would have occurred during the installation.

If you have any questions, please free to contact Clayton Lee, State Soil Scientist at (573) 876-0907

Sincerely,



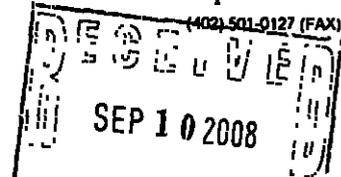
Roger A Hansen
State Conservationist

cc Darin W Gant, DC, NRCS, Benton, Missouri
Michelle M Gross, DC, NRCS, Dexter, Missouri



September 2 2008

Law Department



State Clearinghouse (or alternate)
Missouri Department of Economic Development
301 W High Street
P O Box 1157
Jefferson City, MO 65102

State Environmental Protection Agency.
Missouri Department of Natural Resources
P O Box 176
Jefferson City, MO 65102

State Coastal Zone Management Agency
(if applicable)
Not applicable

Head of each County.
New Madrid County Commissioners
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County Courthouse
New Madrid, MO 63869-0068

Scott County Commissioners
P O Box 188
County Courthouse
Benton, MO 63736-0188

Stoddard County Commissioners
PO Box 110
County Courthouse
Bloomfield, MO 63825-0110

Environmental Protection Agency
(Regional Office)
U S Environmental Protection Agency
Region 7
901 N 5th Street
Kansas City, KS 66101

U S Fish and Wildlife Service
U S Fish & Wildlife Service, Region-3
~~One Federal Drive~~
~~Federal Building~~
~~Fort Snelling, MN 55111~~

U S Army Corps
Department of the Army
St Louis District Cor.
1222 Spruce Street
St Louis, MO 63103-26

National Park Service
Environmental Coordinator
Planning and Compliance Office
National Park Service, Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U S Natural Resources Conservation Service
State Conservationist
USDA Natural Resources Conservation Service
Missouri State Office
Parkade Center, Suite 250
601 Business Loop 70 West
Columbia, MO 65203-2546

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
Mr Stephen Mahfood
State Historic Preservation Officer
Department of Natural Resources
P O Box 176
Jefferson City, MO 65102

U S Fish and Wildlife Service
Missouri Ecological Services Office
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

Re: Proposed Abandonment of the Essex to Miner Line from M. P. 196.7 near Essex to M. P. 216.27 near Miner, a distance of 19.57 miles in New Madrid, Scott, and Stoddard Counties, Missouri; STB Docket No AB-33 (Sub-No. 261)

Dear Sirs

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Sikeston Line from M P 196 7 near Essex to M P 216 27 near Miner, a distance of 19 57 miles in New Madrid, Scott, and Stoddard Counties, Missouri. A map of the proposed track abandonment shown in black is attached

Pursuant to the STB's regulations at 49 C F R Part 1152, and the environmental regulations at 40 C F R Part 1105 7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below We do not anticipate any adverse environmental impacts However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB

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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

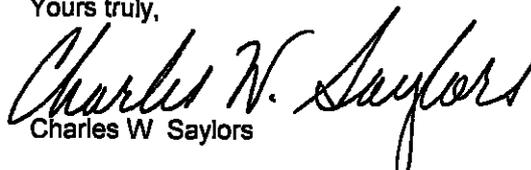
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U S ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY) (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the 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

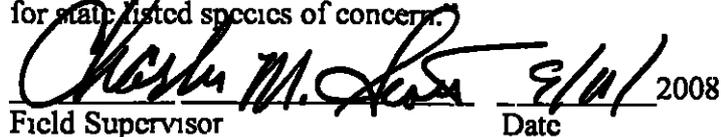
Thank you for your assistance [Please send your reply to Union Pacific Railroad Mr Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179] If you need further information, please contact me at (402) 544-4861

Yours truly,


Charles W Saylor

"The U S. Fish and Wildlife Service has reviewed the subject project proposal and determined that no federally listed species or designated critical habitat occurs within the project area Consequently, this concludes section 7 consultation Please contact the Missouri Department of Conservation (573/522-4115) for state listed species of concern.

Attachment


Field Supervisor Date 9/10/2008

Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102

049J87038851
\$00 420
09/15/2008
Billed From 88102
US POSTAGE



Union Pacific Railroad
1-400 Douglas Street, STOP 1580
Omaha, Nebraska 68179-1580



Packet No AB-33 (Sub-No 261)
Attachment 5

Re Proposed Abandonment Plans to Miner Lane New Madrid, Scott and Stoddard Counties, Missouri
We have received your letter of September 2, 2008 concerning the above referenced projects

We have no comment on your proposed actions.

Due to limits of staff and the number of requests we receive for early coordination we ask that companies/agencies assume we will have no comments on projects if they have not heard from us within 30 days of our receipt of the request.

Thank you,

Reginal Environmental Coordinator



DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT, CORPS OF ENGINEERS
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894
October 29, 2008

Operations Division

Mr Charles W. Saylor
Union Pacific Railroad
1400 Douglas Street
Mail Stop 1580
Omaha, NE 68179

Dear Mr Saylor

This is in response to your request for an environmental review of a proposed railroad abandonment project along the Essex to Miner Line from MP 196 7 to MP 216 27 in New Madrid, Scott, and Stoddard Counties, Missouri (shown on the attached map). This project would entail the abandonment of the existing railroad; no construction activities are planned

Our preliminary jurisdictional determination (PJD) is that waters of the United States may be present within the proposed project area. However, based on the information provided, it is our understanding that no dredged or fill material will be discharged into waters of the United States. Therefore, no Department of the Army (DA) permit is required for this project. Please notify this office if plans are changed so that a discharge of dredged or fill material into waters may occur. We would be happy to review the potential impacts and discuss any DA permit implications at that time.

A PJD cannot be appealed. If you object to this PJD, please contact us for information about receiving an approved jurisdictional determination and the administrative appeals process. The PJD is included for your concurrence. If you agree with this PJD please sign the form and return it to the address listed above. If the PJD is not returned within 30 days of the date of this letter we will assume your concurrence.

This JD is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date, or unless the District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

The Memphis District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete and return the enclosed business reply postcard or go to our Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>

Copies of this letter have been furnished to the following: Ms Vicky Johnson, EPA Region 7, 901 5th ST, Kansas City, KS 66101, and Ms Pat Conger, MDNR, Water Pollution Control Program, P O Box 176, Jefferson City, MO 65102-0176

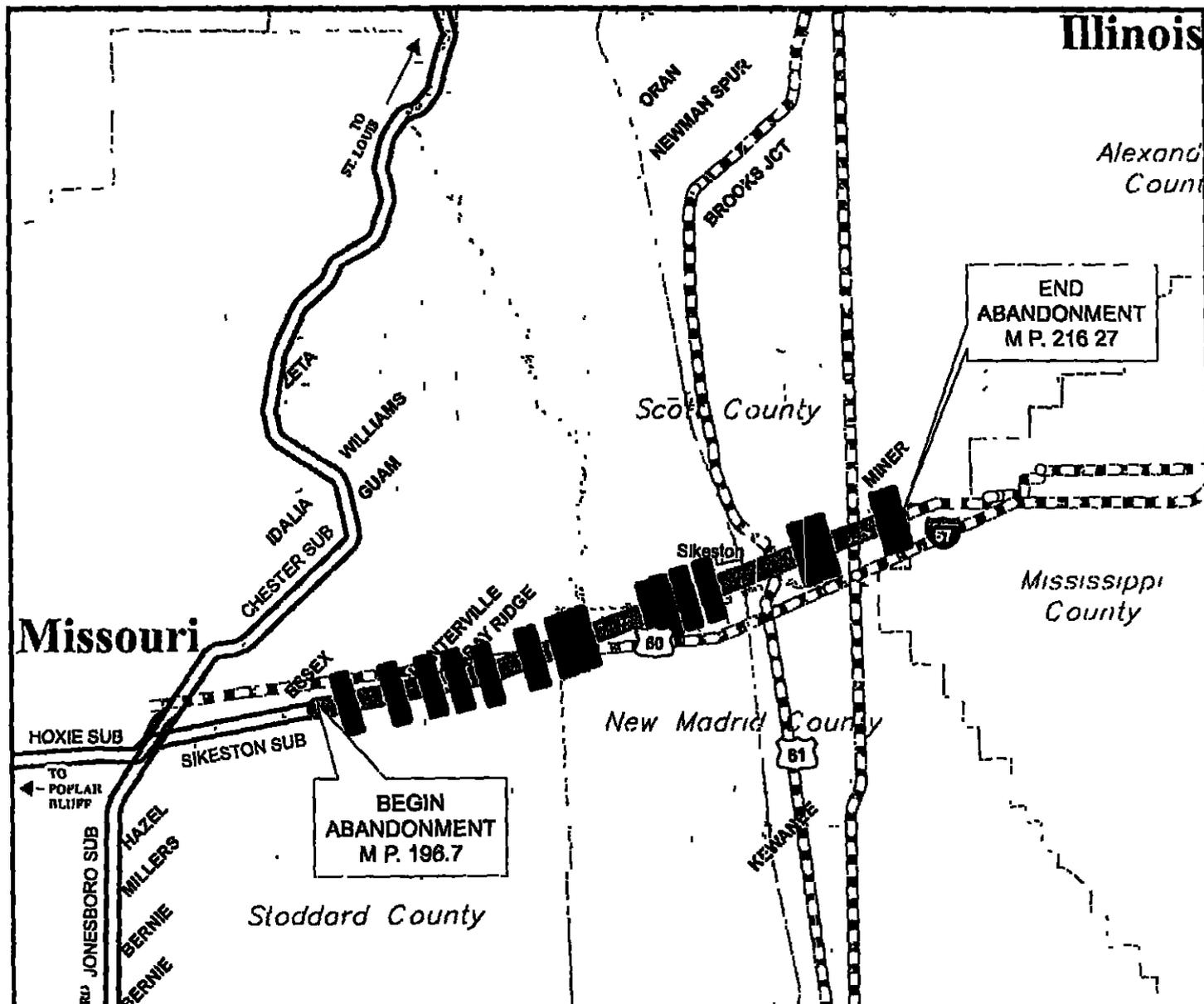
Your cooperation in the regulatory program is appreciated. If you have questions, please contact Roger Allan at (901) 544-3682, and refer to File No MVM-2008-427-RSA.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy L. Davis". The signature is written in a cursive style with a large initial "T" and "D".

Timothy L. Davis
Western Section Chief
Regulatory Branch

Enclosures



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
196 9	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	71'	1902
188 5	4 SPAN TIMBER PILE TRESTLE BALLAST DECK	63'	1901
199 7	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	70'	1946
203 6	3 SPAN I-BEAM	20'	1943
201 8	4 SPAN TIMBER PILE TRESTLE BALLAST DECK	56'	1940
203 1	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	71'	1944
	1 SPAN THRU PLATE GIRDER	57'	1918
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	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	41'	1978
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BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
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209 4	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	65'	1931
212 7	4 SPAN TIMBER PILE TRESTLE BALLAST DECK	57'	1934
213 3	1 SPAN DECK PLATE GIRDER	55'	1907
	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	59'	1937
215 5	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	43'	1937
215 8	1 SPAN DECK PLATE GIRDER	28'	1927
	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	69'	1943

Legend

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

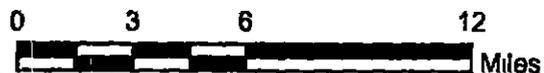
ESSEX TO MINER LINE

MP 196.7 TO MP 216.27
(excludes activity at Essex)
TOTAL OF 19.57 MILES

IN SCOTT COUNTY, MISSOURI = 7.91 MILES
IN NEW MADRID COUNTY, MISSOURI = 3.06 MILES
IN STODDARD COUNTY, MISSOURI = 8 MILES

UNION PACIFIC RAILROAD CO ESSEX TO MINER LINE MISSOURI

INCLUDING 50+ YEAR OLD STRUCTURES



ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): 10/29/2008

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Mr Charles W Saylor
Union Pacific Railroad
1400 Douglas Street
Mail Stop 1580
Omaha, NE 68179

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:MVM-2008-427-RSA

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES
AT DIFFERENT SITES)**

State MO County/parish/borough New Madrid, Scott, and
Stoddard Cty. Sikeston
Center coordinates of site (lat/long in degree decimal format) Lat various° N
, Long. various° W

Universal Transverse Mercator

Name of nearest waterbody numerous ditches

Identify (estimate) amount of waters in the review area

Non-wetland waters 1600 linear feet width (ft) and/or
undetermined acres

Cowardin Class
Stream Flow Perennial
Wetlands acres
Cowardin Class

Name of any water bodies on the site that have been identified as Section 10
waters

Tidal

Non-Tidal

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT
APPLY):**

Office (Desk) Determination Date 10/28/2008

Field Determination Date(s).

1 The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2 In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters, (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions, (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization, (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary, (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable, (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court, and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)

- checked items should be included in case file and, where checked and requested, appropriately reference sources below)

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant
- Data sheets prepared/submitted by or on behalf of the applicant/consultant
 - Office concurs with data sheets/delineation report
 - Office does not concur with data sheets/delineation report
- Data sheets prepared by the Corps
- Corps navigable waters' study
- U S Geological Survey Hydrologic Atlas
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps
- U S Geological Survey map(s). Cite scale & quad name Essex, Morehouse, Sikeston N and Sikeston S, MO, 1 24,000
- USDA Natural Resources Conservation Service Soil Survey Citation
- National wetlands inventory map(s) Cite name
- State/Local wetland inventory map(s)
- FEMA/FIRM maps
- 100-year Floodplain Elevation is (National Geodetic Vertical Datum of 1929)
- Photographs Aerial (Name & Date) ORM2
or Other (Name & Date)
- Previous determination(s) File no and date of response letter
- Other information (please specify)

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Roger Allan 10/27/2008
Signature and date of
Regulatory Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

23 SEP 2008

Mr. Chuck Saylor
1400 Douglas Street
Mail Stop 1580
Omaha, NE 68179

Dear Mr Saylor

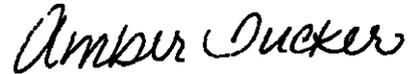
RE: STB Docket No AB-33 (Sub-No 261), *Proposed Abandonment of the Essex to Miner Line from MP 216 27 near Miner, a distance of 19 57 miles in New Madrid, Scott, and Stoddard Counties, Missouri*

This correspondence responds to your inquiry of September 2, 2008, requesting the United States Environmental Protection Agency's interest in this proposed abandonment. In evaluating this action, I referred to EPA Region 7's Geographic Information Systems for spatial relationships of environmentally regulated facilities and remediation sites. In this evaluation, several EPA regulated facilities were found to be within or near the rail line's alignment that should be considered in the abandonment proposal (please see attached maps). In addition, EPA does caution that environmental legacies of railway operations can include (but may not be limited to) product spills, maintenance activities -- where waste fuels and lubricants may have been discarded, wood preservative applications to ties and trestles, and rights-of-way maintenance with herbicides.

As is the case for all federal actions being reviewed through the National Environmental Policy Act process, it is the obligation of the lead federal agency to determine the environmental consequences of the action. Please note that while we believe that this letter expresses our views on the impacts of the project based on the limited available information, it is up to the STB to determine what, if any, further consultation with EPA would be necessary to begin operations. A more detailed reporting of removal and/or cleanup plans and procedures may be warranted.

For future abandonment proposals, if EPA can be of assistance within its jurisdiction or technical capabilities, please contact me at (913)-551-7565 or tucker.amber@epa.gov, or you may also contact Mr. Joseph Cothem, NEPA Team Leader, at (913) 551-7148, or cothem.joe@epa.gov

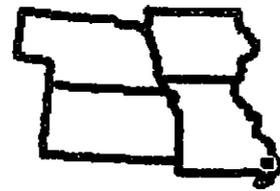
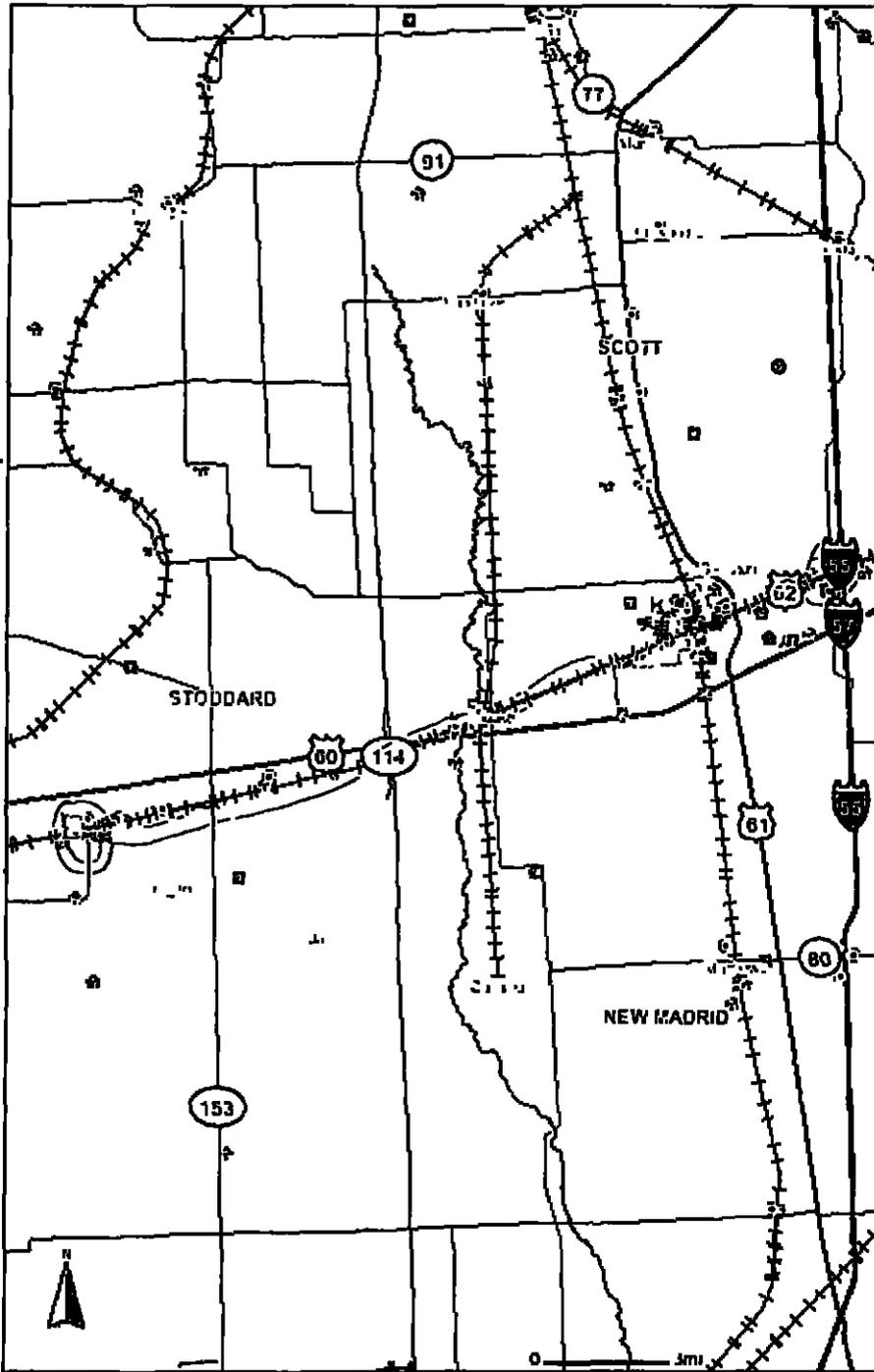
Sincerely,

A handwritten signature in cursive script that reads "Amber Tucker".

Amber Tucker
NEPA Reviewer
Environmental Services Division

Enclosure

Essex to Miner RR Abandonment



- AFS - Major
- AFS - Minor
- ◆ RCRA TSD
- + RCRA LOG
- Superfund NPL
- Superfund
- △ TRIS
- NPDES - Major
- NPDES - Minor
- PWS Wells
- PWS Intakes
- Interstate Highways
- US Highways
- State Highways and County Roads
- Railroads
- 303d Streams
- EJ Areas (Block Group)

NOTE The Environmental Protection Agency does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any loss or injury resulting from reliance upon the information shown

"Minorities" is a percentage of minority individuals relative to total population per block group "Below Poverty" is the percentage of the total block group population with incomes below the poverty level in 1999 Block group geography and demographic data are based on the 2000 Census This information depicts areas of concern where potential environmental and/or human health problems may disproportionately impact a population

This information should not be used in comparison to previous EPA Region 7 Environmental Justice maps using 1990 data, as the data parameters have changed The EPA Region 7 Environmental Justice Program has chosen to adopt the U S Census Bureau's parameters for poverty and race/ethnicity status in an effort to show a more accurate picture

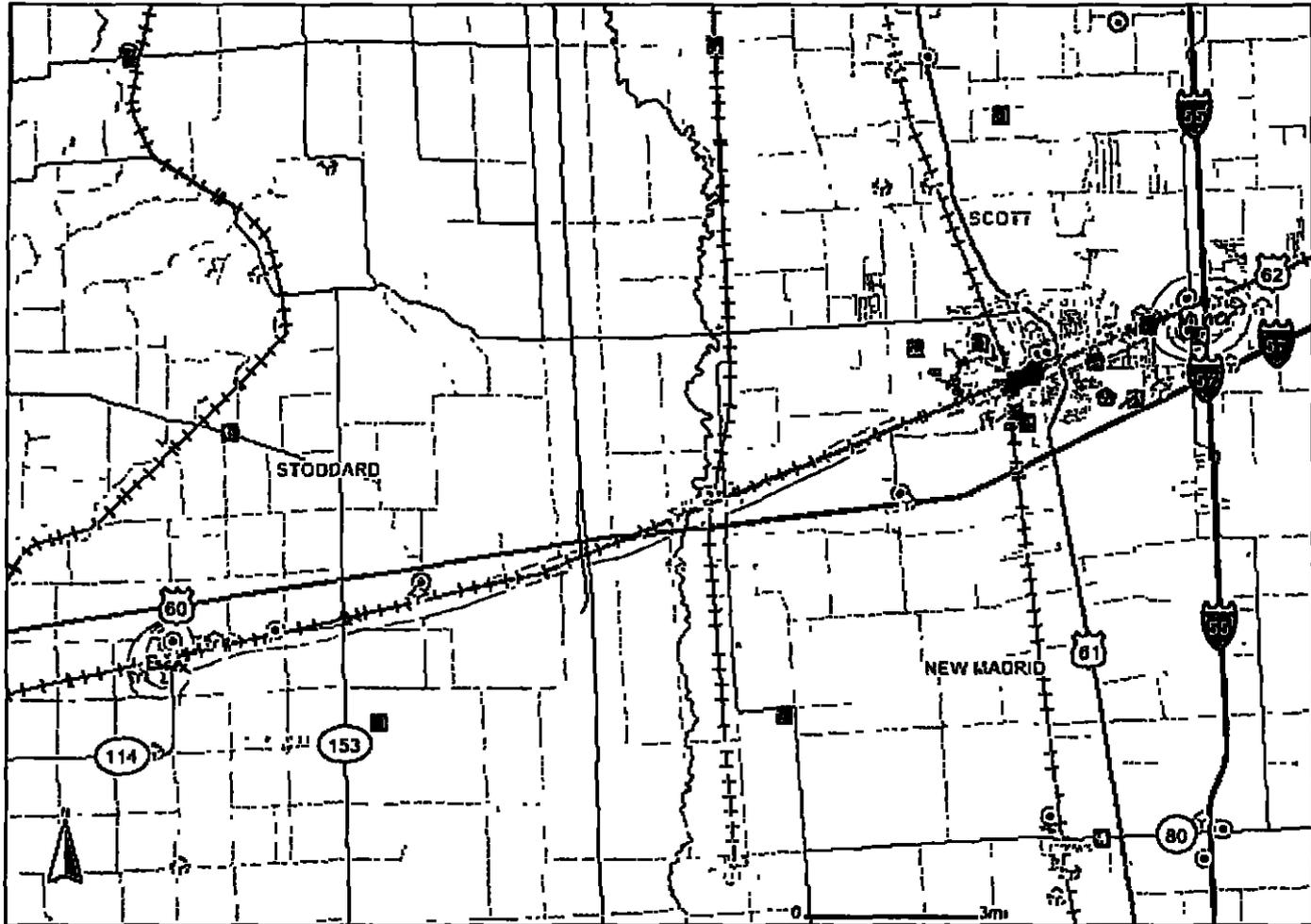
0810001000 00 7001



REGION 7
ENSV DIVISION

9-10-2008

Essex to Miner RR Abandonment



- AF
- AF
- ⊕ RC
- ⊕ RC
- ⊕ SUJ
- ⊕ SUJ
- ⊕ TRU
- ⊕ NP
- ⊕ NP
- ⊕ PW
- ⊕ PW

NOTE The Environmental Protection Agency does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any loss or injury resulting from reliance upon the information shown

"Minorities" is a percentage of minority individuals relative to total population per block group "Below Poverty" is the percentage of the total block group population with incomes below the poverty level in 1999 Block group geography and demographic data are based on the 2000 Census This information depicts areas of concern where potential environmental and/or human health problems may disproportionately impact a population

This information should not be used in comparison to previous EPA Region 7 Environmental Justice maps using 1990 data, as the data parameters have changed The EPA Region 7 Environmental Justice Program has chosen to adopt the U S Census Bureau's parameters for poverty and race/ethnicity status in an effort to show a more accurate picture





September 25, 2008

Mr Stephen Mahfood
State Historic Preservation Officer
Department of Natural Resources
P O Box 176
Jefferson City, MO 65102

Re: Proposed Abandonment of the Essex to Miner Line from M. P. 196.7 near Essex to M. P. 216.27 near Miner, a distance of 19.57 miles in New Madrid, Scott, and Stoddard Counties, Missouri; STB Docket No. AB-33 (Sub-No. 261)

Dear Sir

Enclosed for your review are thirty-six photographs of the bridges located on the Essex to Miner Line which are over 50 years old. The bridges are described as follows:

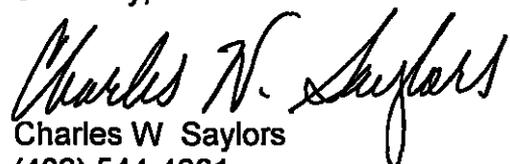
<u>Milepost</u> <u>Constructed</u>	<u>Description</u>	<u>Length</u>	<u>Year</u>
196.9	5 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	71'	1902
198.5	4 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	53'	1901
199.7	5 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	70'	1946
200.6	3 Span I-Beam	20'	1943
201.6	4 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	56'	1940
203.1	5 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	71'	1944
203.2	2 Span Thru Plate Girder (TPG) 4 Span Reinforced Concrete Tee 3 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	57' 105' 41'	1919 1976 1976
204.2	5 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	69'	1940

204 6	5 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	70'	1934
205 0	7 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	100'	1944
207 4	3 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	43'	1947
207 9	5 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	69'	1927
208 6	5 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	71'	1948
209 4	5 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	65'	1931
212 7	4 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	57'	1934
213 3	1 Span Deck Plate Girder (DPG) 5 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	55' 59'	1907 1937
215 5	3 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	43'	1937
215 8	1 Span Deck Plate Girder (DPG) 5 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	29' 69'	1922 1943

Finally, a map of the proposed abandonment and discontinuance is also enclosed for your reference

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

Sincerely,


Charles W Saylor
(402) 544-4861

Attachments



MP 196.9



MP 196.9



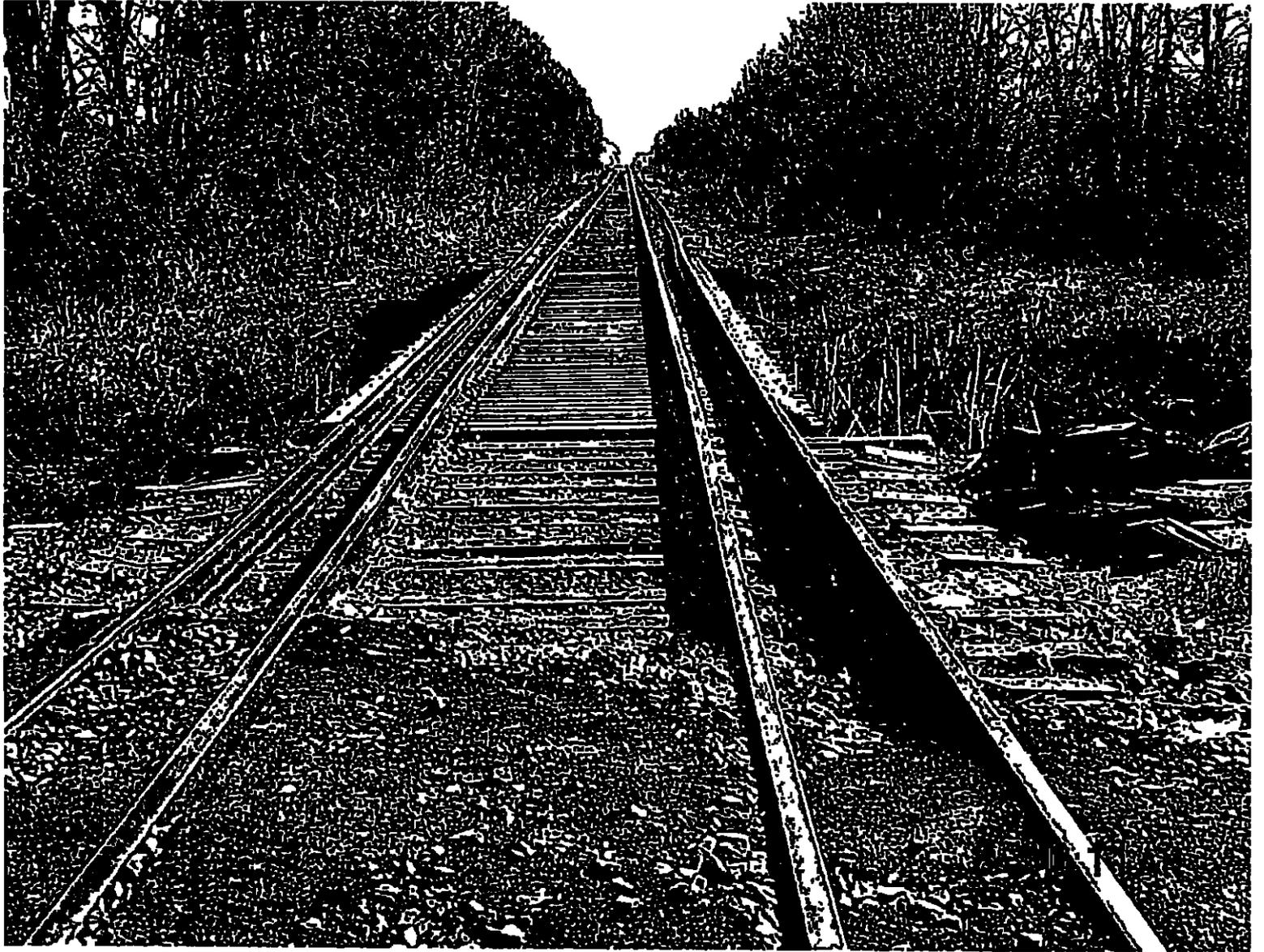
MP 198.5



MP 198.5



MP 199.7



MP 199.7

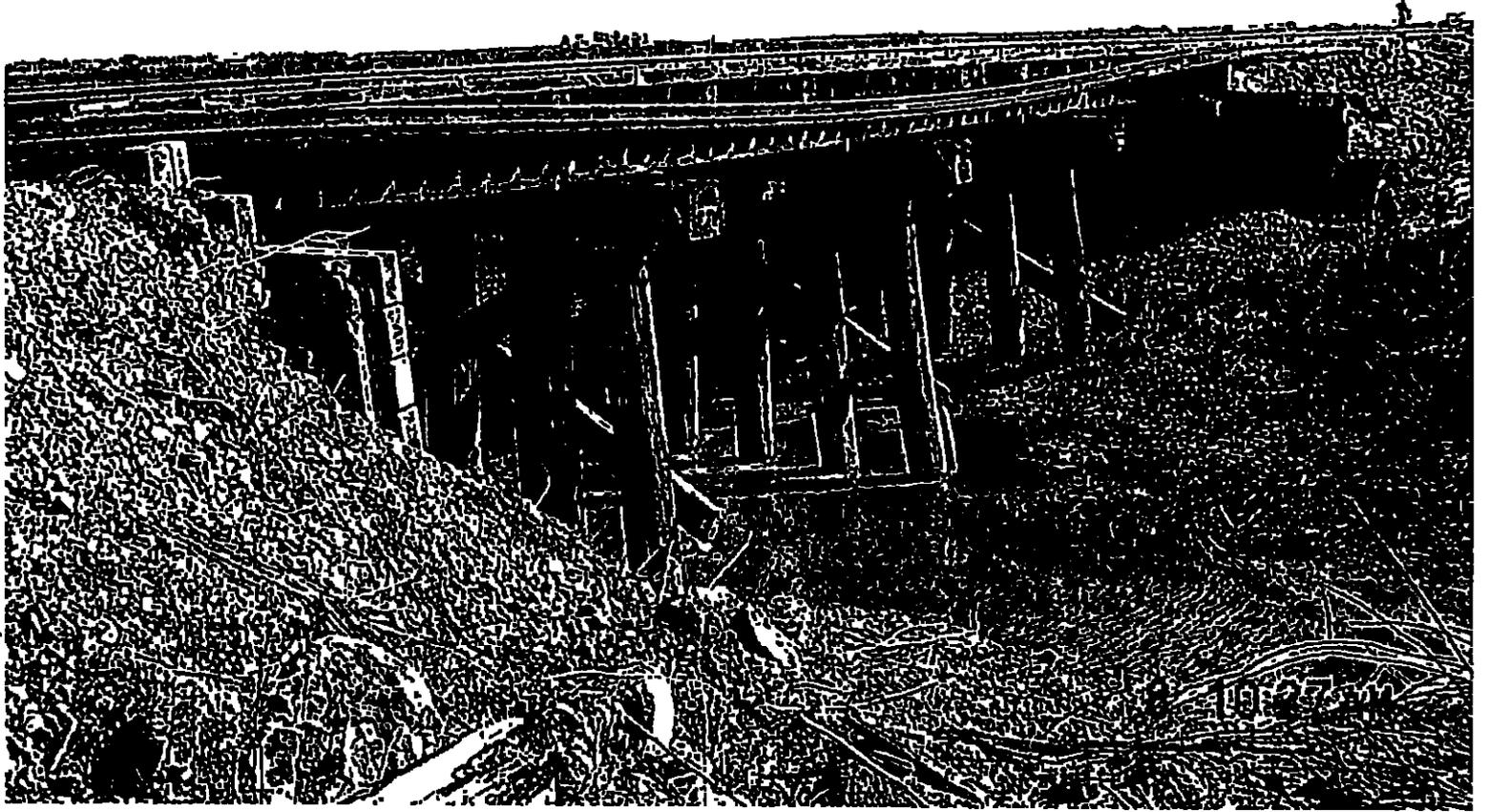


HP 200.6



MP 2006

11



MP 201.6



MP 201.6



MP 203.1



MP 203.1



MP 203.2

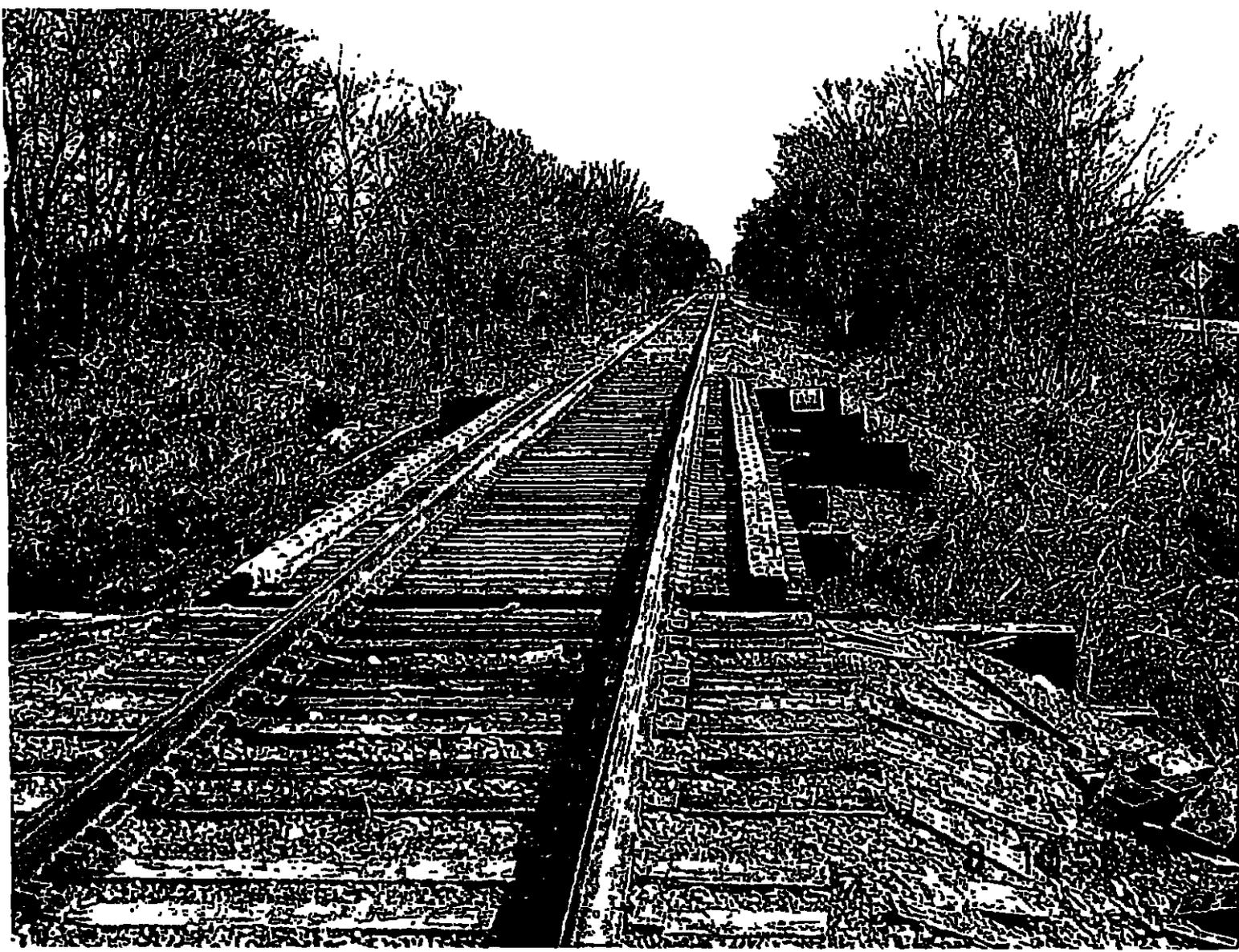


MP 203.2



8 10:58 AM

MP 204.2



MP 204.2



MP 204.6



MP 204.6



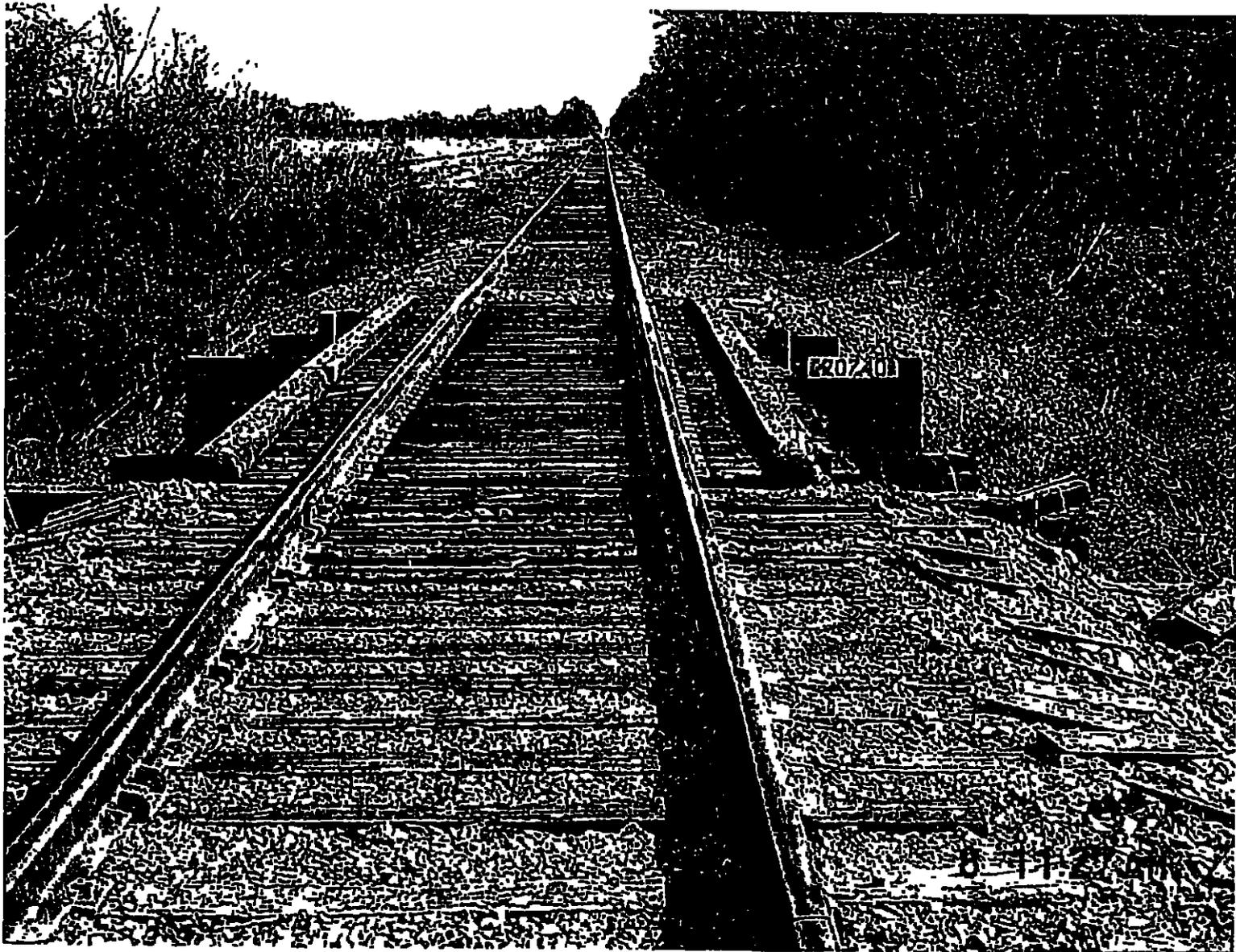
MP 205.0



MP 205.0



MP 207.4



MP 207.4



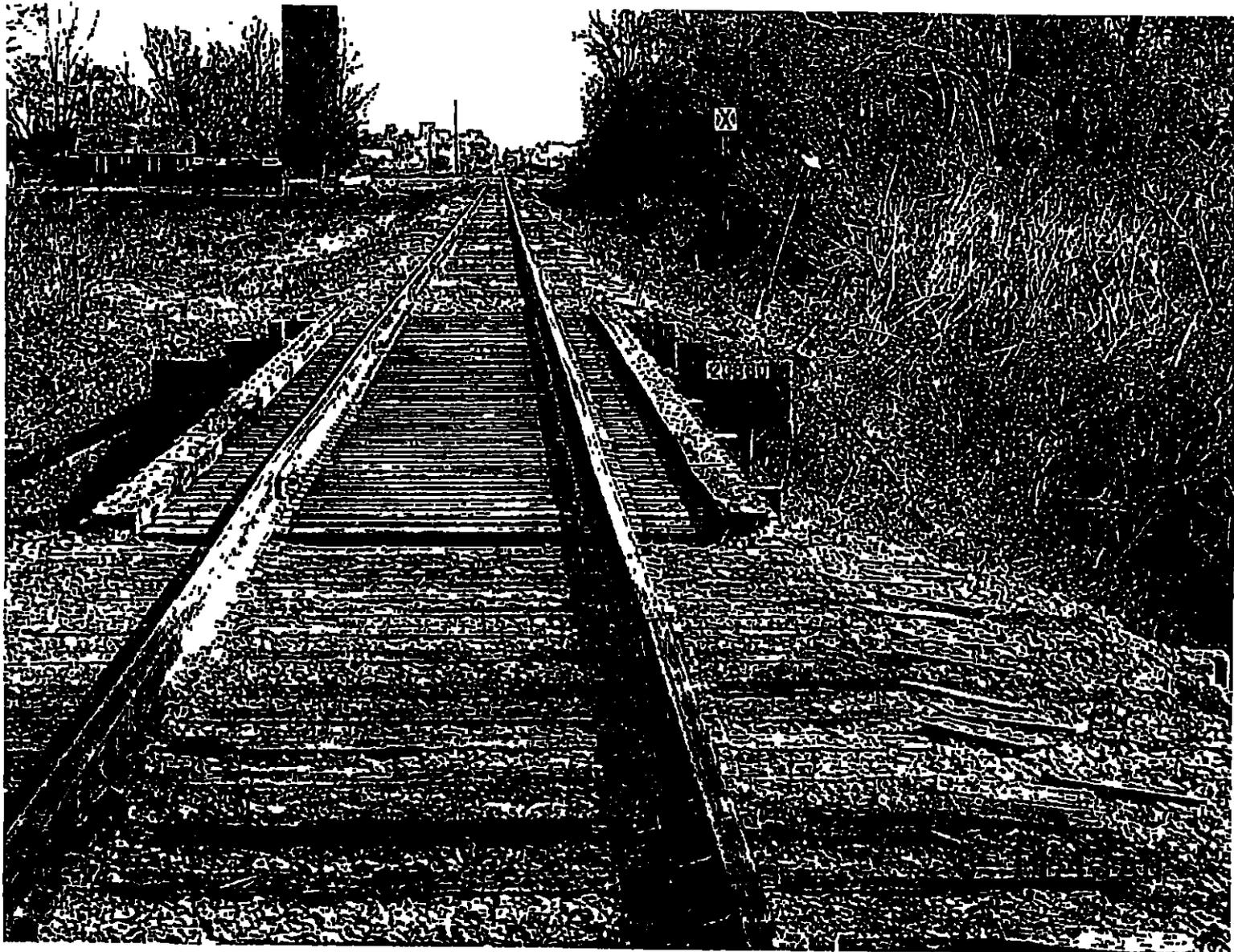
MP 207.9



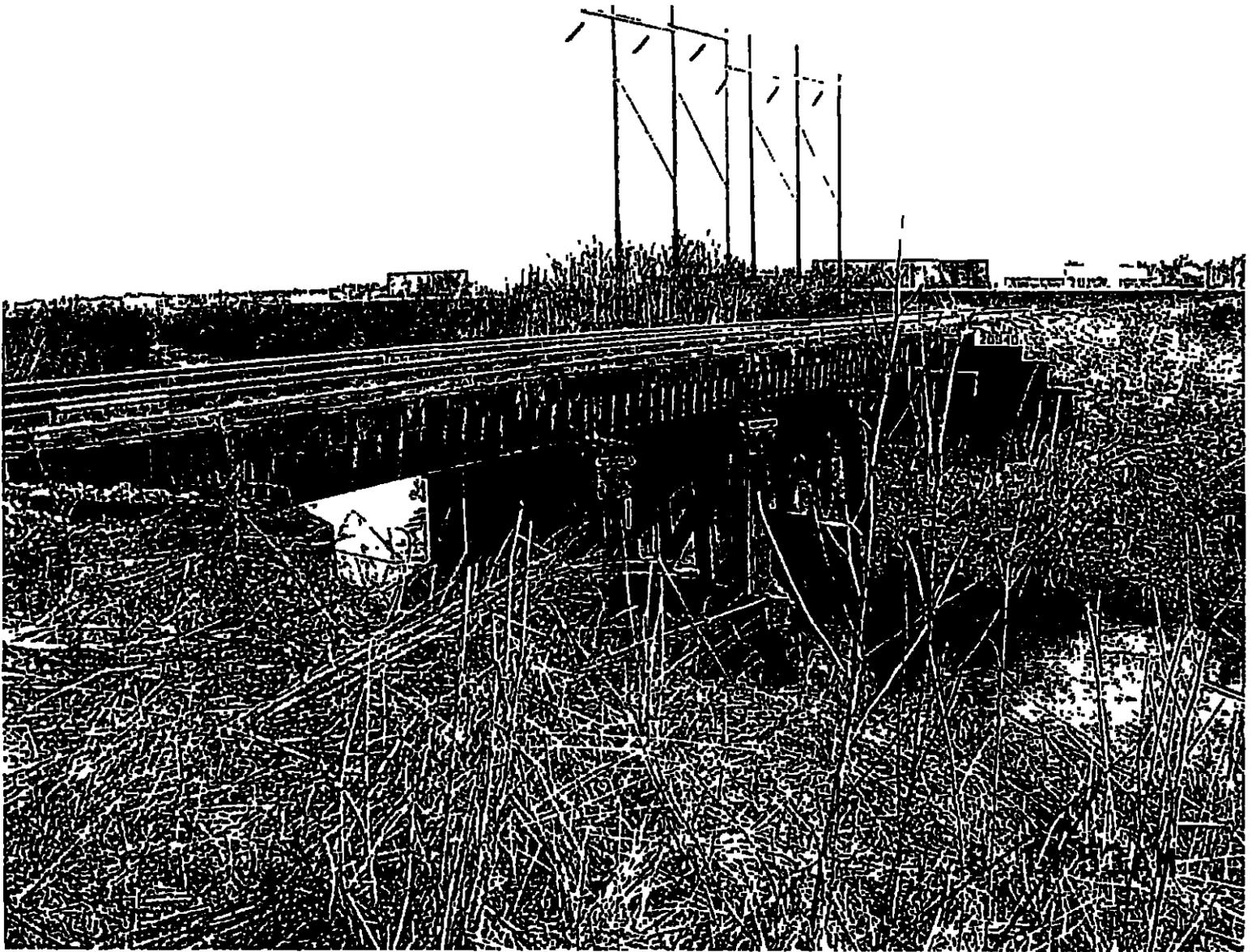
MP 207.9



MP 208.6



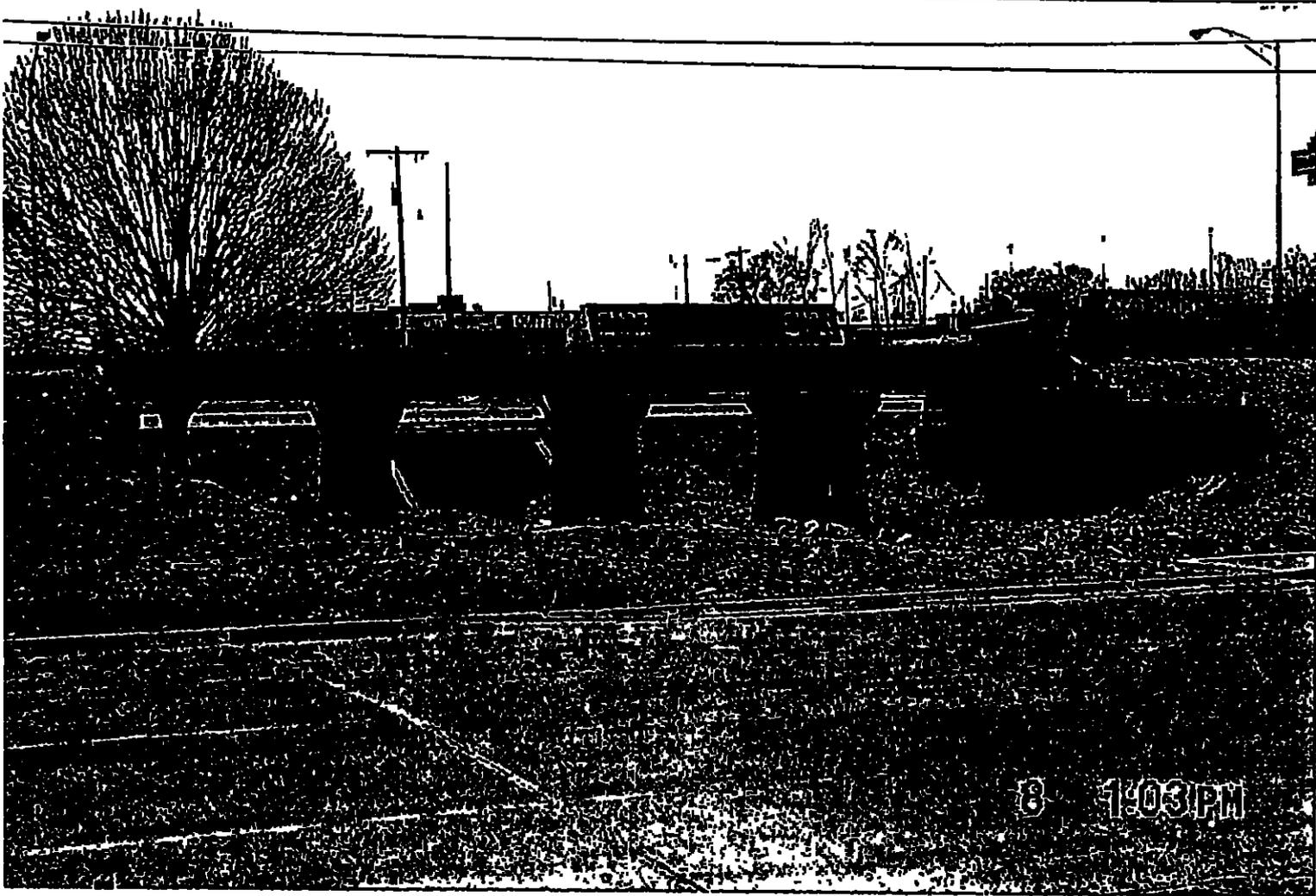
MP 208.6



MP 209.4



MP 209.4



8 1:03 PM

MP 212.7



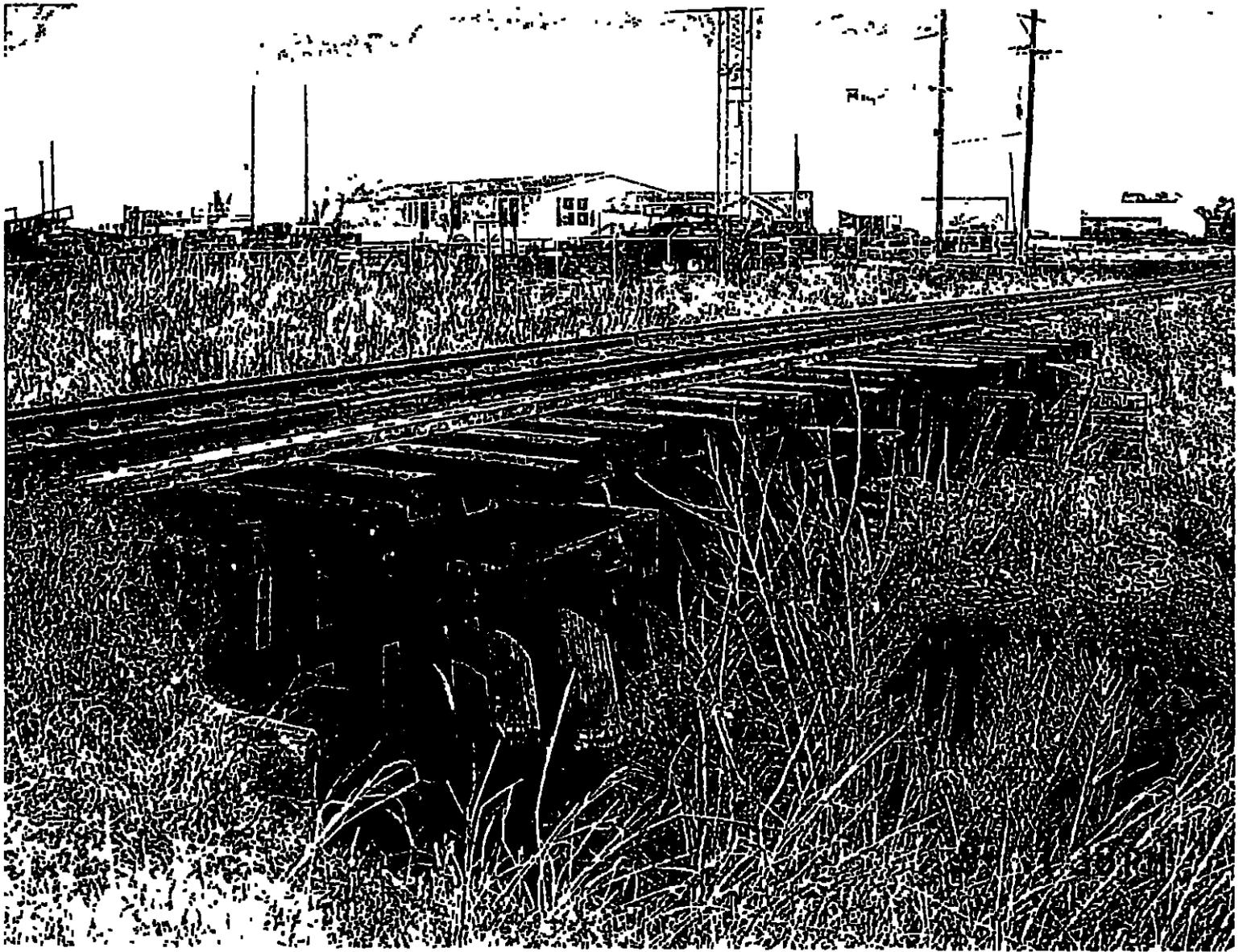
MP 212.7



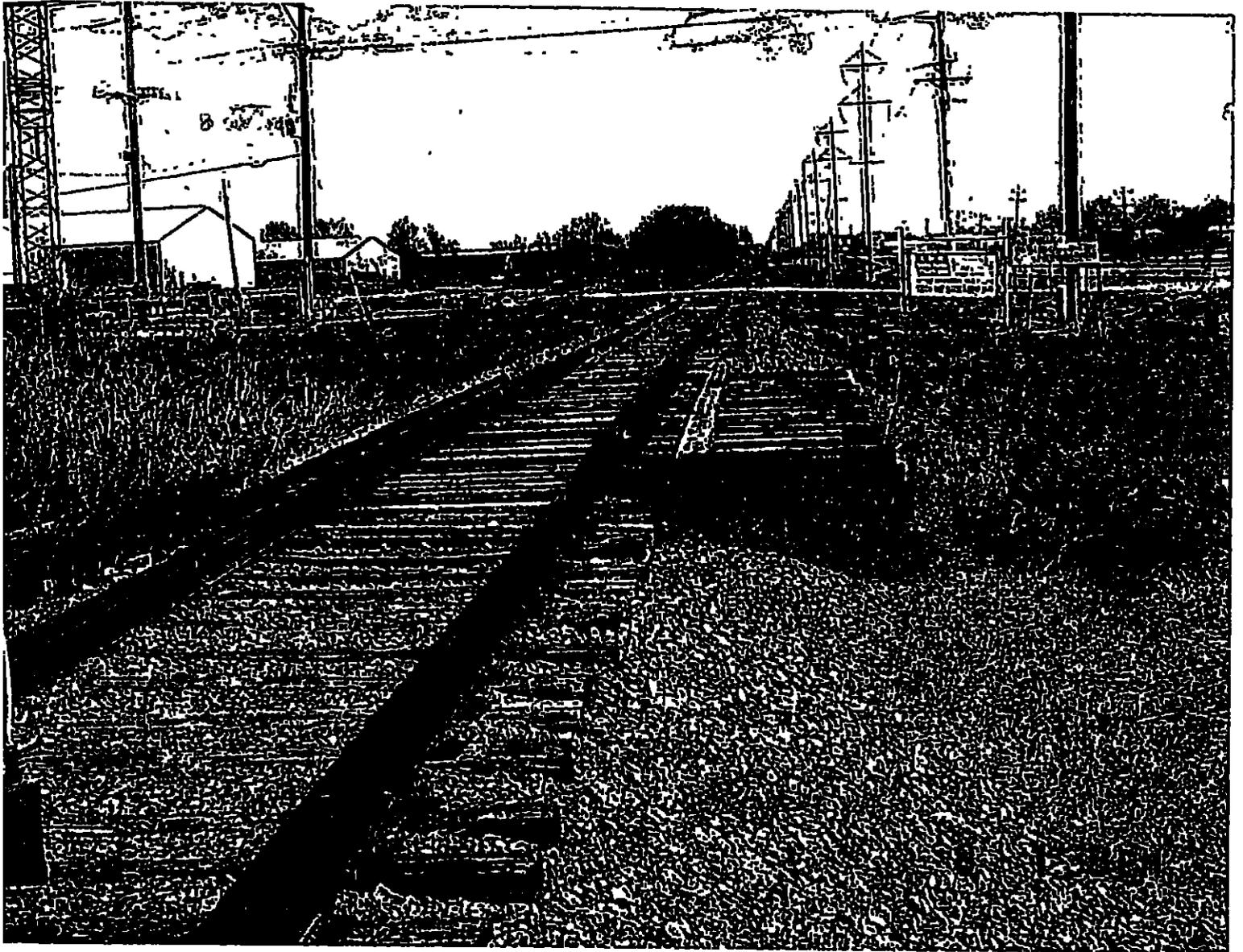
MP 213 3



MP 213.3



MP 215.5



MP 215.5



MP 215.8



MP 215.8

Illinois

Alexander County

ORAN
NEWMAN SPUR
BROOKS JCT

Scott County

END
ABANDONMENT
M P. 216.27

Mississippi County

New Madrid County

Missouri

Stoddard County

HOXIE SUB.

SIKESTON SUB

BEGIN
ABANDONMENT
M P 196.7

TO
POPLAR
BLUFF

JONESBORO SUB
HAZEL
MILLERS
BERNIE
BERNIE

ESSEX
WATERVILLE
SLOAN RIDGE

Sikeston

MINER

Kewanee

BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
186 9	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	71'	1902
188 5	4 SPAN TIMBER PILE TRESTLE BALLAST DECK	53'	1901
199 7	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	70'	1946
200 8	3 SPAN I-BEAM	20'	1943
201 8	4 SPAN TIMBER PILE TRESTLE BALLAST DECK	56'	1940
203 1	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	71'	1944
203 2	2 SPAN THRU PLATE GIRDER	57'	1916
	4 SPAN REINFORCED CONCRETE TEE	105'	1978
	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	41'	1978
204 2	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	69'	1940

BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
204 8	8 SPAN TIMBER PILE TRESTLE BALLAST DECK	70'	1934
205 0	7 SPAN TIMBER PILE TRESTLE BALLAST DECK	100'	1944
207 4	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	43'	1947
207 9	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	69'	1927
208 6	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	71'	1948
209 4	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	89'	1931
212 7	4 SPAN TIMBER PILE TRESTLE BALLAST DECK	57'	1934
213 3	1 SPAN DECK PLATE GIRDER	59'	1907
	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	59'	1937
215 5	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	43'	1937
215 8	1 SPAN DECK PLATE GIRDER	29'	1922
	5 SPAN TIMBER PILE TRESTLE BALLAST DECK	69'	1943

Legend

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

ESSEX TO MINER LINE

MP 196.7 TO MP 215.27
(excludes activity at Essex)
TOTAL OF 19.57 MILES

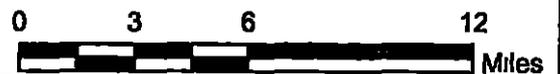
IN SCOTT COUNTY, MISSOURI = 7.91 MILES
IN NEW MADRID COUNTY, MISSOURI = 3.66 MILES
IN STODDARD COUNTY, MISSOURI = 8 MILES

UNION PACIFIC RAILROAD CO

ESSEX TO MINER LINE

MISSOURI

INCLUDING 50+ YEAR OLD STRUCTURES



**CULTURAL RESOURCE ASSESSMENT
Section 106 Review**

CONTACT PERSON/ADDRESS

C:

Charles W Saylor
Union Pacific Railroad
1400 Douglas Street
STOP 1580
Omaha, Nebraska 68179-1580

PROJECT:

Abandonment Essex to Miner Line M P 1967 to M P 216 27

FEDERAL AGENCY

FHWA

COUNTY:

NEW MADRID, SCOTT & STODDARD

The State Historic Preservation Office has reviewed the information submitted on the above referenced project. Based on this review, we have made the following determination

After review of initial submission, the project area has a low potential for the occurrence of cultural resources. A cultural resource survey, therefore, is not warranted.

Adequate documentation has been provided (36 CFR Section 800.11). There will be "no historic properties affected" by the current project.

An adequate cultural resource survey of the project area has been previously conducted. It has been determined that for the proposed undertaking there will be "no historic properties affected."

For the above checked reason, the State Historic Preservation Office has no objection to the initiation of project activities. PLEASE BE ADVISED THAT, IF THE CURRENT PROJECT AREA OR SCOPE OF WORK ARE CHANGED, A BORROW AREA IS INCLUDED IN THE PROJECT, OR CULTURAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, APPROPRIATE INFORMATION MUST BE PROVIDED TO THIS OFFICE FOR FURTHER REVIEW AND COMMENT. Please retain this documentation as evidence of compliance with Section 106 of the National Historic Preservation Act, as amended.

By: Mark A. Miles
Mark A. Miles, Deputy State Historic Preservation Officer

October 3, 2008
Date

MISSOURI DEPARTMENT OF NATURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE
P.O. Box 176, Jefferson City, Missouri 65102

For additional information, please contact Judith Deel, (573) 751-7862. Please be sure to refer to the project number:
070-MLT-08



Gabriel S. Meyer
Assistant General Attorney

February 3, 2009

Via First Class Mail

State Clearinghouse (or alternate):

Missouri Department of Economic Development
301 W High Street
P O Box 1157
Jefferson City, MO 65102

State Environmental Protection Agency:

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

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of each County

New Madrid County Commissioners
P O Box 68
County Courthouse
New Madrid, MO 63869-0068

Scott County Commissioners
P O Box 188
County Courthouse
Benton, MO 63736-0188

Stoddard County Commissioners
PO Box 110
County Courthouse
Bloomfield, MO 63825-0110

**Environmental Protection Agency
(Regional Office):**

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

U.S. Fish and Wildlife:

U S Fish & Wildlife Service
Missouri Ecological Services Office
101 Park DeVilla Drive, Suite A
Columbia, MO 65203-0057

U.S. Army Corps of Engineers

Department of the Army
St Louis District, Corps of Engineers
1222 Spruce Street
St Louis, MO 63103-2833

National Park Service:

Environmental Coordinator
Planning and Compliance Office
National Park Service Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

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

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

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

Mr Stephen Mahfood
State Historic Preservation Officer
Department of Natural Resources
P O Box 176
Jefferson City, MO 65102

RE: Docket No. STB No. AB-33 (Sub-No. 261), Union Pacific Railroad Company - Abandonment - In New Madrid, Scott, and Stoddard Counties, Missouri (Essex to Miner Line)

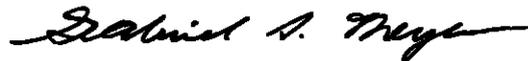
Dear Sir or Madame

On or after February 24, 2009 we expect to file with the Surface Transportation Board an application seeking authority to abandon a line of railroad known as the Essex to Miner Line, located in New Madrid, Scott, and Stoddard Counties, Minnesota, between Milepost 196 7 near Essex, and Milepost 216 27 near Miner Attached is a combined Environmental and Historic Report describing the proposed action and its expected environmental and historic effects, which includes a map of the affected area

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S W , Washington, D C 20024, telephone 202-245-0245 and refer to the above Docket No AB-33 (Sub No 261) Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to this 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/or 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 Gabriel S Meyer who may be contacted by telephone at 402 544-1658 or by mail at Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE, 68179

Sincerely,



Gabriel S Meyer

Enclosures