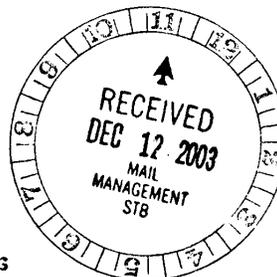




December 11, 2003



VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

ENTERED
Office of Proceedings

DEC 11 2003

Part of
Public Record

Attention: Victoria Rutson

RE: Proposed Abandonment of the Hoisington Subdivision from M. P. 664.5 near Healy to M. P. 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas; STB Docket No. AB-33 (Sub-No. 214X) - 209610

Kansas & Oklahoma Railroad, Inc. -- Discontinuance Exemption -- In Lane, Ness and Rush Counties, Kansas; STB Docket No. AB-853 (Sub-No. 2X) - 209611

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the 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 a Petition for Exemption in this matter on or after January 2, 2004.

Sincerely,

Enclosures

O:\ABANDONMENTS\33-214X\STB-EHR.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

01

State Clearinghouse (or alternate):

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:

Kansas Department of Health and
Environment
1000 SW Jackson
Topeka, KS 66612

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

Not Applicable

Head of County (Planning):

County Commissioners
Lane County Courthouse
144 S. Lane, P. O Box 788
Dighton, KS 67839-0788

County Commissioners
Ness County Courthouse
202 West Sycamore Street
Ness City, KS 67560-1558

County Commissioners
Rush County Courthouse
P. O. Box 220
La Crosse, KS 67548-0220

**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
Assistant Regional Director
Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Kansas
City District
700 Federal Building
Kansas City, MO 64106-2896

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS2540
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

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 214X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN LANE, NESS and RUSH COUNTIES, KANSAS
(A PORTION OF THE HOISINGTON SUBDIVISION)

Docket No. AB-853 (Sub-No. 2X)

KANSAS & OKLAHOMA RAILROAD, INC.
--DISCONTINUANCE EXEMPTION--
IN LANE, NESS and RUSH COUNTIES, KANSAS

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

KANSAS & OKLAHOMA RAILROAD, INC.
Karl Morell, Of Counsel
Ball Janik LLP
1455 F. St. N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

Dated: December 11, 2003
Filed: December 12, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 214X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN LANE, NESS and RUSH COUNTIES, KANSAS
(A PORTION OF THE HOISINGTON SUBDIVISION)

Docket No. AB-853 (Sub-No. 2X)

KANSAS & OKLAHOMA RAILROAD, INC.
--DISCONTINUANCE EXEMPTION--
IN LANE, NESS and RUSH COUNTIES, KANSAS

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") and the Kansas & Oklahoma Railroad, Inc. ("K&O") submit this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service from milepost 664.5 near Healy to milepost 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas (the "Line"). The Line traverses U. S. Postal Service Zip Codes 67515, 67521, 67556, 67572, 67584, 67839 and 67850.

The applicants anticipate that a Petition For Exemption to abandon the Line will be filed at the STB on or after January 2, 2004.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP's letter to federal, state and local government agencies marked

Attachment No. 2 is attached hereto and hereby made a part hereof. Responses received to UP's letters to date are attached and sequentially numbered as indicated below.

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 discontinuance of lease operation by the K&O, and the abandonment by UP, of a portion of the Hoisington Subdivision from milepost 606.0 near Mc Cracken to milepost 664.5 near Healy, a distance of 58.5 miles in Rush, Ness, and Lane Counties, Kansas (the "Line"). Prior to the merger of the UP and the Southern Pacific Transportation Company ("SP") in 1996, the Line was used primarily as an overhead route for the Denver and Rio Grande Western Railroad ("DRGW"), then SP, trains utilizing trackage rights. After the merger, the Line's focus then shifted to local service, and it was leased to a predecessor of K&O in October 1997. The lease was transferred to K&O in 2001. The Line is used primarily for the shipment of grain, with an emphasis on wheat.

This portion of the Hoisington Subdivision was constructed in 1887 by the Denver, Memphis, & Atlantic Railway. The Line is laid primarily with 112 pound jointed rail; there are about 11 miles of 132 pound welded rail. There appears to be no reasonable alternative to abandonment of this Line.

The property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission. The title to most of the right of way is reversionary in

nature. Based on information in our 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: Based on November 1, 2002 - October 31, 2003 traffic activity of 241 cars and assuming a four truck to one rail car ratio for the bulk commodities handled, the proposed action could result in the addition of 1,928 loaded and empty trucks, or an average of 7.4 trucks per weekday, to the area network of state (routes 4, 23, and 147) and federal (routes 83 and 283) roads. This volume should have minimal impact on regional or local transportation systems and patterns.

(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 effects 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) Applicants are unaware of any adverse effects on local and existing land use plans. The County Commissioners Offices for Lane, Ness and Rush Counties have been contacted. To date no response has been received.

(ii) The United States Natural Resources Conservation Service has been contacted and states the proposed abandonment will have no effect on wetlands or prime agricultural land. The NCRS response is attached hereto as **Attachment No. 3**, and hereby made a part hereof.

(iii) Not Applicable.

(iv) The property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission. The title to most of the right of way is reversionary in nature.

(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) There will be no effect on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no increase in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion of this magnitude.

(5) **Air.** (i) If the proposed action will result in either:

(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 §§ (5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (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 reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic above stated thresholds as a result of the proposed action.

(5) **Air.** (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 effect on public health and safety.

(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 subject 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 U. S. Fish and Wildlife Service has been contacted and stated that there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species, as a result of the proposed action. The U. S. Fish and Wildlife Service's response is attached as **Attachment No. 4**, and is hereby made part hereof.

(ii) Applicants are not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

(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) The Kansas Department of Health and Environment has been contacted. To date the applicants have received no response.

(ii) The U.S. Army Corps of Engineers has been contacted and has determined that the proposed action will not involve the discharge of dredged or fill material in waters of the United States, and therefore, a permit is not required. The U. S. Army Corps of Engineers response is attached as **Attachment No. 5**, and is hereby made part hereof.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(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 is generally 100 feet in width and consists primarily of level agricultural land in a rural area of west central Kansas.

(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: The Kansas State Historical Society Office was provided with photographs of the railroad bridges at milepost 607.5 and milepost 610.1. A copy of the letter to the Historical Society and pictures are attached hereto as **Attachment No. 6**, and hereby made a part hereof. To date applicants have received no response.

(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: The bridges and their dates of construction are listed in **Attachment No. 1**, and in **Attachment No 6**.

(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 C.F.R. § 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: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction 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: Applicants do not have any such readily available information.

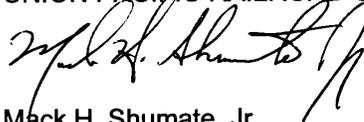
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties 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 11th day of December, 2003.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

KANSAS & OKLAHOMA RAILROAD, INC.



Karl Morell, Of Counsel
Ball Janik LLP
1455 F. St. N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 214X) and Docket No. AB-853 (Sub-No. 2X), a portion of the Hoisington Subdivision in Lane, Ness and Rush Counties, Kansas was served by first class mail on the 11th day of December, 2003 on the following:

State Clearinghouse (or alternate):

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:

Kansas Department of Health and Environment
1000 SW Jackson
Topeka, KS 66612

State Coastal Zone Management Agency
(if applicable):

Not Applicable

Head of County (Planning):

County Commissioners
Lane County Courthouse
144 S. Lane, P. O Box 788
Dighton, KS 67839-0788

County Commissioners
Ness County Courthouse
202 West Sycamore Street
Ness City, KS 67560-1558

County Commissioners
Rush County Courthouse
P. O. Box 220
La Crosse, KS 67548-0220

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
Assistant Regional Director
Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Kansas City District
700 Federal Building
Kansas City, MO 64106-2896

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS2540
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:

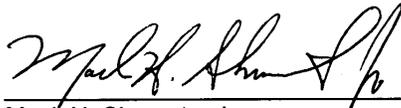
Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

Other Agencies Consulted:

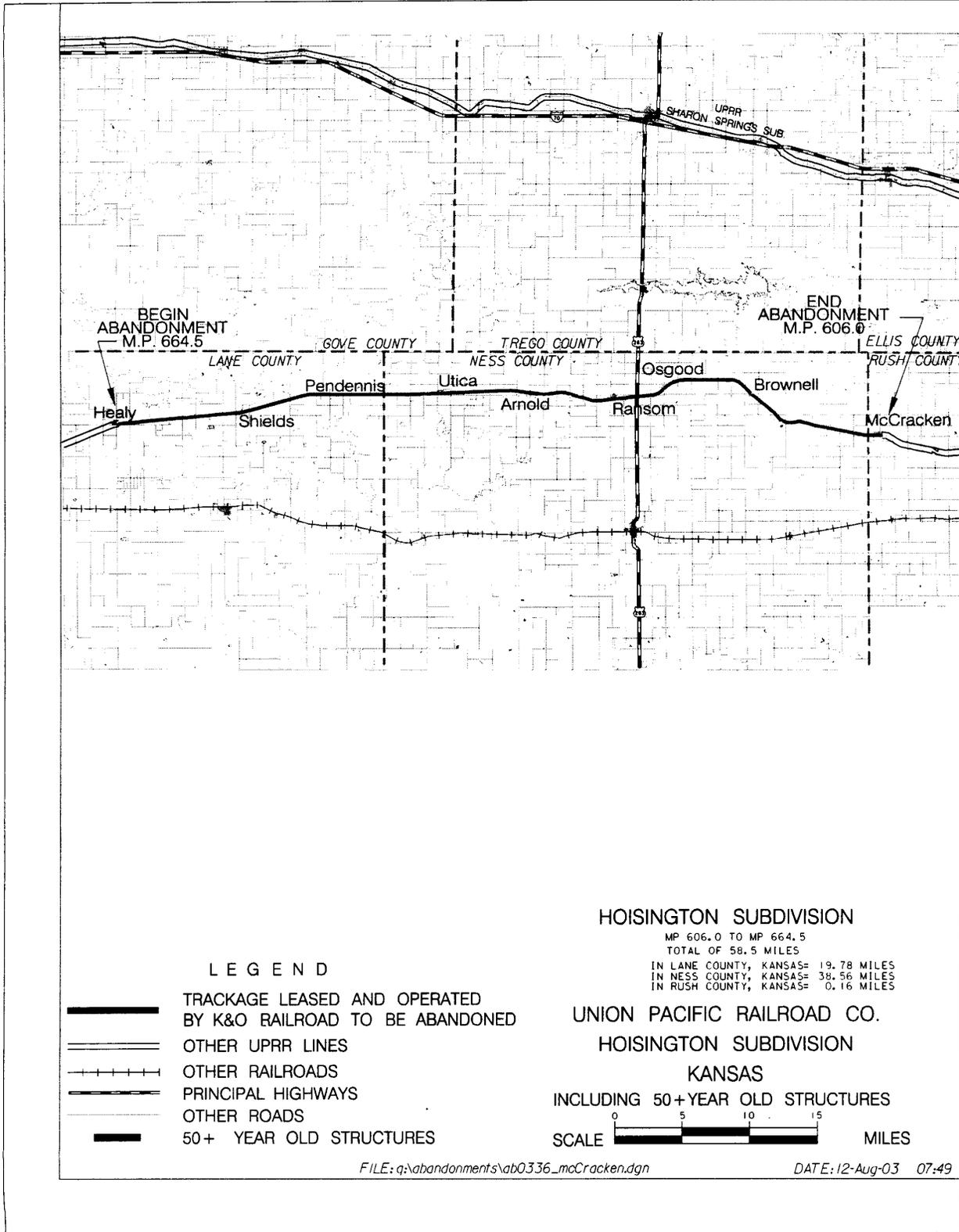
Wildlife & Parks Department
900 Southwest Jackson Street, #502 N
Topeka, KS 66612

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

Dated this 11th day of December, 2003.


Mack H. Shumate, Jr.


Karl Morell



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861



(402) 271-5625 (FAX)

November 7, 2003

State Clearinghouse (or alternate):

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:

Kansas Department of Health and Environment
Forbes Field, Bldg. 740
Topeka, KS 66620

State Coastal Zone Management Agency

(if applicable):
Not Applicable

Head of County (Planning):

County Commissioners
Lane County Courthouse
144 S. Lane, P. O Box 788
Dighton, KS 67839-0788

County Commissioners
Ness County Courthouse
202 West Sycamore Street
Ness City, KS 67560-1558

County Commissioners
Rush County Courthouse
P. O. Box 220
La Crosse, KS 67548-0220

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
Assistant Regional Director
Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Kansas City District
700 Federal Building
Kansas City, MO 64106-2896

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., Fl 2
Topeka, KS 66612

Re: Proposed Abandonment of the Hoisington Subdivision from M. P. 664.5 near Healy to M. P. 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas; STB Docket No. AB-33 (Sub-No. 214X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Hoisington Subdivision from M. P. 664.5 near Healy to M. P. 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas. The Hoisington Subdivision is currently leased by the Kansas & Oklahoma Railroad, Inc., who plans to discontinue service over the line and file appropriate documents with the STB in conjunction with Union Pacific. 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

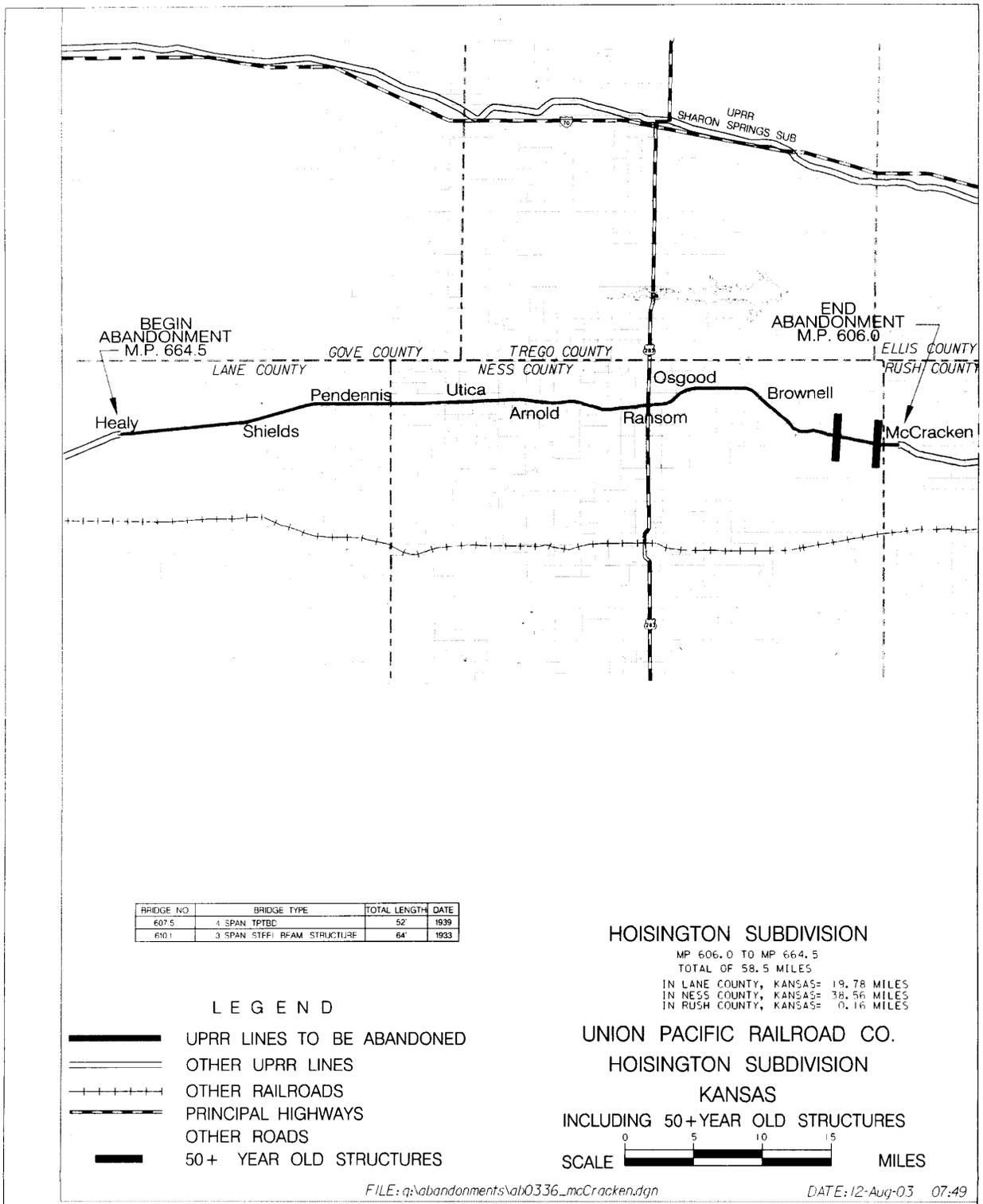
hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
607.5	4 SPAN TPTBC	52'	1939
610.1	3 SPAN STEEL RFAM STRUCTURE	64'	1933

LEGEND

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

HOISINGTON SUBDIVISION

MP 606.0 TO MP 664.5
 TOTAL OF 58.5 MILES
 IN LANE COUNTY, KANSAS= 19.78 MILES
 IN NESS COUNTY, KANSAS= 38.56 MILES
 IN RUSH COUNTY, KANSAS= 0.16 MILES

UNION PACIFIC RAILROAD CO.
HOISINGTON SUBDIVISION
KANSAS

INCLUDING 50+ YEAR OLD STRUCTURES
 SCALE MILES

FILE: q:\abandonments\ah0336_mccracken.dgn

DATE: 12-Aug-03 07:49



**United States Department of Agriculture
Natural Resources Conservation Service**

107 Layton
Dodge City, KS 67801-2498

Phone: 620-227-2392
FAX: 620-227-6020
www.ks.nrcs.usda.gov

December 1, 2003

Mr. Charles W. Saylor
Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska 68179

Re: Docket No. AB-33 (Sub-No. 214X)

Dear Mr. Saylor,

Thank you for the opportunity to review the proposal by the Union Pacific Railroad Company, for the abandonment of rail line segment in Lane, Ness, and Rush Counties, Kansas. The action of abandoning these rail lines should not have any effect on prime farmland, as related to the Farmland Policy Protection Act. Any conversion of prime farmlands would have taken place during original construction of these rail beds. As long as no additional permanent conversions take place, there should not be any effect on the prime farmlands in these counties.

I see no other adverse environmental effect for which the Natural Resources Conservation Service is responsible for evaluating.

Sincerely,

A handwritten signature in cursive script that reads "Jim Wright".

JIM WRIGHT
Assistant State Conservationist

cc: Arlen E. Ricke, District Conservationist, NRCS, Dighton, Kansas
Sharla M. Schwien, District Conservationist, NRCS, Ness City, Kansas
Rodney L. Marcotte, District Conservationist, NRCS, LaCrosse, Kansas
Rodney D. Egbarts, Soil Conservationist, NRCS, Salina, Kansas



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

November 26, 2003

Charles W. Saylor
Director-Legal Support Services
1416 Dodge Street
Omaha, NE 68179

RE: STB Docket No. AB-33 (Sub-No. 214X)

Dear Mr. Saylor:

This is in response to your letter of November 7, 2003, describing a proposed abandonment of 58.5 miles of existing railway line between Healy and McCracken, in Lane, Ness, and Rush counties, Kansas. We have reviewed this proposal and conclude that there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species. Therefore, the U.S. Fish and Wildlife Service has no objection to your proposals as planned.

The Service encourages the Union Pacific Railroad Company to keep the right-of-way in a natural condition for the benefit of native wildlife, plants, and the public. You may wish to contact the National Park Service, Omaha, Nebraska, 402-221-3350, for more information on the "Rails to Trails" Program. You may also wish to contact the Kansas Department of Wildlife and Parks in Pratt, Kansas (316-672-5911) to determine their interest in acquiring a nature trail.

Thank you for this opportunity to comment on your proposal.

Sincerely,


For: William H. Gill
Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)

WHG/dwm



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
REGULATORY BRANCH-KANOPOLIS SATELLITE OFFICE
107 RIVERSIDE DRIVE
MARQUETTE, KANSAS 67464

November 14, 2003

REPLY TO
ATTENTION OF:

Kanopolis Satellite Office
(200400200)
(Lane, KS, NPR)

Mr. Chuck Saylor
Union Pacific Railroad
1416 Dodge Street, Room 830
Omaha, Nebraska 68179

Dear Mr. Saylor:

This is in response to your letter received on November 13, 2003, requesting a Department of the Army (DA) Permit determination concerning Union Pacific Railroad Company's proposed abandonment of the Hoisington Subdivision from mile post 664.5 to mile post 606.0, located in Lane, Ness, and Rush Counties, Kansas.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

We have reviewed the information furnished and have determined that the proposed activity will not involve the discharge of dredged or fill material in waters of the United States. Therefore, Department of the Army permit authorization is not required. Other Federal, State and/or Local permits may be required, however, and you should verify this yourself.

Mr. Luke M. Cory, Regulatory Project Manager, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Mr. Cory at 785-546-2130 or (FAX 785-546-2050).

Enclosures

Copies Furnished:

Environmental Protection Agency,
Water Resources Protection Branch wo/enclosures
Kansas Department of Wildlife & Parks wo/enclosures
Kansas Department of Agriculture wo/enclosures

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861



December 3, 2003

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

RE: Proposed Abandonment of the Hoisington Subdivision from M. P. 664.5 near Healy to M. P. 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas; STB Docket No. AB-33 (Sub-No. 214X)

Dear Sir:

Enclosed for your review are five photographs of the two bridges located on the Hoisington Subdivision which are 50 years or older along with a map of the proposed abandonment. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Year Constructed</u>
607.5	4 Span TPTBD Total Length: 52 Feet	1939
610.1	3 Span Steel Beam Structure Total Length: 64 Feet	1933

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

Sincerely,

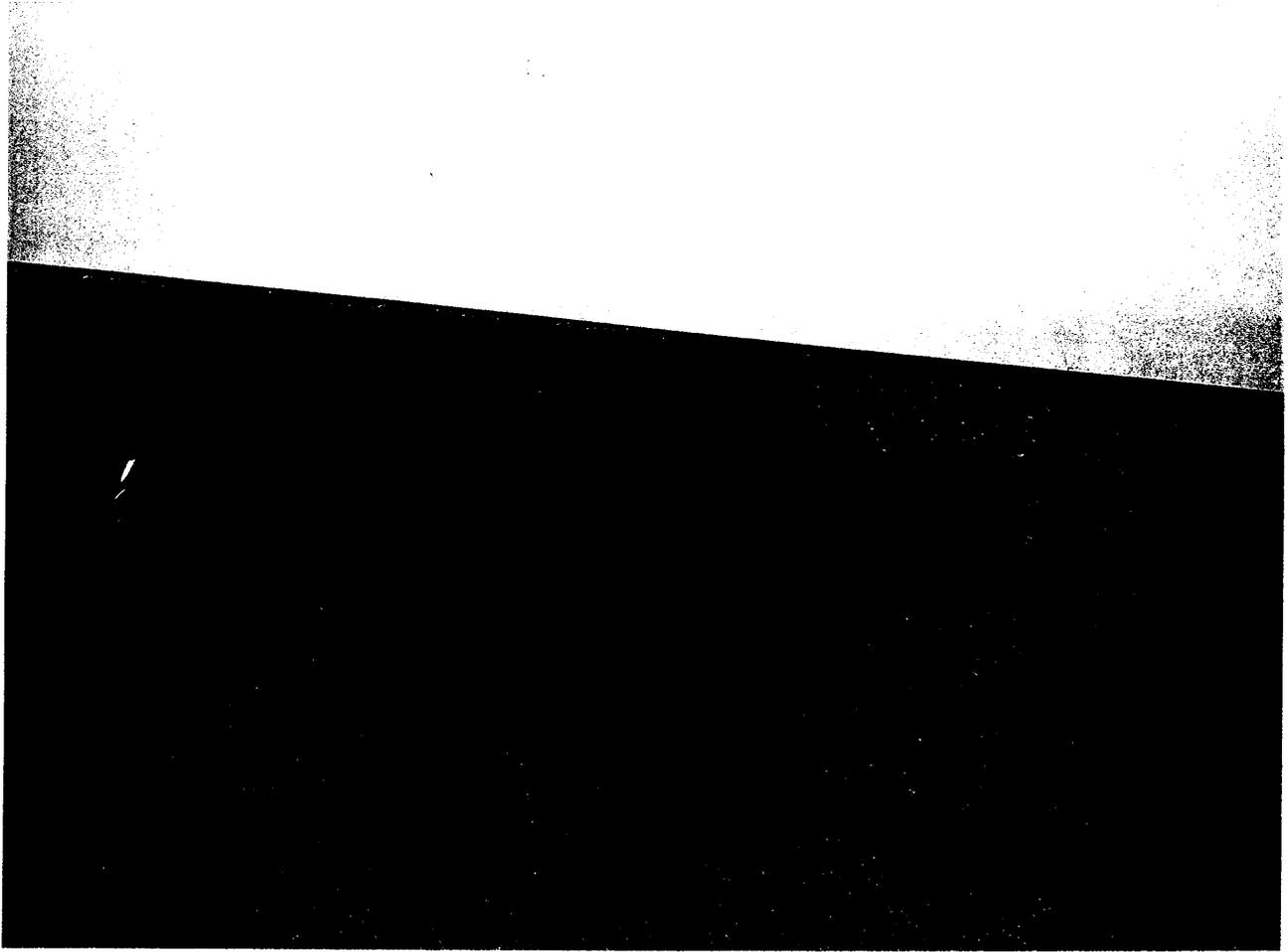
Charles W. Saylor
(402) 271-4861



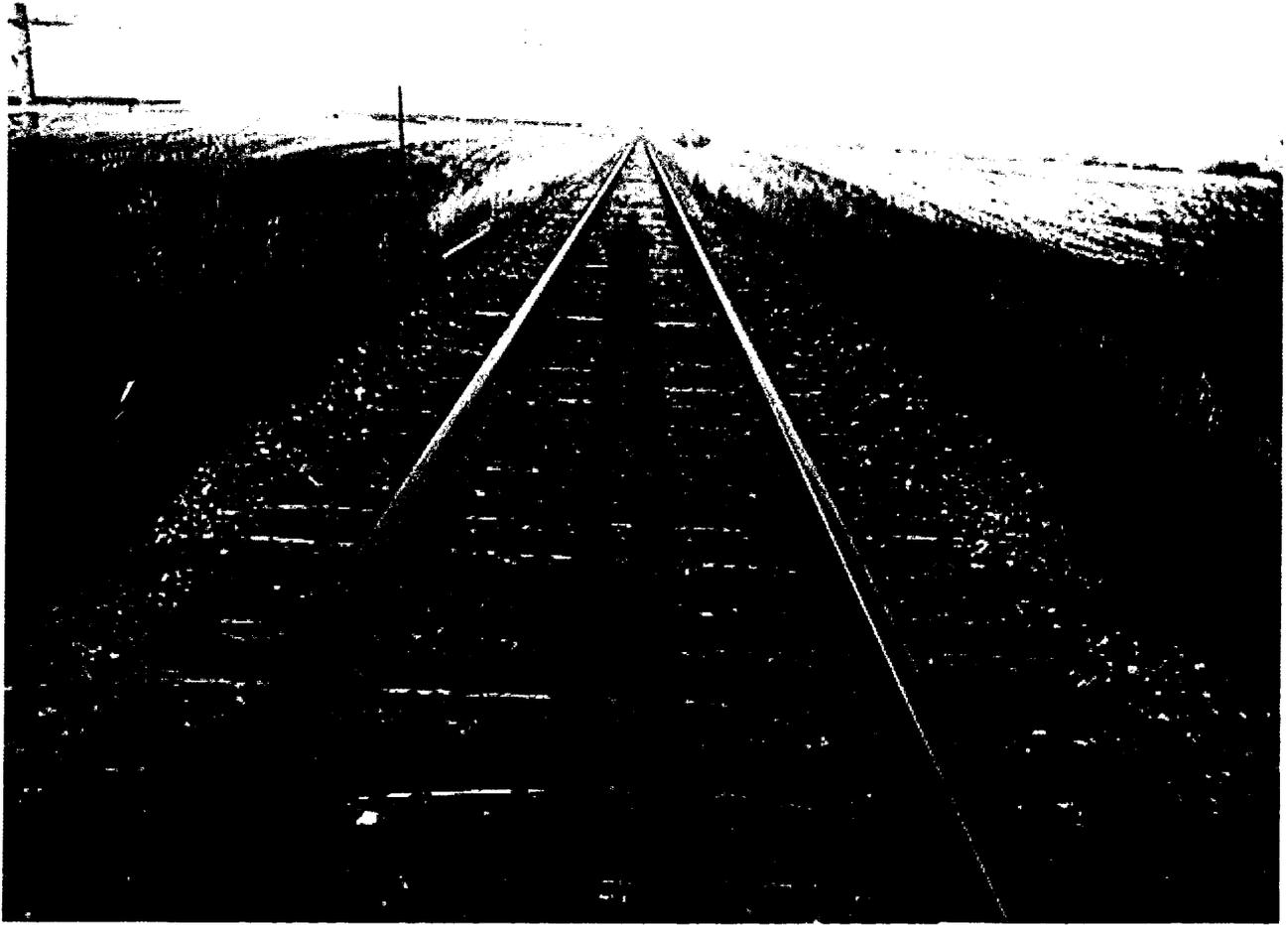
Milepost 607.5



Milepost 607.5



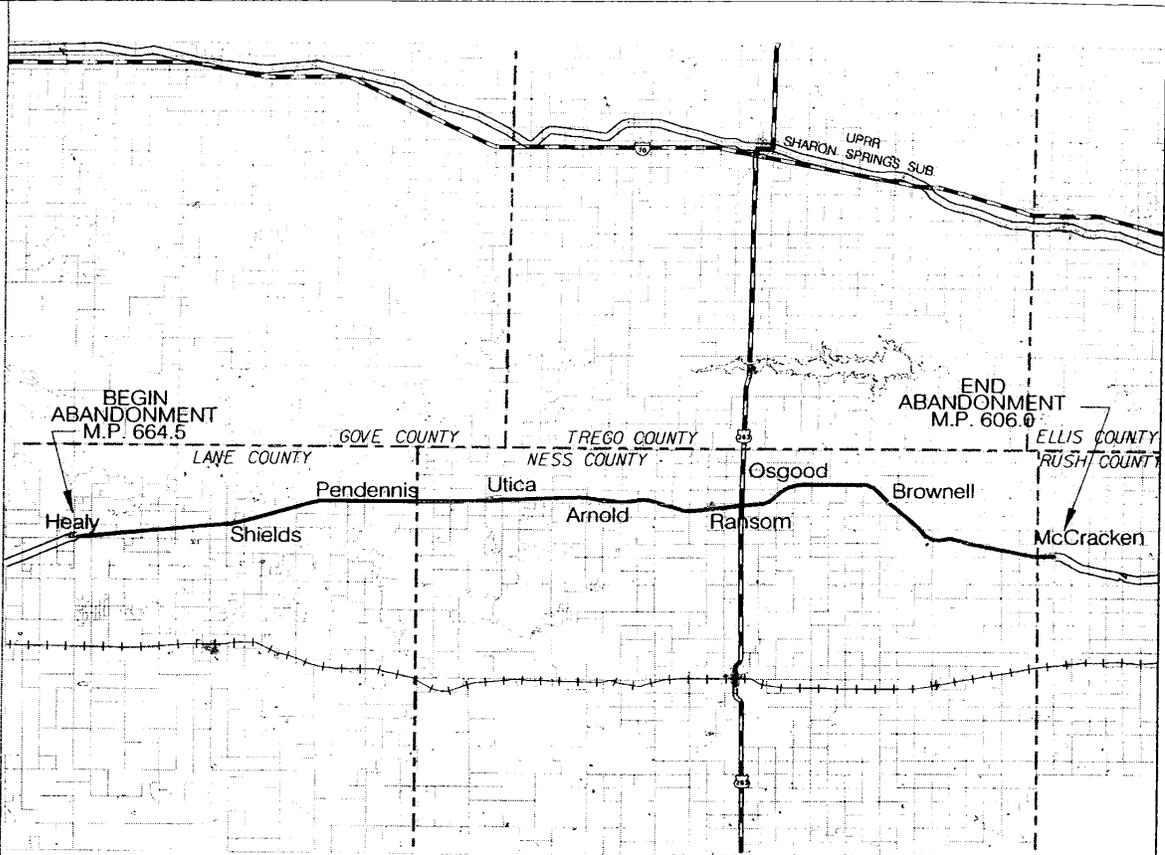
Milepost 607.5



Milepost 610.1

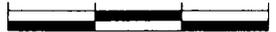


Milepost 610.1



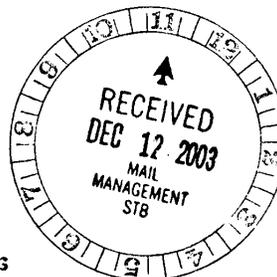
- LEGEND**
-  TRACKAGE LEASED AND OPERATED BY K&O RAILROAD TO BE ABANDONED
 -  OTHER UPRR LINES
 -  OTHER RAILROADS
 -  PRINCIPAL HIGHWAYS
 -  OTHER ROADS
 -  50+ YEAR OLD STRUCTURES

HOISINGTON SUBDIVISION
 MP 606.0 TO MP 664.5
 TOTAL OF 58.5 MILES
 IN LANE COUNTY, KANSAS= 19.78 MILES
 IN NESS COUNTY, KANSAS= 38.56 MILES
 IN RUSH COUNTY, KANSAS= 0.16 MILES

UNION PACIFIC RAILROAD CO.
HOISINGTON SUBDIVISION
KANSAS
 INCLUDING 50+ YEAR OLD STRUCTURES
 SCALE  MILES



December 11, 2003



VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

ENTERED
Office of Proceedings

DEC 11 2003

Part of
Public Record

Attention: Victoria Rutson

RE: Proposed Abandonment of the Hoisington Subdivision from M. P. 664.5 near Healy to M. P. 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas; STB Docket No. AB-33 (Sub-No. 214X) - 209610

Kansas & Oklahoma Railroad, Inc. -- Discontinuance Exemption -- In Lane, Ness and Rush Counties, Kansas; STB Docket No. AB-853 (Sub-No. 2X) - 209611

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the 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 a Petition for Exemption in this matter on or after January 2, 2004.

Sincerely,

Enclosures

O:\ABANDONMENTS\33-214X\STB-EHR.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

01

State Clearinghouse (or alternate):

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:

Kansas Department of Health and
Environment
1000 SW Jackson
Topeka, KS 66612

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

Not Applicable

Head of County (Planning):

County Commissioners
Lane County Courthouse
144 S. Lane, P. O Box 788
Dighton, KS 67839-0788

County Commissioners
Ness County Courthouse
202 West Sycamore Street
Ness City, KS 67560-1558

County Commissioners
Rush County Courthouse
P. O. Box 220
La Crosse, KS 67548-0220

**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
Assistant Regional Director
Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Kansas
City District
700 Federal Building
Kansas City, MO 64106-2896

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS2540
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

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 214X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN LANE, NESS and RUSH COUNTIES, KANSAS
(A PORTION OF THE HOISINGTON SUBDIVISION)

Docket No. AB-853 (Sub-No. 2X)

KANSAS & OKLAHOMA RAILROAD, INC.
--DISCONTINUANCE EXEMPTION--
IN LANE, NESS and RUSH COUNTIES, KANSAS

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

KANSAS & OKLAHOMA RAILROAD, INC.
Karl Morell, Of Counsel
Ball Janik LLP
1455 F. St. N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

Dated: December 11, 2003
Filed: December 12, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 214X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN LANE, NESS and RUSH COUNTIES, KANSAS
(A PORTION OF THE HOISINGTON SUBDIVISION)

Docket No. AB-853 (Sub-No. 2X)

KANSAS & OKLAHOMA RAILROAD, INC.
--DISCONTINUANCE EXEMPTION--
IN LANE, NESS and RUSH COUNTIES, KANSAS

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") and the Kansas & Oklahoma Railroad, Inc. ("K&O") submit this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service from milepost 664.5 near Healy to milepost 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas (the "Line"). The Line traverses U. S. Postal Service Zip Codes 67515, 67521, 67556, 67572, 67584, 67839 and 67850.

The applicants anticipate that a Petition For Exemption to abandon the Line will be filed at the STB on or after January 2, 2004.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP's letter to federal, state and local government agencies marked

Attachment No. 2 is attached hereto and hereby made a part hereof. Responses received to UP's letters to date are attached and sequentially numbered as indicated below.

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 discontinuance of lease operation by the K&O, and the abandonment by UP, of a portion of the Hoisington Subdivision from milepost 606.0 near Mc Cracken to milepost 664.5 near Healy, a distance of 58.5 miles in Rush, Ness, and Lane Counties, Kansas (the "Line"). Prior to the merger of the UP and the Southern Pacific Transportation Company ("SP") in 1996, the Line was used primarily as an overhead route for the Denver and Rio Grande Western Railroad ("DRGW"), then SP, trains utilizing trackage rights. After the merger, the Line's focus then shifted to local service, and it was leased to a predecessor of K&O in October 1997. The lease was transferred to K&O in 2001. The Line is used primarily for the shipment of grain, with an emphasis on wheat.

This portion of the Hoisington Subdivision was constructed in 1887 by the Denver, Memphis, & Atlantic Railway. The Line is laid primarily with 112 pound jointed rail; there are about 11 miles of 132 pound welded rail. There appears to be no reasonable alternative to abandonment of this Line.

The property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission. The title to most of the right of way is reversionary in

nature. Based on information in our 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: Based on November 1, 2002 - October 31, 2003 traffic activity of 241 cars and assuming a four truck to one rail car ratio for the bulk commodities handled, the proposed action could result in the addition of 1,928 loaded and empty trucks, or an average of 7.4 trucks per weekday, to the area network of state (routes 4, 23, and 147) and federal (routes 83 and 283) roads. This volume should have minimal impact on regional or local transportation systems and patterns.

(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 effects 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) Applicants are unaware of any adverse effects on local and existing land use plans. The County Commissioners Offices for Lane, Ness and Rush Counties have been contacted. To date no response has been received.

(ii) The United States Natural Resources Conservation Service has been contacted and states the proposed abandonment will have no effect on wetlands or prime agricultural land. The NCRS response is attached hereto as **Attachment No. 3**, and hereby made a part hereof.

(iii) Not Applicable.

(iv) The property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission. The title to most of the right of way is reversionary in nature.

(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) There will be no effect on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no increase in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion of this magnitude.

(5) **Air.** (i) If the proposed action will result in either:

(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 §§ (5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (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: There will be no increase in rail traffic, rail yard activity, or truck traffic above stated thresholds as a result of the proposed action.

(5) **Air.** (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 effect on public health and safety.

(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 subject 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 U. S. Fish and Wildlife Service has been contacted and stated that there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species, as a result of the proposed action. The U. S. Fish and Wildlife Service's response is attached as **Attachment No. 4**, and is hereby made part hereof.

(ii) Applicants are not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

(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) The Kansas Department of Health and Environment has been contacted. To date the applicants have received no response.

(ii) The U.S. Army Corps of Engineers has been contacted and has determined that the proposed action will not involve the discharge of dredged or fill material in waters of the United States, and therefore, a permit is not required. The U. S. Army Corps of Engineers response is attached as **Attachment No. 5**, and is hereby made part hereof.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(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 is generally 100 feet in width and consists primarily of level agricultural land in a rural area of west central Kansas.

(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: The Kansas State Historical Society Office was provided with photographs of the railroad bridges at milepost 607.5 and milepost 610.1. A copy of the letter to the Historical Society and pictures are attached hereto as **Attachment No. 6**, and hereby made a part hereof. To date applicants have received no response.

(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: The bridges and their dates of construction are listed in **Attachment No. 1**, and in **Attachment No 6**.

(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 C.F.R. § 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: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction 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: Applicants do not have any such readily available information.

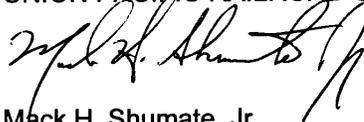
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties 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 11th day of December, 2003.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

KANSAS & OKLAHOMA RAILROAD, INC.



Karl Morell, Of Counsel
Ball Janik LLP
1455 F. St. N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 214X) and Docket No. AB-853 (Sub-No. 2X), a portion of the Hoisington Subdivision in Lane, Ness and Rush Counties, Kansas was served by first class mail on the 11th day of December, 2003 on the following:

State Clearinghouse (or alternate):

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:

Kansas Department of Health and Environment
1000 SW Jackson
Topeka, KS 66612

State Coastal Zone Management Agency
(if applicable):

Not Applicable

Head of County (Planning):

County Commissioners
Lane County Courthouse
144 S. Lane, P. O Box 788
Dighton, KS 67839-0788

County Commissioners
Ness County Courthouse
202 West Sycamore Street
Ness City, KS 67560-1558

County Commissioners
Rush County Courthouse
P. O. Box 220
La Crosse, KS 67548-0220

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
Assistant Regional Director
Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Kansas City District
700 Federal Building
Kansas City, MO 64106-2896

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS2540
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:

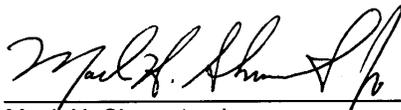
Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

Other Agencies Consulted:

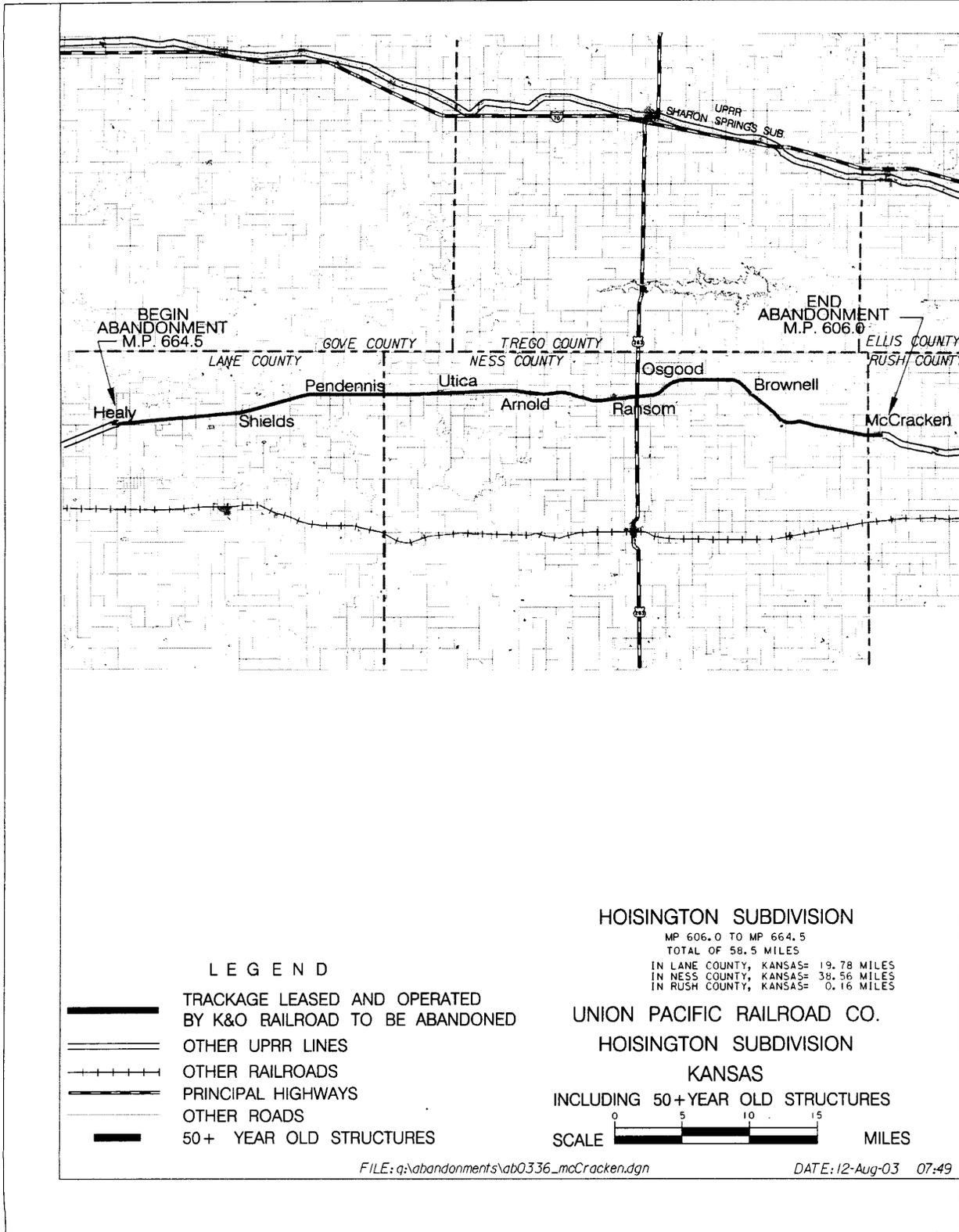
Wildlife & Parks Department
900 Southwest Jackson Street, #502 N
Topeka, KS 66612

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

Dated this 11th day of December, 2003.


Mack H. Shumate, Jr.


Karl Morell



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861

(402) 271-5625 (FAX)



November 7, 2003

State Clearinghouse (or alternate):

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:

Kansas Department of Health and Environment
Forbes Field, Bldg. 740
Topeka, KS 66620

State Coastal Zone Management Agency

(if applicable):
Not Applicable

Head of County (Planning):

County Commissioners
Lane County Courthouse
144 S. Lane, P. O Box 788
Dighton, KS 67839-0788

County Commissioners
Ness County Courthouse
202 West Sycamore Street
Ness City, KS 67560-1558

County Commissioners
Rush County Courthouse
P. O. Box 220
La Crosse, KS 67548-0220

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
Assistant Regional Director
Box 25486
Denver Federal Center
Denver, CO 80225

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1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

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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., Fl 2
Topeka, KS 66612

Re: Proposed Abandonment of the Hoisington Subdivision from M. P. 664.5 near Healy to M. P. 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas; STB Docket No. AB-33 (Sub-No. 214X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Hoisington Subdivision from M. P. 664.5 near Healy to M. P. 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas. The Hoisington Subdivision is currently leased by the Kansas & Oklahoma Railroad, Inc., who plans to discontinue service over the line and file appropriate documents with the STB in conjunction with Union Pacific. 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

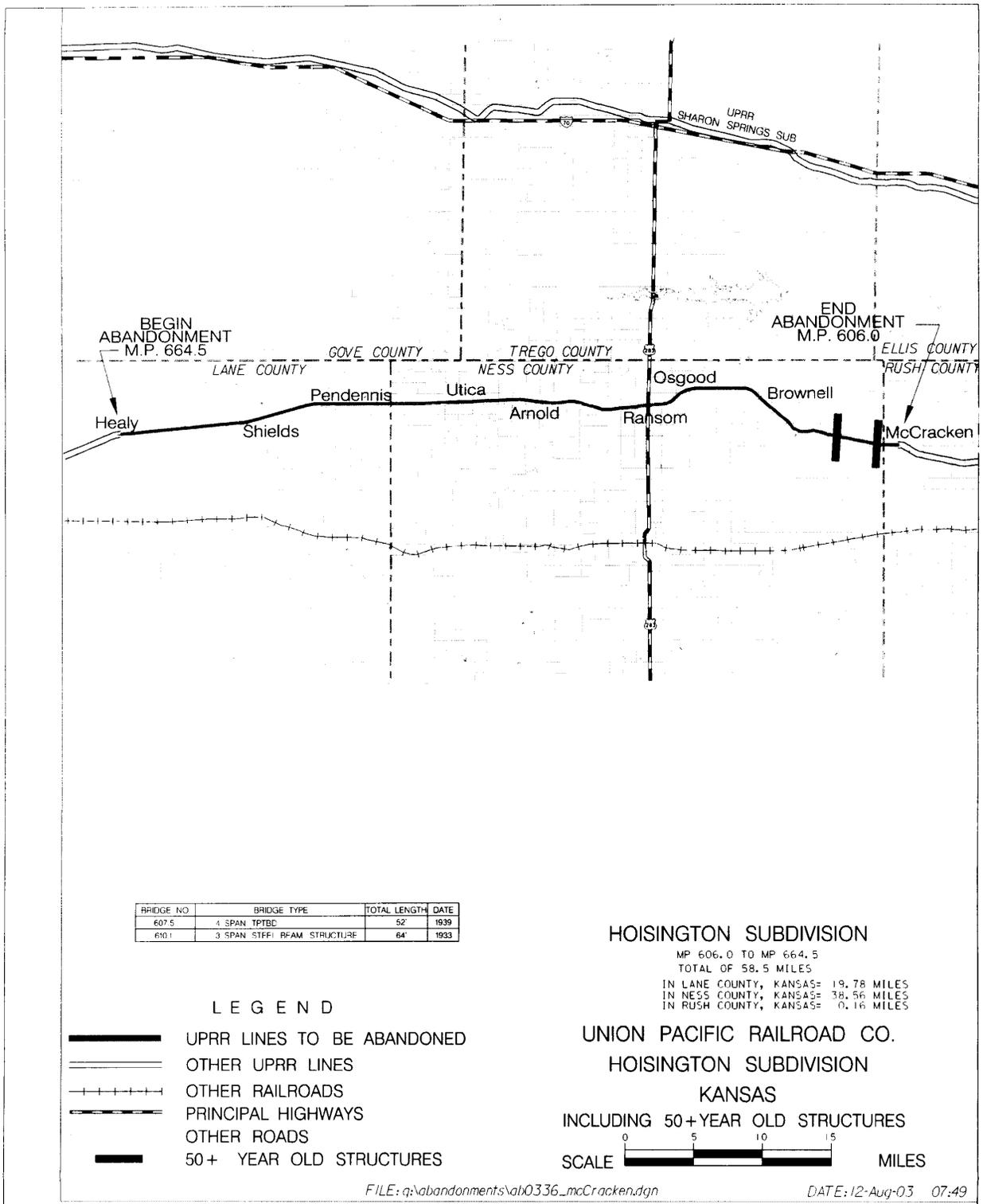
hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment



BEGIN
ABANDONMENT
M.P. 664.5

END
ABANDONMENT
M.P. 606.0

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
607.5	4 SPAN TPTBC	52'	1939
610.1	3 SPAN STEEL RFAM STRUCTURE	64'	1933

LEGEND

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

HOISINGTON SUBDIVISION

MP 606.0 TO MP 664.5
TOTAL OF 58.5 MILES
IN LANE COUNTY, KANSAS= 19.78 MILES
IN NESS COUNTY, KANSAS= 38.56 MILES
IN RUSH COUNTY, KANSAS= 0.16 MILES

UNION PACIFIC RAILROAD CO.
HOISINGTON SUBDIVISION
KANSAS

INCLUDING 50+ YEAR OLD STRUCTURES
SCALE MILES

FILE: q:\abandonments\ah0336_mccracken.dgn

DATE: 12-Aug-03 07:49



**United States Department of Agriculture
Natural Resources Conservation Service**

107 Layton
Dodge City, KS 67801-2498

Phone: 620-227-2392
FAX: 620-227-6020
www.ks.nrcs.usda.gov

December 1, 2003

Mr. Charles W. Saylor
Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska 68179

Re: Docket No. AB-33 (Sub-No. 214X)

Dear Mr. Saylor,

Thank you for the opportunity to review the proposal by the Union Pacific Railroad Company, for the abandonment of rail line segment in Lane, Ness, and Rush Counties, Kansas. The action of abandoning these rail lines should not have any effect on prime farmland, as related to the Farmland Policy Protection Act. Any conversion of prime farmlands would have taken place during original construction of these rail beds. As long as no additional permanent conversions take place, there should not be any effect on the prime farmlands in these counties.

I see no other adverse environmental effect for which the Natural Resources Conservation Service is responsible for evaluating.

Sincerely,

A handwritten signature in cursive script that reads "Jim Wright".

JIM WRIGHT
Assistant State Conservationist

cc: Arlen E. Ricke, District Conservationist, NRCS, Dighton, Kansas
Sharla M. Schwien, District Conservationist, NRCS, Ness City, Kansas
Rodney L. Marcotte, District Conservationist, NRCS, LaCrosse, Kansas
Rodney D. Egbarts, Soil Conservationist, NRCS, Salina, Kansas



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

November 26, 2003

Charles W. Saylor
Director-Legal Support Services
1416 Dodge Street
Omaha, NE 68179

RE: STB Docket No. AB-33 (Sub-No. 214X)

Dear Mr. Saylor:

This is in response to your letter of November 7, 2003, describing a proposed abandonment of 58.5 miles of existing railway line between Healy and McCracken, in Lane, Ness, and Rush counties, Kansas. We have reviewed this proposal and conclude that there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species. Therefore, the U.S. Fish and Wildlife Service has no objection to your proposals as planned.

The Service encourages the Union Pacific Railroad Company to keep the right-of-way in a natural condition for the benefit of native wildlife, plants, and the public. You may wish to contact the National Park Service, Omaha, Nebraska, 402-221-3350, for more information on the "Rails to Trails" Program. You may also wish to contact the Kansas Department of Wildlife and Parks in Pratt, Kansas (316-672-5911) to determine their interest in acquiring a nature trail.

Thank you for this opportunity to comment on your proposal.

Sincerely,


For: William H. Gill
Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)

WHG/dwm



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
REGULATORY BRANCH-KANOPOLIS SATELLITE OFFICE
107 RIVERSIDE DRIVE
MARQUETTE, KANSAS 67464

November 14, 2003

REPLY TO
ATTENTION OF:

Kanopolis Satellite Office
(200400200)
(Lane, KS, NPR)

Mr. Chuck Saylor
Union Pacific Railroad
1416 Dodge Street, Room 830
Omaha, Nebraska 68179

Dear Mr. Saylor:

This is in response to your letter received on November 13, 2003, requesting a Department of the Army (DA) Permit determination concerning Union Pacific Railroad Company's proposed abandonment of the Hoisington Subdivision from mile post 664.5 to mile post 606.0, located in Lane, Ness, and Rush Counties, Kansas.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

We have reviewed the information furnished and have determined that the proposed activity will not involve the discharge of dredged or fill material in waters of the United States. Therefore, Department of the Army permit authorization is not required. Other Federal, State and/or Local permits may be required, however, and you should verify this yourself.

Mr. Luke M. Cory, Regulatory Project Manager, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Mr. Cory at 785-546-2130 or (FAX 785-546-2050).

Enclosures

Copies Furnished:

Environmental Protection Agency,
Water Resources Protection Branch wo/enclosures
Kansas Department of Wildlife & Parks wo/enclosures
Kansas Department of Agriculture wo/enclosures

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861



December 3, 2003

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

RE: Proposed Abandonment of the Hoisington Subdivision from M. P. 664.5 near Healy to M. P. 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas; STB Docket No. AB-33 (Sub-No. 214X)

Dear Sir:

Enclosed for your review are five photographs of the two bridges located on the Hoisington Subdivision which are 50 years or older along with a map of the proposed abandonment. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Year Constructed</u>
607.5	4 Span TPTBD Total Length: 52 Feet	1939
610.1	3 Span Steel Beam Structure Total Length: 64 Feet	1933

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

Sincerely,

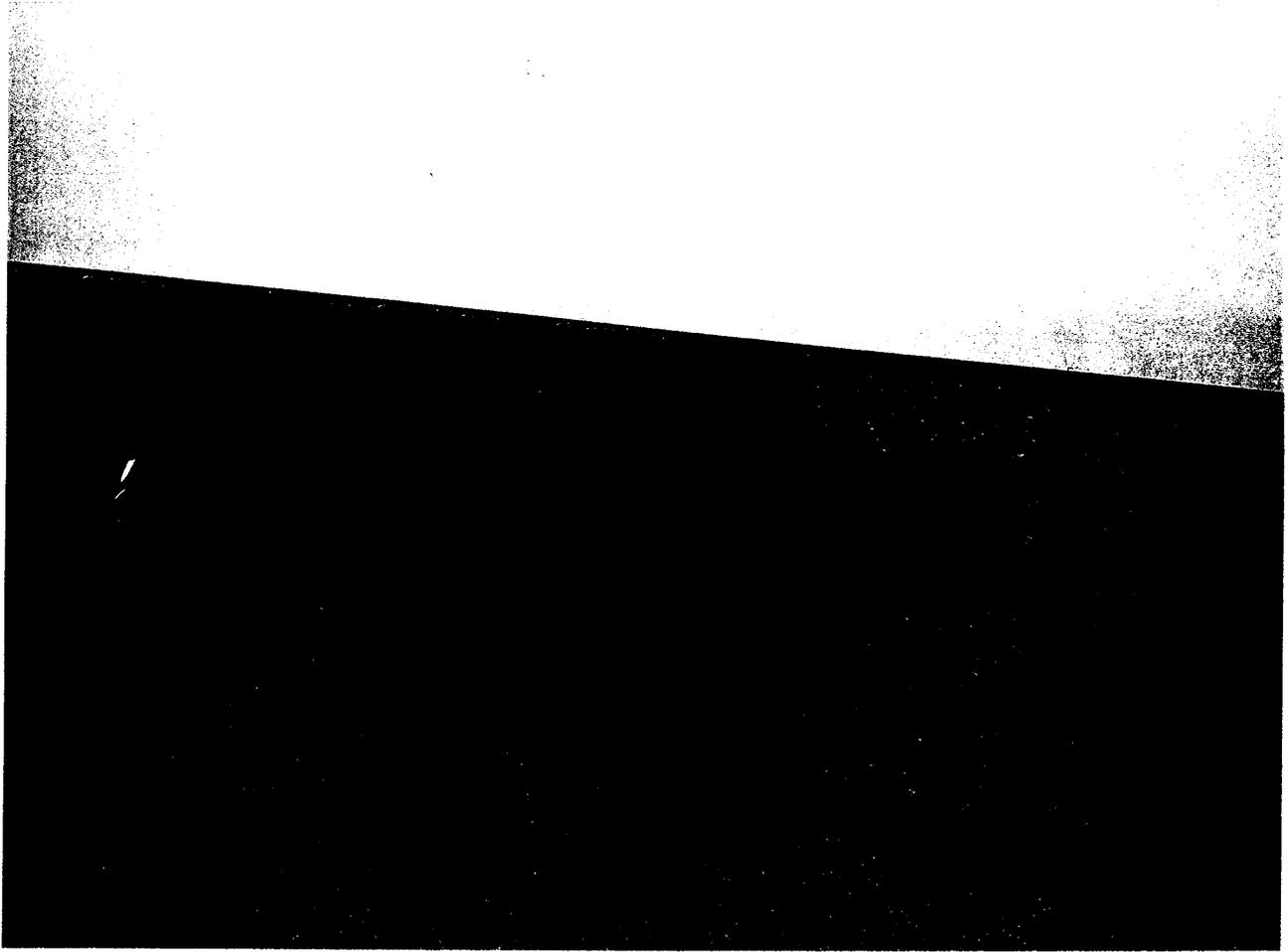
Charles W. Saylor
(402) 271-4861



Milepost 607.5



Milepost 607.5



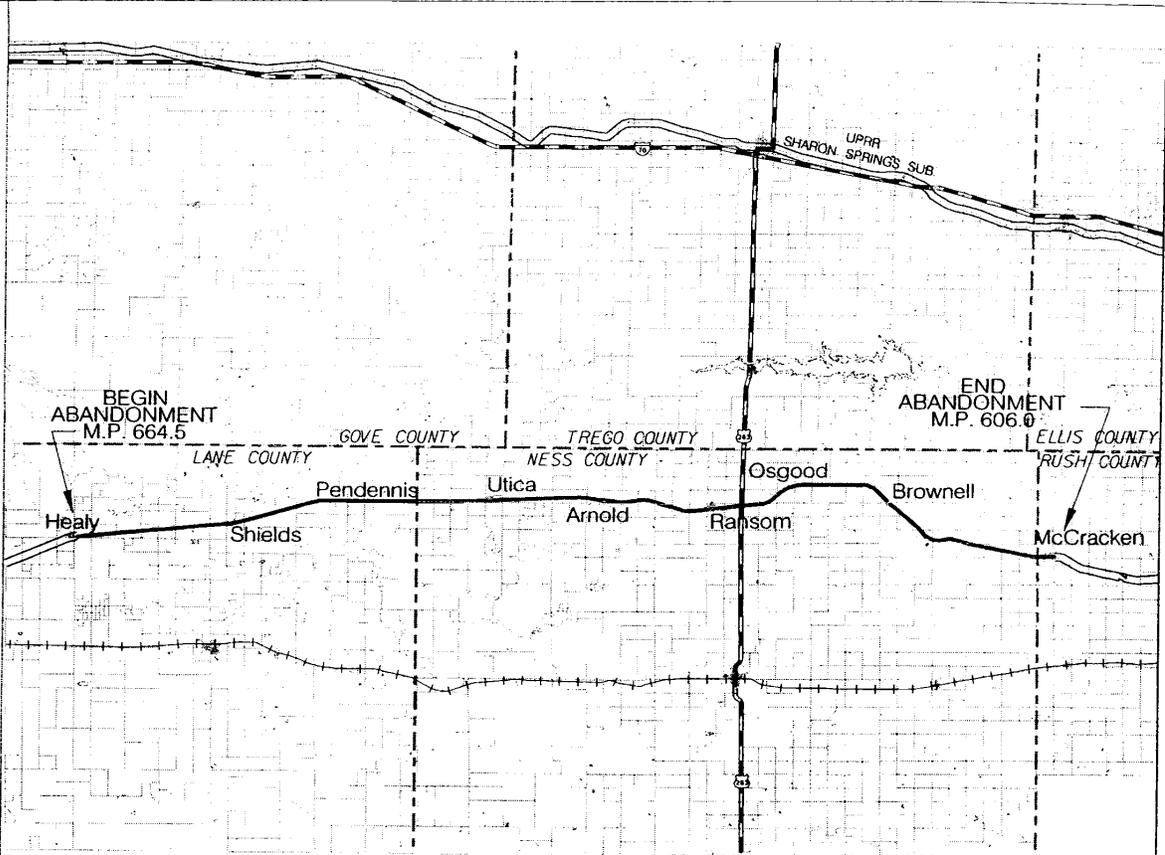
Milepost 607.5



Milepost 610.1



Milepost 610.1



- LEGEND**
- TRACKAGE LEASED AND OPERATED BY K&O RAILROAD TO BE ABANDONED
 - OTHER UPRR LINES
 - OTHER RAILROADS
 - PRINCIPAL HIGHWAYS
 - OTHER ROADS
 - 50+ YEAR OLD STRUCTURES

HOISINGTON SUBDIVISION
 MP 606.0 TO MP 664.5
 TOTAL OF 58.5 MILES
 IN LANE COUNTY, KANSAS= 19.78 MILES
 IN NESS COUNTY, KANSAS= 38.56 MILES
 IN RUSH COUNTY, KANSAS= 0.16 MILES

UNION PACIFIC RAILROAD CO.
HOISINGTON SUBDIVISION
KANSAS
 INCLUDING 50+ YEAR OLD STRUCTURES
 SCALE MILES