

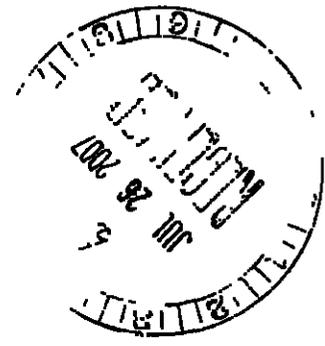
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SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

July 26, 2007



Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S W
Washington, DC 20423

**Re: STB Docket No. AB-6 (Sub. No. 450X) BNSF Railway Company—
Abandonment Exemption – in Clay County, MO**

Dear Secretary Williams

Enclosed please find an original and 10 copies of the Verified Notice of Exemption under 49 C F R 1152.50 for filing with the Board in the above-referenced matter

Also enclosed is a check in the amount of \$3,200.00 for the filing fee.

Very truly yours,

Sidney L. Strickland, Jr.
Sidney L. Strickland, Jr.
Attorney for BNSF Railway Company

ENTERED
Office of Proceedings
JUL 27 2007
Part of
Public Record

FILED

JUL 26 2007

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED

JUL 26 2007

**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN CLAY COUNTY, MO**

**DOCKET NO. AB-6
(SUB. NO. 450X)**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50**

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P O Box 96157
Fort Worth, TX 76161-0057

By **SIDNEY L. STRICKLAND, JR.**
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N W
Suite 101
Washington, DC 20007
(202) 338-1325

Attorneys for BNSF Railway Company

DATE FILED July 26, 2007

FILED
JUL 27 2007
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN CLAY COUNTY, MO**

**DOCKET NO. AB-6
(SUB. NO. 450X)**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50**

BNSF RAILWAY COMPANY ("BNSF") ("Applicant") files this Verified Notice of Exemption under 49 C F R 1152 Subpart F- Exempt Abandonments (49 C F R 1152 50) for BNSF to abandon a rail line that extends between Milepost 199 07 and Milepost 200.13. in Kearney, Clay County, Missouri (the "Line"), a total distance of 1 06 miles

The Line is depicted in a map that is attached to this Notice as Appendix 1

Responses to 49 C.F.R. § 1152.50(d)(2):

I *Proposed consummation date for the abandonment*

The proposed consummation date of this abandonment will be at least 50 days from the filing date of July 26, 2007, which is September 11, 2007.

II *Certification required in 49 C F R § 1152 50(b)*

The required certification is attached hereto as Appendix 2.

III *Information required by 49 C F R § 1152 22(a)(1-4), (7) and (8) and (e)(4)*

(a) General

(1) Exact name of Applicant

BNSF Railway Company ("BNSF")

- (2) *Whether applicant is a common carrier by railroad subject to 49 U S C Subtitle IV, Chapter 105*

Applicant is a common carrier by railroad subject to
49 U S C Subtitle IV, Chapter 105

- (3) *Relief sought (abandonment of line or discontinuance of service)*

BNSF seeks to use the class exemption from Surface
Transportation Board approval authorizing the abandonment of the
Clay County Line specified above

- (4) *Detailed map of the subject line*

See Appendix 1.

- (7) *Name, title and address of representative of applicant to whom correspondence should be sent*

Sidney L Strickland, Jr
Sidney Strickland and Associates, PLLC
3050 K Street, N.W
Suite 101
Washington, DC 20007
(202) 338-1325

Attorney for BNSF

- (8) *List of all United States Postal Service ZIP Codes that the line traverses*

The Line traverses United States Postal Service Zip Code 64060

- (e)(4) *Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed*

The properties of the proposed abandonment appear to be appropriate for other public purposes. Based on information in our possession, there are no federally granted rights-of-way within the corridor. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV *Level of Labor Protection*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in *Oregon Short Line RR Co - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

V *Certification that Applicants have complied with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11*

The required certifications are set forth in Appendix 3 to this Notice of Exemption.

VI *Environmental and Historic Reports*

A combined Environmental and Historic Report is attached to this Notice of Exemption as Appendix 4.

Respectfully submitted.

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P O Box 96157
Fort Worth, TX 76161-0057



By SIDNEY L. STRICKLAND, JR.
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.
Suite 101
Washington, DC 20007
(202) 338-1325

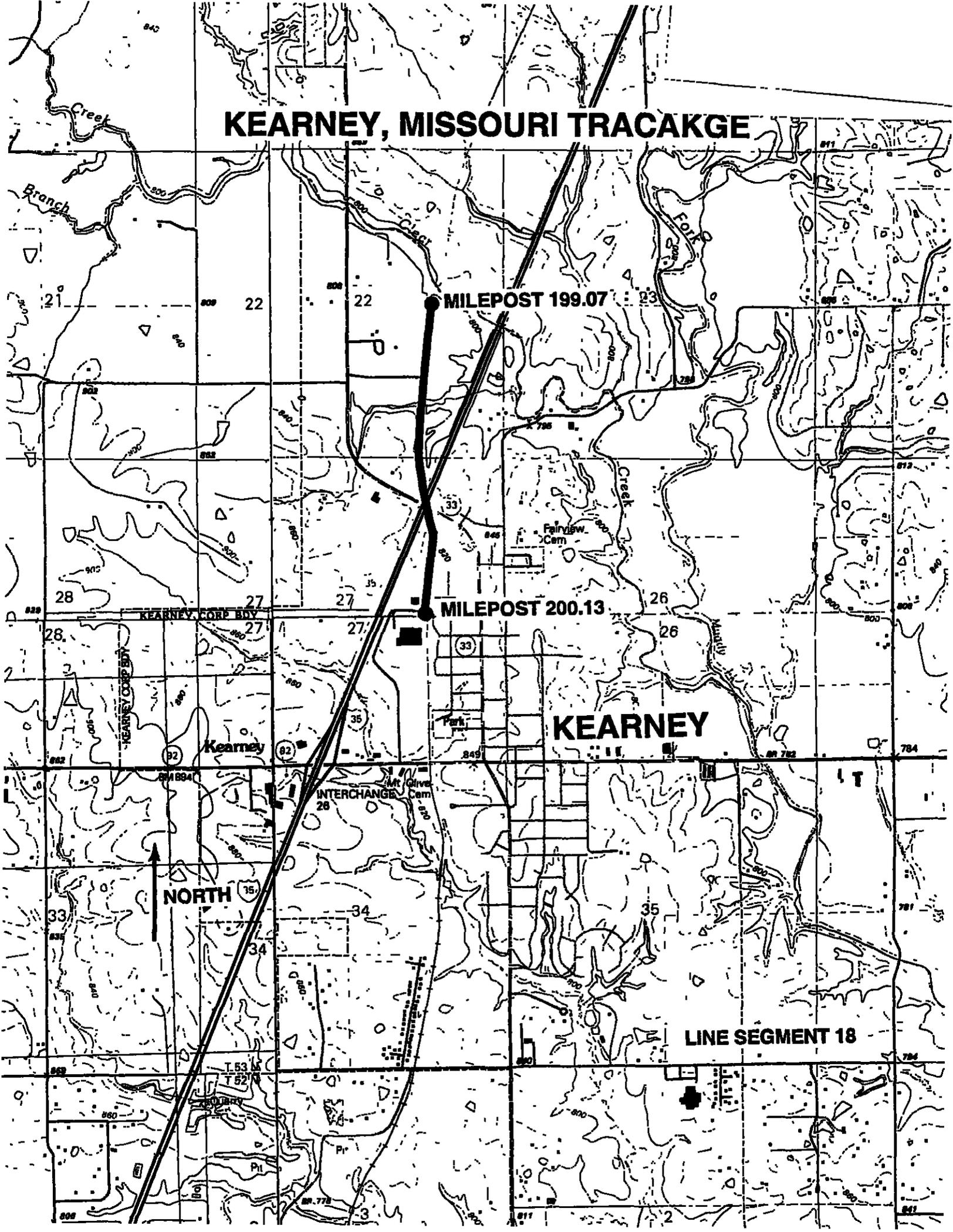
Attorneys for BNSF Railway Company

DATE FILED July 26, 2007

APPENDIX 1

Detailed Map of the Line

KEARNEY, MISSOURI TRACKAGE



MILEPOST 199.07

MILEPOST 200.13

KEARNEY

NORTH

LINE SEGMENT 18

APPENDIX 2

Certification Required in 49 C.F.R. § 1152.50(b)

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

I, Susan Odom, being duly sworn depose and state that, as Manager, Network Strategy in the Network Development department of BNSF Railway Company ("BNSF"), I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief

In accordance with 49 C F R § 1152 50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No AB-6 (Sub-No 450X), no local traffic has moved on the line for at least two (2) years prior to the date hereof Also, there is no overhead traffic handled on the Line to be rerouted. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U S District Court or has been decided in favor of a complainant within the two-year period

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned



Susan Odom
Manager, Network Strategy

Subscribed and sworn to
before me the 3rd day of JULY, 2007



Notary Public



APPENDIX 3

***Certifications that Applicant Has Complied with the Notice Requirements
of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11***

CERTIFICATE OF SERVICE

Pursuant to 49 C F R § 1152 50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No AB-6 (Sub No. 450X) was mailed via first class mail on July 16, 2007 to the following parties:

Missouri Public Service Commission
Governor Office Building
200 Madison Street
PO Box 360
Jefferson City, MO 65102-0360

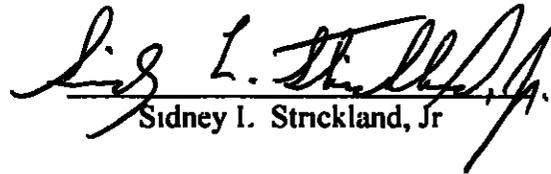
Military Traffic Management Control
Attn Railroads for National Defense
720 Thimble Shoals Boulevard, #130
Newport News, VA 23606-2574

U S Department of the Interior
National Park Service
Recreational Resources Assistance Division
1849 C Street, NW
Washington, D C 20240-0001

U S Department of Agriculture
Chief of the Forest Service
4th Floor N W , Yates Building
201 14th Street, SW
Washington, D C 20250

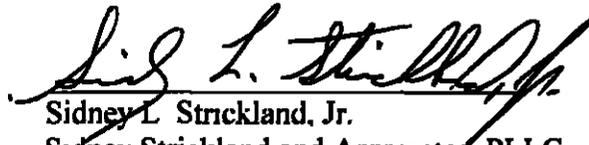
Brad Wise
Senior Realty Specialist
Missouri Department of Transportation
Kansas City Area District
600 NE Colbern Road
Lee's Summit, MO 64086

Dated July 26, 2007


Sidney L. Strickland, Jr

**CERTIFICATION OF COMPLIANCE WITH THE NEWSPAPER
PUBLICATION REQUIREMENTS OF SECTION 49 C.F.R. § 1105.12**

The undersigned certifies that a "Notice of Intent to Abandon Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in Clay County, Missouri: *The Kansas City Star*. Publication of the notice was accomplished on July 23, 2007. An Affidavit of Publication and a copy of the publication are attached.



Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street, NW
Suite 101
Washington, DC 20007
Phone (202) 338-1325
Fax (202) 295-3854

AFFIDAVIT OF PUBLICATION

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

SIDNEY STRICKLAND ASSOC
LIZ WAITE
3050 K STREET NW, SUITE 101
WASHINGTON DC 20007
24517511

2450295

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

FOR THE PERIOD OF 1 Day (s)

COMMENCING July 23, 2007

ENDING July 23, 2007

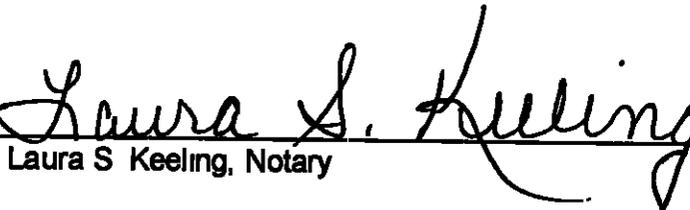
STAR EDITION (S) 7/23/

STAR PAPER (S) 309

VOLUME #127

Subscribed and sworn to before me,
this Monday, 23 July, 2007

I certify that I was duly qualified
as a Notary Public for the State of
Missouri, commissioned in Jackson
County, Missouri. My commission
expires September 10, 2010


Laura S Keeling, Notary

LAURA S KEELING
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires September 10, 2010
06429929

STB Docket No. AB-3
(Sub No. 450X)
NOTICE OF INTENT TO
ABANDON RAIL SERVICE
BNSF RAILWAY COM-
PANY (BNSF) gives notice
that on or about July 26,
2007, it intends to file
with the Surface Trans-
portation Board (the Board),
Washington, DC 20423, a
notice of exemption under
49 CFR 1152 (Subpart F-
Exempt Abandonments
permitting the abandon-
ment for the 1.06 miles of
railroad line between Mile
post 199.07 and Milepost
200.13 in Kearney, Clay
County, Missouri. The rail
line traverses through
United States Postal
Service Zip Code 64060.
The proceeding will be
docketed as STB Docket
No. AB-3 (Sub No. 450X).
The Board's Section of
Environmental Analysis
(SEA) will generally pre-
pare an Environmental As-
sessment (EA) which will
normally be available 25
days after the filing of the
notice of exemption.
Comments on environ-
mental and energy matters
should be filed no later
than 15 days after the EA
becomes available to the
public and will be ad-
dressed in the Board's
decision. Interested persons
may obtain a copy of the
EA or make inquiries re-
garding environmental
matters by writing to the
Section of Environmental
Analysis (SEA), Surface
Transportation Board,
Washington, DC 20423, or
by calling that office at
202-245-0295.
Appropriate offers of
financial assistance to
continue rail service can be
filed with the Board. Re-
quests for environmental
conditions for rail bank-
ing/trails use also can be
filed with the Board. An
original and 10 copies of
any pleading that raises
matters other than envi-
ronmental issues (such as
trails use, public use, and
offers of financial assis-
tance) must be filed di-
rectly with the Board's Of-
fice of the Secretary, 399 E
Street, S.W., Washington,
DC 20423-0001. See 49
CFR 1104.1(a) and
1104.2(a). One copy
must be served on ap-
plicant's representative. See
49 CFR 1104.12(a). Ques-
tions regarding offers of
financial assistance, public
use, or trails use may be
directed to the Board's Of-
fice of Congressional and
Public Services at (202) 245-
0230. Copies of any com-
ments or requests for con-
ditions should be served on
the applicant's representa-
tive. Sidney Strickland,
Sidney Strickland and As-
sociates, PLLC, 3050 K
Street, Suite 101, Wash-
ington, DC 20007-5108,
(202) 338-1325.

CERTIFICATION PURSUANT TO 49 C.F.R. 1105.7(c) and 8(c)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L Strickland, Jr., certifies that on July 6, 2007, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies

Victoria Rutson
Chief, SEA
Surface Transportation Board
395 E Street, S W
Washington DC 20423-0001

David M Clements, AICP
Director of Planning and Zoning
Clay County Planning and Zoning
234 West Shrader, Suite C
Liberty, Missouri 64068-2448

David K Kacirek
Area Resource Soil Scientist
3915 Oakland Ave
Suite 103
St Joseph, MO 64506

Shannon D Cave
Public Involvement Coordinator
Policy Coordination Unit
Missouri Department of Conservation
P O Box 180
Jefferson City, MO 65102

Marcia Sieckman
Supervisor, Natural Resources Team
Bureau of Land Management-Eastern States
Milwaukee Field Office
626 E Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617

Neil Bass
Kansas City District, Corps of Engineers
700 Federal Building
Kansas City, Missouri 64106-2896

Daniel Switzer
District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
Liberty Service Center
1 Victory Drive, Suite 100
Liberty, MO 64068-1974

Tim Stallman
Environmental Specialist
Missouri Department of
Natural Resources
Water Pollution Control Branch
1101 Riverside
Jefferson City, MO 65102

U S Army Corps of Engineers
Wetlands & Regulatory Permits
601 E 12th Street
Kansas City, MO 64106

Charlie Scott
Field Supervisor
U S Fish and Wildlife Service
Region 3
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

U S Bureau of Land Management
Rolla Field Office
901 Pine St , Suite 201
Rolla, MO 65401

Mike Wells, Deputy Director
Water Resources Center
Missouri Department of Natural Resources
P O Box 176
Jefferson City, MO 65102

Missouri Department of Conservation
3424 N W Duncan Road
Blue Springs, MO 64015

Jim Eldridge
City Administrator
City of Kearney
P O Box 797
Kearney, MO 64060

Brad Wise
Senior Right of Way Specialist
Missouri Department of Transportation
Kansas City Area District
600 NE Colbern Road
Lee's Summit, MO 64086

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

Robert Maydwell
U S National Park Service,
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Martha Steincamp
Regional Counsel
U S EPA, Region 7
901 N 5th Street
Kansas City, KS 66101

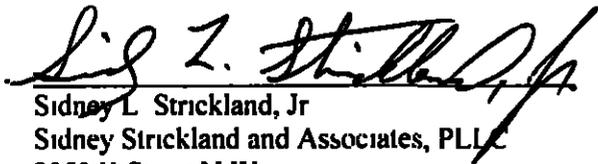
Mark A Miles
Director and Deputy
State Historic Preservation Officer
Missouri State Department
of Natural Resources
Historic Preservation Program,
Division of State Parks
P O Box 176
Jefferson City, MO 65102

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

Carol McCaslin
Presiding Commissioner
Clay County, Missouri
1 Courthouse Square
Liberty, MO 64068

Missouri Federal Assistance Clearinghouse
Office of Administration
P O Box 809
Jefferson City, MO 65102

The required cover letters (pursuant to 49 C F R 1105 11) are attached hereto BNSF has consulted with all appropriate agencies in preparing the reports



Sidney L. Strickland, Jr
Sidney Strickland and Associates, PLLC
3050 K Street N W ,
Suite 101
Washington, D C 20007

APPENDIX 4

Environmental and Historic Reports

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN CLAY COUNTY, MO**

**DOCKET NO. AB-6
(SUB. NO. 450X)**

ENVIRONMENTAL AND HISTORIC REPORTS

**BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P O Box 96157
Fort Worth, TX 76161-0057**

**By SIDNEY L STRICKLAND, JR
ELIZABETH E WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N W
Suite 101
Washington, DC 20007
(202) 338-1325**

Attorneys for BNSF Railway Company

DATED: July 6, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN CLAY COUNTY, MO**

**DOCKET NO. AB-6
(SUB. NO. 450X)**

**ENVIRONMENTAL AND HISTORIC REPORTS
(49 C.F.R. 1105.7 AND 49 C.F.R. 1105.8)**

Pursuant to 49 C F R § 1105 7 and § 1105 8, BNSF Railway Company (BNSF) (referred to as "Applicant") hereby files Environmental and Historic Reports. These Reports constitute Applicant's assessment of the environmental effects and historic effects of abandonment of rail service on the involved rail line. Persons who review these Reports are entitled to provide comments to the Surface Transportation Board (STB), Section of Environmental Analysis (SEA), 395 E Street, S W , Washington, DC 20423. There is information in the Applicant's files to indicate that the rail line covered by these Reports does not contain a federally granted right-of-way. See 49 C F R § 1152 60(d). These Reports have been prepared in conjunction with the prospective filing of a Notice of Exemption for abandonment of the involved rail line. STB regulations provide that the Notice of Exemption cannot be filed until at least 20 days after these Reports are submitted.

I
ENVIRONMENTAL REPORT
(49 C.F.R. 1105.7)

The following information is submitted to the STB by BNSF in accordance with the Board's reporting requirements as set forth in 49 C F R § 1105 7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption seeking authority to abandon 1.06 miles of railroad line between Milepost 199.07 and Milepost 200.13, in Kearney, Clay County, Missouri (the "Line").

(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.

The 1.06-mile trackage in Kearney, MO lies immediately south of the Cameron Junction to Kearney, MO line that was abandoned by The Chicago, Burlington and Quincy Railroad Company in 1962. It was during this same period of time that Interstate 35 was constructed through Kearney. There were no customers or apparent potential for customers located between the freeway and the aforementioned abandonment. Consequently, track was removed in pieces over a period of many years and used for local operations. It is not BNSF's policy to remove track within the jurisdiction of the STB before going through a formal abandonment proceeding and BNSF has recently implemented internal and external procedures to ensure that future track removal does not occur prior to receiving proper authority. However, this Line was salvaged prior to those certain measures being in place.

A Map of the Line is attached as Exhibit A.

(2) Transportation System: Describe the effect 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.

The proposed abandonment will have no effect on existing transportation systems or patterns as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or 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.

The proposed abandonment should not be inconsistent with local or regional land use plans. The City of Kearney ("City") indicates: "[T]he City's land use plan does contemplate a proposed trail system over the Railroad right of way North of 33 Highway." The City further indicates that the right-of-way south of MO Route 33 to Major Street is not included in the trail plan. The City states "We assume the abandonment is being initiated to facilitate a sale of land to Mr Dell Foods, for building expansion, which we support." Additionally, the City provided historical information regarding its connection to the Line.

Finally, the City indicates it is currently using the right-of-way north of MO Route 33 as an access road into a municipal park. See Exhibit B, letter dated April 5, 2007, from Jim Eldridge, City Administrator, City of Kearney, Missouri.

Clay County ("County") also indicates it supports the abandonment as action consistent with local land use plans and recreational goals. Specifically, the County states: "[T]his railroad right-of-way is shown on the Northland Trails Vision Plan for Clay and Platte County, Missouri." The County further states.

“The right-of-way is designated as a future trail C12, the Liberty/Holt trail, North and South through Clay County ” Finally, the County indicates “[T]he proposed abandonment is a key part of this trail designation, and the action would provide an important step in preserving this right-of-way for the recreational trail ” See Exhibit C, letter dated April 10, 2007, from David M. Clements, AICP, Director of Planning and Zoning, Clay County, Missouri

Also, the Missouri Department of Transportation (“MDOT”) was contacted regarding land use plans and indicates that MDOT is “interested in the section of the tracks related to MO Route 33 and Interstate 35, which currently are encumbered with a roadway ‘easement’.” The MDOT further states. “It is imperative this easement remains in our transportation system. We will work with you to ensure the subject area does not get conveyed to another party ” See Exhibit D, letter dated April 13, 2007, from Brad Wise, Senior Right of Way Specialist, Missouri Department of Transportation

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

The proposed abandonment should have no effect on prime agricultural lands. The Natural Resources Conservation Service (“NRCS”) (formerly known as the U.S. Soil Conservation Service) states: “As this railroad line was in existing right of way prior to August 4, 1984 FFLPA [Farmland Protection Policy Act] does not apply.” The NRCS adds that if the abandonment would go beyond the existing right-of-way, then a Farmland Conversion Impact Rating (form AD-1006) would need to be initiated by BNSF.

Finally, NRCS recommends several mitigation measures in the event the abandonment should cause erosion or damage to soil or water conservation. See Exhibit E, letter dated April 2, 2007, from David K. Kacirek, Area Resource Soil Scientist, Natural Resource Conservation Service, U.S. Department of Agriculture.

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

N/A

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The proposed abandonment may be suitable for alternative public use. As noted above, the City indicates it is currently using the right-of-way North of MO Route 33 as an access road into a municipal park, and the City supports the abandonment as it might relate to expanding a local business. See Exhibit B, letter dated April 5, 2007, from Jim Eldridge, City Administrator, City of Kearney, Missouri.

Also, as noted above, Clay County supports the abandonment as being a key part of preserving the right-of-way for future recreational trail use. See Exhibit C, letter dated April 10, 2007, from David M. Clements, AICP, Director of Planning and Zoning, Clay County, Missouri.

Finally, as noted above, the MDOT was contacted regarding alternative public uses and indicates that MDOT is “interested in the section of the tracks related to MO Route 33 and Interstate 35, which are currently encumbered with a

roadway easement. It is imperative this easement remains in our transportation system. We will work with you to ensure the subject area does not get conveyed to another party." See Exhibit D, letter dated April 13, 2007, from Brad Wise, Senior Right of Way Specialist, Missouri Department of Transportation.

(4) Energy:

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

There are no known recoverable energy resources along the Line. There has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

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

This abandonment will not adversely affect movement or recovery of recyclable commodities as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

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

This abandonment will not result in an increase or decrease in overall energy efficiency as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(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 the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic as there has been no local traffic on

the Line for over two years and there is no overhead traffic to be rerouted

(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 the line effected by the proposed, 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.

The action will not result in meeting or exceeding the specified thresholds

Moreover, the action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted

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

(A) An increase in rail traffic of at least 50% (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 of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The action will not result in meeting or exceeding the specified thresholds

Moreover, the proposed abandonment will not result in an increase of rail or truck traffic as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(11) If the 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

The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise: If any of the thresholds identified in item (5) (1) of this section are surpassed, state whether the proposed action will cause

(1) *An incremental increase in noise levels of three decibels Ldn or more,*

N/A

(11) 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 those receptors if the thresholds are surpassed.

N/A

(7) Safety.

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

This abandonment should have no adverse effect on health or public safety. There are no public crossings and no private crossings on the Line. During salvage operations, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(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 and accidental release of hazardous materials

The abandonment will not result in the transportation of hazardous materials

(iii) If there are any known hazardous waste site 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

There are no known hazardous waste site or sites where there have been known hazardous materials spills on the 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

The U.S. Fish and Wildlife Service ("FWS") indicates it has "reviewed the subject proposal and accompanying information and determined the activity as described is not likely to adversely affect federally listed species or designated critical habitat" The FWS suggested that the Missouri Department of Conservation be contacted for state listed species of concern See Exhibit F, response dated March 20, 2007, from Jane M Ledui, Fish and Wildlife Service, U S Department of the Interior

The Missouri Department of Conservation ("MDOC") was contacted and indicates. "Heritage records identify no designated wilderness areas, wildlife preserves, federally designated critical habitats, wetlands, karst features or endangered species records near the site." The MDOC indicates, while Clear

Creek is not likely affected by the proposed abandonment, “activities that alter, destabilize or destroy stream bottoms or banks should be avoided from June 1 to August 31 in order not to disrupt spawning.” See Exhibit G, electronic correspondence and Heritage Review Report dated April 17, 2007 from Shannon Cave, Public Involvement Coordinator, Policy Coordination Unit, Missouri Department of Conservation.

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

The National Park Service (“Service”) indicates the project poses no conflicts with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs See Exhibit H, letter dated April 20, 2007, from Robert Maydwell, Grant Management Assistant, Partnerships-Grants, National Park Service, U.S Department of the Interior.

The Bureau of Land Management (“BLM”) states “[T]here are no Federal lands administered by the Bureau of Land Management along the railroad line ” See Exhibit I, letter dated April 17, 2007, from Marcia Sieckman, Supervisor, Natural Resources Team, Bureau of Land Management-Eastern States, U S Department of the Interior.

Finally, the Missouri Department of Natural Resources, Division of State Parks, was contacted and indicates “There are no state parks or historic sites within the immediate project impact area ” See Exhibit J, electronic correspondence dated April 9, 2007, from Dawn Fredrickson, Planning Section Chief, Division of State Parks, Missouri Department of Natural Resources

(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.

The proposed exemption should be consistent with applicable Federal, State or local water quality standards. The Missouri Department of Natural Resources ("MDNR") indicates "If more than 1 acre of topsoil is removed, a General Permit for Land Disturbance would be needed." The MDNR further indicates that if the abandonment simply involves removal of track and ties with no soil disturbance, "a permit would probably not be needed." See Exhibit K, electronic correspondence dated April 11, 2007, from Tim Stallman, RG, Environment Specialist, Missouri Department of Natural Resources.

(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.

The proposed abandonment will not require a Section 404 permit. The U.S. Army Corps of Engineers ("CORPS") indicates the work described "will all occur on top of the existing grade for the removal of tracks and ties. If this is the case, then the activity does not require a permit from the Army Corps of Engineers as there will be no work in any jurisdictional waters." The CORPS further states, "if the project were to move over into the pond and fringe wetlands shown as Wetland in the attached map or into Wetland 2, then permits may be required."

Finally, the CORPS comments "If activities, equipment or fill must be placed in the channel of the stream crossed by the railroad grade, then further

consultation with the U.S Army Corps of Engineers will be required to determine permitting requirements ” See Exhibit L, letter dated April 11, 2007, from Neil Bass, Kansas City Regulatory Field Office, U.S. Army Corps of Engineers

Regarding floodplains, BNSF contacted the MDNR and the CORPS to determine whether the proposed abandonment will have any affect on 100-year floodplains. MDNR responded, and recommends that BNSF contact the CORPS regarding 100-year flood plans See Exhibit K, electronic correspondence dated April 11, 2007, from Tim Stallman, RG, Environment Specialist, Missouri Department of Natural Resources

Although the CORPS did respond to the Section 404 permit and wetlands issues as noted above, the CORPS did not provide any 100-year flood plain information in its response See Exhibit L, letter dated April 11, 2007, from Neil Bass, Kansas City Regulatory Field Office, U S. Army Corps of Engineers

(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).

A permit under Section 402 of the Clean Water Act should not be required for the proposed action BNSF notified the U S Environmental Protection Agency (“EPA”) by letter dated March 15, 2007 See Exhibit M As of the date of this report, the EPA has not responded BNSF will forward to the Board copies of any response it receives.

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

The project itself should mitigate the environmental effects of reinstating active rail operations.

II
HISTORIC REPORT
(49 C.F.R. 1105.8)

Applicants hereby submit the following information required by 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,*

The required topographic map is attached to this Report as Exhibit A

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

The 1.06-mile line to be abandoned runs north from West Major Street through mostly rural terrain, past four businesses and a ball park on the north end. Kearney, Missouri lies on the northeast edge of the Kansas City metro area. Located in Clay County its 5,472 citizens (2000 census) reside within its 6.57-square-mile boundary.

The 100-foot-wide right of way is lined with vegetation and passes under Interstate 35. From here, it parallels Park Lane.

A portion of the original right of way was acquired in 1860 by Kansas City, Galveston and Lake Superior Railroad Company ("KCG&LS"). KCG&LS changed its name to The Kansas City and Cameron Railroad Company ("KC&C") in 1866 and continued to acquire real estate by quit claim deed through 1870 and adverse possession through 1900.

There were no federally granted rights-of-way

(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.

There are no railroad structures on the property that are 50 years old or older. There is one bridge over the line. It is the Interstate 35 highway overpass, which BNSF does not own. The bridge will stay intact following the abandonment.

(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,

N/A

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

The 54-mile line from Cameron to Kansas City (through Kearney) opened in 1867. On February 14, 1870, KC&C consolidated with two other railroad companies to form Hannibal & St. Joseph Railroad Co. ("H&StJ") at which time the Cameron-Kansas City line became known as H&StJ's Kansas City Branch. In 1884, H&StJ was acquired by Chicago, Burlington & Quincy Railroad Company ("CB&Q"), and, in 1970, CB&Q merged with Great Northern Railway Company, Northern Pacific Railway Company and Pacific Coast Railroad Company to become Burlington Northern Inc. The latter changed its name to Burlington Northern Railroad Company ("BNRR") in 1981. BNRR merged with The Atchison, Topock and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in January 2005.

(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,

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(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),

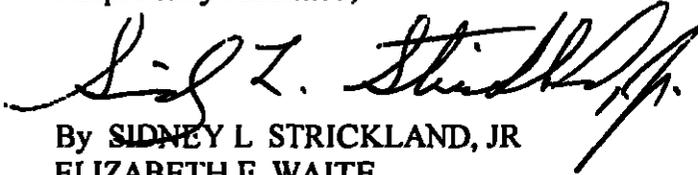
The Missouri Department of Natural Resources, State Historic Preservation Office ("SHPO"), indicates. "[T]here is a moderate to high potential for the presence of archaeological sites near and within the area of the proposed project" and an archaeological survey should be conducted. Further, SHPO indicates a survey should be conducted prior to any project-related activities. See Exhibit N, letter dated March 22, 2007, from Mark A. Miles, Director and Deputy, State Historic Preservation Officer, State Historic Preservation Office, Missouri Department of Natural Resources.

(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

There are no known prior subsurface ground disturbance or fill,

environmental conditions that might affect the archeological recovery of
resources and the surrounding terrain

Respectfully submitted,

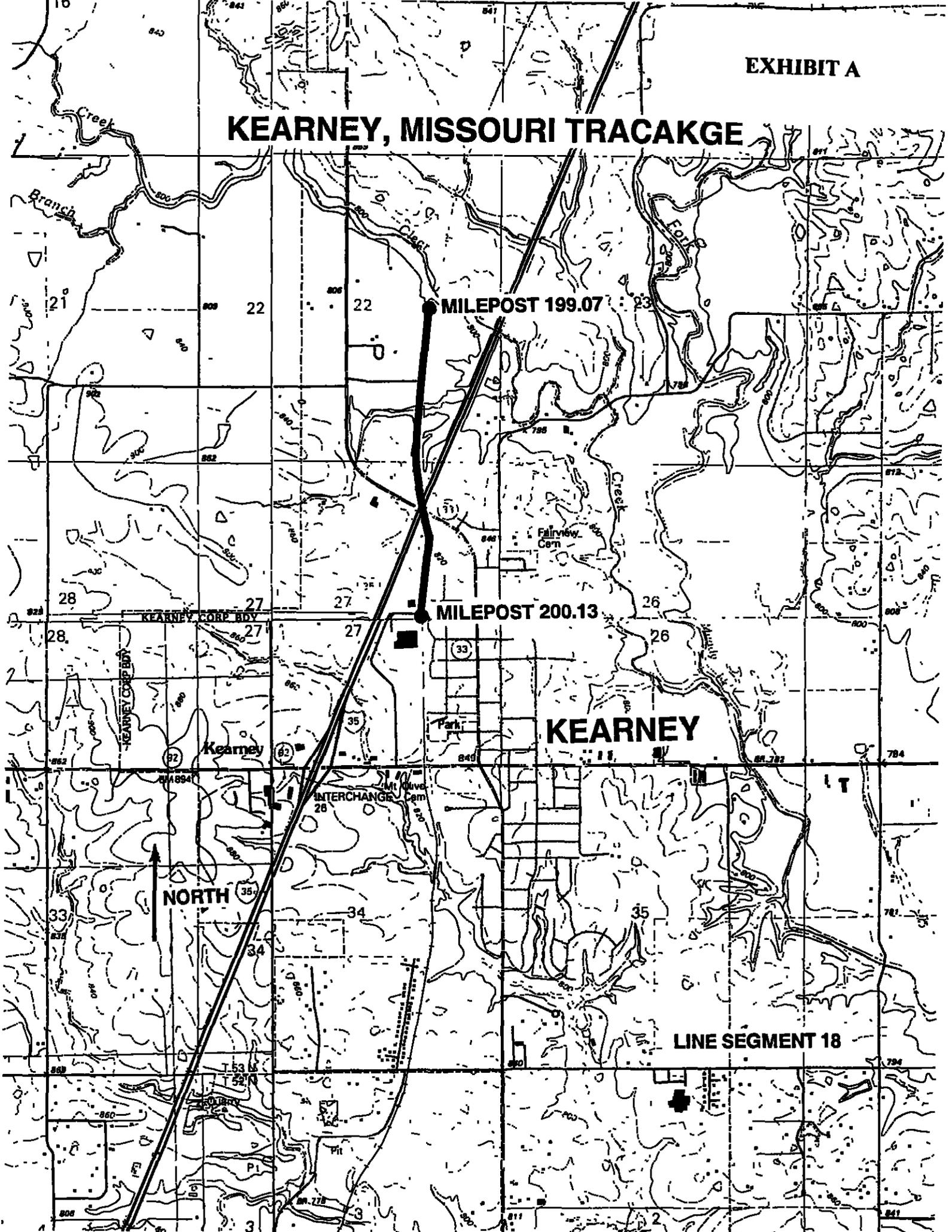


By **SIDNEY L. STRICKLAND, JR**
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N W , Suite 101
Washington, DC 20007
(202) 338-1325
Attorneys for BNSF Railway Company

DATED. July 6, 2007

EXHIBIT A

KEARNEY, MISSOURI TRACKAGE





The City of Kearney, Missouri

100 E. Washington Street
P.O. Box 797
Kearney, Missouri 64060
(816) 628-4142
(816) 628-4543 FAX

EXHIBIT B

April 5, 2007

Sidney L. Strickland Jr
3050 K St NW, Suite 101
Washington, DC 20007-5108

Phone 202-338-1325

Subject STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment Exemption—in
Clay County Missouri

Dear Mr Strckland

Thank you for the opportunity to submit information relative to the above mentioned railway abandonment
in Kearney, Missouri

The City's land use plan does contemplate a proposed trail system over the Railroad right of way North of
33 Highway—See the enclosure No 1, Future Land Use Plan, City of Kearney, Missouri

However, railway R-O-W South of 33 Highway to Major Street is not included in that plan We assume the
abandonment is being initiated to facilitate a sale of land to Mr Dell Foods, for building expansion, which
we support

The City of Kearney was platted as a result of this historic railway, it being the first connection over the
Missouri River from Kansas City to Chicago In the mid-1950's, the City of Kearney acquired the water
plant, wells and water lines from Burlington Northern, which constituted the City's first water system—that
plant is still in use to this day

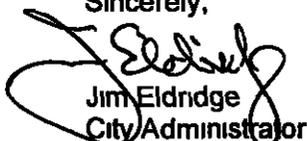
In 1994, the City of Kearney acquired a water line easement from the water plant north to the water well
field over and across this specific railway R-O-W being considered for abandonment, from Major Street
North to Clear Creek See enclosure No 2

In the mid-1990's, Burlington Northern sold off a portion railway R-O-W South of 33 Highway to private
individuals—a map identifying those parcels and the respective deeds are attached as Enclosure No 3

Currently, the City is utilizing the Railway R-O-W North of 33 Highway as an access road into Mack Porter
Park, a municipal park, as shown in Enclosure No 4

Thank you again for the opportunity to submit comments Please contact me if you desire further
information

Sincerely,


Jim Eldridge
City Administrator

816 903-4729 direct
jeldridge@ci.kearney.mo.us

Y:\wp1strckland bnsf railway abandonment doc

DEC 21 1994

Enclosure # 2

EASEMENT

BOOK 2412 PAGE 919

KNOW ALL MEN BY THESE PRESENTS, that BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.), a Delaware corporation, whose address for purposes of this instrument is 3300 Continental Plaza, 777 Main Street, Fort Worth, TX 76102-5384, Grantor, for Three Thousand Five Hundred and No/100 Dollars (\$3,500.00) to it paid by CITY OF KEARNEY, a municipal corporation of the State of Missouri, Grantee, and the promises of the Grantee hereinafter specified, does hereby remise, release and quitclaim unto the Grantee, subject to the terms and conditions hereinafter set forth, an EASEMENT to construct, reconstruct, maintain, repair, and remove a water pipeline, hereinafter called pipeline, over, upon and across the following described premises, situated in Clay County, State Missouri, to-wit:

A 25.0 foot wide strip of land lying between two lines drawn parallel with distant, respectively, 25.0 feet and 50.0 feet Easterly of Burlington Northern Railroad Company's Main Track centerline, as originally located and constructed upon, over and across the SW1/4SE1/4NE1/4 and the SE1/4 of Section 22 and the NE1/4 and the NW1/4NE1/4SE1/4 of Section 27 all in Township 53 North, Range 31 West of the 5th Principal Meridian, Clay County, Missouri, the centerline of said 25.0 foot wide strip of land being shown in red on the Exhibit "A" attached hereto and by this reference made a part hereof.

RESERVING, however, unto the Grantor, its successors and assigns, the right to construct, maintain, use, operate, relocate, reconstruct and renew such tracks and facilities as it may at any time, and from time to time, desire within the limits of the land hereinbefore described, including the right and privilege to use said land for any and all purposes, not inconsistent with the use thereof for pipeline purposes.

ALSO RESERVING, however, unto the Grantor, its successors and assigns, the right to construct, place, operate, maintain, alter, repair, replace, renew, improve and remove communication lines above, below and on the surface of the premises, including, without limitation, transmission by conduit, fiber optics, cable, wire or other means, of electricity, voice data, video, digitized information, or other materials or information, including the right of ingress and egress in any such manner as does not unreasonably interfere with Grantee's use of the premises for said pipeline, and further reserving unto Grantor, its successors and assigns, all right and privilege of ingress and egress to said premises as Grantor, its successors and assigns may require to investigate and remediate environmental contamination and hazards.

The foregoing easement is made subject to and upon the following express conditions:

- 1. To existing interests in the above-described premises to whomsoever belonging and of whatsoever nature and any and all extensions and renewals thereof, including but not limited to underground pipe line or lines, or any type of wire-line-or-lines, if any.**

2. Any and all cuts and fills, excavations or embankments necessary in the construction, maintenance, or future alteration of said pipeline shall be made and maintained in such manner, form and extent as will provide adequate drainage of and from the adjoining lands and premises of the Grantor; and wherever any such fill or embankment shall or may obstruct the natural and pre-existing drainage from such lands and premises of the Grantor, the Grantee shall construct and maintain such culverts or drains as may be requisite to preserve such natural and pre-existing drainage, and shall also wherever necessary, construct extensions of existing drains, culverts or ditches through or along the premises of the Grantor, such extensions to be of adequate sectional dimensions to preserve the present flowage of drainage or other waters, and of materials and workmanship equally as good as those now existing.

3. The Grantee shall bear the cost of removal, relocation or reconstruction of any and all right of way fences, telephone or telegraph poles, or other facilities, the removal, relocation or reconstruction of which may be made necessary by reason of the use of said premises for said pipeline purposes

4. The Grantee shall, at its own cost and expense, make adjustment with industries or other lessees of Grantor for buildings or improvements that may have to be relocated, reconstructed or destroyed by reason of the construction and maintenance of said pipeline on said premises.

5. This instrument is granted according to the terms and conditions of that certain Letter Agreement between the Grantor and the Grantee, accepted by the Grantee on August 19, 1994 and signed by Grantor on October 26, 1994 and made subject to the terms and conditions contained therein.

6. If said described premises, or any part thereof, shall at any time cease to be used by said Grantee, or by the public, for the purpose, as aforesaid, or should they be converted to any other use whatsoever, or should the Grantee fail to perform any of the conditions herein expressed, then and in any such event, all the right, title, interest, benefits and enjoyment of said Grantee, or of the public, in and to said premises, for any purposes whatsoever, shall immediately cease and the said Grantor, its successors and assigns, may, at its or their option, re-enter, retake and hold said described lands and premises as of the present estate of said Grantor without compensation to said Grantee, the public, or any other person whomsoever, for improvements or property removed, taken or destroyed, or liability for loss of, or damage to any premises or the improvements thereon abutting on said easement area or any part thereof.

7. The Grantee or its contractor(s) shall telephone Grantor's Communication Network Control Center at (800) 533-2891 (a 24 hour number) to determine if fiber optic cable is buried anywhere on the premises; and if so, the Grantee or its contractor(s) will contact the Telecommunications Company(ies) involved, and make arrangements with the Telecommunications Company(ies) for protection of the fiber optic cable prior to beginning any work on the premises.

8. The Grantor does not warrant its title to said premises nor undertake to defend the Grantee in the peaceable possession, use or enjoyment thereof; and the grant herein made is subject to all outstanding rights or interest of others, including the tenants and licensees of the Grantor.

Clay County, Missouri
Unofficial Document

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereunto belonging to Grantee for public use and enjoyment for the purposes aforesaid and for no other purpose whatsoever subject to the terms and conditions hereinbefore stated.

IN WITNESS WHEREOF, the said **BURLINGTON NORTHERN RAILROAD COMPANY** has caused this instrument to be signed by its authorized officers, and the corporate seal affixed on the 2nd day of December 1994.

BOOK 2412 PAGE 921

**BURLINGTON NORTHERN
RAILROAD COMPANY**

BY *D. F. Scheider*
D. F. Scheider, Director
Title Services & Field Support

ATTEST:

BY *Victoria H. Vasquez*
Victoria H. Vasquez
Assistant Secretary

94 NE 21 77 19 168

RECORDS
CLERK
OF DEEDS

By May M... Deputy



Clay County, Missouri
Unofficial Document

STATE OF TEXAS)
COUNTY OF TARRANT) ss.

On this 2nd day of December, 1994, before me appeared D. P. Schneider, to me personally known, who being by me duly sworn, did say that he is Director, Title Services & Field Support of Burlington Northern Railroad Company, that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said D. P. Schneider acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Arline Nichols
Notary Public

My Commission Expires: December 20, 1996



BOOK 2412 PAGE 922

BN 5089-03 Liberty to Kearney, Missouri

APPROVED LEGAL	X
APPROVED FORM	DS
APPROVED	PA

MAR 2 0 1995

Clay County, Missouri
Official Document

A. Broner deed

BOOK 2431 PAGE 740

QUITCLAIM DEED AND RELEASE

THIS INDENTURE, Made this 18th day of January, 1995, between BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.), a Delaware corporation, Grantor, and MICHAEL D. BRONER, of 802 North Jefferson, Kearney, Missouri 64060, Grantee,

WITNESSETH: That the said Grantor, for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, to it in hand paid, the receipt of which is hereby acknowledged, does hereby REMISE, RELEASE and FOREVER QUITCLAIM, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, unto the said Grantee, all its right, title and interest, if any, in and to that certain strip or parcel of land, located in the County of Clay, State of Missouri, more particularly described as follows:

All that portion of Burlington Northern Railroad Company's (formerly Chicago, Burlington & Quincy Railroad Company) 120.0 foot wide Liberty to Kearney, Missouri Branch Line right of way, now discontinued, being 50.0 feet wide on the Westerly side and 70.0 feet wide on the Easterly side of said Railroad Company's Main Track centerline, as originally located and constructed upon, over and across the N1/2NE1/4 of Section 27, Township 53 North, Range 31 West of the 5th Principal Meridian, Clay County, Missouri, bounded on the South by the South line of said N1/2NE1/4 and bounded on the Northwest by the Easterly right of way line of Interstate Highway 35; also,

All that portion of said Railroad Company's 100.0 foot wide Branch Line right of way being 50.0 feet wide on each side of said Railroad Company's Relocated Main Track centerline in said N1/2NE1/4, bounded on the South by the South line of said N1/2NE1/4 and bounded on the Northwest by the Easterly right of way line of Interstate Highway 35.

SUBJECT, however, to all existing interests, including but not limited to all reservations, rights-of-way and easements of record or otherwise.

If the premises are locally assessed, the Grantee, and for his heirs and assigns, by acceptance of this deed, agrees to assume all locally assessed real estate taxes, outstanding and otherwise, and any and all, past, present, pending and future assessments of every nature whatsoever, which have been or may be levied against the premises.

Clay County, Missouri
Unofficial Document

ALSO, the Grantee, and for his heirs and assigns, by acceptance of this deed, hereby releases and forever discharges the Grantor, its successors and assigns, from any and all present or future obligations of the Grantor, its successors and assigns, including but not limited to the construction of or continued maintenance thereto of any railroad fences, snow fences, road crossings, cattle guards, gates, farm crossings, bridges, drainage or irrigation pipes, if any, located and situate on the premises herein conveyed.

By acceptance of this deed, Grantee acknowledges that a material consideration for this conveyance, without which it would not be made, is the agreement by the Grantee for himself and for his heirs and assigns that the Grantor, its predecessors, successors, and assigns shall be in no manner responsible to the Grantee, any subsequent owner, purchaser, or any person interested therein for any and all claims, demands, damages, causes of action including loss of access, or suits regarding the quiet and peaceable possession of such premises, title thereto, or condition thereof.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be signed by its Director, Title Services & Field Support, attested by its Assistant Secretary, and its corporate seal to be affixed on the day and year first above written.

**BURLINGTON NORTHERN
RAILROAD COMPANY**

By *D. P. Schneider*
D. P. Schneider, Director
Title Services & Field Support

ATTEST:
By *Victoria H. Vasquez*
Victoria H. Vasquez
Assistant Secretary

BN 5089-02 Liberty to Kearney, MO

BOOK 2431 PAGE 741

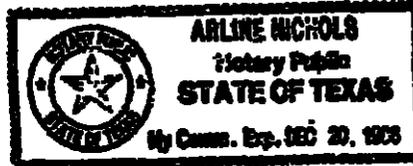
BOOK 2431 PAGE 742

STATE OF TEXAS)
COUNTY OF TARRANT) ss.

On this 18th day of January, 1995,
personally appeared D. P. Schneider, to me personally known, who, b
duly sworn, did say that he is the Director, Title Services & Field
Burlington Northern Railroad Company, a Delaware corporation, and th
affixed to the foregoing instrument is the corporate seal of said corporatic
said instrument was signed and sealed in behalf of said corporation, by i
its Board of Directors; and said D. P. Schneider acknowledged said instr
the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand ar
official seal in the County and State the day and year first above written.

Arline Nichols
Notary Public
My Commission Expires 12/20/96



95 MR 20 AM 9 45 8
2431 PAGE# 740
MAY 1 10 45 AM
RECORDED IN DEEDS
By Mary Mearns Deputy

BN 5089-02 Liberty to Kearney, MO

APPROVED
LEGAL
APPROVED
FORM
APPROVED

SEP 28 1994

B. Eldridge Deed

QUITCLAIM DEED

BOOK 2387 PAGE 862

THIS INDENTURE, Made this 17th day of August, 1994, between BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.), a Delaware corporation, Grantor, and ROBERT C. ELDRIDGE AND JO ANN ELDRIDGE, husband and wife, AS JOINT TENANTS, of P.O. Box 532, Kearney, Missouri 64060, Grantees,

WITNESSETH: That the said Grantor, for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, to it in hand paid, the receipt of which is hereby acknowledged, does hereby REMISE, RELEASE, and FOREVER QUITCLAIM, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, unto the said Grantees, all its right, title and interest, if any, in and to that certain strip or parcel of land, located in the County of Clay, State of Missouri, more particularly described as follows:

All that portion of Burlington Northern Railroad Company's (formerly Chicago, Burlington & Quincy Railroad Company) Birmingham to Kearney, Missouri Branch Line right of way, now discontinued, being of variable width on each side of said Railroad Company's Main Track centerline as originally located and constructed upon, over and across the Southeast Quarter of the Northeast Quarter of Section 27, Township 53 North, Range 31 West of the 5th Principal Meridian, Clay County, Missouri, described as follows:

The East 70 feet of said Branch Line right of way bounded on the South by the Westerly extension of the South line of Lot 1, Bogart's Second Addition, a subdivision partially in Kearney, Clay County, Missouri, according to the recorded plat thereof; and bounded on the North by the following described line;

Commencing at the Northeast corner of said Lot 1; Thence North 1 degree, 30 minutes, 00 seconds East along the West right of way line of Clark Street 366.74 feet to the True Point of Beginning of said line; Thence South 89 degrees, 00 minutes, 00 seconds West 439.18 feet to the terminus point of said line; Also,

All that portion of said Railroad Company's 100 foot wide Branch Line right of way being 50 feet wide on each side of said Railroad Company's Relocated Main Track centerline bounded on the South by the South line of Lot 1, Bogart's Second Addition, a subdivision partially in Kearney, Clay County, Missouri, according to the recorded plat thereof; bounded on the West by the East line of the

Clay County, Missouri
Unofficial Document

East 70 feet of said Railroad Company's Birmingham to Kearney, Missouri Branch Line right of way; and bounded on the North by the following described line:

Commencing at the Northeast corner of said Lot 1;
Thence North 1 degree, 30 minutes, 00 seconds East along the West right of way line of Clark Street 366.74 feet to the True Point of Beginning of said line;
Thence South 89 degrees, 00 minutes, 00 seconds West 439.18 feet to the terminus point of said line; Also,

All that portion of said Railroad Company's 100 foot wide Relocated Branch Line right of way lying Easterly of and adjacent to said Railroad Company's original 100 foot wide right of way and lying Westerly of a line that lies parallel with and 50 feet normally distant Easterly of said Relocated Main Track centerline and bounded on the North and South by the Westerly extension of the North and South lines of Lot 1 in Block 14, situated on Clark Street as designated on the recorded plat of the Town of Kearney, Clay County, Missouri.

SUBJECT, however, to all existing interests, including but not limited to, all reservations, rights-of-way and easements of record or otherwise.

EXCEPTING AND RESERVING, however, unto said Grantor, its successors and assigns, all of the coal, oil, gas casinghead gas and all ores and minerals of every kind and nature including sand and gravel underlying the surface of the premises herein conveyed, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the premises herein conveyed, together with the right of access at all times to exercise said rights.

ALSO, if the premises is locally assessed, the Grantees, and for their heirs and assigns, by acceptance of this deed, agree to assume all locally assessed real estate taxes, outstanding and otherwise, and any and all past, present, pending and future assessments of every nature whatsoever, which have been or may be levied against the premises.

ALSO, the Grantees, and their heirs and assigns, by acceptance of this deed, hereby release and forever discharge the Grantor, its successors and assigns, from any and all present or future obligations of the Grantor, its successors and assigns, including but not limited to the construction of or continued maintenance thereto of any railroad fences, snow fences, road crossings cattle guards, gates, farm crossings, bridges, drainage or irrigations pipes, if any, located and situated on the premises herein conveyed.

Clay County, Missouri
Unofficial Document

TO HAVE AND TO HOLD the above described premises unto the said Grantees, heirs and assigns forever.

BOOK 2387 PAGE 864

BURLINGTON NORTHERN
RAILROAD COMPANY

BY *D.P. Schneider*
D.P. Schneider, Director
Title Services & Field Support

ATTES::

BY *Victor H. Casper*
Assistant Secretary



Send Tax Bills To:

Robert C. Eldridge
P.O. Box 532
Kearney, Missouri 64060

By Margaret [illegible]
91.77-8 11 0.449
7387
FIELD
OFFICE
864

Clay County, Missouri
Unofficial Document

STATE OF TEXAS)
) ss.
COUNTY OF TARRANT)

BOOK 2387 PAGE 865

On this 17th day of August, 1994, before me personally appeared D.P. Schneider, to me personally known, who, being by me duly sworn, did say that he is the Director, Title Services & Field Support of Burlington Northern Railroad Company, a Delaware corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors; and said D.P. Schneider acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and fixed my official seal in the County and State the day and year first above written.

Arline Nichols

Notary Public

My Commission Expires: 12/20/96



This instrument was drafted by:
Burlington Northern Railroad Company
Logistics & Property Services
3300 Continental Plaza
777 Main Street
Fort Worth, Texas 76102-5384

885889-01/ Liberty to Kearney, MO

APPROVED LEGAL	<i>[Signature]</i>
APPROVED FORM	<i>[Signature]</i>
APPROVED	<i>[Signature]</i>

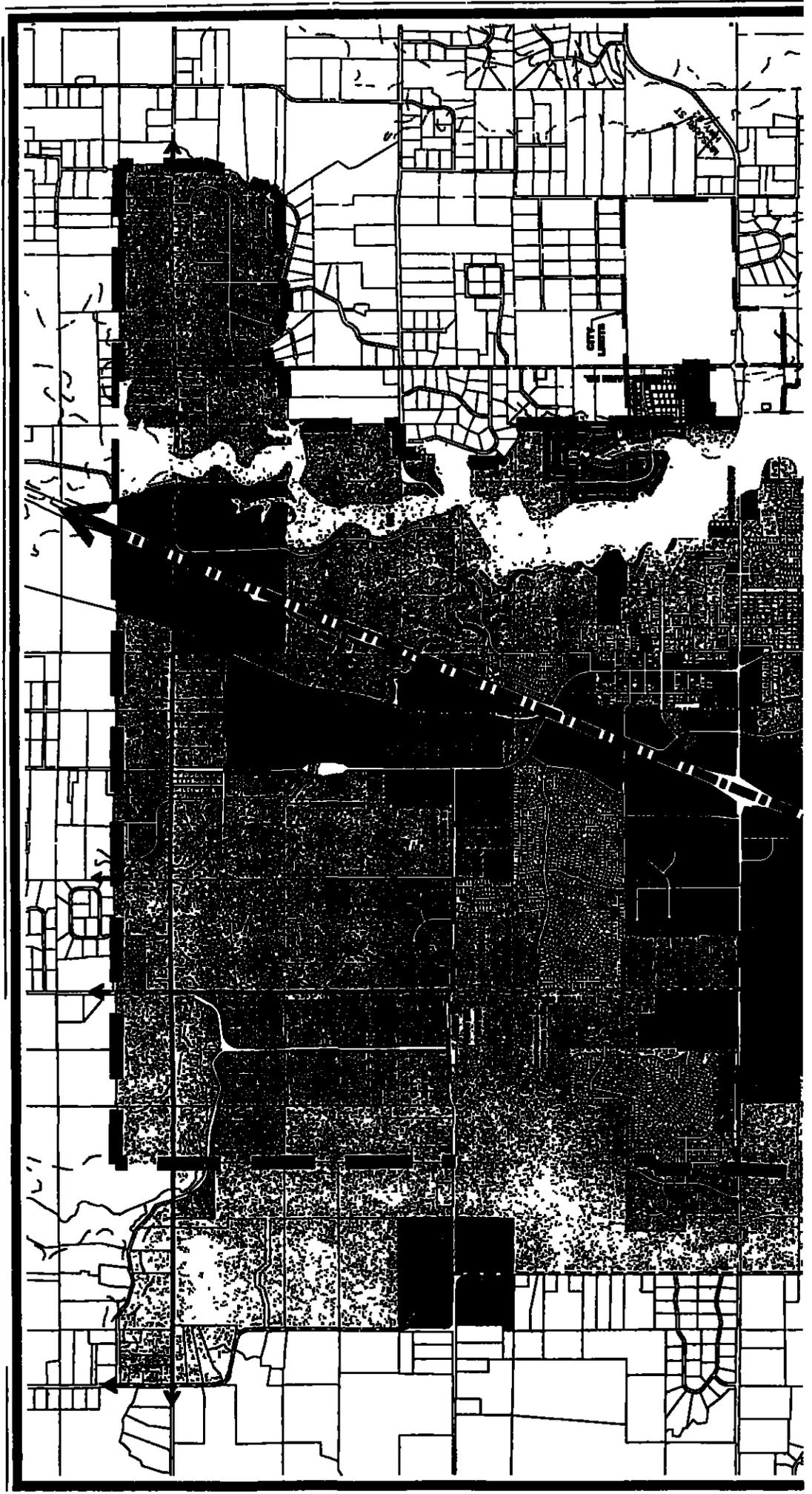
Enclosure # 4

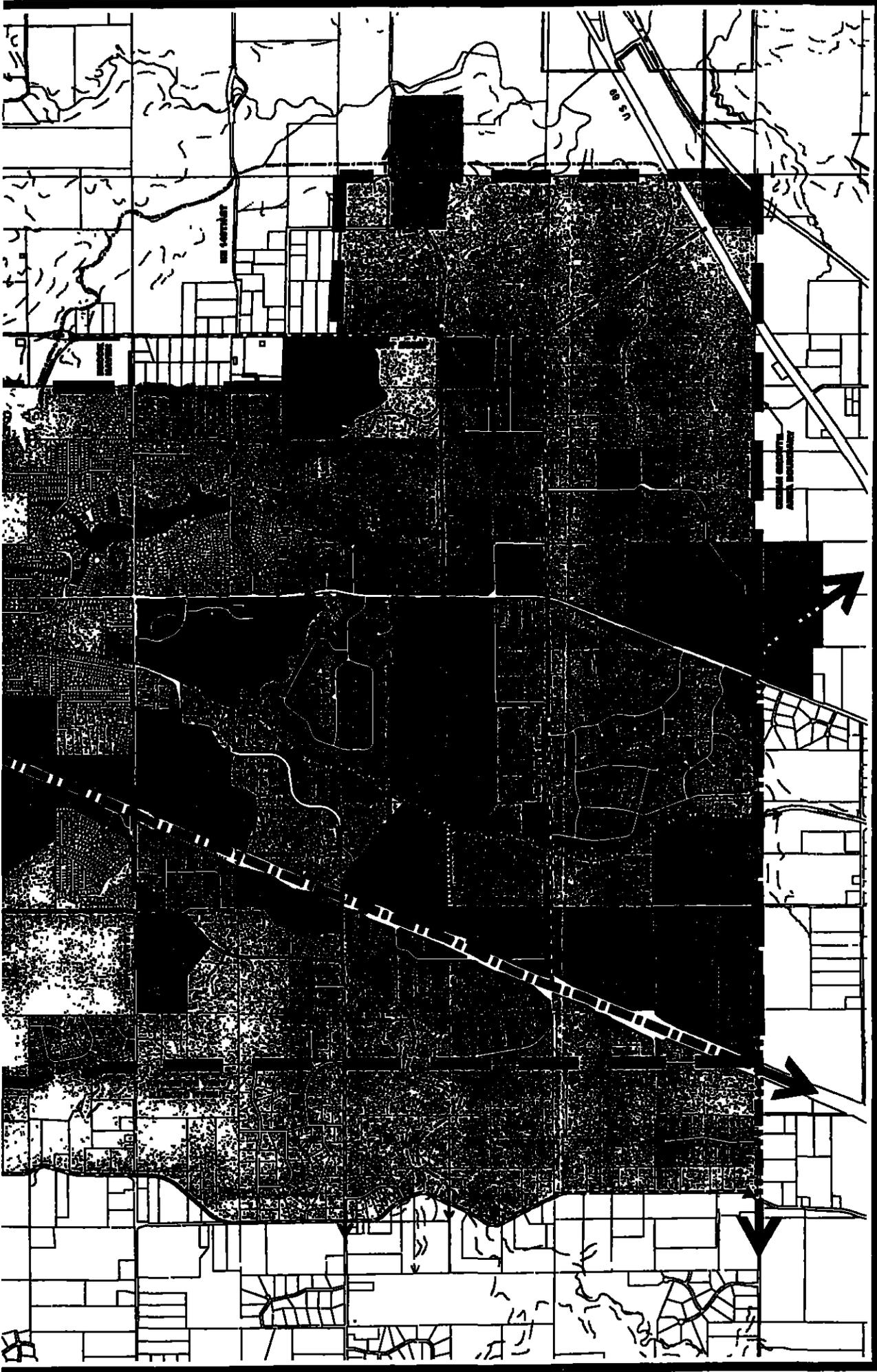


Map created by GISMapping, Clay County Assessor

City Access Road to Mack Porter Park
Utilizes Railway R.O.W North of 83 Hwy

Land Use Plan
Enclosure #1

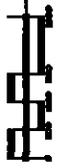




FUTURE LAND USE MAP CITY OF KEARNEY, MISSOURI

LEGEND

<p>--- CITY LIMITS</p> <p>==== EXIST. INTERSTATE</p> <p>==== EXIST. STATE</p> <p>--- PROSP. ARTERIAL</p>	<p>PROSP. ARTERIAL</p> <p>==== EXIST. INTERSTATE</p> <p>==== EXIST. STATE</p> <p>--- PROSP. ARTERIAL</p>	<p>GENERAL FAMILY (15,100 ACRES)</p> <p>MULTI-FAMILY (4,000 ACRES)</p> <p>INDIAL. RESIDENTIAL (700 ACRES)</p> <p>COMMERCIAL (1,400 ACRES)</p> <p>OFFICE (100 ACRES)</p>	<p>INDIAL. RESIDENTIAL (200 ACRES)</p> <p>INDUSTRIAL (700 ACRES)</p> <p>PARKLAND (500 ACRES)</p> <p>OPEN GREEN SPACE</p>
--	--	---	--





Clay County, Missouri

Planning and Zoning

234 West Shrader, Suite C
Liberty, Missouri 64068-2448

EXHIBIT C

*David M Clements, AICP
Director*

*Debbie Viviano
Planner*

*Charles Adams
Building Official,
Land Trustee*

April 10, 2007

Sidney Strickland and Associates
3050 K St. N W , Suite 101
Washington, DC 2007-1325
Attn Sidney L Strickland

Dear Mr Strickland,

I am writing in response to your recent letter referencing STB Docket #AB-6, concerning the abandonment of certain BNSF railroad right-of-way near Kearney, in Clay County, Missouri. Thank you for an opportunity to comment on this matter.

Please note for your environmental report that this railroad right-of-way is shown on the Northland Trails Vision Plan for Clay and Platte County, Missouri. The right-of-way is designated as future trail C12, the Liberty/Holt trail, north and south through Clay County.

I am enclosing a copy of this trail plan for your information and file. As you will see, the proposed abandonment is a key part of this trail designation, and the action would provide an important step in preserving this right-of-way for the recreational trail.

Please consider this letter Clay County, Missouri support of the abandonment as action consistent with our local land use plans and recreational goals.

Please contact me if you have any questions about this matter.

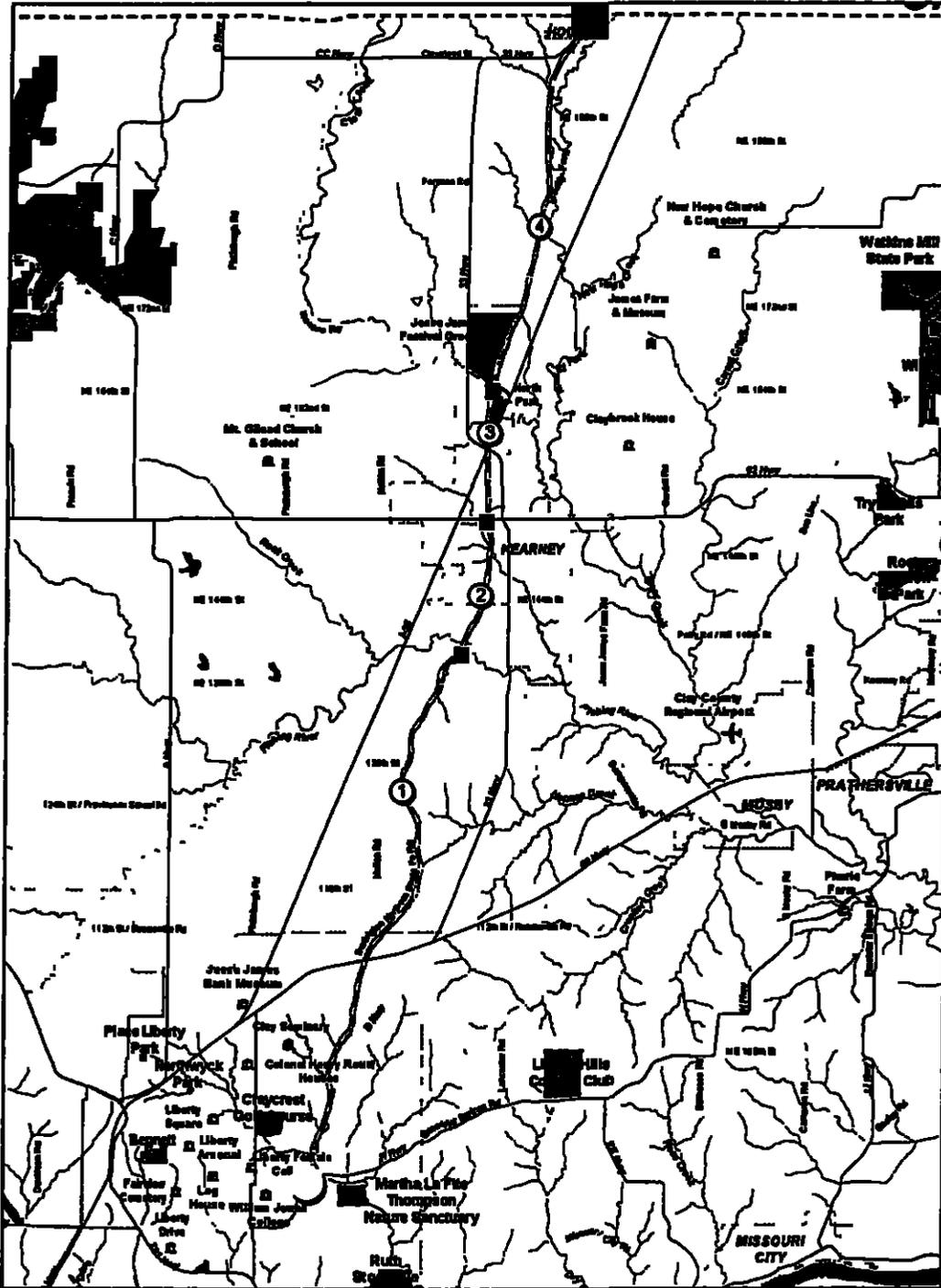
Respectfully,

A handwritten signature in cursive script that reads "David M Clements".

David M Clements, AICP
Director of Planning and Zoning

Cc Alexa Barton
County Administrator

Liberty/Holt via CB&Q Rail Line



**Missouri
Department
of Transportation**



Elizabeth A. Wright, District Engineer

District 4 – Kansas City Area
600 NE Colbern Road
Lee's Summit, MO 64086
(816) 622-6500
Fax (816) 622-6323
Toll free 1-888 ASK MoDOT
(1-888-ASK-6636)
www.modot.mo.gov

April 13, 2007

EXHIBIT D

Mr Sidney L. Strickland, Jr
Sidney Strickland and Associates, PLLC
3050 K St. N.W., Suite 101
Washington, DC 20007-5108

**Re. STB Docket No AB-6 (Sub No 450X) BNSF Railway Company –
Abandonment Exemption – in Clay County, Missouri**

Dear Mr. Strickland:

I am responding to a letter dated March 15, 2007 that was addressed to Beth Wright, District Engineer. This letter identified BNSF Railway Company's plans to file with the United States Surface Transportation Board a Notice of Exemption on the above-referenced docket to abandon 1.06 miles of railroad line between Milepost 199.07 and Milepost 200.13 near Kearney, in Clay County, Missouri.

We are interested in the section of tracks relating to MO Route 33 and Interstate 35, which currently are encumbered with a roadway "easement". It is imperative this easement remains in our transportation system. We will work with you to ensure the subject area does not get conveyed to another party.

We will require more time to research deeds to make a formal response to the above-referenced docket. As a result, we are requesting a one-month extension to make the formal response.

If you have questions, please contact me at (816) 622-6364.

Sincerely,

Brad Wise
Senior Right of Way Specialist

Copy to: Ms Elizabeth A Wright-4ao
Mr Allan Zafft-4tp



3915 Oakland Ave
Suite 103
St Joseph, MO 64506
(816) 232-6555 EXT 6
(816)-232-0647 FAX

EXHIBIT E

April 2, 2007

Mr Sidney L Strickland, Jr
Sidney Strickland and Associates, PLLC
3050 K St N W , Suite 101
Washington, DC 20007-5108

Dear Mr Strickland,

This letter is in response to your 3/15/07 letter addressed to Daniel Switzner, District Conservationist, regarding impacts on prime farmland in Clay County, Missouri

Construction within an existing right-of-way purchased on or before August 4, 1984, is an activity that is not subject to the Farmland Protection Policy Act As this railroad line was in existing right of way prior to August 4, 1984, FPPA does not apply

Additional information regarding FPPA can be obtained at this web address-

<http://www.nrcs.usda.gov/programs/fppa/>

If your abandonment / construction project would go beyond existing right of way, than a Farmland Conversion Impact Rating (form AD-1006) would need to be initiated by you Form AD-1006 can be downloaded at the above web site

Other concerns are as follows

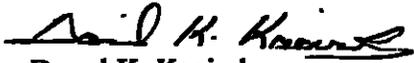
- 1 Erosion Considerations-If your project includes trenching, or construction activity that would destroy grass or vegetative cover, we recommend special attention be given to areas subject to soil erosion caused by rain and water flow Even though most trenches are narrow, soil erosion can still be a significant hazard on slopes greater than 2 percent I recommend vegetative cover be promptly reestablished on all disturbed areas The Critical Area Planting standard from our Field Office Technical Guide can be accessed at <http://www.nrcs.usda.gov/technical/efotg/> (Then go to Section IV, Conservation Practices, Critical Area Planting).
- 2 Conservation Structures- such as terraces, diversions, underground drainage tiles and outlets, grade stabilization structures, grassed waterways and waterway outlets- If the project construction causes any damage to adjacent soil and water conservation practices or structures, they should be promptly repaired

The U S Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and mental or family status (Not all prohibited bases apply to all programs) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD) USDA is an equal opportunity provider and employer

If you have any questions, please call me at 816-232-6555 ext 138

Sincerely,



David K. Kacirek
Area Resource Soil Scientist

attachment

cc. Daniel S Switzner, District Conservationist, Liberty, MO
Clayton E. Lee, Soil Scientist, Columbia, MO
Patricia L Hufford, Area Conservationist, St Joseph, MO

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854**

SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

March 15, 2007

Daniel Switzner
District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
Liberty Service Center
1 Victory Drive, Suite 100
Liberty, MO 64068-1974

***Re: STB Docket No AB-6 (Sub. No. 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri***

Dear Mr Switzner

BNSF Railway Company (“BNSF”) plans to file with the United States Surface Transportation Board (“STB”) a Notice of Exemption seeking authority in the above-referenced docket to abandon 1.06 miles of railroad line between Milepost 199.07 and Milepost 200.13, near Kearney, in Clay County, Missouri (“the Line”)

The 1.06-mile trackage in Kearney, MO lies immediately south of the Cameron Junction to Kearney, MO line that was abandoned by The Chicago, Burlington and Quincy Railroad Company in 1962. It was during this same period of time that Interstate 35 was constructed through Kearney. There were no customers or apparent potential for customers located between the freeway and the aforementioned abandonment. Consequently, track was removed in pieces over a period of many years and used for local operations. It is not BNSF’s policy to remove track within the jurisdiction of the STB before going through a formal abandonment proceeding and BNSF has recently implemented internal and external procedures to ensure that future track removal does not occur prior to receiving proper authority. However, this Line was salvaged prior to those certain measures being in place.

As part of the environmental report, BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by April 14, 2007. If you have any questions, do not hesitate to contact me at (202) 338-1325.

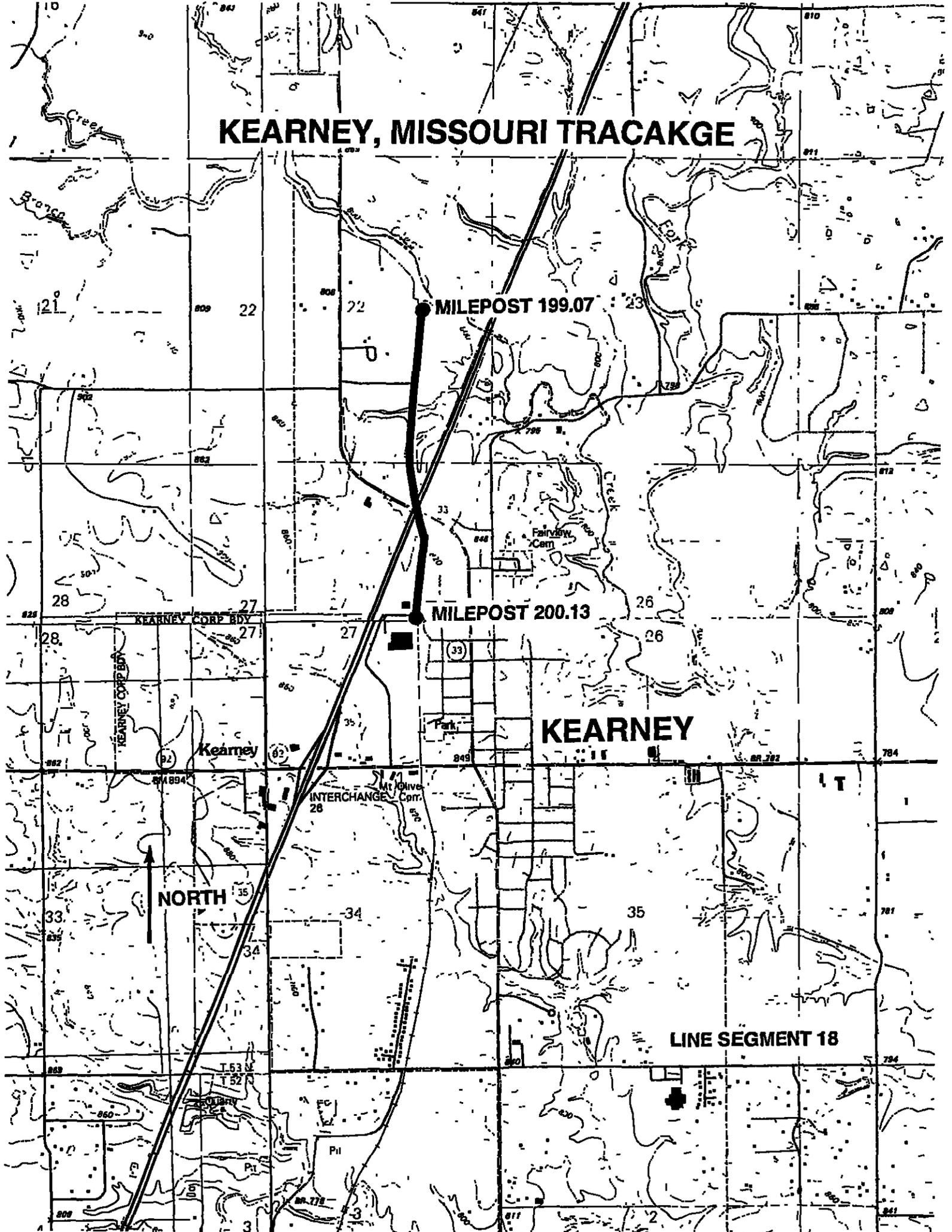
Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr

Enclosure
SLS/cac

KEARNEY, MISSOURI TRACKAGE



MILEPOST 199.07

MILEPOST 200.13

KEARNEY

NORTH

LINE SEGMENT 18

EXHIBIT F

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854**

SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

March 15, 2007

Charlie Scott
Field Supervisor
U S Fish and Wildlife Service
Region 3
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

REC'D MAR 19 2007

**Re: STB Docket No. AB-6 (Sub. No. 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri**

Dear Mr Scott

BNSF Railway Company ("BNSF") plans to file with the United States Surface Transportation Board ("STB") a Notice of Exemption seeking authority in the above-referenced docket to abandon 1.06 miles of railroad line between Milepost 199.07 and Milepost 200.13, near Kearney, in Clay County, Missouri ("the Line")

The 1.06-mile trackage in Kearney, MO lies immediately south of the Cameron Junction to Kearney, MO line that was abandoned by The Chicago, Burlington and Quincy Railroad Company in 1962. It was during this same period of time that Interstate 35 was constructed through Kearney. There were no customers or apparent potential for customers located between the freeway and the aforementioned abandonment. Consequently, track was removed in pieces over a period of many years and used for local operations. It is not BNSF's policy to remove track within the jurisdiction of the STB before going through a formal abandonment proceeding and BNSF has recently implemented internal and external procedures to ensure that future track removal does not occur prior to receiving proper authority. However, this Line was salvaged prior to those certain measures being in place.

As part of the environmental report, BNSF needs to know whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges or areas designated as critical habitat adjacent to or near the line and if so, what effects the proposed action may have.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by April 14, 2007. If you have any questions, do not hesitate to contact me at (202) 338-1325.

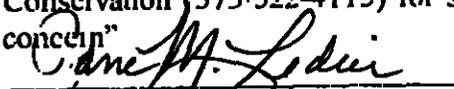
Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/cac

"The US Fish and Wildlife Service has reviewed the subject proposal and accompanying information and determined that the activity as described is not likely to adversely affect federally listed species or designated critical habitat. Consequently, this concludes section 7 consultation. Please contact the Missouri Department of Conservation (573/522-4115) for state listed species of concern."


for the Field Supervisor 3/20/2007
Date

C. A. Curry

EXHIBIT G

From: Shannon Cave [Shannon Cave@mdc.mo.gov]
Sent: Tuesday, April 17, 2007 10:12 AM
To: carlton.curry@stricklandpllc.com
Subject: Re: Heritage Review Request for AB-6-450X Kearney.



Curry_Clay_rail.pdf
(227 KB)

** Reply Requested When Convenient **

Attached is the heritage review as requested. Please reply to this message to confirm receipt, and let me know if I may otherwise assist.

Mr. Shannon D. Cave
Public Involvement Coordinator
Policy Coordination Unit
Missouri Department of Conservation
P. O. Box 180
Jefferson City, MO 65102
573-522-4115 X 3250
e-mail: Shannon.Cave@mdc.mo.gov

>>> "C. A. Curry" <Carlton.Curry@stricklandpllc.com> 4/16/2007 10:16 AM

>>>

Ms. Cave:

Per our conversation, and pursuant to Larry Rizzo of the Missouri Department of Conservation, I am requesting a heritage review by the Policy Coordination Branch. Attached is a copy of the letter sent to the Department of Conservation and a map of the affected area.

Your assistance in this matter is greatly appreciated. Please contact me should you have any questions.

Carlton Antoine Curry
Sidney Strickland and Associates, PLLC
3050 K Street, NW
Suite 101
Washington, DC 20007
202.338.1325/1326-Office
202.295.3854-FAX
202.230.6539-Cell



Missouri Department of Conservation
Heritage Review Report

April 17, 2007 – Page 1 of 1

Policy Coordination Unit
 P. O. Box 180
 Jefferson City, MO 65102
 Prepared by Shannon Cave
 shannon.cave@mdc.mo.gov
 573-522-4115X3250

To: Carlton Antoine Curry
 Sidney Strickland and Associates, PLLC
 3050 K Street, NW
 Suite 101
 Washington, DC 20007

cc Larry Rizzo

Project type	Rail abandonment
Location/Scope	T53N R31W Section 22 & 27 between Mileposts 111.7 & 200 13
County	Clay
Query reference	Rail abandonment exemption
Query received	April 17, 2007

This HERITAGE REVIEW is not a site clearance letter. Rather, it indicates whether or not public lands and sensitive resources are known to be located close to the proposed project. It provides information about species and habitats that could be affected by the project. Heritage records were positively identified at some date and time, marked at a more or less precise location. Animals move around but, over time, so do plant communities. To say "there is a record" does not mean the species/habitat is still there. To say that "there is no record" does not mean the project may not encounter a species/habitat of concern not in the records. Because of this, reports include information about records near but not necessarily on the project site. On-site investigation is the responsibility of project planners. Signature of this form is not required; authenticity may be confirmed by contacting Shannon Cave, shannon.cave@mdc.mo.gov, 573-522-4115X3250.

Records of species/habitats of federal or state conservation concern: None
 Heritage records identify no designated wilderness areas, wildlife preserves, federally designated critical habitats, wetlands, karst features or endangered species records near the site. Clear Creek, which appears unlikely to be affected by the project, is one of 138 state-designated spawning stream segments. Activities that alter, destabilize or destroy stream bottoms or banks should be avoided from June 1 to August 31 in order not to disrupt spawning (laying and fertilizing fish eggs). At all times, avoid habitat destruction or introducing heavy sediment loads, chemical or organic pollutants. This spawning stream segments were designated because it is important to recovering or maintaining species of conservation concern.

Considerations related to project/site, not to specific heritage records:
 Streams in the area should be protected from soil erosion, water pollution and in-stream activities that modify or diminish aquatic habitats. Best management recommendations relating to streams and rivers may be found at <http://www.mdc.mo.gov/documents/nathis/endangered/streams.pdf>.

Please help prevent the spread of invasive species by inspecting and cleaning equipment thoroughly before moving between project sites!

FEDERAL CONCERNS are records of species/habitats protected under the Federal Endangered Species Act and near enough to the project site to warrant consideration. Project planners should consult with the U.S. Fish and Wildlife Service Ecological Services (101 Park Drive Suite A, Columbia, Missouri 65203-0007, Phone 573-234-2132). All Federal concerns are also state concerns under the Missouri Wildlife Code.

STATE CONCERNS are records of species/habitats protected under the Wildlife Code of Missouri (3CSR10-4 111) and near enough to the project site to warrant concern. "State Endangered" reflects protection in the rule 3CSR10-4 111, "State Rank" is numeric rank of relative rarity. Ranked species of wildlife are protected under general provisions of the Wildlife Code but not endangered.

"**CONSIDERATIONS** related to project/site" are topics project planners might prudently consider. These do not reflect a specific heritage record, but a general understanding of species needs and landscape conditions. These may be important to project planning since 93% of Missouri is privately owned and most private lands have never been inspected by species specialists.

Incorporating information from Heritage records into project plans is an important step that can help reduce adverse impacts to Missouri's sensitive natural resources. However, these records only provide one reference. Other types of information, such as wetland and soils maps and on-site inspections or surveys, should be considered. Additional information on species of concern may be found at <http://www.mdc.mo.gov/nathis/endangered/> and at http://mdc4.mdc.mo.gov/applications/mofws/mofws_search1.aspx. Reviewing current landscape and habitat information and species biological characteristics would additionally ensure that species of conservation concern are appropriately identified and addressed. Contact the Policy Coordination Unit for printed copies of best management practices cited above as internet URLs.



United States Department of the Interior

National Park Service

Midwest Region
601 Riverfront Drive
Omaha Nebraska 68102-4226



650 2(MWR-P/G)

EXHIBIT H

Mr. Sidney L. Strickland, Jr
Sidney Strickland and Associates, PLLC
300 K St N W Suite 101
Washington, DC 20007-5108

APR 20 2007

Dear Mr. Strickland

This is in response to your March 15, 2007, request that the National Park Service respond to STB Docket No AB-6 (Sub No. 450X) BNSF Railway Company *Abandonment Exemption in Clay County, Missouri*

We have reviewed this project in relation to any possible conflicts with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs and find there are none Accordingly, we have no additional comments at this time

You may contact me at (402) 661-1546 if you have questions or need more information

Sincerely,

Robert Maydwell
Grants Management Assistant
Partnerships- Grants

**TAKE PRIDE
IN AMERICA**

United States Department of the Interior



**Bureau of Land Management-Eastern States
Milwaukee Field Office
626 E. Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617**



IN REPLY REFER TO
2000 (036)

April 17, 2007

Sidney Strickland and Associates, PLLC
3050 K St N.W., Suite 101
Washington, DC 20007-5108

RE STB Docket No AB-6 (Sub. No 450X) BNSF Railway Company – Abandonment
Exemption – in Clay County, Missouri

Dear Mr. Strickland:

This is in response to your letter of March 15, 2007, to our office concerning the proposal by the Burlington Northern and Santa Fe Railway Company (BNSF) to abandon 1.06 miles of railroad line between Milepost 199.07 and Milepost 200 13, near Kearney in Clay County, Missouri.

A search of our records shows there are no Federal lands administered by the Bureau of Land Management along the railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f).

Thank you for giving us the opportunity to comment on this proposal. Our office does not have information on the location of wildlife refuges, state or national parks, state or national forests in the immediate vicinity. You must contact the Fish and Wildlife Service, National Park Service, National Forest Service and State offices to obtain this information. If you require additional information, please contact me at (414) 297-4402.

Sincerely,

Marcia Sieckman
Supervisor, Natural Resources Team

C. A. Curry

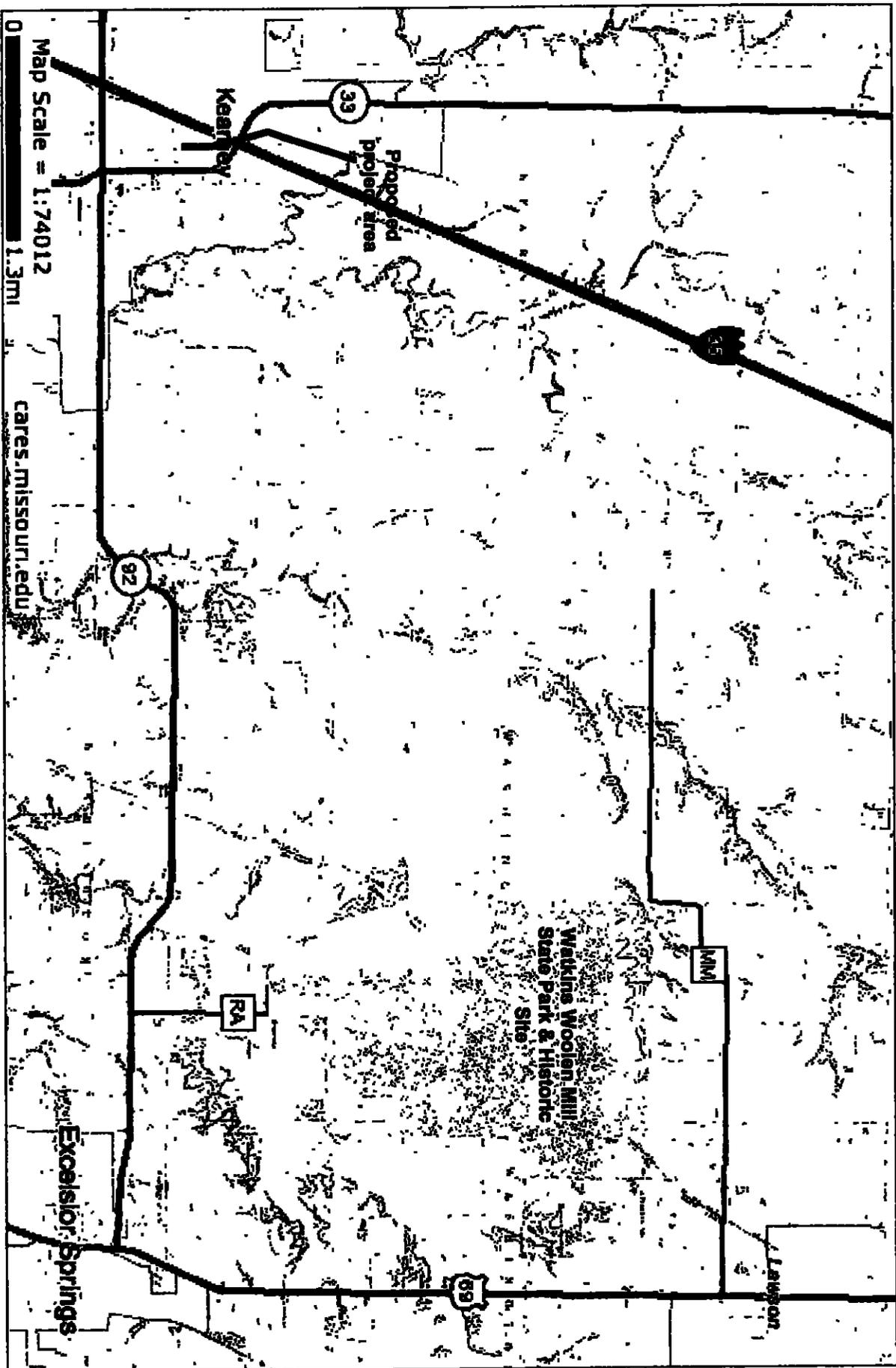
EXHIBIT J

From: Dawn Frednckson [dawn frednckson@dnr mo gov]
Sent: Monday, April 09, 2007 9 49 AM
To: Sidney Strickland@stricklandpllc com
Cc: Jane Lale, Michael Beckett
Subject: STP Docket No AB-6 (Sub No 450X) BNSF Railway Co – Abandonment Exemption – Clay Co , MO

The Missoun Department of Natural Resources, Division of State Parks, has reviewed the map of the proposed railway abandonment. There are no state parks or histornc sites within the immediate project impact area. The closest state park/histornc site is Watkins Woolen Mill State Park & Histornc Site, located northeast of Kearney and southwest of Lawson. See attached map. Thank you for the opportunity to review.

Dawn Frednckson, Planning Section Chief
Missoun Department of Natural Resources
Division of State Parks
P O Box 176
Jefferson City, MO 65102-0176
573-751-4589
dawn frednckson@dnr mo gov

4/16/2007



C. A. Curry

EXHIBIT K

From: Tim Stallman [tim_stallman@dnr.mo.gov]
Sent: Wednesday, April 11, 2007 2:09 PM
To: sidney_strckland@strcklandpllc.com
Cc: Tim Stallman
Subject: reply to your 3-15-07 memo on BNSF abandonment

Recently you requested information on the need for an NPDES/State Operating Permit during a track removal near Kearney, Missouri

Without more information on what is involved in track removal operations, it is not entirely clear whether a permit would be needed. If more than 1 acre of topsoil is removed a General Permit for Land Disturbance would be needed. If this is simply removal of track and ties with no soil disturbance, a permit would probably not be needed. To apply for this permit, submit form O (this available on our website), a fee of \$300, and a USGS topographic map at 1"=2000 feet. For information on 100 year floodplains, please contact the U.S. Army Corps of Engineers.

Tim Stallman, RG
Environmental Specialist
573-751-7634



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
700 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896

EXHIBIT L

April 11, 2007

REPLY TO
ATTENTION OF

Kansas City Regulatory Field Office
(2007-0739)
(Clay, Mo, NPR)

Sidney Strickland and Associates, PLLC
ATTN Ms Liz Waite
3050 K St Suite 101
Washington D C 20007-5108

Dear Ms Waite

This is in response to your request received on March 20, 2007, for the salvage of the BNSF railroad line northwest of Kearney, Missouri, on behalf of BNSF Railway Company. The project is located in Section 22 and 27, Township 53 north, Range 31 west

The work as described to me will all occur on top of the existing grade for the removal of tracks and ties. If this is the case, then the activity does not require a permit from the U.S Army Corps of Engineers as there will be no work in any jurisdictional waters. However, if the project were to move over into the pond and fringe wetlands shown as Wetland in the attached map or into Wetland 2, then permits may be required. If activities, equipment, or fill must be placed in the channel of the stream crossed by the railroad grade then further consultation with the U S Army Corps of Engineers will be required to determine permitting requirements.

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.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. We have placed an automated version of our Customer Service Survey form at <http://per2.nwp.usace.army.mil/survey.html>. At your request, we will mail you a paper copy that you may complete and return to us by mail or fax.

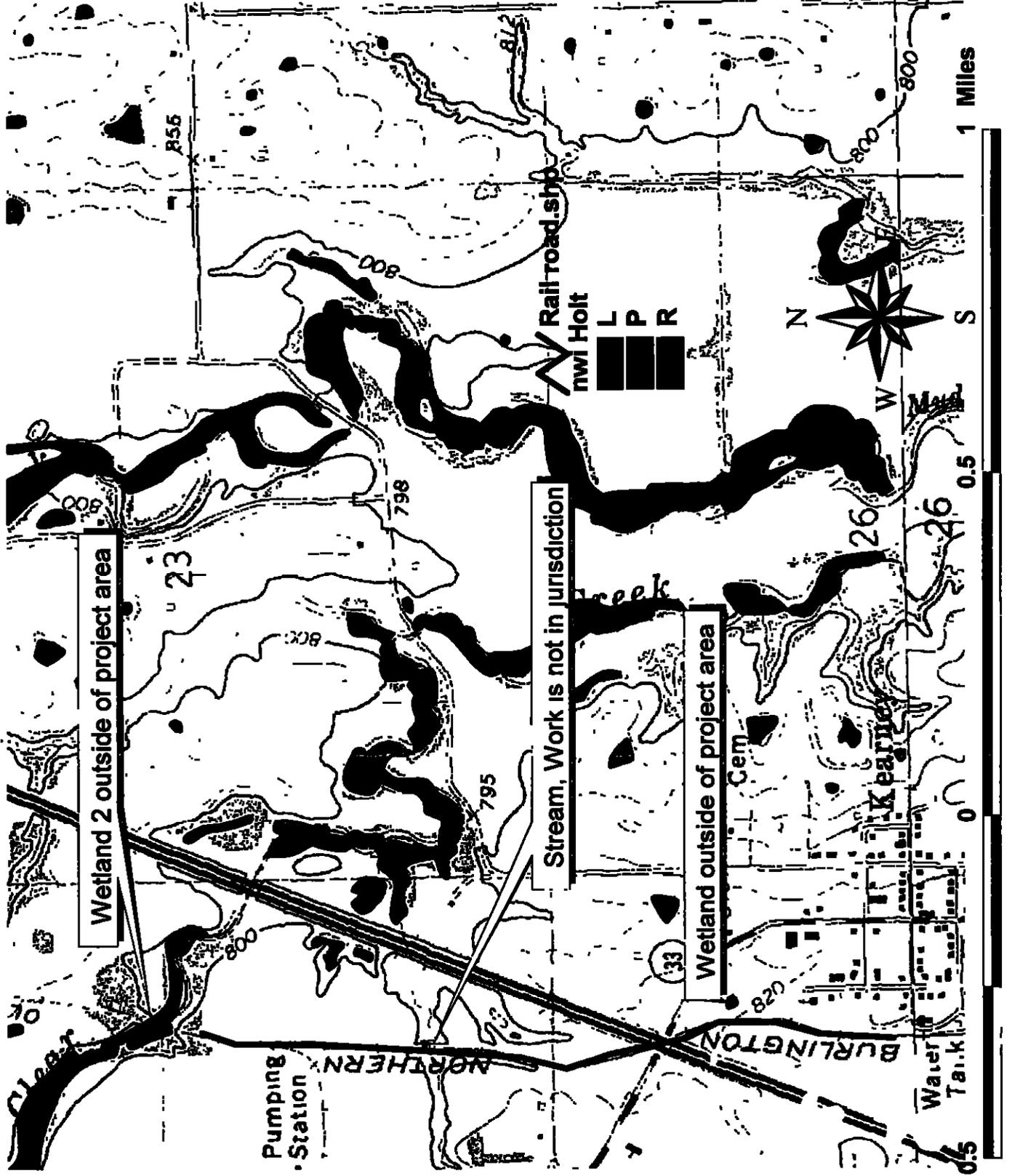
Neil Bass reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Mr Bass at (816) 389-3667, (FAX (816) 389-2032), or neil.bass@usace.army.mil Please reference Permit No 2007-0739 in all comments and/or inquiries relating to this project

Enclosure

Environmental Protection Agency, Watershed Planning and Implementation Branch
wo/enclosure

Missouri Department of Natural Resources wo/enclosure

Missouri Department of Conservation wo/enclosure



JURISDICTIONAL DETERMINATION
U. S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE. Kansas City District
FILE NUMBER. 20070739

PROJECT LOCATION INFORMATION:

State Mo
County Clay
Center coordinates of site (latitude/longitude) 39 3850/-94 3654
Approximate size of area (parcel) reviewed, including uplands 70 acres
Name of nearest waterway Tributary of Clear Creek
Name of watershed Fishing River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date 04/09/07
Site visit(s) Date(s)

Jurisdictional Determination (JD)

- Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331)
- Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331)
Check all that apply
- There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area
- There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area
- There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction

BASIS OF JURISDICTIONAL DETERMINATION

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
 The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce
- B. Waters defined under 33 CFR part 328 3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide
- (2) The presence of interstate waters including interstate wetlands¹
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply)
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce
- (iii) which are or could be used for industrial purposes by industries in interstate commerce
- (4) Impoundments of waters otherwise defined as waters of the US
- (5) The presence of a tributary to a water identified in (1) - (4) above
- (6) The presence of territorial seas
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination.* The waters referenced in Permit 20070739 appear to be jurisdictional waters of the United States since they are all tributaries of the Missouri River which is a section 10 waters or wetlands. However all work is occurring outside of the USACE jurisdiction.

Lateral Extent of Jurisdiction: (Reference 33 CFR parts 328 and 329)

- Ordinary High Water Mark indicated by**
- clear, natural line impressed on the bank
 - the presence of litter and debris
 - changes in the character of soil
 - destruction of terrestrial vegetation
 - shelving
 - other
- High Tide Line indicated by**
- oil or scum line along shore objects
 - fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - tidal gages
 - other
- Mean High Water Mark indicated by**
- survey to available datum, physical markings, vegetation lines/changes in vegetation types
- Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by**

Basis For Not Asserting Jurisdiction.

- The reviewed area consists entirely of uplands
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7)
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328 3(a)(3)
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328 3
 - Artificially irrigated areas, which would revert to upland if the irrigation ceased
 - Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing
 - Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons
 - Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328 3(a)
 - Isolated, intrastate wetland with no nexus to interstate commerce
 - Prior converted cropland, as determined by the Natural Resources Conservation Service Explain rationale
 - Non-tidal drainage or irrigation ditches excavated on dry land Explain rationale
 - Other (explain) All work is being conducted on top of a rail road grade and thus outside of the USACE jurisdiction

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply)

- Maps, plans, plots or plat submitted by or on behalf of the applicant
- Data sheets prepared/submitted by or on behalf of the applicant
- This office concurs with the delineation report, dated _____, prepared by (company)
 - This office does not concur with the delineation report, dated _____, prepared by (company)
- Data sheets prepared by the Corps
- Corps' navigable waters' studies
- U S Geological Survey Hydrologic Atlas
- U S Geological Survey 7 5 Minute Topographic maps
- U S Geological Survey 7 5 Minute Historic quadrangles
- U S Geological Survey 15 Minute Historic quadrangles
- USDA Natural Resources Conservation Service Soil Survey
- National wetlands inventory maps
- State/Local wetland inventory maps
- FEMA/FIRM maps (Map Name & Date)
- 100-year Floodplain Elevation is _____ (NGVD)
- Aerial Photographs (Name & Date)
- Other photographs (Date)
- Advanced Identification Wetland maps
- Site visit/determination conducted on
- Applicable/supporting case law
- Other information (please specify)

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology)

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

March 15, 2007

Martha Steincamp
Regional Counsel
U S EPA, Region 7
901 N 5th Street
Kansas City, KS 66101

***Re: STB Docket No. AB-6 (Sub. No. 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri***

Dear Ms Steincamp

BNSF Railway Company (“BNSF”) plans to file with the United States Surface Transportation Board (“STB”) a Notice of Exemption seeking authority in the above-referenced docket to abandon 1.06 miles of railroad line between Milepost 199.07 and Milepost 200.13, near Kearney, in Clay County, Missouri (“the Line”)

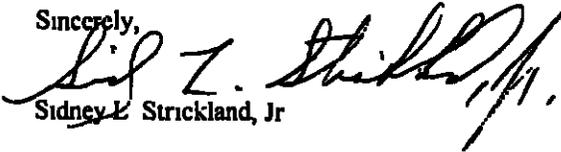
The 1.06-mile trackage in Kearney, MO lies immediately south of the Cameron Junction to Kearney, MO line that was abandoned by The Chicago, Burlington and Quincy Railroad Company in 1962. It was during this same period of time that Interstate 35 was constructed through Kearney. There were no customers or apparent potential for customers located between the freeway and the aforementioned abandonment. Consequently, track was removed in pieces over a period of many years and used for local operations. It is not BNSF’s policy to remove track within the jurisdiction of the STB before going through a formal abandonment proceeding and BNSF has recently implemented internal and external procedures to ensure that future track removal does not occur prior to receiving proper authority. However, this Line was salvaged prior to those certain measures being in place.

As part of the environmental report, BNSF needs to know whether or not this action will be consistent with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or National Pollutant Discharge Elimination System (“NPDES”) permits are required as a result of the proposed abandonment.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by April 14, 2007. If you have any questions, do not hesitate to contact me at (202) 338-1325.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/cac



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

March 22, 2007

Sidney L. Strickland, Jr
Sidney Strickland & Associates, PLLC
3050 K St N.W., Suite 101
Washington, DC 20007-5108

Re BNSF Railway Company STB Docket No AB-6 (Sub No 450X) (STB) Clay County, Missouri

Dear Mr Strckland

Thank you for submitting information on the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P L 89-665, as amended) and the Advisory Council on Historic Preservation's regulation 36 CFR part 800, which require identification and evaluation of cultural resources

We have reviewed the information provided concerning the above referenced project. We have determined that there is a moderate to high potential for the presence of archaeological sites near and within the area of the proposed project, as indicated by the topographic location, and the presence of site 23CL418 adjacent to the railway, and that an archaeological survey should be conducted. This survey should be completed prior to the initiation of project-related construction activities.

A list of independent archaeological contractors who can perform such services is available through the Department of Natural Resources, Division of Administrative Support. The list can be obtained by calling (573) 751-0958 and requesting the "archaeological contractors list." Note that any 36 CFR Part 61 qualified archaeologist may perform an archaeological survey. If you choose a contractor not on the list, please be certain to include his or her curriculum vitae in the report. We would appreciate two (2) copies of the archaeological survey report when it is finished so we may complete the review and comment process.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P O Box 176, Jefferson City, Missouri 65102 or call Ms Deel at 573/751-7862. Please be sure to include the SHPO Log Number (041-CL-07) on all future correspondence or inquiries relating to this project.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE

A handwritten signature in black ink, appearing to read "Mark A. Miles".

Mark A Miles
Director and Deputy
State Historic Preservation Officer

MAM jd

CONSULTANTS: ARCHAEOLOGISTS

REVISED 2/13/2007

This list is provided by the Missouri Department of Natural Resources as a service to individuals, local governments, agencies, and businesses seeking the professional assistance of consultants with experience in conducting archaeological surveys. This list is not intended to be all inclusive. All consultants who request inclusion and who meet the professional qualifications outlined in 36CFR61, Appendix A, will be included. The department assumes no responsibility for the accuracy of this list and does not attest to the personal or corporate qualifications of persons or firms appearing on the list. Neither the department nor the State Historic Preservation Office (SHPO) recommend particular consultants or consulting firms. Nor do they require that federal agencies, recipients of federal grants or others hiring consultants select them from this list. The inclusion of a consultant on this list is not an endorsement, sanction, or certification of that consultant by the Missouri Department of Natural Resources or by the State of Missouri.

Before hiring a consultant or consulting firm, review their credentials and ask questions. Make certain their expertise is what you need for your particular project.

For further information, please contact Denise Massman in Division of Administrative Support (DAS) at 1-800-361-4827 or 573-522-3299.

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AMEC Earth & Environmental
Melinda J King, Staff Archaeologist
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11003 Bluegrass Parkway
Louisville, KY 40299
(502) 267-0700, FAX (502) 267-5900

American Bottom Survey Division,
ITARP-UIUC
Mr Brad Koldehoff, Coordinator
6608 West Main Street
Belleville, IL 62223
(618) 397-5096, FAX (618) 397-5097

American Resources Group, Ltd
127 North Washington
Attn Michael McNerney or Steve Titus
Carbondale, IL 62901
(618) 529-2741, FAX (618) 457-5070

Archaeological Research Center of St
Louis, Inc
Attn Joe Harl or Mary Jo Cramer
2812 Woodson Road
St Louis, MO 63114
(314) 426-2577, FAX (314) 426-2599

Archaeological Research Incorporated
1735 N Paulina Street, Ste 113
Chicago, IL 60622
(773) 384-8134, FAX (773) 384-8286
arinc@ix.netcom.com

Archaeology Lab, Augustana College
Dr I. Adrien Hannus, Principal
Archaeologist/Director
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Sioux Falls, SD 57105
(605) 274-5493, FAX (605) 274-4368

Bear Creek Archaeology, Inc
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429 Tree Top Lane
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(314) 821-1173

Cecada Systems, Inc
Adrian D Anderson
P O Box 239
Jewell, IA 50130
(514) 827-5552

Commonwealth Cultural Resources Group
Mary Lynn Jeakle, Lab Director
2530 Spring Arbor Road
Jackson, MI 49203-3602
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Cultural Resource Analysts, Inc
151 Walton Avenue
Lexington, KY 40508
(859) 252-4737, FAX (859) 254-3747
cmnquette@crai-ky.com
http://www.crai-ky.com

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4741 Central St #497
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(816) 931-7319
dldrpallic@cox.net

Effigy Archeological Services, Inc
10108 W 96th Street, Unit E
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amoerbe@effigyarch.com or
tgannon@effigyarch.com

Environmental Research of Missouri
1201 Moreu Drive
Jefferson City, MO 65101
(573) 635-9569

Environmental Systems Analysis
P O Box 2742
Shawnee Mission, KS 66201
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http://www.gaiconsultants.com

Gateway Archaeology
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430 Houston Street
St Charles, MO 63301
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galloy@gatewaydig.com

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bbowden@graypape.com

Historic Preservation Associates
P O Box 1064
Fayetteville, AR 72702
(501) 442-3779, FAX (501) 582-3779

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Charlene H. Wylie, AICP
Environmental Planning Division Manager
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U S 460
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Dr. Michael Wiant
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(217) 785-0037, FAX (217) 785-2857

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CONSULTANTS: ARCHAEOLOGISTS

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For further information, please contact Denise Massman in Division of Administrative Support (DAS) at 1-800-361-4827 or 573-522-3299

University of Kentucky
Program for Archaeological Research
P D Trader, Senior Staff Archaeologist
Anthropology, University of Kentucky
1020A Export Street
Lexington, KY 40506

Wapsi Valley Archaeology
Michael Finn, Archaeologist
P O Box 244
Anamosa, IA 52205

Weaver & Associates, LLC
Guy G Weaver
2563 Broad Avenue
Memphis, Tennessee 38112
(901) 452-7554
guyw555@aol.com

CERTIFICATION PURSUANT TO 49 C.F.R. 1105.7(c) and 8(c)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L Strickland, Jr, certifies that on July 6, 2007, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies

**Victoria Rutson
Chief, SEA
Surface Transportation Board
395 E Street, S W
Washington D C 20423-0001**

**David M Clements, AICP
Director of Planning and Zoning
Clay County Planning and Zoning
234 West Shrader, Suite C
Liberty, Missouri 64068-2448**

**David K Kacirek
Area Resource Soil Scientist
3915 Oakland Ave
Suite 103
St Joseph, MO 64506**

**Shannon D Cave
Public Involvement Coordinator
Policy Coordination Unit
Missouri Department of Conservation
P O Box 180
Jefferson City, MO 65102**

**Marcia Sieckman
Supervisor, Natural Resources Team
Bureau of Land Management-Eastern States
Milwaukee Field Office
626 E Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617**

**Neil Bass
Kansas City District, Corps of Engineers
700 Federal Building
Kansas City, Missouri 64106-2896**

**Daniel Switzer
District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
Liberty Service Center
1 Victory Drive, Suite 100
Liberty, MO 64068-1974**

**Tim Stallman
Environmental Specialist
Missouri Department of
Natural Resources
Water Pollution Control Branch
1101 Riverside
Jefferson City, MO 65102**

**U S Army Corps of Engineers
Wetlands & Regulatory Permits
601 E 12th Street
Kansas City, MO 64106**

**Charlie Scott
Field Supervisor
U S Fish and Wildlife Service
Region 3
101 Park DeVillie Drive, Suite A
Columbia, MO 65203-0057**

**U S Bureau of Land Management
Rolla Field Office
901 Pine St , Suite 201
Rolla, MO 65401**

**Mike Wells, Deputy Director
Water Resources Center
Missouri Department of Natural Resources
P O Box 176
Jefferson City, MO 65102**

**Missouri Department of Conservation
3424 N W Duncan Road
Blue Springs, MO 64015**

**Jim Eldridge
City Administrator
City of Kearney
P O Box 797
Kearney, MO 64060**

**Brad Wise
Senior Right of Way Specialist
Missouri Department of Transportation
Kansas City Area District
600 NE Colbern Road
Lee's Summit, MO 64086**

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

**Robert Maydwell
U S National Park Service,
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226**

**Martha Steincamp
Regional Counsel
U S EPA, Region 7
901 N 5th Street
Kansas City, KS 66101**

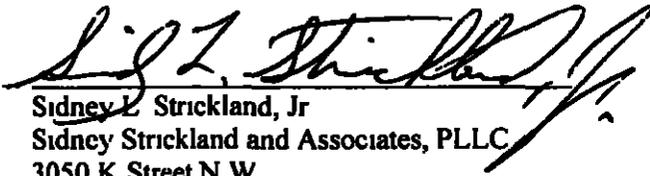
**Mark A Miles
Director and Deputy
State Historic Preservation Officer
Missouri State Department
of Natural Resources
Historic Preservation Program,
Division of State Parks
P O Box 176
Jefferson City, MO 65102**

**Missouri Department of Natural Resources
Division of State Parks
P O Box 176
Jefferson City, MO 65102**

Carol McCaslin
Presiding Commissioner
Clay County, Missouri
1 Courthouse Square
Liberty, MO 64068

Missouri Federal Assistance Clearinghouse
Office of Administration
P O Box 809
Jefferson City, MO 65102

The required cover letters (pursuant to 49 C F R 1105 11) are attached hereto BNSF has consulted with all appropriate agencies in preparing the reports



Sidney L. Strickland, Jr
Sidney Strickland and Associates, PLLC
3050 K Street N W ,
Suite 101
Washington, D C 20007

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FAX: 202-295-3854

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

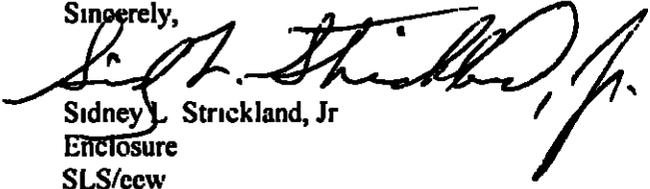
Ms Victoria Rutson
Chief, SEA
Surface Transportation Board
395 E Street, S W
Washington D C 20423-0001

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Ms Rutson

On or about July 26, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 1.06 miles of railroad line between Milepost 199.07 and Milepost 200.13 in Kearney, Clay County, Missouri (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Sincerely,


Sidney L. Strickland, Jr.
Enclosure
SLS/cew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
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WASHINGTON, DC 20007-5108
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SIDNEY L. STRICKLAND, JR
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July 6, 2007

David M Clements, AICP
Director of Planning and Zoning
Clay County Planning and Zoning
234 West Shrader, Suite C
Liberty, Missouri 64068-2448

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr Clements

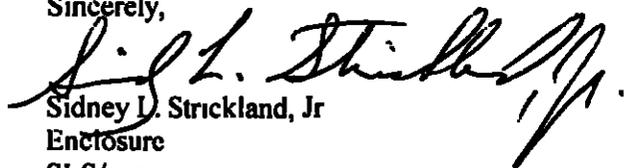
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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr
Enclosure
SLS/ew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

David K. Kacirek
Area Resource Soil Scientist
3915 Oakland Ave
Suite 103
St. Joseph, MO 64506

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr. Kacirek:

On or about July 26, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 1.06 miles of railroad line between Milepost 199.07 and Milepost 200.13 in Kearney, Clay County, Missouri (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Shannon D Cave
Public Involvement Coordinator
Policy Coordination Unit
Missouri Department of Conservation
P O Box 180
Jefferson City, MO 65102

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr Cave

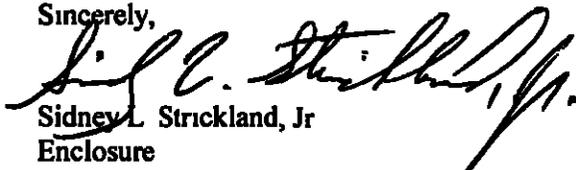
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Marcia Sieckman
Supervisor, Natural Resources Team
Bureau of Land Management-Eastern States
Milwaukee Field Office
626 E Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Ms Sieckman

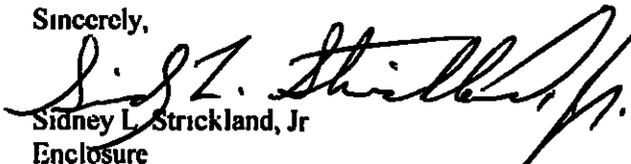
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Neil Bass
Kansas City District, Corps of Engineers
700 Federal Building
Kansas City, Missouri 64106-2896

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr Bass

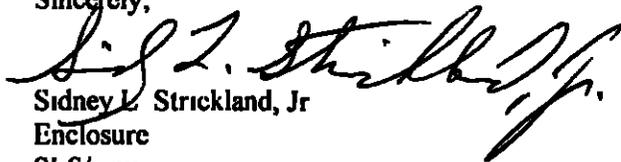
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SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Daniel Switzner
District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
Liberty Service Center
1 Victory Drive, Suite 100
Liberty, MO 64068-1974

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr Switzner

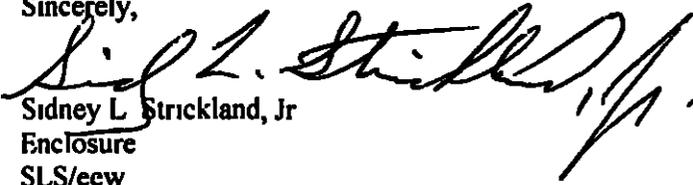
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SIDNEY I. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Tim Stallman
Environmental Specialist
Missouri Department of
Natural Resources
Water Pollution Control Branch
1101 Riverside
Jefferson City, MO 65102

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr Stallman

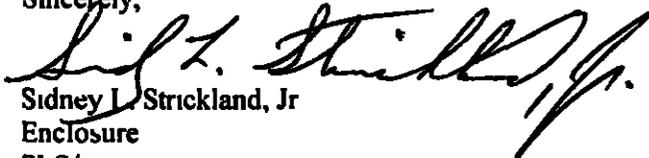
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

U S Army Corps of Engineers
Wetlands & Regulatory Permits
601 E 12th Street
Kansas City, MO 64106

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Sir or Madam

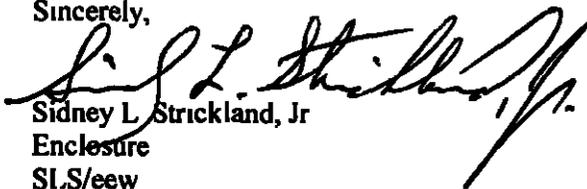
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Charlie Scott
Field Supervisor
U S Fish and Wildlife Service
Region 3
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr Scott

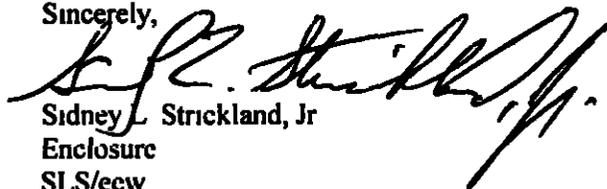
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SIDNEY I. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

July 6, 2007

U S Bureau of Land Management
Rolla Field Office
901 Pine St , Suite 201
Rolla, MO 65401

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Sir or Madam

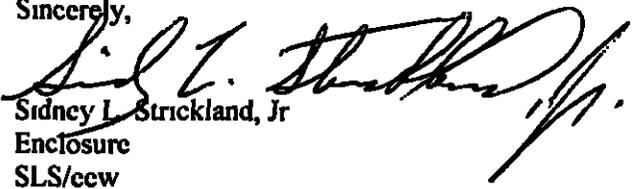
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Mike Wells, Deputy Director
Water Resources Center
Missouri Department of Natural Resources
P O Box 176
Jefferson City, MO 65102

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr. Wells.

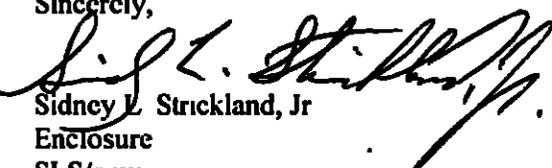
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SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Missouri Department of Conservation
3424 N W Duncan Road
Blue Springs, MO 64015

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Sir or Madam

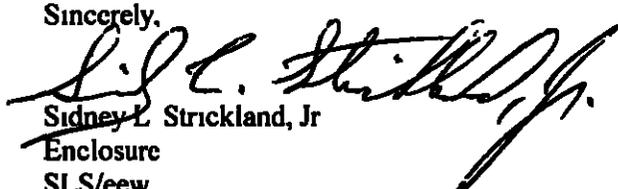
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SIDNEY I. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Jim Eldridge
City Administrator
City of Kearney
P O Box 797
Kearney, MO 64060

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr Eldridge.

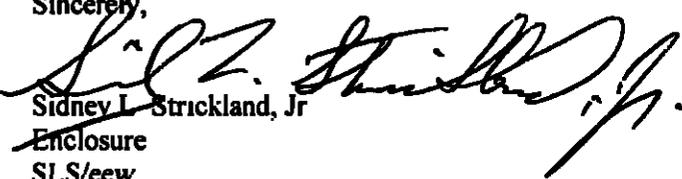
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SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Brad Wise
Senior Right of Way Specialist
Missouri Department of Transportation
Kansas City Area District
600 NE Colbern Road
Lee's Summit, MO 64086

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr Wise

On or about July 26, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 1.06 miles of railroad line between Milepost 199.07 and Milepost 200.13 in Kearney, Clay County, Missouri (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 338-1325 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.
Enclosure
SLS/eew

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SIDNEY L. STRICKLAND, JR.
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July 6, 2007

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

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Sir or Madam

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Robert Maydwell
U S National Park Service,
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr Maydwell

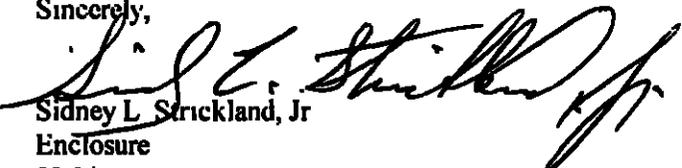
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Martha Steincamp
Regional Counsel
U S EPA, Region 7
901 N 5th Street
Kansas City, KS 66101

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Ms Steincamp

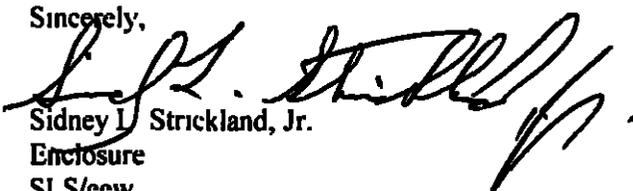
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SIDNEY I. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Mark A Miles
Director and Deputy
State Historic Preservation Officer
Missouri State Department
of Natural Resources
Historic Preservation Program,
Division of State Parks
P O Box 176
Jefferson City, MO 65102

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Mr Miles

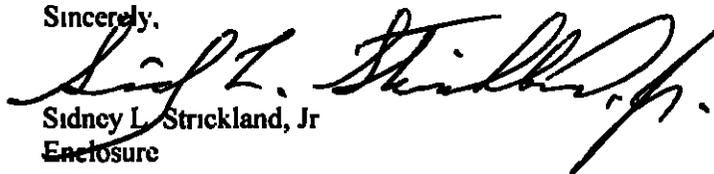
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SIDNEY I. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

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

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Sir or Madam

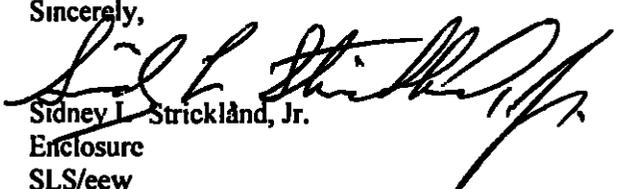
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SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Carol McCaslin
Presiding Commissioner
Clay County, Missouri
1 Courthouse Square
Liberty, MO 64068

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
Exemption – in Clay County, Missouri

Dear Ms McCaslin

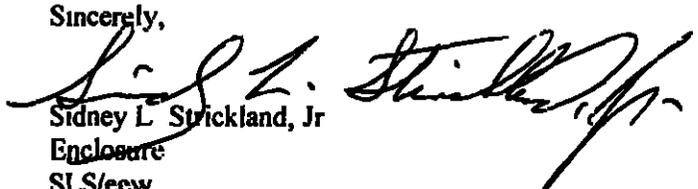
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 6, 2007

Missouri Federal Assistance Clearinghouse
Office of Administration
P O Box 809
Jefferson City, MO 65102

Re STB Docket No AB-6 (Sub No 450X) BNSF Railway Company—Abandonment
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Dear Sir or Madam

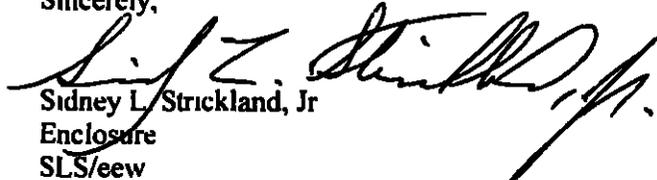
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