

STB

FD

• 32760

9-3-96

K

• 86345



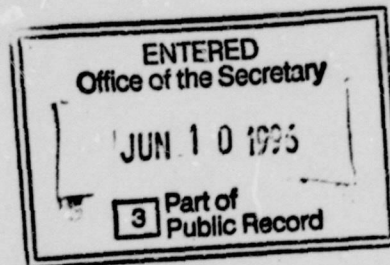


PLACER COUNTY  
TRANSPORTATION  
PLANNING AGENCY

6-8-96

84171

June 5, 1996



Ms. Elaine Kaiser, Chief  
Attorney at Law  
Section of Environmental Analysis  
Surface Transportation Board  
Interstate Commerce Commission  
12th & Constitution Avenue, N.W., Room 3219  
Washington, DC 20423-0001

Item No. \_\_\_\_\_

Page Count 2JUNE, 1996 #127

**RE: PLACER COUNTY JURISDICTION MEMORANDUM OF UNDERSTANDING  
FINANCE DOCKET NUMBER 32760**

Dear Ms. Kaiser:

We hope that your site visit in Placer County more clearly illustrated the various environmental impacts we have proposed to mitigate as a result of the merger between the Union Pacific Railroad Company and the Southern Pacific Railroad. Placer County jurisdictions, the Placer Foothills Consolidated Fire District, and the Placer County Transportation Planning Agency have entered into negotiations with Union Pacific Railroad Company to develop and execute a Memorandum of Understanding (MOU) that will mitigate environmental issues caused by increased rail activity expected to result from the proposed merger.

We request that you not recommend any mitigation in the Post Environmental Assessment for all communities and agencies of concern in Placer County until we have completed our negotiations with Union Pacific. These include concerns raised by the City of Auburn, the City of Colfax, the City of Lincoln, the Town of Loomis, the City of Rocklin, the City of Roseville, Placer County, Placer County Public Works Department, Placer Foothills Consolidated Fire District, and the Placer County Transportation Planning Agency.

We are close to executing a MOU with Union Pacific Railroad Company that would address our concerns. We hope to have the MOU executed by July 8, 1996. We will advise you as soon as the agreement is executed and will provide you with a copy.

O.C. TAYLOR  
City of Auburn  
WARREN WEGNER  
City of Colfax  
LARRY COSTA  
City of Lincoln  
MIKE BOBERG  
Town of Loomis  
KATHY LUND  
City of Rocklin  
CLEODIA GANLEY  
City of Roseville  
RONALD LICHAR  
BILL SANTUCCI  
Placer County  
CINDY GUSTAFSON  
Citizen Representative  
TOM DOUGLAS  
Executive Director

SURFACE TRANSPORTATION BOARD

96

Ms. Elaine Kaiser

June 5, 1996

Page Two

Sincerely,



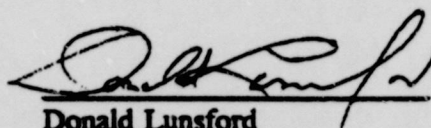
Tim Douglas  
Executive Director  
Placer County Transportation  
Planning Agency



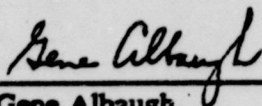
Al Johnson  
City Manager  
City of Roseville



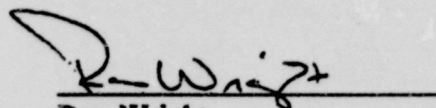
Paul Ogden  
City Manager  
City of Auburn



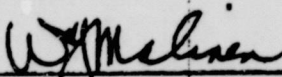
Donald Lunsford  
County Executive Officer  
Placer County



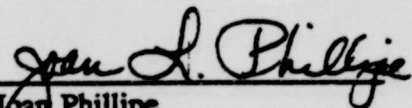
Gene Albaugh  
City Manager  
City of Colfax



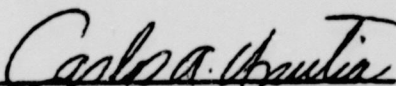
Ron Wright  
Chief  
Placer Foothills Consolidated  
Fire District



William J. Malinen  
City Manager  
City of Lincoln



Joan Phillipe  
Town Manager  
Town of Loomis



Carlos Urrutia  
City Manager  
City of Rocklin

STB

FD

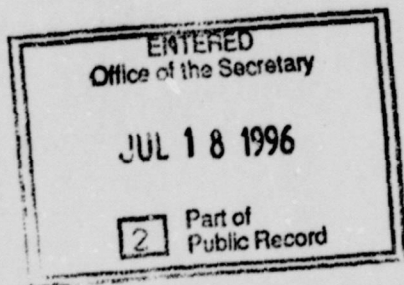
• 32760

8-22-96

K

• 85339





COLORADO  
HISTORICAL  
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-287

Item No. 84841

Page Count 2  
July 1996 # 25



ENVIRONMENTAL  
MATERIALS

July 10, 1996

Elaine K. Kaiser  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
Washington, D.C. 20423-0001

Re: Merger of Union Pacific and Southern Pacific (UP/SP) Railroads (Finance Docket No. 32760)  
Proposed Abandonment, Hoisington Subdivision; Proposed Constructions on Salina Branch

Dear Ms. Kaiser:

Thank you for your correspondence dated June 27, 1996, concerning the above project.

We appreciate receiving the inventory record form and photographs for the Limon Depot as well as the original architectural drawings of the demolished Cheyenne Wells Depot for our files. Thank you also for the current photographs of the Clifford School House along with the photographs of the stone bridges and culverts, relocated depots and the Hugo roundhouse, all associated with the Salina Branch but not within the area of potential effects of the proposed project. Based upon the information provided, it is our opinion that the bridge at MP626.43 (5AM459.5) is non-contributing to the Salina Branch.

We are pleased that you have chosen to consider the Hoisington Subdivision eligible for inclusion in the National Register of Historic Places. However, we would still appreciate receiving the additional information or analysis related to the historical significance of the line that was suggested in our May 10, 1996, response. We assume that you consider the branch eligible under Criterion A, and we concur with that assessment.

With regard to the effects of abandonment of both the Tennessee Pass and Towner-NA Junction (Hoisington Subdivision) lines, in order to achieve a finding of no adverse effect it will be necessary to condition the transfer, lease or sale of these historic properties to include adequate restrictions to ensure preservation of the properties' qualities of significance. We look forward to working with the Surface Transportation Board, the Union Pacific, the Colorado Department of Natural Resources and any other interested parties to accomplish this goal.

Elaine K. Kaiser

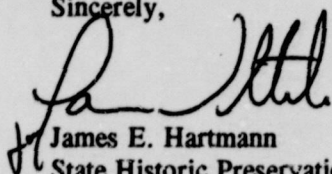
July 10, 1996

Page 2

Once a course of action is decided concerning the disposition of these lines, we will be able to offer our formal opinion on the effects of ongoing rail service, acquisition for use as a recreational trail or other options. Mitigation measures will not be needed unless a determination is made that abandonment will have an adverse effect on historic properties due to conveyance of either line without appropriate restrictions. Another option would be to develop a programmatic agreement which could include both the concept of marketing the lines, giving preference to recipients willing to accept either or both lines with appropriate restrictions, and the concept of archival recordation of the lines if no recipient willing to accept the restrictions is found or other adverse effects, such as alteration or demolition would occur.

If we may be of further assistance, please contact Kaaren Hardy-Hunt, our Technical Services Director, at (303) 866-3398.

Sincerely,



James E. Hartmann

State Historic Preservation Officer

JEH/KKP

STB

FD

32760

8-12-96

K

85154

Item No. 85154

Page Count 1

Aug 1996 #9



STATE OF TEXAS  
OFFICE OF THE GOVERNOR

GEORGE W. BUSH  
GOVERNOR

August 8, 1996



ENVIRONMENTAL DOCUMENT

Ms. Elaine K. Kaiser, Chief  
Union Pacific Railroad Co.  
1201 Constitution Ave., NW, Rm 3219  
Washington, DC 20423

RE: TX-R-96-07-02-0002-50-00  
POST EA FINANCE DOC #32760 UP/SP CONTROL & MERGER

Dear Ms. Kaiser:

Your environmental impact statement for the project referenced above has been reviewed. No substantive comments were received.

We appreciate the opportunity afforded to review this document. Please let me know if we can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. C. Adams".

T. C. Adams, State Single Point of Contact

TCA//yjy

ENTERED	
Office of the Secretary	
AUG 13 1996 <sup>1</sup>	
5	Part of Public Record

STB

FD

32760

8-6-96

K

85410



85410  
8-6-96

# The City of Clyde

110 Oak Street  
P. O. Drawer TT  
Clyde, Texas 79510  
(915) 893-4234 Fax (915) 893-5010

Item No. \_\_\_\_\_  
Page Count 4  
Aug 1996 # 6

July 18, 1996

Mr. Harold McNulty, Environmental Specialist  
**SURFACE TRANSPORTATION BOARD**  
1201 Constitution Ave., NW  
Washington, D.C. 20423

**RE: Finance Docket 32760; Response to Callahan County Judge Johnson**

Dear Mr. McNulty:

We recently received the enclosed response to Callahan County Judge Bill Johnson's concerns relative to the proposed merger of Union Pacific and Southern Pacific Corporation. The response is based on incorrect data and causes our City to discount its merit. In fact, we discount the level of thought and actual concern by the Applicant for the real issues eloquently raised by County Judge Johnson.

First, Clyde does not have **two** grade crossings of the 132 between Big Spring and Fort Worth; we have **five**. Since we have no overpass, when a train travels through Clyde, everything stops at all **five** grade crossings.

Second, average daily traffic at FM 1707 significantly increased after we built an Elementary School as every bus in our School District travels over the FM 1707 rail grade. The majority of the School District is south of the railway and the new school north of it. Parents, students, teachers, and all others must cross this grade to the southern sector. We doubt the credibility of the 5000 vehicle per day average traffic count. As for the average delay time, I am sure the 1 second average vehicle delay quoted in this response is based on a simple computational method (total train "traveling through the grade crossing time" divided by total average vehicle traffic count.) This is not realistic. A citizen is either delayed with hundreds of other citizens or not delayed at all. Using 1 second average vehicle delay to mitigate impact is absurd, especially where emergency vehicles are concerned.

Third, the problem associated with emergency services is so severe that the Texas Department of Transportation is conducting engineering feasibility analysis on an overpass or underpass project. They are rightly concerned with the complete disabling of emergency services when trains travel through our City. They are additionally concerned with the unacceptable distance between the railway and FM 18; a state road that parallels the railway from Clyde toward Abilene. Currently, when a school bus crosses the railway south on FM 1707, there is not a safe zone; either the nose of the bus is in the FM 18 roadway or the end of the bus is in the railway.

*Responded by telephone  
on July 31, 1996. Clarified  
applicable portions of Post-EA  
to Mr. Powers, and emphasized  
the general mitigation measures  
for grade crossing reviews  
for State of Texas - 7/31/96*

RECEIVED  
SURFACE TRANSPORTATION  
BOARD  
6 10 53 AM  
ICC  
OFFICE OF SECRETARY

**ENVIRONMENTAL DOCUMENT**

COMMISSION  
AUG 22 9 59 AM '96

RECEIVED  
SURFACE TRANSPORTATION  
BOARD

Mr. McNulty, I would appreciate your assistance in this matter. I do not believe the Applicant's enclosed response is credible. I have sent a copy of this letter to the appropriate members of the Texas Congressional delegation.

Sincerely,

CITY OF CLYDE

*B. M. Warrick*

B. M. Warrick  
Mayor

*Timothy L. Powers*  
Timothy L. Powers  
City Administrator

Enclosures

cc: Judge Bill Johnson, Callahan County Judge  
Maribel Chavez, Abilene District Engineer, Texas Department of Transportation  
Allan Rutter, Transportation Director, Governor's Policy Office, State of Texas

---

**Facsimile Cover Sheet**

**TO:** Harold McNulty  
**Company:** Surface Tns Board  
**Phone:** \_\_\_\_\_  
**Fax:** 202 927-6225

**FROM:** Tim Powers  
**Company:** City of Clyde  
**Phone:** 915 / 893 - 4234  
**Fax:** 915 / 893 - 5010

**Date:** 29 Jul 96  
**Pages including this cover page:** 2

**Comments:**

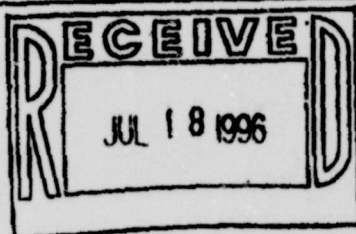
Sorry we didn't enclose this.  
Pls contact me if need be.  
Thanks for your help.

Tim

The information contained in this message is intended only for the personal and confidential use of the designated recipients named above. This message may contain information that is privileged, confidential, and prohibited from disclosure under applicable law. If you are not the intended recipient, you are notified that any dissemination or copying of this facsimile is strictly prohibited. If you receive this facsimile in error, please advise the sender by telephone and return the facsimile to the sender at the above address by U.S. Mail. Thank you.



RAILROADS, COUNTIES, CITIES, ORGANIZATIONS AND GENERAL PUBLIC  
TEXAS - CALLAHAN COUNTY



April 18, 1996

Harold McNulty, Environmental Specialist  
Surface Transportation Board  
1201 Constitution Ave., NW  
Washington, D. C. 20421

Re: Finance District 32160

Dear Mr. McNulty:

In reviewing the Environmental Assessment for the proposed merger of Union Pacific Corporation and Southern Pacific Corporation, there are a couple of areas of concern to Callahan County.

The City of Clyde has several grade crossings but no access from one side of the business district to the other side when the trains are proceeding through town or on the occasions the trains are stopped in town. Emergency vehicles have no access across the tracks, creating a very dangerous and life threatening situation. The increase of 9 trains a day will magnify this problem.

One of the other concerns is the noise pollution problem. The number of Sensitive Receptors will increase to an undesirable level.

Of course, the increased emission is always a concern to all the citizens but especially to the elderly population. Clyde's population consists of a significant number of elderly people.

Your attention to these matters is appreciated.

Sincerely,

*Bill Johnson*  
Bill Johnson

1 SEA has noted the concern for safety and emergency response as the result of increased train traffic. This rail segment (Big Spring to Fort Worth) contains 132 grade crossings, two of which are in Clyde. Average daily traffic at each crossing is less than 5,000 vehicles per day. Post-merger vehicle daily average delay per vehicle is 1 second. The associated change in level of service is not of a magnitude to require mitigation. Because of the relatively low volume of traffic at the two crossings in Clyde, construction of grade-separated crossings is not warranted. See Volume 1, Chapter 4 for a discussion of grade crossings and level of service.

2 Based on comments received from the City of Abilene, Texas which questioned the current number of trains operating between Fort Worth and Big Spring, SEA re-evaluated the Applicant's train counts (see comment #10 - City of Abilene). The revised train traffic data for this rail line indicated that changes in train volumes do not exceed the Board's environmental thresholds, and thus, did not warrant a noise analysis.

3 SEA recognizes concern regarding the potential effects of increased emissions to the community's elderly population. However, as reported in comment #2, the changes in train volumes did not exceed the Board's environmental thresholds, and thus, did not warrant air quality analysis.

*Merv*  
*Here is the rail-*  
*roads response published*  
*in the report to the*  
*Surface Transportation*  
*Board*  
*Bill*



STB

FD

32760

7-29-96

K

84949

Mel Carnahan  
Governor



State of Missouri

OFFICE OF ADMINISTRATION

Post Office Box 809  
Jefferson City  
65102

Richard A. Hanson  
Commissioner

Stan Perovich  
Director  
Division of General Services

Item No. 849491  
Page Count 1  
July 1996 # 34

ENVIRONMENTAL  
MATERIALS | July 22, 1996

Elaine K. Kaiser, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1201 Constitution Avenue, NW, Room 3219  
Washington, D.C. 20423



Dear Ms. Kaiser:

Subject: 96070012 - Post Environmental Assessment  
Finance Docket No. 32760 - Union Pacific  
Corporation, Union Pacific Railroad Company,  
and Missouri Pacific Railroad Company

The Missouri Federal Assistance Clearinghouse, in cooperation with state and local agencies interested or possibly affected, has completed the review on the above project application.

None of the agencies involved in the review had comments or recommendations to offer at this time. This concludes the Clearinghouse's review.

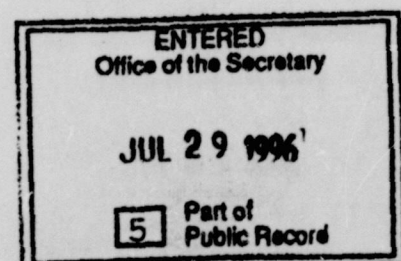
A copy of this letter is to be attached to the application as evidence of compliance with the State Clearinghouse requirements.

Sincerely,

*Lois Pohl*

Lois Pohl, Coordinator  
Missouri Clearinghouse

LP:cm



STB

FD

32760

7-25-96

K

84936





PLACER COUNTY  
TRANSPORTATION  
PLANNING AGENCY

Item No. 84936  
Page Count 1  
July 1996 # 32

O.C. TAYLOR  
City of Auburn  
WARREN WEGNER  
City of Colfax  
LARRY COSTA  
City of Lincoln  
MIKE BOBERG  
Town of Loomis  
KATHY LUND  
City of Rocklin  
CLAUDE A. GAMAR  
City of Roseville  
RONALD LICHAU  
BILL SOTUCCI  
Placer County  
CINDY GUSTAFSON-SHEW  
Citizen Representative  
TIM DOUGLAS  
Executive Director

OFFICE OF SECRETARY  
SURFACE TRANSPORTATION BOARD

July 16, 1996

Elaine Kaiser, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1201 Constitution Avenue, NW, Room 3219  
Washington, DC 20423

Dear Elaine:

FD 32760

As indicated in our letter of June 5, 1996, we are notifying you that the Placer County Transportation Planning Agency, all jurisdictions in Placer County and the Placer Foothills Consolidated Fire District have executed a Memorandum of Understanding with Union Pacific Railroad that mitigates to our satisfaction the impacts of increased rail traffic on both the valley and Roseville lines. Bill Wimmer of Union Pacific has agreed to provide you with a copy of this agreement.

Thank you for your assistance in facilitating this process. If you have any questions about the agreement, please contact me at 916/823-4030.

Sincerely,

Tim Douglas  
Executive Director

TD/ss

**ENVIRONMENTAL DOCUMENT**

ENTERED Office of the Secretary	
JUL 26 1996	
5	Part of Public Record



STB

FD

32760

7-24-96

K

84922

# ENVIRONMENTAL MATERIALS

July 17, 1996

Elaine Kaiser  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

FD 32760

RE: Union Pacific/Southern Pacific Railroad proposed merger, Section 106 Compliance

Dear Ms. Kaiser:

Thank you for your submission of project documentation for the property(s) referenced above. This information was submitted in compliance with the National Historic Preservation Act of 1966 (16 U.S.C. 470f), Section 106, and reviewed under criteria and procedures outlined in 36 CFR Part 800. Further consultation and comment was also solicited from appropriate SHPO program staff. This review resulted in the following determination(s) and finding(s).

The SHPO concurs that the rail yard and intermodal facility improvements in Oregon would have "No Effect" on a known historic property. These activities involve the Bend UP, Hinkle UP, Salem UP, Barnes UP, Albina UP, Rivergate UP, and Bonneville UP rail yards; and the Portland (Albina) UP intermodal facility.

I also concur on National Register eligibility for that portion of the Brooklyn Yard in Portland which was identified by consultant Richard Starzak of Myra Frank & Associates. These resources would be considered eligible as a district, but merger activities occur outside the boundaries of such a district, thus there would be "No Effect" on the Brooklyn Yard.

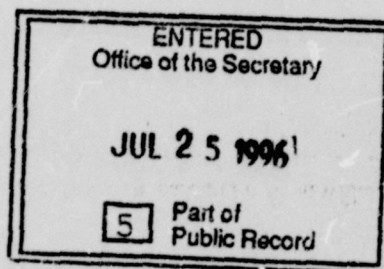
Finally, I concur that further Section 106 consultation is necessary for resources along the Chemult to Eugene (SP) and Oregon Trunk Junction to Portland (UP). Proposed alterations to Cascade Tunnels could constitute an Adverse Effect, and more detailed information about the resources and the undertaking is necessary for this office to comment further.

If you should have any further questions, or need additional assistance, please feel free to contact Liz Carter at the SHPO, extension 229.

Sincerely,

*Liz Carter for*

Henry C. Kunowski  
Project Manager



Item No. \_\_\_\_\_

Page Count 3

July 1996 # 31

84922

Oregon



PARKS AND  
RECREATION  
DEPARTMENT

STATE HISTORIC  
PRESERVATION OFFICE



1115 Commercial St. NE  
Salem, OR 97310-1001  
(503) 378-5001  
FAX (503) 378-6447  
73410-807

Surface Transportation Board  
Washington, D.C. 20423-0001

RECEIVED

JUN 14 1996

STATE PARKS AND  
RECREATION DEPARTMENT

Section of Environmental Analysis



June 12, 1996

Finance Docket No. 32760

Mr. Robert Melnen  
State Historic Preservation Officer  
State Parks and Recreation Department  
1115 Commercial Street NE  
Salem, OR 97310-1001

Attn: Mr. James Hamrick, Ms. Liz Carter

Re: Union Pacific/Southern Pacific railroad proposed merger, Section 106 Compliance

Dear Mr. Melnen:

We appreciate your May 2, 1996 response to our April 3, 1996 letter, however, you declined to comment on the potential effects of this undertaking until more specific information about cultural or historic resources was made available. Based on telephone communications with Ms. Liz Carter of your staff, we are providing the appropriate additional information (see *Attachment E - Additional Information Regarding: the Southern Pacific Brooklyn Intermodal Facility, Portland; the Union Pacific Albina Yard and Intermodal Facility, Portland; and the Southern Pacific Cascade Line Tunnels*). This information indicates that any potentially historic properties in the **Portland (Brooklyn) SP and Portland (Albina) UP yards** would not be affected by the proposed project, but ~~some~~ of the Cascade Tunnels appear to be eligible for the National Register and could be affected by the proposed capacity improvements of the Chemult to **Eugene (SP) rail line segment**.

This information does not alter our previous findings presented in the April 3 letter (including Attachments A-D) and we are again requesting your concurrence that **the rail yard and intermodal facility improvements in Oregon would not have an adverse effect upon a known historic property**. Specifically, these merger related activities include: increased rail traffic with no physical changes to the **Bend UP, Hinkle UP, and Salem SP rail yards**; minor track expansion within existing railroad right-of-way that requires no demolition of existing structures at the **Barnes UP, Albina UP, Rivergate UP, and Bonneville UP rail yards**; expansion of the intermodal facility at **Portland (Albina) UP** that would only affect buildings not meeting the National Register 50-year age criteria; and the phase out of the **Portland (Brooklyn) SP intermodal facility** that would not disturb any property other than the track and ramp (built in the 1970s) comprising the intermodal facility itself. More detailed information about each of these merger related activities may be found in the April 3 letter in *Attachment A-Description of the Undertaking* and *Attachment D-Request for Determination of Eligibility and Findings of Effect*.



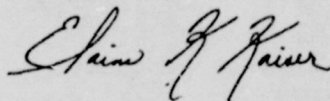
June 12, 1996  
Page 2

We would also like to clarify our findings with regard to rail line segment activities. The Oregon portions of **Dunsmuir, CA to Klamath Falls (SP); Klamath Falls to Chemult (SP); Eugene to Portland (SP); and Portland to Tacoma, WA (UP)** rail line segments would be subjected only to increased railroad traffic on existing trackage, and would undergo no physical changes. These segments are, therefore, out of the Area of Potential Effects (see Category 1-Rail Line Segments discussion in *Attachment C-Definition of the Area of Potential Effects* of the April 3 letter) and we are **requesting your concurrence that further Section 106 consultation is not warranted for these rail line segments.**

The STB is requesting your agreement that continuing Section 106 consultation appears necessary for only two proposed merger related activities. The only rail line segments that would undergo some physical changes in the vicinity of known historic resources are the **Chemult to Eugene (SP)** and **Oregon Trunk Junction to Portland (UP)**. The Cascade Tunnels near Lookout and Westfir/Oakridge along the **Chemult to Eugene (SP)** rail line segment are the only known properties appearing eligible for the National Register that would be affected. For the **Oregon Trunk Junction to Portland (UP)** rail line segment the November 30, 1995 merger application summary section stated that "one historic property was identified; the information for the historic properties for OT Jct. and Portland had not been received in time for inclusion." Consequently, the STB will be in contact with your office to discuss determination of eligibility procedures for the Lookout and Westfir/Oakridge Tunnels and identification procedures for the resource along the Oregon Trunk Junction to Portland segment, and to discuss guidance for appropriate mitigation measures, if necessary.

We look forward to your response on this matter pursuant to 36 CFR Part 800. If you have any questions, please call Richard Starzak of Myra Frank & Associates, Inc., at (213) 627-5376 for assistance. Thank you.

Sincerely,



Elaine K. Kaiser  
Chief, Section of Environmental Analysis

Enclosures: Attachment E -- Additional Information Regarding:  
the Southern Pacific Brooklyn Intermodal Facility, Portland;  
the Union Pacific Albina Yard and Intermodal Facility, Portland;  
and the Southern Pacific Cascade Line Tunnels

STB

FD

32760

7-23-96

K

84892

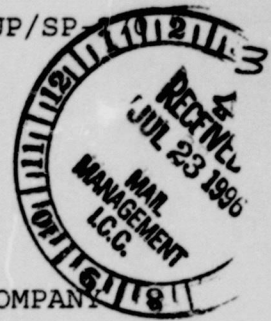
Item No. \_\_\_\_\_

Page Count 4

July, 1996 # 29

84892

UP/SP



BEFORE THE  
SURFACE TRANSPORTATION BOARD

Finance Docket No. 32760

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY  
AND MISSOURI PACIFIC RAILROAD COMPANY

-- CONTROL AND MERGER --

SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC  
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY  
COMPANY, SPCSL CORP. AND THE DENVER AND  
RIO GRANDE WESTERN RAILROAD COMPANY

APPLICANTS' RESPONSE TO AMTRAK'S MOTION FOR  
CLARIFICATION OF RENO ENVIRONMENTAL CONDITION

CANNON Y. HARVEY  
LOUIS P. WARCHOT  
CAROL A. HARRIS  
Southern Pacific  
Transportation Company  
One Market Plaza  
San Francisco, California 94105  
(415) 541-1000

PAUL A. CUNNINGHAM  
RICHARD B. HERZOG  
JAMES M. GUINIVAN  
Harkins Cunningham  
1300 Nineteenth Street, N.W.  
Washington, D.C. 20036  
(202) 973-7601

Attorneys for Southern  
Pacific Rail Corporation,  
Southern Pacific Transportation  
Company, St. Louis Southwestern  
Railway Company, SPCSL Corp. and  
The Denver and Rio Grande  
Western Railroad Company

CARL W. VON BERNUTH  
RICHARD J. RESSLER  
Union Pacific Corporation  
Martin Tower  
Eighth and Eaton Avenues  
Bethlehem, Pennsylvania 18018  
(610) 861-3290

JAMES V. DOLAN  
PAUL A. CONLEY, JR.  
LOUISE A. RINN  
Law Department  
Union Pacific Railroad Company  
Missouri Pacific Railroad Company  
1416 Dodge Street  
Omaha, Nebraska 68179  
(402) 271-5000

ARVID E. ROACH II  
J. MICHAEL HEMMER  
MICHAEL L. ROSENTHAL  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 7566  
Washington, D.C. 20044-7566  
(202) 662-5388

Attorneys for Union Pacific  
Corporation, Union Pacific  
Railroad Company and Missouri  
Pacific Railroad Company

ENTERED  
Office of the Secretary

JUL 24 1996

5 Part of  
Public Record

July 23, 1996

*Linman model*



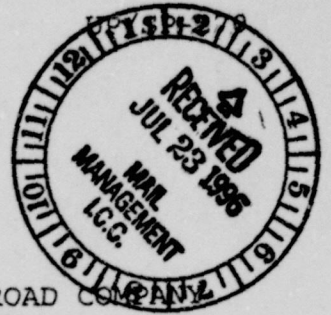
BEFORE THE  
SURFACE TRANSPORTATION BOARD

Finance Docket No. 32760

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY  
AND MISSOURI PACIFIC RAILROAD COMPANY  
-- CONTROL AND MERGER --  
SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC  
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY  
COMPANY, SPCSL CORP. AND THE DENVER AND  
RIO GRANDE WESTERN RAILROAD COMPANY

APPLICANTS' RESPONSE TO AMTRAK'S MOTION FOR  
CLARIFICATION OF RENO ENVIRONMENTAL CONDITION

On July 18, 1996, Amtrak petitioned for clarification of condition number 22b of the Post Environmental Assessment to ensure that restrictions on post-merger train operations through Reno, Nevada, do not apply to passenger service NPRC-1. Although Applicants agree with Amtrak that "the Reno mitigation condition was not intended to apply to its operations" (NPRC-1, p. 6), Applicants believe that filings such as NRPC-1 are inappropriate for the reasons stated in Applicants' letter to the Board dated July 16, 1996.



Respectfully submitted,

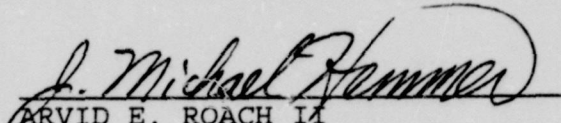
CANNON Y. HARVEY  
LOUIS P. WARCHOT  
CAROL A. HARRIS  
Southern Pacific  
Transportation Company  
One Market Plaza  
San Francisco, California 94105  
(415) 541-1000

PAUL A. CUNNINGHAM  
RICHARD B. HERZOG  
JAMES M. GUINIVAN  
Harkins Cunningham  
1300 Nineteenth Street, N.W.  
Washington, D.C. 20036  
(202) 973-7601

Attorneys for Southern  
Pacific Rail Corporation,  
Southern Pacific Transportation  
Company, St. Louis Southwestern  
Railway Company, SPCSL Corp.  
and The Denver and Rio Grande  
Western Railroad Company

CARL W. VON BERNUTH  
RICHARD J. RESSLER  
Union Pacific Corporation  
Martin Tower  
Eighth and Eaton Avenues  
Bethlehem, Pennsylvania 18018  
(610) 861-3290

JAMES V. DOLAN  
PAUL A. CONLEY, JR.  
LOUISE A. RINN  
Law Department  
Union Pacific Railroad Company  
Missouri Pacific Railroad Company  
1416 Dodge Street  
Omaha, Nebraska 68179  
(402) 271-5000

  
ARVID E. ROACH II  
J. MICHAEL HEMMER  
MICHAEL L. ROSENTHAL  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 7566  
Washington, D.C. 20044-7566  
(202) 662-5388

Attorneys for Union Pacific  
Corporation, Union Pacific  
Railroad Company and Missouri  
Pacific Railroad Company

July 23, 1996

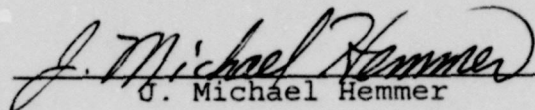


CERTIFICATE OF SERVICE

I, J. Michael Hemmer, certify that, on this 23rd day of July 1996, I caused a copy of the foregoing document to be served by first-class mail, postage prepaid, or by a more expeditious manner of delivery on all parties of record in Finance Docket No. 32760, and on

Director of Operations  
Antitrust Division  
Suite 500  
Department of Justice  
Washington, D.C. 20530

Premarmer Notification  
Office  
Bureau of Competition  
Room 303  
Federal Trade Commission  
Washington, D.C. 20580

  
J. Michael Hemmer

STB

FD

32760

7-23-96

K

85412

COVINGTON & BURLING  
1201 PENNSYLVANIA AVENUE, N. W.  
P.O. BOX 7566  
WASHINGTON, D.C. 20044-7566  
(202) 662-6000

TELEFAX: (202) 662-6291  
TELEX: 89-593 COVING WSH  
CABLE: COVING

J. MICHAEL HEMMER  
DIRECT DIAL NUMBER  
(202) 662-5578

DIRECT FACSIMILE  
(202) 778-5578

INTERNET ADDRESS  
MHEMMER@COV.COM

8/5/96 12:17:41 PM  
85412

LEITCHFIELD HOUSE  
CURZON STREET  
LONDON W1Y 8AS  
ENGLAND  
TELEPHONE 44-71-495 5655  
TELEFAX 44-71-495 3301  
BRUSSELS CORRESPONDENT OFFICE  
44 AVENUE DES ARTS  
BRUSSELS 040 BELGIUM  
TELEPHONE 32-2-512 9890  
TELEFAX 32-2-502 1598

July 23, 1996

HAND DELIVERY

Ms. Elaine K. Kaiser  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
Room 3219  
12th and Constitution Avenue, N. W.  
Washington, D.C. 20423

Re: Union Pacific/Southern Pacific  
Control Proceeding (F.D. 32760)

Dear Ms. Kaiser:

Enclosed is a copy of a fully executed Memorandum of Understanding  
between Applicants and Fitzgeralds Reno, Inc. in connection with the UP/Southern Pacific

Sincerely,

*Mike Hemmer*

J. Michael Hemmer

Enclosure  
cc: Mr. Reaser

**ENVIRONMENTAL DOCUMENT**



AUG 6 10 23 AM '96  
OFFICE OF SECRETARY

RECEIVED  
SURFACE TRANSPORTATION  
BOARD

ENTERED Office of the Secretary	
JUL 23 1996	
5	Part of Public Record

Item No. \_\_\_\_\_

Page Count 6

July 1996 # 80

**MEMORANDUM OF UNDERSTANDING  
FITZGERALDS RENO, INC.  
AND  
UNION PACIFIC RAILROAD**

This memorandum is entered into effective this 28th day of June, 1996, by and between Fitzgeralds Reno, Inc., hereinafter referred to as "Fitzgeralds," and Union Pacific Railroad Company, a Utah Corporation, herein after referred to as "Railroad".

**WHEREAS:**

A. Fitzgeralds desires to build and maintain a public pedestrian overcrossing on its property just west of Virginia Street and south of Third Street in the City of Reno for the purpose of moving pedestrians from the north side to the south side of the Southern Pacific's Roseville Subdivision (hereinafter the "Proposed Pedestrian Overcrossing").

B. The Railroad has presently pending before the Surface Transportation Board (STB), an application in Finance Docket No. 32760 to acquire control of the Southern Pacific Railroad (SP), hereinafter the "Control Case".

**NOW THEREFORE**, in consideration of the mutual promises set forth herein, the parties agree as follows:

1. **Pedestrian Overcrossing:** Fitzgeralds presently owns the real property and interests in real property, including the air rights, where the Proposed Pedestrian Overcrossing at Virginia Street shall be constructed. The Proposed Pedestrian Overcrossing will be designed, permitted, constructed, owned and maintained by Fitzgeralds subject to the conditions set forth in paragraphs 3.1 through 3.6 of this memorandum and receipt of all required governmental permits, consents and approvals. Railroad agrees to cooperate with Fitzgeralds in the development of its



Proposed Pedestrian Overcrossing at Virginia Street.

2. Parties Contributions: The estimated value of the Proposed Pedestrian Overcrossing is approximately Three Million Seven Hundred Thousand Dollars (\$3,700,000.00). Railroad's contribution will be limited to One Million Dollars (\$1,000,000), towards the cost of the Proposed Pedestrian Overcrossing and assisting Fitzgeralds by executing its standard temporary construction easement agreement required for the construction of the Proposed Pedestrian Overcrossing on the Railroad's property. The terms of payment shall be specified in a definitive agreement that will be prepared as provided in paragraph 3.2. In addition, Railroad will furnish all Railroad flagging services involved in the construction at no expense to Fitzgeralds. Fitzgeralds will contribute all remaining property and capital to complete the Proposed Pedestrian Overcrossing, including the necessary real property and air rights valued at One Million Five Hundred Thousand Dollars (\$1,500,000), the balance of any capital required for construction of the Proposed Pedestrian Overcrossing not to exceed Nine Hundred Fifty Thousand Dollars (\$950,000.00) and will be responsible for all costs of design, permitting, construction management, insurance and maintenance of the Proposed Pedestrian Overcrossing at the estimated cost of Two Hundred Fifty Thousand Dollars (\$250,000).

3. Other Conditions:

3.1. This memorandum shall be interpreted in accordance with the law of Nevada. This memorandum may be amended only in a writing signed by all parties.

3.2. Subject to the provision of paragraph 4 of this memorandum, Fitzgeralds and Railroad shall negotiate and execute a definitive agreement governing the terms and conditions of this memorandum.

3.3. All plans for construction of the Proposed Pedestrian Overcrossing on or over Railroad property will be subject to reasonable review and written approval by Railroad which shall be conducted by Railroad in a timely manner prior to the start of construction, and in any event shall be deemed approved thirty (30) days after receipt of such plans by Railroad unless Railroad requests in writing additional time to complete such review.

3.4. It is understood that all commitments made by Railroad in this memorandum are expressly contingent upon Railroad's consummation of control over Southern Pacific pursuant to a final order of the STB in the Control Case.

3.5. Fitzgeralds may in its sole and absolute discretion decide not to construct the Proposed Pedestrian Overcrossing. In the event that Fitzgeralds decides not to construct the Proposed Pedestrian Overcrossing, Fitzgeralds shall notify the Railroad in writing and will announce that decision to the public by a press release mutually acceptable to Fitzgeralds and Railroad.

3.6. In the event of any legal dispute between Railroad and Fitzgeralds arising from the execution and performance of this memorandum, the prevailing party in any arbitration, mediation or litigation shall be entitled to recover their attorney's fees and costs.

4. Term: Unless extended by mutual written agreement of Fitzgeralds and the Railroad, this memorandum shall remain in full force and effect until the earlier of the expiration of one hundred eighty (180) days from date of this memorandum or until replaced with a definitive agreement.

5. Recitals: The recitals contained in this memorandum shall be conclusive as between the parties hereto. Any such recital shall be incontestable in any dispute resolution proceeding between the parties and no party shall have the right to introduce evidence to the contrary

in any such proceeding.

6. **Advice of Counsel:** Each party to this memorandum has been advised by counsel of its choosing, and all parties have cooperated in the preparation of this memorandum. It shall be deemed joint work product and may not be construed against either party by reason of its preparation. This memorandum supersedes all previous discussions and correspondence between the parties regarding these matters.

7. **Waiver:** The waiver or failure to enforce any provisions of this memorandum shall not operate as a waiver of any future breach.

8. **Operating Memorandum:** Fitzgeralds and Railroad acknowledge that implementation of this memorandum and the preparation of a definitive agreement will require a close degree of cooperation and an on-going working relationship. The parties intend to supersede this memorandum with a definitive agreement as soon as practicable. If the parties determine changes or adjustments are necessary to this memorandum, or where there is need to establish the time or manner of a specific thing to be done before the definitive agreement is effective, they shall effectuate such changes or take such steps in the form of a supplemental written operating memorandum. The parties shall also execute any and all additional documents reasonably required to carry out the purposes of this memorandum.

9. **Notices:** Any and all notices, statements, or other communications to be given under this memorandum shall be in writing and shall be deemed given when delivered in person, or by certified mail, first class postage prepaid, return receipt requested to the following:

Union Pacific Railroad Company

Fitzgeralds Reno, Inc.



Attn: Senior Assistant Vice President  
Engineering Management  
1416 Dodge St., Room 1030  
Omaha, NE 68179

With a copy to:

C. Joseph Guild III, Esq.  
432 Court Street  
Reno, NV 89501

Attn.: Max Page  
250 N. Virginia Street  
Reno, NV 89501

With a copy to:

Cara Brown, Esq.  
301 Fremont Street  
Las Vegas, NV 89101

Dan R. Reaser, Esq.  
Lionel Sawyer & Collins  
1100 Bank of America Plaza  
50 West Liberty Street  
Reno, NV 89501

IN WITNESS WHEREOF, the parties have signed and delivered this Agreement on the date above first written.

UNION PACIFIC RAILROAD COMPANY

FITZGERALDS RENO, INC.

By: 

A.L. Shoener  
Executive Vice President-Operation

By: 

Max L. Page  
Executive Vice President  
and General Manager



STB

FD

32760

7-22-96

K

84876

## OFFICE OF HISTORIC PRESERVATION

DEPARTMENT OF PARKS AND RECREATION

BOX 942896  
SACRAMENTO 94296-0001  
(916) 653-6624  
FAX: (916) 653-9824

Item No. 84876

Page Count 5

July 1996 #28

PETE WILSON, Governor



July 16, 1996

Reply To: ICC951009A

Elaine K. Kaiser, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
Washington D.C. 20423-0001



Re: FD No. 32760; UP/SP Merger, Section 106 Compliance

Dear Ms. Kaiser:

My receipt of the STB's eligibility and effect findings for the undertaking cited above and your request for my comments on these findings is herewith acknowledged. Our correspondence in this matter relates to the requirement that the STB comply with Section 106 of the National Historic Preservation Act for this undertaking.

Please note that unless an item is listed and discussed below, I neither object to nor have other concerns about the STB's findings with respect to that item.

## A. RAIL LINE SEGMENTS

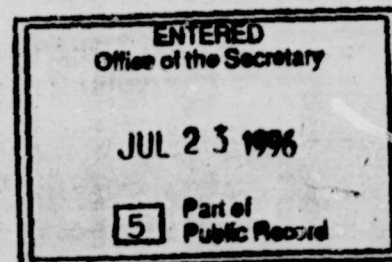
## 1. Construction within Palmdale to West Colton Corridor

a. 6 archeological sites not yet evaluated in accordance with the National Register Criteria (NRC) may be affected by activities in this area.

b. These properties may either be adversely or not adversely affected by the project unless any effects can be avoided altogether or unless the properties are found to be ineligible for inclusion in the NR. A property determined eligible for inclusion in the NR would be adversely affected if its value went beyond scientific importance because it is also of sacred or traditional value to Native Americans or to other ethnic or cultural communities.

If not of sacred or traditional value and also subject to effect, effects on a NR eligible property might be taken into account through completion of an appropriately designed and executed data recovery program.

ENVIRONMENTAL  
MATERIALS



Elaine Kaiser  
July 16, 1996  
Page Two

c. If indeed subject to project effects, will these properties be evaluated under the NRC? Who will evaluate them? When will they be evaluated? Will evaluation proceed in accordance with 36 CFR 800.4? If not, how will it proceed?

d. Who will be responsible for ensuring that effects to any NR eligible properties will somehow be taken into account? How and when would this be done? Would necessary actions proceed in accordance with 36 CFR 800.5? If not, then how and in what regulatory framework would they be implemented?

2. Construction Within West Colton to Yuma Corridor

a. Same observations as in 1., above.

3. Construction Within Oakland to Martinez Corridor

a. How, when and by whom will the NR eligibility of the Wildcat Creek Bridge be determined and how, when and by whom will any effects of the project on the property (should it be NR eligible) be taken into account? Will such actions, if necessary, proceed in accordance with 36 CFR 800.4 and 800.5?

4. Construction Within Roseville to Sparks Corridor

a. 4 historic archeological sites

i. Same observations as in 1. and 2., above.

b. Tunnels, depots, snowsheds, walls Donner Pass area

i. When, how and by whom will information be submitted on which a definitive NR eligibility determination can be made, assuming that project effects cannot be avoided? These resources appear to be potentially eligible.

ii. Prospective alteration would appear to have adverse effects. When, how and by whom will such effects on any NR eligible properties be taken into account? What regulatory context will apply to any such actions?



Elaine Kaiser  
July 16, 1996  
Page Three

1. Dunsmuir to Klamath Falls Corridor

a. Tehama Swing Bridge

i. Appears to be NR eligible although a definitive determination would be necessary if the property cannot be avoided and it is determined eligible.

ii. When, how and by whom will the NR eligibility issue, any effect and any mitigation issue (adverse effects are anticipated) be addressed? What regulatory framework will apply to such actions?

b. Sacramento River Canyon Bridges/Line

i. Some properties appear NR eligible, although a definitive determination would be necessary if properties cannot be avoided and are determined eligible?

ii. When, how and by whom will the NR eligibility issue, any effect and any mitigation issue (adverse effects are anticipated) be addressed? What regulatory framework will apply to such actions?

B. RAILYARDS

1. Sacramento SP Phaseout

a. Identification/Evaluation of historic archeological sites.

i. Comments under A.1., A.2. apply.

b. I Street Bridge

i. Conclude NR evaluation.

ii. If NR eligible and avoidance is not possible, how, when and by whom will anticipated adverse effects be taken into account?



Elaine Kaiser  
July 16, 1996  
Page Four

c. Sacramento SP Locomotive Shops

i. Property appears to be NR eligible and subject to effects. Definitive NR determination is necessary.

ii. If NR eligible, adverse effect appears likely.

iii. How, when, and by whom will anticipated adverse effects to the property be taken into account?

iv. How will interested parties such as the City and County of Sacramento be involved in any subsequent Section 106 proceedings involving this property?

2. Stockton SP Phaseout

a. Stockton Yard Historic Archeology

i. See B.1.a., above.

C. INTERMODAL FACILITIES

1. Benicia SP Upgrade

a. See A.1. and A.2., above.

2. Benicia Arsenal Historic District

a. Adverse effects are possible. When, how and by whom will any adverse effects on this district be taken into account? What regulatory framework will govern the further consideration of such issues?

D. RAIL LINE ABANDONMENTS

1. Alturas to Wendel

a. This segment evidently contains some unevaluated properties that may be affected. Comments under A.1., and A.2., above therefore apply.

Elaine Kaiser  
July 16, 1996  
Page Five

2. Magnolia Tower to Melrose

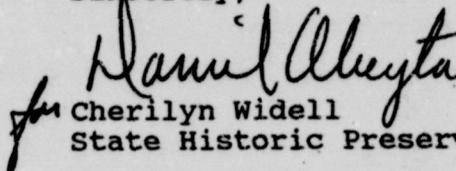
a. Properties here may be affected but evidently are as yet unevaluated. How, when and by whom will the unevaluated status of these properties be resolved if effects are anticipated?

SUMMARY OBSERVATIONS:

As the foregoing comments indicate, issues of property identification, evaluation and effect remain unresolved with respect to certain portions of this undertaking in California. A common theme of these comments relates to whether and in what manner these issues may be resolved and what the STB's role in this resolution process may be.

Thank you for the opportunity to comment. If you have any questions, please call Hans Kreutzberg at (916) 653-9107.

Sincerely,

  
for Cheryl Widel  
State Historic Preservation Officer

STB

FD

32760

7-18-96

K

84851

84857

Item No. \_\_\_\_\_

Page Count 8

July, 1996 # 22

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Finance Docket No. 32760

NRPC-1



UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY  
AND MISSOURI PACIFIC RAILROAD COMPANY  
-- CONTROL AND MERGER --  
SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC  
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY  
COMPANY, SPCSL CORP. AND THE DENVER AND  
RIO GRANDE WESTERN RAILROAD COMPANY

ENTERED  
Office of the Secretary

JUL 19 1996

☒ Part of  
Public Record

AMTRAK'S MOTION FOR CLARIFICATION  
OF REFO ENVIRONMENTAL CONDITION

*Environmental*

Richard G. Slattery  
National Railroad Passenger  
Corporation (AMTRAK)  
60 Massachusetts Avenue, N.E.  
Washington, D.C. 20002  
(202) 906-3987

Attorney for National Railroad  
Passenger Corporation (Amtrak)

Dated: July 18, 1996



BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

Finance Docket No. 32760

---



UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY  
AND MISSOURI PACIFIC RAILROAD COMPANY

-- CONTROL AND MERGER --

SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC  
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY  
COMPANY, SPCSL CORP. AND THE DENVER AND  
RIO GRANDE WESTERN RAILROAD COMPANY

---

**AMTRAK'S MOTION FOR CLARIFICATION  
OF RENO ENVIRONMENTAL CONDITION**

The National Railroad Passenger Corporation ("Amtrak") respectfully requests that that the Board clarify the environmental condition it has voted to impose with respect to UP/SP's operations in Reno, Nevada, to make it clear that the limit on the number of trains UP/SP can operate on SP's line through Reno does not apply to Amtrak passenger trains. This clarification is necessary to ensure that the condition is not misconstrued as regulating the level of Amtrak's service through Reno, which would be contrary to law and long-established ICC precedent. Amtrak has been advised by counsel that the City of Reno has no objection to the requested clarification.

**Background**

Amtrak, a mixed ownership government corporation, was created by the Rail Passenger Service Act of 1970 to provide

intercity rail passenger service throughout the United States. Amtrak has served Reno on its Chicago-to-Oakland/San Francisco route ("the California Zephyr route") since it commenced operations in 1971, and it initiated daily service on this route in 1973. In September of 1995, Amtrak's fiscal crisis required it to reduce service through Reno from daily to four days per week in each direction. However, Amtrak is presently considering various plans for service restructuring, including a plan that would restore daily service to the California Zephyr route.

Since 1971, Amtrak has also operated an additional special train service, known as the "Reno Fun Train", from Oakland to Reno. The Fun Train, which generally operates eight to ten times per year, transports visitors from Northern California to Reno during the winter months when weather conditions frequently force the closing of Interstate 80 over Donner Pass. Amtrak is working with the Nevada Department of Transportation in efforts to provide additional, state-funded, scheduled rail service between the San Francisco Bay Area and Reno.

In the Operating Plan they filed with the ICC on November 30, 1995 as part of their merger application (UP/SP-24), UP and SP projected a substantial post-merger increase in the number of freight trains that would operate over SP's Donner Pass Line between Sparks, Nevada and Roseville, California via Reno. A number of parties, including the City of Reno, contended that the operation of these additional freight trains would have

substantial adverse environmental impacts on Reno that required either significant mitigation measures or disapproval of the merger application. However, none of the parties to the proceeding contended that there was any relationship between the merger and Amtrak's service through Reno, or sought any conditions that might have impacted upon Amtrak's service.

On April 12, 1996, the Board's Section of Environmental Analysis ("SEA") issued an Environmental Assessment ("the EA") of the proposed transaction. The EA recommended that the Board adopt certain mitigation conditions with respect to the projected increase in freight train operations through Reno, none of which would have limited the number of trains that could be operated. (EA, pp. 12-14 to 12-16.)

On June 24, 1996, the SEA issued a Post Environmental Assessment ("PEA") in which it proposed, for the first time, new mitigation measures with respect to Reno to "replace[ ] the mitigation measures that were recommended in Volume 2 of the EA." (PEA, p. 4-39.) Among these new mitigation measures was the following proposed condition, identified as number 22a ("the Reno mitigation condition"):

UP/SP shall operate no more than a daily average count of 15.8 trains per day through the City of Reno. (This reflects the Base Year daily average of 13.8 trains plus 2 additional trains.) . . . The 15.8 average train count per day does not include the following types of movements: (1) maintenance-of-way trains, (2) light locomotive movements, (3) local and industry switching train movements, (4) emergency trains operated under detour authority, for snow removal, for fire or other natural



disaster purposes, and wreck removal purposes. This condition will be effective upon consummation of the proposed merger and continue in effect for 18 calendar months in total.

Id., p. 5-5.

The PEA also proposed an additional new condition, identified as number 22b, that required UP/SP, throughout the 18-month period, to report to the Board the average daily train count calculated in the manner described above for the preceding month. Id. Finally, condition 22c directed UP/SP to retain an independent third party consultant to prepare, under the direction of SEA, a study to determine final mitigation measures to ameliorate the impact of the additional rail traffic projected through Reno as a result of the merger. Id., p. 5-6.

#### Amtrak's Request for Clarification

Read literally, the Reno mitigation condition does not apply to Amtrak. Nor is there anything in the record to suggest that the Board intended to impose a limit on Amtrak's operations that would clearly be contrary to law and long-established ICC precedent,<sup>1</sup> and that Amtrak had no opportunity

---

<sup>1</sup> Among other things, a limit that applied to Amtrak's trains would violate (i) the Rail Passenger Service Act, which precludes the Board from regulating Amtrak's "routes and services" or any "change of [Amtrak's] rail passenger transportation operations", 49 U.S.C. § 24301(c); (ii) the ICC's long-standing policies that conditions on mergers must be "narrowly tailored" and limited to "adverse effects caused by the transaction at issue", Finance Docket No. 32549, Burlington Northern Inc. -- Control and Merger -- Santa Fe Pacific Corp., Decision served Aug. 23, 1995, pp. 56, 93 (emphasis in original); and (iii) the Department of Transportation's January 1979 "Final Report to Congress on the Amtrak Route System", promulgated pursuant to Pub. L. No. 95-421, § 4(e)(1), 95 Stat. 923, 925,



provide additional services in partnership with states and the private sector. Thus, while Amtrak believes that the Reno mitigation condition was not intended to apply to its operations, it asks the Board to clarify, in its written decision, that the condition applies only to UP/SP and does not apply to Amtrak, and that Amtrak trains are to be excluded from the "average train count" that UP/SP are required to calculate and provide to the Board. The Board should also make clear that the mitigation measures to be considered in the study contemplated by condition 22c will not include any limits on Amtrak's operations.

CONCLUSION

For the reasons stated above, the Commission should clarify the Reno environmental condition in the manner Amtrak has requested.

Respectfully submitted,

*Richard G. Slattery*

---

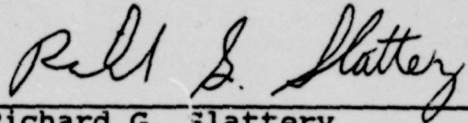
Richard G. Slattery  
NATIONAL RAILROAD PASSENGER  
CORPORATION (AMTRAK)  
60 Massachusetts Avenue, N.E.  
Washington, D.C. 20002  
(202) 906-3987

Attorney for the National Railroad  
Passenger Corporation (Amtrak)

Dated: July 18, 1996

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of July, 1996, I served a copy of Amtrak's Motion for Clarification by hand or by first class mail, postage prepaid, upon all persons listed on the service list in this proceeding.

  
\_\_\_\_\_  
Richard G. Slattery

NRPC-1

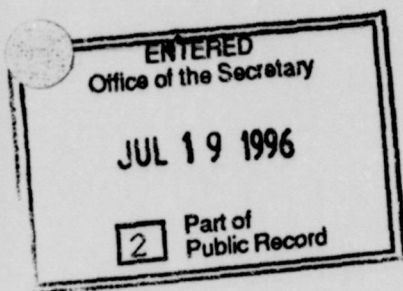
BEFORE THE  
SURFACE TRANSPORTATION BOARD



Finance Docket No. 32760

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY  
AND MISSOURI PACIFIC RAILROAD COMPANY  
-- CONTROL AND MERGER --  
SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC  
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY  
COMPANY, SPCSL CORP. AND THE DENVER AND  
RIO GRANDE WESTERN RAILROAD COMPANY

AMTRAK'S MOTION FOR CLARIFICATION  
OF RENO ENVIRONMENTAL CONDITION



Richard G. Slattery  
National Railroad Passenger  
Corporation (AMTRAK)  
60 Massachusetts Avenue, N.E.  
Washington, D.C. 20002  
(202) 906-3987

Attorney for National Railroad  
Passenger Corporation (Amtrak)

Dated: July 18, 1996



BEFORE THE  
SURFACE TRANSPORTATION BOARD



---

Finance Docket No. 32760

---

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY  
AND MISSOURI PACIFIC RAILROAD COMPANY  
-- CONTROL AND MERGER --  
SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC  
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY  
COMPANY, SPCSL CORP. AND THE DENVER AND  
RIO GRANDE WESTERN RAILROAD COMPANY

---

**AMTRAK'S MOTION FOR CLARIFICATION  
OF RENO ENVIRONMENTAL CONDITION**

The National Railroad Passenger Corporation ("Amtrak") respectfully requests that that the Board clarify the environmental condition it has voted to impose with respect to UP/SP's operations in Reno, Nevada, to make it clear that the limit on the number of trains UP/SP can operate on SP's line through Reno does not apply to Amtrak passenger trains. This clarification is necessary to ensure that the condition is not misconstrued as regulating the level of Amtrak's service through Reno, which would be contrary to law and long-established ICC precedent. Amtrak has been advised by counsel that the City of Reno has no objection to the requested clarification.

**Background**

Amtrak, a mixed ownership government corporation, was created by the Rail Passenger Service Act of 1970 to provide



intercity rail passenger service throughout the United States. Amtrak has served Reno on its Chicago-to-Oakland/San Francisco route ("the California Zephyr route") since it commenced operations in 1971, and it initiated daily service on this route in 1973. In September of 1995, Amtrak's fiscal crisis required it to reduce service through Reno from daily to four days per week in each direction. However, Amtrak is presently considering various plans for service restructuring, including a plan that would restore daily service to the California Zephyr route.

Since 1971, Amtrak has also operated an additional special train service, known as the "Reno Fun Train", from Oakland to Reno. The Fun Train, which generally operates eight to ten times per year, transports visitors from Northern California to Reno during the winter months when weather conditions frequently force the closing of Interstate 80 over Donner Pass. Amtrak is working with the Nevada Department of Transportation in efforts to provide additional, state-funded, scheduled rail service between the San Francisco Bay Area and Reno.

In the Operating Plan they filed with the ICC on November 30, 1995 as part of their merger application (UP/SP-24), UP and SP projected a substantial post-merger increase in the number of freight trains that would operate over SP's Donner Pass Line between Sparks, Nevada and Roseville, California via Reno. A number of parties, including the City of Reno, contended that the operation of these additional freight trains would have

substantial adverse environmental impacts on Reno that required either significant mitigation measures or disapproval of the merger application. However, none of the parties to the proceeding contended that there was any relationship between the merger and Amtrak's service through Reno, or sought any conditions that might have impacted upon Amtrak's service.

On April 12, 1996, the Board's Section of Environmental Analysis ("SEA") issued an Environmental Assessment ("the EA") of the proposed transaction. The EA recommended that the Board adopt certain mitigation conditions with respect to the projected increase in freight train operations through Reno, none of which would have limited the number of trains that could be operated. (EA, pp. 12-14 to 12-16.)

On June 24, 1996, the SEA issued a Post Environmental Assessment ("PEA") in which it proposed, for the first time, new mitigation measures with respect to Reno to "replace[ ] the mitigation measures that were recommended in Volume 2 of the EA." (PEA, p. 4-39.) Among these new mitigation measures was the following proposed condition, identified as number 22a ("the Reno mitigation condition"):

UP/SP shall operate no more than a daily average count of 15.8 trains per day through the City of Reno. (This reflects the Base Year daily average of 13.8 trains plus 2 additional trains.) . . . The 15.8 average train count per day does not include the following types of movements: (1) maintenance-of-way trains, (2) light locomotive movements, (3) local and industry switching train movements, (4) emergency trains operated under detour authority, for snow removal, for fire or other natural

disaster purposes, and wreck removal purposes. This condition will be effective upon consummation of the proposed merger and continue in effect for 18 calendar months in total.

Id., p. 5-5.

The PEA also proposed an additional new condition, identified as number 22b, that required UP/SP, throughout the 18-month period, to report to the Board the average daily train count calculated in the manner described above for the preceding month. Id. Finally, condition 22c directed UP/SP to retain an independent third party consultant to prepare, under the direction of SEA, a study to determine final mitigation measures to ameliorate the impact of the additional rail traffic projected through Reno as a result of the merger. Id., p. 5-6.

#### Amtrak's Request for Clarification

Read literally, the Reno mitigation condition does not apply to Amtrak. Nor is there anything in the record to suggest that the Board intended to impose a limit on Amtrak's operations that would clearly be contrary to law and long-established ICC precedent,<sup>1</sup> and that Amtrak had no opportunity

---

<sup>1</sup> Among other things, a limit that applied to Amtrak's trains would violate (i) the Rail Passenger Service Act, which precludes the Board from regulating Amtrak's "routes and services" or any "change of [Amtrak's] rail passenger transportation operations", 49 U.S.C. § 24301(c); (ii) the ICC's long-standing policies that conditions on mergers must be "narrowly tailored" and limited to "adverse effects caused by the transaction at issue", Finance Docket No. 32549, Burlington Northern Inc. -- Control and Merger -- Santa Fe Pacific Corp., Decision served Aug. 23, 1995, pp. 56, 93 (emphasis in original); and (iii) the Department of Transportation's January 1979 "Final Report to Congress on the Amtrak Route System", promulgated pursuant to Pub. L. No. 95-421, § 4(e)(1), 95 Stat. 923, 925,



to oppose.<sup>2</sup> However, the condition's limit on the number of trains "UP/SP" can operate through Reno is based upon a "Base Year Daily average of 13.8 trains" that appears to include the average of 1.1 trains per day that Amtrak operated during November of 1995 when the merger application was filed. See PEA, p. AS-85. In addition, Amtrak trains are not among the categories of train movements that are expressly excluded from the limit. Id., p. 5-5.

Any uncertainty about Amtrak's right to modify its operations through Reno -- subject, of course, to the terms of its operating agreement with SP and other applicable law -- would have a significant adverse effect on Amtrak's efforts to restructure its operations to meet fiscal constraints and to

---

which requires Amtrak to provide daily service over the California Zephyr route, finances permitting. See 49 U.S.C. §§ 24703(b) & 24707(b).

<sup>2</sup> See Baltimore & O. R.R. v. United States, 386 U.S. 372, 390 (1967) (ICC cannot impose conditions on mergers without proving "notice and hearing" to affected parties). While Amtrak is a party of record in this proceeding, the deadlines for it to submit evidence with respect to proposed conditions or in response to the EA (April 29 and May 3), and to present legal arguments in a brief or via a request for oral argument (June 3 and May 24), had long since passed when the Reno mitigation condition was first proposed by SEA in the PEA that was served on June 24.

Amtrak is in a very different situation from the City of Wichita, whose ex-parte request on July 16 for clarifications in environmental conditions proposed for its benefit was opposed by UP/SP on procedural grounds. Wichita has been on notice since UP/SP filed their merger application last November that it could be adversely affected by the Board's decision in this proceeding, and it has already been given the opportunity to request modifications in the very same conditions as to which it now seeks additional clarifications. See July 1, 1996 Oral Argument Transcript, pp. 488-89.

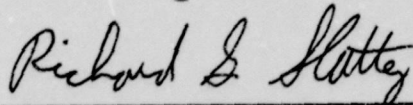


provide additional services in partnership with states and the private sector. Thus, while Amtrak believes that the Reno mitigation condition was not intended to apply to its operations, it asks the Board to clarify, in its written decision, that the condition applies only to UP/SP and does not apply to Amtrak, and that Amtrak trains are to be excluded from the "average train count" that UP/SP are required to calculate and provide to the Board. The Board should also make clear that the mitigation measures to be considered in the study contemplated by condition 22c will not include any limits on Amtrak's operations.

CONCLUSION

For the reasons stated above, the Commission should clarify the Reno environmental condition in the manner Amtrak has requested.

Respectfully submitted,



---

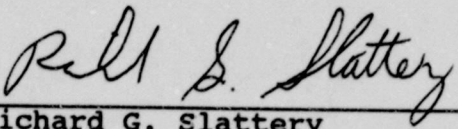
Richard G. Slattery  
NATIONAL RAILROAD PASSENGER  
CORPORATION (AMTRAK)  
60 Massachusetts Avenue, N.E.  
Washington, D.C. 20002  
(202) 906-3987

Attorney for the National Railroad  
Passenger Corporation (Amtrak)

Dated: July 18, 1996

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of July, 1996, I served a copy of Amtrak's Motion for Clarification by hand or by first class mail, postage prepaid, upon all persons listed on the service list in this proceeding.

  
\_\_\_\_\_  
Richard G. Slattery

STB

FD

32760

7-17-96

K

84844

84844

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

TELEFAX: (202) 662-6291

TELEX: 89-593 (COVLING WSH)

CABLE: COVLING

Item No. \_\_\_\_\_

Page Count 41

July 1996 # 26

LECONFIELD HOUSE  
CURZON STREET  
LONDON W1Y 8AS  
ENGLAND

TELEPHONE: 44-(71)-495-5655  
TELEFAX: 44-(71)-495-3101

BRUSSELS CORRESPONDENT OFFICE  
44 AVENUE DES ARTS  
BRUSSELS 1040 BELGIUM  
TELEPHONE: 32-2-512-9390  
TELEFAX: 32-2-502-1598

J. MICHAEL HEMMER

DIRECT DIAL NUMBER  
(202) 662-5578

DIRECT FACSIMILE  
(202) 778-5578

INTERNET ADDRESS  
MHEMMER@COV.COM

July 17, 1996

HAND DELIVERY

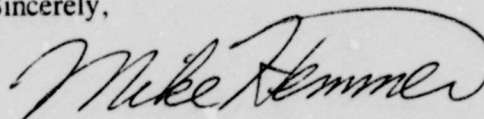
Ms Elaine K. Kaiser  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
Room 3219  
12th and Constitution Avenue, N. W.  
Washington, D.C. 20423

Re: Union Pacific/Southern Pacific  
Control Proceeding (F.D. 32760)

Dear Ms. Kaiser:

Enclosed is a fully executed copy of the Memorandum of Understanding Between Union Pacific Railroad and Placer County Jurisdictions dated July 12, 1996. This agreement "establishes the short- and long-term efforts that will be made to mitigate the transportation-related impacts of increased rail traffic" as a result of the UP/SP merger in several Northern California jurisdictions, including the Cities of Auburn, Colfax, Lincoln, Rocklin and Roseville, the Town of Loomis and the County of Placer.

Sincerely,



J. Michael Hemmer

Enclosure

cc: Mr. Tim Douglas  
Executive Director  
Placer County Transportation  
Planning Agency

**ENVIRONMENTAL DOCUMENT**





**Memorandum of Understanding  
Between Union Pacific Railroad and  
Placer County Jurisdictions  
July 12, 1996**

**Section 1. Introduction**

This Memorandum of Understanding (hereinafter MOU) is entered into on July 12, 1996 by and between

The City of Auburn, a California municipal corporation (hereinafter "Auburn");  
The City of Colfax, a California municipal corporation (hereinafter "Colfax");  
The City of Lincoln, a California municipal corporation (hereinafter "Lincoln");  
The Town of Loomis, a California municipal corporation (hereinafter "Loomis");  
The City of Rocklin, a California municipal corporation (hereinafter "Rocklin");  
The City of Roseville, a California municipal corporation (hereinafter "Roseville"); and  
The County of Placer, a Political Subdivision of the State of California (hereinafter "County");

hereinafter collectively referred to as "Jurisdictions";

and

Placer Foothills Consolidated Fire Protection District, a Political Subdivision of the State of California (hereinafter "District")

and

The Placer County Transportation Planning Agency, (hereinafter "PCTPA"), the statutorily State-designated regional transportation planning agency for Placer County pursuant to California Government Code Sections 29532.1(c) & Title 7.91 Section 67910;

and

The Union Pacific Railroad Company, a Utah corporation (hereinafter Railroad).

This MOU is intended to and shall set forth the terms of an agreement between Placer Jurisdictions, District, PCTPA, and Railroad concerning proceedings presently pending before the Surface Transportation Board (hereinafter "STB").

**Section 2. Recitals**

This MOU is entered into in reliance upon the following facts and representations:

A. Railroad has presently pending before the STB an application in Finance Docket No. 32760 to merge with Southern Pacific Railroad (SP) (hereinafter the "Control Case").

B. An Environmental Assessment was issued in support of the Control Case on April 12, 1996. A Post Environmental Assessment was issued on June 24, 1996.

C. The proposed merger of Railroad and SP is of State and national benefit. The merger results in a well-capitalized rail system that meets the intermodal goals of federal transportation policy. Although the national benefits of the merger are evident, as small suburban/rural communities along both the SP Roseville and Valley Subdivisions, jurisdictions could be affected by the proposed merger.

D. The merger could increase the number of trains traveling through Jurisdictions. Railroad proposes to use

the Roseville rail yard as its Northern California freight hub. This traffic increase could have an impact on the environment due to increased noise, air pollution, traffic delay at grade crossings, water quality, and public safety. These impacts were previously documented in a March 30, 1996, Placer County submission to the STB as comments to Finance Docket Number 32760 pursuant to the Union Pacific/Southern Pacific rail merger and in a May 4, 1996 submission included as comments to the Environmental Assessment of the Control Case. Roseville on March 28, 1996 and District on March 28, 1996 also submitted comments directly to the STB as part of the Environmental Assessment process. These comments are included by reference as part of this MOU.

E. Railroad is attempting to address the concerns of Jurisdictions, District, and PCTPA expressed in their comments concerning the Control Case and the Environmental Assessment. Railroad is prepared to make certain assurances and commitments regarding the mitigation of the impacts as further set forth below.

F. Jurisdictions, District, and PCTPA are prepared to amend their submittal and support the Control Case and the Environmental Assessment in consideration of the mutual promises set forth below.

G. PCTPA's role in this agreement is to provide technical support to other parties of the agreement, to develop planning studies with other parties as specified by the agreement, and to facilitate the agreement, when possible.

H. For the purposes of this agreement, "Final Order" shall mean an order of the STB, a successor agency, or a court with lawful jurisdiction over the matter which is no longer subject to any further direct judicial review (including a petition for writ of certiorari) and has not been stayed or enjoined.

I. This agreement will be submitted to the STB. The STB has referenced this MOU in the Post Environmental Assessment, Volume I, on June 24, 1996. The STB, Section of Environmental Analysis (SEA) has recommended in the Post Environmental Assessment, Volume I, that the STB requires Railroad and other parties to agree to comply with MOU conditions as part of the Final Order. STB is expected to issue its Final Order on August 12, 1996.

J. All property conveyed to Jurisdictions will be delivered by Quit Claim Deed, Rights Agreement, Lease, Easement, Donation, or other form of document as agreed to by the parties.

This agreement establishes the short- and long-term efforts that will be made to mitigate the transportation-related impacts of increased rail traffic on the Jurisdictions which is projected under the proposed merger of Railroad and SP.

### **Section 3. Principal Countywide Terms for all Jurisdictions**

The following actions summarized in this section are proposed to mitigate the potential impact of increased rail activity such as vehicle congestion, rail yard activity, railroad noise, air quality, traffic delay at grade crossings, and public safety impacts of increased rail traffic through the Jurisdictions resulting from the rail merger. Specific responsibilities of all parties are identified.

**A. Sierra College Boulevard Grade Separation.** Sierra College Boulevard is a regional, two-lane primary arterial with a daily count of 7,180 vehicles. The highway will be expanded to a four- and six-lane facility over its entire length in the near future. It is expected that, with this expansion, the daily traffic counts will increase substantially to 25,300. To minimize the impact of future rail activity, Sierra College Boulevard is to be converted to a grade separated over-crossing. The cost of the grade separation project is presently estimated at seven million eight hundred thousand dollars (\$7,800,000).

The design for the proposed overcrossing will be the responsibility of a Consortium of interested Jurisdictions (hereinafter "Consortium"), including but not limited to Placer County, Rocklin, Loomis, and Lincoln.

The Consortium and Railroad agree to submit the project for consideration in the State of California Public Utility Commission (hereinafter the "PUC") grade separation funding program under the California Streets and Highways Code Section 2454. Railroad will work with PCTPA, Consortium, and Caltrans to complete all necessary applications and documentation needed for the PUC application.

If the project is funded through the State grade separation program, Railroad agrees to pay all local matching funds required



by the program in addition to Railroad's obligation under the program. The local matching funds and Railroad's matching funds are currently set at a minimum of 10% of the project construction costs each. The Railroad will assume a maximum of 20% of the total project costs.

Railroad will grant Consortium any permanent rights if required for the project at no cost. Providing Consortium can come up with all necessary funding and the project is not funded through the State grade separation program, Railroad will assume a maximum of 20% of the total project cost and in both cases the project must be completed within 10 years of Final Order.

**B. Improvement Program for Placer County At-grade Crossings.** There are presently fifty-three (53) mainline at-grade crossings throughout Placer County, some of which have recently been upgraded to concrete surface. Some of the significant grade improvements to these crossings are addressed separately under each Jurisdiction's terms. A list of these at-grade crossings is included as part of this agreement as "Exhibit 1".

To minimize traffic delay and address safety concerns, Railroad, PCTPA, and Jurisdictions agree to form a diagnostic team with Caltrans and PUC staff to identify needed at-grade crossing improvements and to prioritize all projects. The team will begin work on this plan within 90 days after Final Order to determine the following for each crossing and complete their report within one year:

1. Types of improvements needed at each crossing;
2. Improvement costs;
3. Criteria to be used to prioritize projects;
4. Relative priority of all proposed at-grade crossing improvements; and
5. Availability of State Section 130 or other state administered funding.

Railroad, Jurisdictions, and PCTPA agree to coordinate their efforts to develop necessary State Section 130 applications for these at-grade crossings. If these projects are funded through the State program, Railroad agrees to contribute the local matching 10% of grade crossing signal and/or surface work. (Crossing surface in this MOU shall be defined as that portion of the crossing between the rails and two feet outside each rail.)

If at-grade crossings do not qualify for the State Section 130 program or if funding is delayed beyond five years after the Final Order, Railroad agrees to make surface improvements at all such at-grade crossings in the manner determined above as part of its normal operations improvement schedule and will assume all costs associated with the surface improvement of these crossings. Unless specified in this MOU or otherwise agreed to by the individual Jurisdictions, all surface improvements will be made within a five year period after the Final Order as part of Railroads rail and tie replacement program in accordance with diagnostic team recommendations.

**C. Proposed Intercity Rail Station Requirements.** Railroad agrees to work with Auburn, Colfax, Rocklin, Roseville, and PCTPA to develop specific plans for the Colfax, Auburn, Rocklin, and Roseville intercity stations. These site plans will be developed in conjunction with the passenger rail program and are specific in each Jurisdiction's terms. Railroad agrees to convey sufficient right-of-way but not to exceed two (2) acres at each location if available for such purposes to enable Jurisdictions to build intercity passenger rail stations in Auburn, Colfax, and Rocklin. Railroad agrees to convey sufficient right-of-way but not to exceed two (2) acres at the Roseville rail station to enable Roseville to build passenger parking facilities (as detailed in Section 9H).

**D. Proposed Commuter Passenger Rail Plan.** Placer County is located in a State and federal ozone nonattainment area. Increased rail activity may impact air quality, leading to more stringent requirements on local area and mobile sources of emissions. Parties agree that any potential impacts to air quality will be fully mitigated through the implementation of intercity rail passenger service and eventual development of commuter passenger rail service.

Railroad agrees to work with PCTPA to develop a long term intercity and commuter passenger rail service plan. Work on this plan will begin within ninety (90) days following the Final Order and be completed within a year. Both parties will jointly fund this plan with in-kind services. This plan will examine the feasibility of a Placer commuter passenger rail program within both Placer rail routes. This program will identify: (1) potential station sites in Lincoln, Loomis, and Placer unincorporated communities; (2) individual station requirements; (3) Railroad freight scheduling conflicts; (4) rolling stock requirements; (5) an implementation schedule; (6) a funding strategy; and (7) any necessary track improvements. On the basis of this commuter passenger rail report, Railroad agrees for future rail stations to explore the possibility of land



conveyances at Lincoln, Loomis, and Placer unincorporated communities, but not to exceed two (2) acres at each location.

In addition, Railroad agrees to explore the possibility of land conveyances at unincorporated Placer County locations for future commuter rail passenger rail platforms. The conveyance could be made through actual title transfer or through a long-term lease with no annual charge. Possible unincorporated community locations include Sheridan, the North Auburn/Bowman area near I-80, the area near the Norden off-ramp on the I-80 corridor in Nevada County, where Soda Springs Road crosses the Roseville Subdivision, the Sugar Bowl Ski Resort where the ski chair-lift crosses the Roseville Subdivision, and Newcastle, south of Taylor Road. Final conveyance of right-of-way would be contingent upon the identification of funding for the station construction, platforms, and service operation, but not to exceed two (2) acres at each location. These conveyances must be completed within 10 years of Final Order unless changes are mutually agreed to by all parties upon completion of study. Conveyances will be made under the provisions referenced to in Section 17.

**E. Railroad Post-merger Operation and Capital Improvement Program.** Railroad will develop an operation and capital improvement program for all of its operations and properties in Placer County within one year after the Final Order. Railroad agrees to keep PCTPA, Jurisdictions and District informed as it develops this program. Where possible, the operation plan will be adjusted to minimize its impact on traffic congestion that may result from increased train activity. PCTPA and Jurisdictions are particularly interested in the accelerated scheduling of the Track Warrant Control (TWC) or Centralized Train Control (CTC) system on the SP Roseville Subdivision and Roseville railyard improvements.

**F. Mitigation Specific to Roseville Railyard Operations.** Railroad has proposed to convert the Roseville rail yard to its northern California distribution center. As the hub of these operations, the increased yard activity may have an impact on Rocklin and Loomis and a greater impact on Roseville.

Railroad agrees to address operation problems which may arise as the result of increased rail activity and to develop a program with PCTPA and Roseville to mitigate the impacts of increased rail yard activity, rail traffic, and deferred maintenance. Railroad agrees to study noise impacts on Jurisdictions and to mitigate impacts to the extent possible and provide crossing maintenance as part of this program (as referenced in Section 9).

Railroad agrees to localize train stacking and crew changes within the Roseville yard except in emergency and to avoid adverse impacts on residential neighborhoods. Railroad will determine with Jurisdiction "Stacking Zones" for trains that can't enter the main yard to avoid residential areas. This policy would be included as part of the rail yard operations mitigation program (as referenced in Section 9C).

Railroad agrees to comply with local noise ordinances, specifically applicable to rail operations, as a prerequisite of the operation plan except where local ordinances are preempted by federal law (as referenced in Section 9M).

**G. Hazardous Material Program.** The Jurisdictions and Railroad shall cooperatively create a hazardous materials emergency response plan in conjunction with local emergency planning commissions and committees. All parties agree that work on this plan will begin ninety (90) days after the Final Order and will be completed within one year. To the extent allowed by federal law, Railroad shall use its maximum reasonable efforts to implement the plan. The specific responsibility of all parties will be identified in an Operational Memorandum as specified in Section 16. Railroad agrees to provide both in-position response equipment and supplies and HAZMAT training over the five year period following the Final Order. The estimated value of these in-kind services is one hundred and fifty thousand dollars (\$150,000).

**H. Temporary Construction Easements.** Railroad agrees to grant to parties of the MOU for projects specified in this MOU a temporary construction easement within the non-encroachment areas. Parties agree that these temporary easements shall not include that area within twenty (20) feet of the existing track. These temporary construction easements will be void upon recordation of the Notice of Completion of the project and restoration of Railroad property affected by the construction.

#### **Section 4. Principal Terms Auburn**

The following actions summarized in this section are proposed to mitigate the impact of increased rail activity in Auburn resulting from the rail merger. Specific responsibilities of all parties are identified.

**A. Auburn Capitol Corridor Intercity Rail Station.** Railroad agrees to lease or convey to Auburn at no

cost to Auburn within ninety (90) days after Final Order sufficient land, if available, not to exceed two (2) acres for parking and station operations. A map outlining the land included in this lease or conveyance will be included as part of this agreement as "Exhibit 2". This lease or conveyance will be made under the provisions referenced to in Section 17.

**B. Platform Leases for the Auburn Intercity Rail Station(s).** Railroad agrees to lease to the intercity rail service provider or to Auburn right-of-way for two (2) platforms as required by Caltrans for passenger intercity rail service. This right of way lease will be provided by Railroad at no cost. The lease will be executed prior to start up of intercity rail service. The platform leases will be developed simultaneously with the passenger rail station program. Railroad agrees to furnish flagman at no cost to Auburn during the construction of the platform. Permanent rights for pedestrian crossings may also be required to allow access to proposed station parking.

**C. Railroad Operation Adjustments to Facilitate Intercity Rail Service to Auburn.** Since Auburn splits the westbound and eastbound tracks, Auburn may have to construct two stations to facilitate intercity rail service on the two one-way tracks. Railroad will explore operation alternatives (TWC or CTC) within six months after Final Order that may allow Auburn to build and operate a single, permanent passenger rail station. Railroad's actions to advance passenger rail service to Colfax may offset some of the impacts of increased freight train activity on air quality. Therefore, to mitigate the impacts on air quality, Railroad will put in-kind services of not to exceed an amount of five hundred thousand dollars (\$500,000) toward TWC or CTC. Passenger rail service must start by January 1, 2000 or this section becomes void. Upon receipt of a funding commitment and intercity rail operation plan that commits to intercity rail service between Roseville and Colfax, Railroad agrees to install a signal system to allow operations in both directions between Newcastle and Bowman on existing SP eastward main line within one year after receiving said notification.

**D. Auburn Redevelopment Program.** Railroad agrees to work with Auburn to identify Railroad property that is suitable for redevelopment or disposition. Railroad agrees to work with Auburn in the implementation of its downtown development program.

## **Section 5. Principal Terms Colfax**

The following actions summarized in this section are proposed to mitigate the impact of increased rail activity in Colfax resulting from the rail merger. Specific responsibilities of all parties are identified.

**A. The Historic Colfax Rail Station Building.** Railroad agrees to donate the historic Colfax Rail Station Building to Colfax within ninety days (90) after Final Order. This donation will allow Colfax to take advantage of federal grants to restore the station. This donation will be made under the provisions referenced to in Section 17.

Railroad has indicated that, as it modernizes its facilities, standard practice calls for them to build replacement facilities rather than renovate existing dated facilities. As it modernizes its railroad operations in the Colfax rail yard, Railroad agrees to vacate the historic depot as part of this modernization.

Colfax agrees to enter into an agreement with Railroad to lease a portion of the station back to Railroad for one dollar (\$1) a year until such time that Railroad phases out operations of the station during its system modernization. Railroad will not charge Colfax any relocation costs.

Railroad will require a permanent space within the station for existing railroad communication equipment. This space will be included in the lease back agreement at no cost to the Railroad. Colfax and Railroad agree to coordinate the long-term interior design of the station to meet their requirements. If Colfax desires to relocate the railroad equipment within the station interior to enhance the station interior restoration, Railroad will pay 25% of the cost. However, if Railroad desires to relocate their equipment because of security, Railroad agrees to pay 100% of the cost for relocation of their equipment.

**B. Colfax Capitol Corridor Intercity Rail Station.** Railroad agrees to lease or convey to Colfax at no cost to Colfax within ninety (90) days after Final order sufficient land not to exceed two (2) acres for parking and station operations. A map outlining the land will be included as part of this agreement as "Exhibit 3". Any donation will be made under the provisions referenced to in Section 17.

**C. Platform Leases for the Colfax Intercity Rail Station.** Railroad agrees to lease to the intercity rail service provider or to Colfax right-of-way if available for a platform(s) as required by Caltrans for passenger intercity rail



service. This right-of-way lease will be provided by Railroad at no cost prior to start up of intercity rail service.

The platform lease will be developed simultaneously with the passenger rail station program. Permanent rights for pedestrian crossings may also be required to allow access to proposed station parking.

**D. Track Relocation at Colfax.** The proposed Colfax intercity rail platform location may require Railroad to move two rail spurs. To the extent that its activities at the east end of the Colfax rail yard interfere with the construction of the intercity rail platform, Railroad agrees to move these tracks if practicable as part of the merger agreement at its own cost. These modifications will be made in a timely manner to coordinate with the schedule of the platform construction.

**E. Colfax Redevelopment Program.** Railroad agrees to work with Colfax to identify Railroad property that is suitable for redevelopment or disposition. Railroad agrees to work with Colfax in the implementation of its downtown development program.

**F. Colfax Intercity Rail Layover Facility.** Railroad agrees to identify existing track that may be used as a layover facility for the Capitol Corridor Rail Service to Colfax. Railroad agrees to allow use of track at no charge. The cost of any improvements necessary will be borne by funding sources separate from Railroad. The use of this track(s) will be for the period which the Capitol Corridor Rail Service is extended to Colfax. It will be made available for improvements in a timely manner so not to delay the initiation of service to Colfax.

**G. State Route 174 and North Main Intersection Improvements.** Railroad agrees to review the possibility of conveying a permanent right of railroad-owned land within the vicinity of the State Route 174 and North Main Intersection to allow the improvement of that intersection. Railroad agrees to work with Colfax and Caltrans to develop an intersection improvement plan that will accommodate additional vehicle traffic which will occur if Grass Valley Road is closed by rail activity. Railroad agrees to fund 20% of the costs associated with this intersection improvement plan. Colfax agrees to present plan of improvement to Railroad within one year of Final Order.

As a prerequisite to Railroad's contribution to these intersection improvements, Colfax agrees to examine the feasibility of closing the Dingle Street at-grade crossing. This traffic circulation and engineering study will be completed within six months after Final Order.

## **Section 6. Principal Terms Lincoln**

The following actions summarized in this section are proposed to mitigate the impact of increased rail activity in Lincoln resulting from the rail merger. Specific responsibilities of all parties are identified.

**A. Lincoln Parkway Grade Separation.** A two-lane overpass is proposed to be constructed on the Lincoln Parkway over the SP's Valley Subdivision railroad route. This crossing will be south of Moore Road in Lincoln. Lincoln Parkway is a new road to be constructed in 1997. (Referenced as "Exhibit 4"). The grade separation will provide an emergency access connecting the east and west sides of Lincoln. The overpass will mitigate the impacts of noise, air quality, and rail activity on the existing six Lincoln at-grade crossings.

Preliminary construction estimated for this project is six million two hundred and fifty-four thousand dollars (\$6,254,000). Railroad agrees to contribute one million two hundred and fifty thousand dollars (\$1,250,000) of the project cost. In addition, Lincoln agrees to study the feasibility of closing one of the existing at-grade crossings (excluding Moore Road). If Lincoln does not permanently close an at-grade crossing within five years of Final Order, Lincoln agrees to pay the Railroad one hundred and fifty thousand dollars (\$150,000) for the upgrade and long term maintenance of an at-grade crossing.

Engineering costs of this project are estimated at seven hundred and fifty thousand dollars (\$750,000). These costs include design, soil inspection, and construction management. Railroad's share of this cost is one hundred and fifty thousand dollars (\$150,000). This amount is part of the Railroad's entire project contribution.

Railroad will provide one hundred and fifty thousand dollars (\$150,000) in engineering costs within ninety (90) days after the Final Order. The remainder of payment will be made in four installments payable as follows: one quarter (1/4) when the bridge is twenty five percent (25%) complete; one quarter (1/4) when the bridge is fifty percent (50%) complete; one quarter (1/4) when the bridge is seventy five percent (75%) complete; and the remainder upon Lincoln furnishing Railroad



a Recorded Notice of Completion.

Railroad will grant Lincoln any permanent rights required for the project and will work with Lincoln to receive any necessary permits from the PUC. Lincoln will construct the project. Railroad will share responsibility of any approved cost overruns if the project cost is increased by any action of Railroad.

Lincoln intends to build a flood control and detention facility on Auburn Ravine with an estimated construction cost of three million dollars (\$3,000,000). This will provide flood control protection for the SP railroad bridges over Auburn Ravine and Ingham Slough. Railroad agrees to provide any necessary easements identified for the facility and any temporary construction easements needed for the construction work in the vicinity of Auburn Ravine and Ingham Slough.

**B. Lincoln Redevelopment Program.** Railroad agrees to work with Lincoln to identify Railroad property that is suitable for redevelopment or disposition. Railroad agrees to work with Lincoln in the implementation of its downtown development program.

**C. Lease or Sale of Future Lincoln Public Works Yard Property.** Providing Lessee is willing to assign its lease to Lincoln or terminate same, Railroad agrees to lease or sell roughly two acres of property in Lincoln at H and 7th Streets. Railroad will lease or sell the property at fair market value within six months of the Final Order. Conveyance will allow Lincoln to develop a new public works facility. A map delineating this area will be included as part of the agreement as "Exhibit 5". Conveyance of property will be made under the provisions referenced to in Section 17.

## **Section 7. Principal Terms Loomis**

The following actions summarized in this section are proposed to mitigate the impact of increased rail activity in Loomis resulting from the rail merger. Specific responsibilities of all parties are identified.

**A. Development of a New Rail Crossing at Angelo Drive:** Railroad subject to PUC approval agrees to the opening of a new at-grade crossing at Angelo Drive to provide an alternative route to King Road. Railroad will pay one hundred percent (100%) of the crossing substructure, signalization, and crossing surface cost. Railroad will use State or federal funds if available. Railroad will furnish a permanent right for property to Loomis. Loomis is responsible for all remaining road construction costs. The crossing and road should be completed within two years following the Final Order.

**B. Loomis Road Agreement.** Railroad agrees to provide Loomis within ninety (90) days following the Final Order at no charge to Loomis a permanent right for a new road between King Road and Circle Drive. This new road is included in the Loomis economic development plan. A map of this area will be included as part of this agreement as "Exhibit 6". Conveyance of property will be made under the provisions referenced to in Section 17. The entire cost of road will be the sole responsibility of Loomis. Loomis will give Railroad plans on how intersection with Webb Street will be designed so as not to be a safety liability.

In addition, Loomis agrees to examine the feasibility of closing the Webb Street at-grade crossing. This traffic circulation and engineering study will be completed before the new road between King Road and Circle Drive is constructed. If Webb Street is not closed within five years of Final Order, then Loomis will pay the Railroad one hundred and fifty thousand dollars (\$150,000) for cost avoidance of installation and maintenance of an additional crossing.

**C. Loomis Economic Development Program.** Railroad agrees to lease or sell to Loomis for fair market value roughly six acres of property in Loomis between Taylor Road and the railroad track between Walnut and King Roads. Railroad will lease the property to Loomis within ninety (90) days from the Final Order, providing existing lessees are willing to assign or terminate leases now in effect. This will be a long-term lease and Loomis shall have the first right of purchase for a period of five years. The conveyance will allow Loomis to implement its long-term redevelopment plan for that area. This property includes historic fruit sheds and rail station. Conveyance of property will be made under the provisions referenced to in Section 17.

Railroad agrees to work with Loomis to identify Railroad property that is suitable for redevelopment or disposition. Railroad agrees to work with Loomis in the implementation of its downtown development program.

**D. Stacking Zones in Loomis.** Railroad agrees to designate specific "stacking zones" for freight trains

which cannot be accommodated in the rehabilitated Roseville Yard. Loomis will permit stacking on the West Bound SP track between King Road and the town incorporation limits at SP Mile Post 114.9. Railroad agrees not to block the future Angelo Drive at-grade crossing as described in Section 7A. The Railroad is not permitted to stack trains on the East Bound track between the town incorporation limits at SP Mile Post 112 and the town incorporation limits at SP Mile Post 113.5. Stacking in residential neighborhoods will only occur in emergency and unusual circumstances.

## **Section 8. Principal Terms Rocklin**

The following actions summarized in this section are proposed to mitigate the impact of increased rail activity in Rocklin resulting from the rail merger. Specific responsibilities of all parties are identified.

**A. Rocklin Argonaut Avenue Over Crossing.** Argonaut Avenue is one of Rocklin's residential collector streets. Argonaut Avenue is presently a dead-end street, ending approximately four hundred (400) feet from the eastbound tracks. Rocklin proposes to extend Argonaut Avenue to Delmar Avenue. This grade separation proposal is the most cost-effective emergency access to the Delmar neighborhood and to other residential neighborhoods in Rocklin. As part of this project, Rocklin agrees to eliminate the at-grade crossing at Yankee Hill Road identified in "Exhibit 7". This project is estimated to cost two million dollars (\$2,000,000) to construct.

Railroad agrees to contribute six hundred thousand dollars (\$600,000) to the grade separation project. Railroad will make payment upon furnishing the Railroad a Recorded Notice of Completion of project from Rocklin. Railroad will grant Rocklin any permanent rights required for the project and will work with Rocklin to receive any necessary permits from the PUC. Rocklin will construct the project within five years of Final Order or this section will be void. Railroad shall share responsibility of any approved cost overruns if the project cost increases by any action of Railroad.

**B. At-Grade Crossing Improvements at Midas Avenue and Rocklin Road.** Rocklin desires to add pedestrian/bicycle walks at Midas Avenue and Rocklin Road. Railroad agrees to widen the surface of the existing crossings by adding one concrete panel at each side of each track in the two crossings. Rocklin is responsible for any signalization changes (not covered by the State 130 program) required for improvements and all curb, gutter, sidewalk, and bicycle lane facilities. All work must be completed within five (5) years following the Final Order. Railroad agrees to provide a permanent right to construct a bikeway and pedestrian crossing across the railroad at the two street at-grade crossings.

**C. Rocklin Capital Corridor Intercity Rail Station and Downtown Parking.** Railroad agrees to lease or convey to Rocklin at no cost to Rocklin within ninety (90) days after Final Order sufficient land, if available, not to exceed two (2) acres for parking and station operations. A portion of this property may be used for parking in the downtown commercial district. A map outlining the land to be conveyed will be included as part of this agreement as "Exhibit 8". Rocklin agrees not to assess Railroad for any pending or future street or utility improvements involving the streets or roadways on or adjacent to Railroad right-of-way. This conveyance will be made under the provisions referenced to in Section 17.

**D. Platform Leases for the Rocklin Intercity Rail Station.** Railroad agrees to lease to the intercity rail service provider or to Rocklin, right-of-way for a platform(s) as required by Caltrans for passenger intercity rail service. This right-of-way lease will be provided by Railroad at no cost prior to start-up of intercity services. The platform leases will be developed simultaneously with the passenger rail station program. Railroad agrees to furnish flagman at no cost to Rocklin during platform construction. Permanent rights for pedestrian crossings may also be required to allow access to proposed station parking.

**E. Rocklin Redevelopment Program.** Excluding any SP commitments to specific property conveyance about which Railroad has not been informed, Rocklin will have first right to purchase at fair market value surplus property not required for railroad purposes between Midas Street and Yankee Hill Road south of both railroad tracks for a period of ten (10) years. Railroad agrees to work with Rocklin to identify Railroad property that is suitable for redevelopment or disposition. Railroad agrees to work with Rocklin in the implementation of its downtown development program. Conveyance of property will be made under the provisions referenced to in Section 17.

**F. Other At-Grade Crossings in Rocklin.** Consistent with section 3(B), the railroad crossings to be improved in Rocklin include Spur Line crossing on Pacific Street serving Sierra Pine. The Pacific Street crossing will be shown as part of "Exhibit 1" in Section 3(B).



**G. Stacking Zones in Rocklin.** Railroad agrees to designate specific "stacking zones" for freight trains which cannot be accommodated in the rehabilitated Roseville Yard. Such "stacking zones" cannot be adjacent to residential areas on both tracks between Sunset Boulevard and Midas Avenue and along the Eastbound Track between Midas Avenue and the Rocklin incorporation limits at SP Mile Post 112. Stacking in residential neighborhoods will only occur in emergency and unusual circumstances.

## **Section 9. Principal Terms Roseville**

The following actions summarized in this section are proposed to mitigate the impact of increased rail activity in Roseville resulting from the rail merger. Specific responsibilities of all parties are identified.

**A. Improvements of Yosemite and Berry Streets At-Grade Crossings.** Railroad shall design and construct upgrades and improvements to the at-grade crossings at Yosemite and Berry Streets. These improvements include the installation of concrete crossing material and reconstruction of the crossing substructure. Railroad agrees to pay signal costs involved for relocating railroad crossing signals in connection with additional tracks added. Roseville will pay for all signal costs in connection with the Atlantic Street widening project. In addition, Roseville agrees to support Railroad's application to the State 130 Program for additional tracks at each crossing. The work will be coordinated with Roseville's widening and improvements of Atlantic Street. Railroad agrees to coordinate the construction with Roseville to not adversely affect Roseville's reconstruction of Atlantic Street. Railroad agrees to complete all construction no later than June 20, 1997 or by a date mutually agreed to by both parties.

**B. Atlantic Street Right-of-Way.** Railroad shall convey a permanent right to Roseville for the widening of Atlantic Street within ninety (90) days after the Final Order and final approval by Railroad of Roseville plans. This easement includes a variable width strip of land between the current NW curb line of Atlantic Street and the existing SP track beginning near Harding Boulevard extending to near Folsom Road. This easement will not encroach within fifty (50) feet of the centerline of the nearest (southeastern most) existing set of tracks except where needed to construct Atlantic Street project per Roseville's plan provided that said project does not impair existing or proposed railroad operations. This conveyance will include the area where Atlantic Street currently exists in the event that such permanent right does not exist.

Conveyance of property will be made under the provisions referenced in Section 17. Roseville agrees to grant permanent rights at no cost to Railroad for future construction of trackage and facilities required for railroad purposes. If Railroad trackage and facilities require modification to Roseville roadways, Railroad shall bear all costs associated with these modifications.

Railroad agrees to grant to Roseville a temporary construction easement within the non-encroachment areas as described above. Roseville agrees that these temporary easements shall not include that area within twenty (20) feet of the existing track. This construction easement will be void upon recordation of the Notice of Completion of the project and restoration of Railroad property affected by the construction.

Roseville agrees to evaluate the need for placing a fence along the Atlantic Street project and if necessary will construct said fencing as part of the project. Roseville will conduct this evaluation within six months following the Final Order.

**C. Stacking Zones for Yosemite Street and Berry Street At-Grade Crossings.** Railroad agrees to designate specific "stacking zones" for freight trains which cannot be accommodated in the Yard from SP's Roseville Subdivision in that area defined as east of Harding Boulevard over-crossing.

**D. Hazardous Materials.** Railroad agrees to assign personnel to the Roseville Railyard who are trained in the identification of hazardous materials and the regulations governing the transportation of such materials by rail. Railroad agrees that hazardous materials personnel will be available for telephone contact by Roseville on a twenty-four (24) hour basis and that Railroad shall assist Roseville in the event of an incident involving release of spillage of hazardous materials anywhere in the Roseville yard. Railroad agrees, as part of its hazardous materials response plan, to provide Roseville access to the operation system for the purposes of identifying and locating rail cars which may contain hazardous materials and are involved in an incident or accident.

**E. Enhancement of Security at the Roseville Railyard.** Railroad agrees to prepare a comprehensive



security plan for its properties within Roseville and to submit this plan to Roseville for review within ninety (90) days following the Final Order. This plan will emphasize enforcement of Railroad's prohibitions on trespassing and use of its property and trains by transients and other unauthorized persons. Railroad agrees to coordinate its enforcement efforts with the Roseville Police Department and the Placer County District Attorney. Railroad agrees to vigorously enforce its prohibitions on trespassing and the unauthorized use of its trains by transients and to provide adequate resource and personnel at all times for effective enforcement of the plan.

**F. Revitalization of Downtown and Old Town Roseville.** Railroad agrees to provide Roseville with the long-term master operations plan for its use of the Roseville Railyard. Railroad agrees to identify any properties that are excess to Railroad operational needs. Railroad shall cooperate with Roseville in evaluating any such properties, neighborhood and/or businesses in the vicinity of the Roseville Railyard. Roseville will have the right of first refusal to purchase all surplus property at fair market value not required for railroad purposes for a period of ten years. Roseville or its redevelopment agency will have the authority to convey any properties acquired under this section to any third party and set the terms for its conveyance.

**G. Lincoln Street Pedestrian/Bicycle Over-crossing Feasibility Study.** Railroad agrees to jointly and equally fund with Roseville an engineering and feasibility study to evaluate the effectiveness of a possible pedestrian/bicycle over crossing at or near Lincoln Street. This study will address both the economic feasibility and potential foot and bicycle traffic over such a facility. Railroad and Roseville agree to jointly and equally fund a pedestrian/bicycle over crossing at or near Lincoln Street if this study identifies this project as feasible and funds are available.

**H. Land Dedication to Roseville for Parking at the Roseville Intercity Rail Station.** Railroad agrees to lease or convey to Roseville sufficient land not to exceed two (2) acres for parking near the intersection of Church and North Grant Streets. A map of this site will be included within this agreement as "Exhibit 9". Railroad agrees to convey this site to Roseville within ninety (90) days following the Final Order or at a mutually agreed date that will not delay the rail station project. Conveyance of property will be made under the provisions referenced to in Section 17.

**I. Roseville Railyard Fencing.** Railroad agrees to evaluate the condition and effectiveness of the existing fence along Church Street and investigate the feasibility of replacing the fencing with fencing material or an equal or superior design and grade. Any such replacement will enhance security of the adjacent neighborhoods. Railroad will conduct this evaluation within six months following the Final Order.

**J. Roseville Permits and Planning Review.** Roseville agrees to provide prompt review and processing of Railroad Permits and Plans subject to Roseville jurisdiction during the reconstruction of the Roseville Railyard.

**K. Impacts on Roseville Street Maintenance.** Railroad agrees to work with Roseville to jointly address the following problems within ninety (90) days following the Final Order: (1) repair of cracks in the rail yard surface that allow water to drain into the Washington Boulevard underpass; (2) cooperation with the Roseville street crews to clean the drainage ditches that run through the rail yard; and (3) stabilization of the railyard bank along Vernon Street to prevent slippage.

**L. Reconstruction of Foothills Boulevard Overcrossing.** Roseville will grant a permanent right to Railroad at no cost for portions of Foothills Boulevard overcrossing as may be required for the reconstruction of the Roseville Railyard, provided said reconstruction does not impair traffic operations. Roseville agrees that Railroad may at its option and at its own cost, reconstruct the Foothills Boulevard overpasses to allow for additional trackage and access to the yard. Any such reconstruction undertaken by the railroad will require encroachment permits issued by Roseville at no cost to the Railroad and performed in a manner that will not unreasonably interfere with traffic using the overcrossing.

**M. Compliance with Roseville Noise Ordinance.** Railroad agrees to comply with the provisions of Section 9.24.190 of the Roseville municipal code regulating excessive noise in the operation of a train except where exempted by federal law.

**N. Widening of the Cirby Way and Foothills Boulevard Intersection.** Railroad agrees to convey to Roseville at the request and at no cost to Roseville sufficient property to accommodate the widening of Cirby Way and Foothills Boulevard in the vicinity of the intersection provided said widening does not impair existing or proposed railroad operations.

## Section 10. Principal Terms County and District

The following actions summarized in this section are proposed to mitigate the impact of increased rail activity in the unincorporated County resulting from the rail merger. Specific responsibilities of all parties are identified.

**A. County At-Grade Crossing Improvements at Luther Road.** Luther Road is an important access between State Highway 49 and Interstate 80. This rail crossing on Luther Road is presently rough asphalt. The two-lane, at-grade crossing is inadequate to handle local traffic with increased rail traffic. The preliminary County design solution to this problem includes the relocation of an adjacent fire station and the addition of lanes at the crossing (two turnout lanes and a raised median). This crossing design will also include a standard concrete crossing and improved signalization. Specific requirements of the crossing will be determined jointly by the County and Railroad.

County, PCTPA, and Railroad agree to coordinate their efforts to develop an application for a project that includes all or part of the Luther at-grade crossing for the State 130 program. If this project is funded by the State 130 program, Railroad agrees to pay all matching costs.

Railroad agrees to undertake a joint County Railroad Project as follows:

County and District Obligation:

- 1) County will design and construct an improved Luther Road outside of the area within two (2) feet of the rails.
- 2) County will accommodate utilities associated with Luther road. If there is an agreement between Railroad and a utility in the Railroad right-of-way, the agreement shall govern the utility accommodation. If there is no agreement for the utility easement within the right-of-way, County will negotiate with the utility.
- 3) District will be responsible for the relocation of the fire station at the new site. District agrees to relocate the station within three years.

Railroad Obligation:

- 1) Railroad will design and construct an improved crossing, including signalization, and concrete crossing surface to match a wider Luther Road (4 lanes plus median plus shoulder = 64 foot width) and any needed roadwork within 2 feet of the rail.
- 2) Railroad and District have identified a new fire station site on Railroad property as shown on "Exhibit 10". Railroad will provide District a long-term lease for the site under the terms and conditions of the existing lease with the SP at the price of five hundred dollars (\$500) per year.

All or a portion of the Luther road project cost may be funded through the State 130 Program. If the State 130 Program funding is not approved within 3 years, the Railroad will fund its obligation upon written notice of County Board of Supervisor authorization of project, receipt and final approval of project and approved implementation schedule.

Railroad will grant the County any permanent rights required for the road widening and will work with the County to receive any necessary permits from the PUC.

**B. County Redevelopment Program.** Railroad agrees to work with County to identify Railroad property that is suitable for development or disposition. Railroad agrees to work with County in the implementation of its community development program. Conveyance of property at fair market value will be made under the provisions referenced to in Section 17.

## Section 11. Term

This MOU shall remain in full force and effect until replaced by more specific agreements or until all of the commitments made by Railroad, PCTPA, District, and Jurisdictions are fully accomplished and all assurances have been performed by



both parties.

## **Section 12. Attorney's Fees**

In the event Jurisdictions, District, individual parties, or Railroad is required to retain an attorney to enforce any of the terms of the MOU then the Court, as part of its final judgment, shall award attorney's fees and costs to the prevailing party.

## **Section 13. Advice of Counsel**

Each party to this MOU has been advised by counsel of its choosing, and all parties have cooperated in the preparation of the MOU. It shall be deemed joint work product and may not be construed against either party by reason of its preparation. This MOU supersedes all previous discussions and correspondence between the parties regarding these matters.

## **Section 14. Waiver**

The waiver or failure to enforce any provisions of the MOU shall not operate as a waiver of any future breach.

## **Section 15. Jurisdiction and Venue**

This MOU shall be interpreted in accordance with the laws of the State of California. Venue of any action commenced as a result hereof shall be in the appropriate court of Placer County, California. An action to enforce the term hereof may be maintained by Railroad, PCTPA, District, or one or more members of Jurisdiction, as their interests may appear.

## **Section 16. Operating Memoranda**

The Jurisdictions, PCTPA, District, and Railroad acknowledge that implementation of this MOU will require both a good faith and a close degree of cooperation and on-going working relationships. Details, refinements, and future events may demonstrate the need for technical modifications to implement its general terms. If and when the parties find that such changes or adjustments are necessary, or where there is need to establish the time or manner of a specific thing to be done, they shall effectuate such changes or take such steps in the form of Operating Memoranda specific to the party involved. The parties shall also execute any and all additional documents reasonably required to carry out the purposes of this MOU.

No such Operating Memorandum shall create or constitute an amendment to the general terms of this MOU. Any such change or amendment must be approved by the specific parties involved using the same procedures as for the creation of this document.

## **Section 17. Requirements for Railroad Conveyance of Property**

Property to be conveyed or donated to parties of this MOU must be handled as follows:

**A.** A Member Appraisal Institute (MAI) fee appraisal must be furnished to Railroad by the requesting Jurisdiction for each parcel to be conveyed. The cost of the appraisal will be paid by the requesting party and may be used by Railroad to obtain a donative credit for the property being transferred.

**B.** Jurisdiction must demonstrate a need for the property by defining a proposed use and furnishing a proposed development plan for each conveyance, which will include all tasks to be completed and dates for completion of each task.

**C.** Railroad will have the right to reacquire at no cost all property conveyed at no cost to the parties if significant progress has not been made toward developing the property within five years of conveyance.

**D.** Railroad has the right to retain agreements that do not interfere with proposed surface usage. All other agreements will be terminated or assigned. The Jurisdiction will be responsible for all costs associated with cancellation of leases, purchase of lessee improvements and all removal or relocation costs associated with existing or future leases.



E. Railroad agrees to grant all conveyances free and clear of railroad liens of record.

F. Definition of "Fair Market Value" is as follows: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and assuming: 1) Buyer and seller are typically motivated; 2) Both parties are well informed, are well advised, and each acting in what he considers his own best interest; and 3) A reasonable time is allowed for exposure in the open market.

G. The Property will be conveyed, as is, where is, without any warranties, and subject to all conditions, restrictions, reservations, easements and encumbrances whether recorded or otherwise applicable to the Property. The Purchaser assumes the risk of and agrees to indemnify and hold the Railroad Company harmless, and to defend the Railroad Company against and from any claims, costs, liabilities, expenses (including, without limitation, court costs and attorney fees), or demands of whatsoever nature or source for any defects or environmental problems, latent or obvious, discovered or undiscovered in the Property being conveyed.

H. Providing that the parties agree to sign Railroad's standard right of entry agreement, Railroad agrees to allow the parties of this MOU, or their agents access to all property specified in this MOU to conduct preliminary environmental assessments of the sites. Access will be permitted immediately after the Final Order. This environmental analysis will be completed before any property is conveyed to parties of the MOU by Railroad.

I. Railroad agrees that if any of the sites proposed by conveyance in this MOU has an environmental problem or is unavailable for any other reason, Railroad will work with affected parties to identify an appropriate alternative location. Railroad agrees to convey identified alternative locations as soon as possible within the framework of this MOU.

## Section 18. Notices

Any and all notices, statements, demands, or other communications to be given under this agreement shall be in writing and shall be deemed given when delivered in person, or by certified mail, first class postage prepaid, return receipt required to be following:

Union Pacific Railroad Company  
ATTN: Senior Assistant Vice President -  
Engineering Management  
Room 1030  
1416 Dodge Street  
Omaha, NE 68179

City of Colfax  
ATTN: Gene Albaugh  
City Manager  
PO Box 702  
Colfax, CA 95713

Town of Loomis  
ATTN: Joan Phillipe  
Town Manager  
PO Box 1327  
Loomis, CA 95650

City of Auburn  
ATTN: Paul Ogden  
City Manager  
1225 Lincoln Way  
Auburn, CA 95603

City of Lincoln  
ATTN: Bill Malinen  
City Manager  
1390 First Street  
Lincoln, CA 95648

City of Rocklin  
ATTN: Carlos Urrutia  
City Manager  
PO Box 1138  
Rocklin, CA 95677

City of Roseville  
ATTN: Al Johnson  
City Manager  
311 Vernon Street  
Roseville, CA 95678

Placer County Public Works  
ATTN: Jan Witter  
Acting Director  
11444 B Avenue  
Auburn, CA 95603

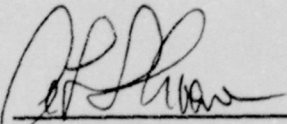
Placer Foothills Cons.  
Fire Protection District  
ATTN: Ron Wright  
CEO/Chief  
11645 Atwood Road  
Auburn, CA 95603

Placer County Transportation Planning Agency  
ATTN: Tim Douglas  
Executive Director  
853 Lincoln Way  
Auburn, CA 95603

## Section 19. Counterparts

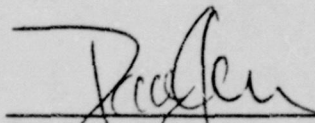
This agreement has been executed in ten (10) original counterparts, one of which shall be retained by each party to the agreement and any one of which can be used as the original.

Executed this 12th day of July, 1996.

A handwritten signature in dark ink, appearing to read 'A. L. Shoener', is written over a horizontal line.

A. L. Shoener  
Executive Vice President - Operations  
Union Pacific Railroad Company

Executed this 12th day of July, 1996.



---

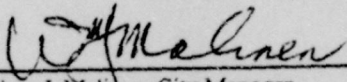
Paul Ogden, City Manager  
City of Auburn



Executed this 12th day of July, 1996.

Gene Albaugh  
Gene Albaugh, City Manager  
City of Colfax

Executed this 12th day of July, 1996.

A handwritten signature in cursive script, appearing to read "W. J. Malinen", written over a horizontal line.

William J. Malinen, City Manager  
City of Lincoln

Executed this 12th day of July, 1996.

Joan L. Phillippe  
Joan Phillippe, Town Manager  
Town of Loomis



Executed this 12th day of July, 1996.

Carlos A. Urrutia

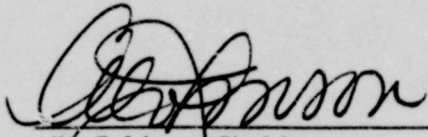
Carlos Urrutia, City Manager  
City of Rocklin

ATTEST:

Sharon

City of Rocklin

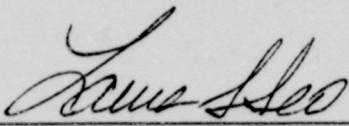
Executed this 12th day of July, 1996.



---

Allen E. Johnson, City Manager  
City of Roseville, a municipal corporation

ATTEST:



---

Laura S. Geo, Assistant City Clerk  
City of Roseville, a municipal corporation

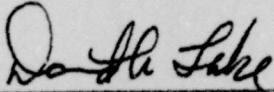
Executed this 12th day of July, 1996.

Subject to Board of Supervisor's ratification.

  
\_\_\_\_\_  
Jan Witter, Acting Director  
Placer County Public Works



Executed this 12th day of July, 1996.



David Lake, Chairman  
Placer Foothills Consolidated Fire Protection District

ATTEST:



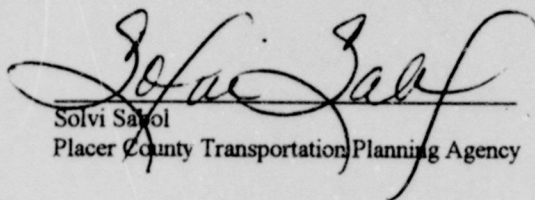
Ron Wright, CEO/Chief  
Placer Foothills Consolidated Fire Protection District

Executed this 12th day of July, 1996.



\_\_\_\_\_  
Tim Douglas, Executive Director  
Placer County Transportation Planning Agency

ATTEST:



\_\_\_\_\_  
Solvi Safo  
Placer County Transportation Planning Agency

## **LIST OF EXHIBITS**

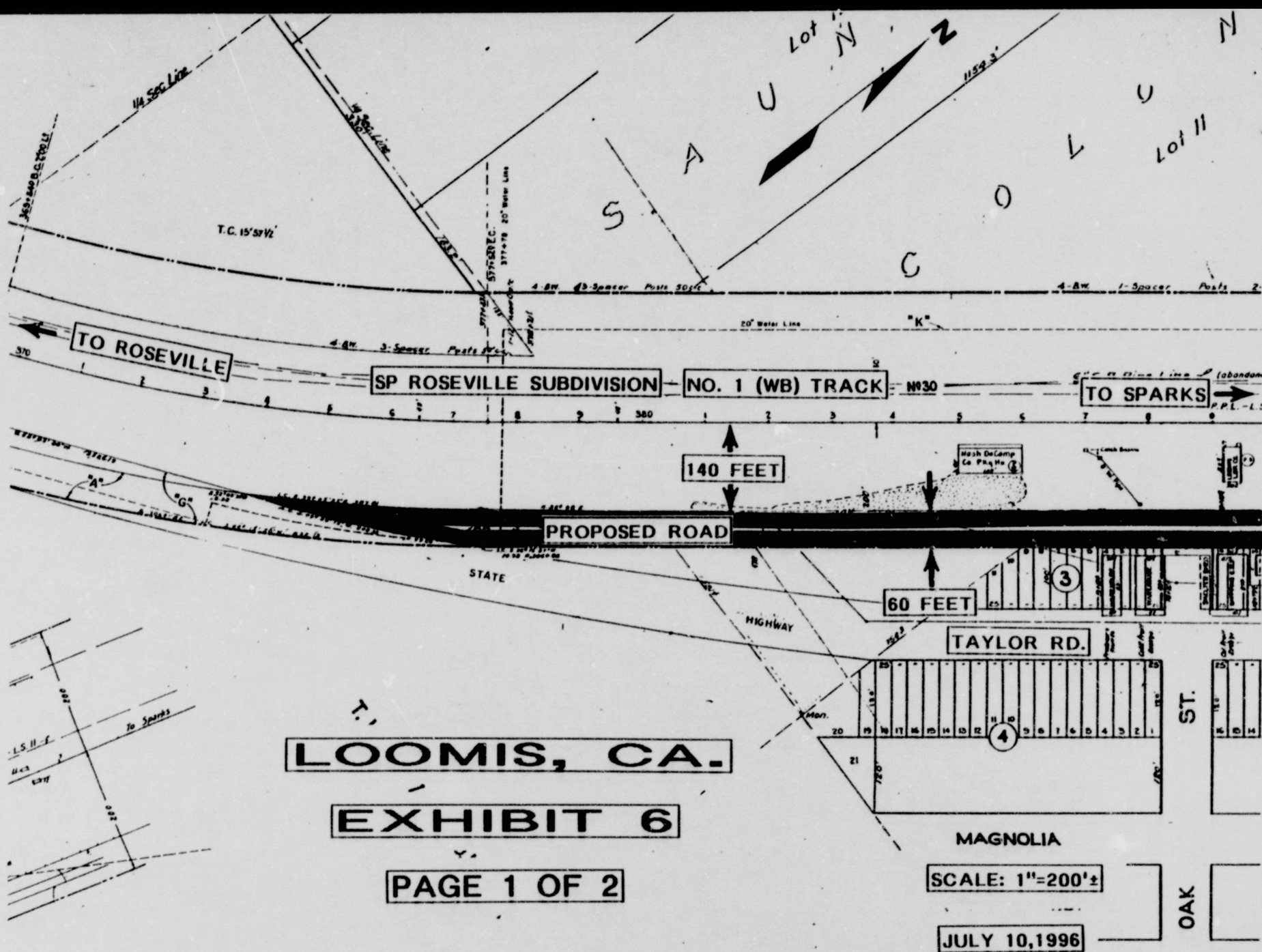
- 1 Placer County-wide Public Road At-Grade Crossings
- 2 Auburn Intercity Rail Station and Parking
- 3 Colfax Intercity Rail Station and Parking
- 4 Lincoln Parkway Overcrossing
- 5 Proposed Lincoln Public Works Yard
- 6 Loomis Road Agreement
- 7 Rocklin Argonaut Avenue Overcrossing
- 8 Rocklin Intercity Rail Station and Parking
- 9 Roseville Intercity Rail Station and Parking
- 10 Proposed Placer Foothills Consolidated Fire District Fire Station Location



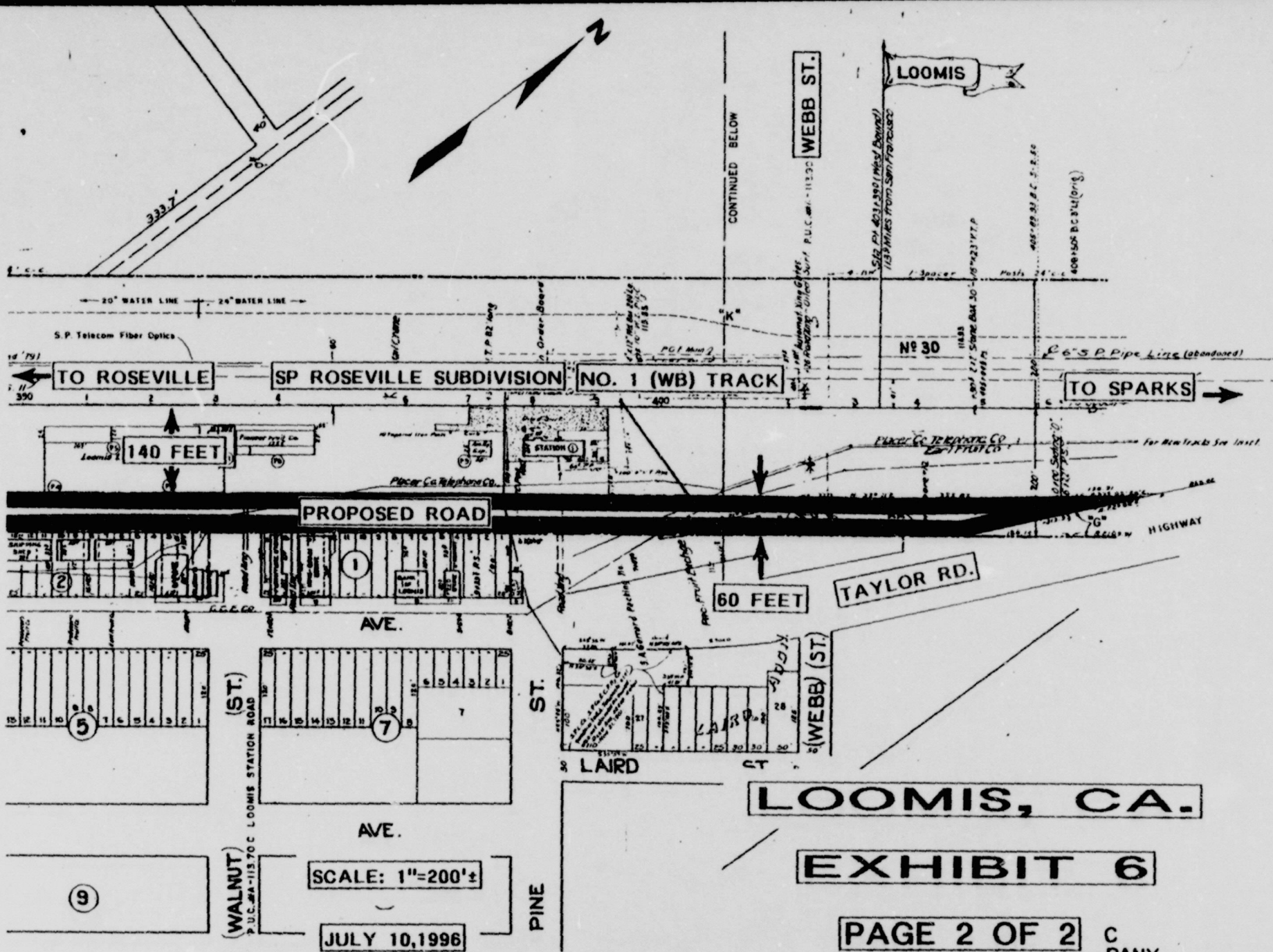
	Location	St. Name	Subdivision	DIR TRK	M.P.	DOT #	Warning Device	Crossing Surface	Lanes	Trks.
1	Roseville	Yosemite St.	Roseville	B,S	106.90	750557T	2 CFG	Asphalt	4	3
2	Roseville	Berry St.	Roseville	B,S	107.20	750558A	2 FG	Asphalt	2	3
3	Rocklin	Farron St.	Roseville	B	110.20	750565K	2 CFG	Concrete	2	2
4	Rocklin	Rocklin Rd.	Roseville	B	110.60	750566S	2 CFG	Concrete	2	2
5	Rocklin	Midas Ave.	Roseville	E	110.90	750568F	2 FG	Concrete	2	1
6	Rocklin	Midas Ave.	Roseville	W	110.90	750569M	2 FG	Concrete	2	1
7	Rocklin	Yankee Hill Rd.	Roseville	W	111.38	750570G	2 XS	Full Plank	1	1
8	Rocklin	Yankee Hill Rd.	Roseville	E	111.57	753194M	2 XS	Full Plank	2	1
9	Rocklin	Pacific St.	Roseville	S	111.70	753809C	2 CFG	Asphalt	2	1
10	Rocklin	Delmar Ave.	Roseville	W	111.90	750572V	2 CFG	Asphalt	4	1
11	Loomis	Sierra Coll. Blvd.	Roseville	W	112.90	750573C	2 CFG 1FG	Asphalt	5	1
12	Loomis	Webb St.	Roseville	W	113.90	750575R	2 FG	Asphalt	2	1
13	Loomis	King Road	Roseville	W	114.00	750576X	2 FG	Asphalt	4	1
14	Penryn	Eng. Colony Way	Roseville	W	116.60	750581U	2 FG	Asphalt	2	1
15	Penryn	Callison Rd.	Roseville	W	117.80	750582B	2 FG	Asphalt	2	1
16	Newcastle	Main St.	Roseville	B	120.20	753203J	2 FG	Asphalt	2	2
17	Auburn	Sacramento St.	Roseville	W	123.20	750584P	2 FG	Concrete	2	1
18	Auburn	Pleasant St.	Roseville	W	123.60	750585W	2 FG	Asphalt	2	1
19	Auburn	Agard St.	Roseville	W	124.00	750586D	2 FG	Asphalt	2	1
20	Auburn	Blocker St.	Roseville	E	124.20	753211B	2 FG	Asphalt	2	1
21	Auburn	Auburn Ravine Rd.	Roseville	W	126.30	750590T	2 FG	Asphalt	2	1
22	Auburn	Luther Rd.	Roseville	W	126.60	750591A	2 FG	Asphalt	2	1
23	Auburn	Chubb Rd.	Roseville	B	129.10	753140G	2 FG	Full Plank	2	2
24	Auburn	Clipper Gap Rd.	Roseville	W	130.90	753141N	2 FG	Asphalt	2	1
25	Placer Co.	Ponderosa Way	Roseville	E	136.80	753221G	2 FG	Headers	2	1
26	Auburn	Paoli Lane	Roseville	W	136.90	753146X	2 FG	Asphalt	2	1
27	Placer Co.	Weimar Cross Rd. E.	Roseville	E	137.50	753225J	2 FG	Asphalt	2	1

F = Flasher  
 G = Gate  
 C = Cantilever  
 X = Crossbucks  
 S = Stop Sign

B = Both Tracks.....  
 S = Side Track.....  
 E = Eastward Track..  
 W = Westward Track







(WEBB) (ST.)

LOOMIS, CA.

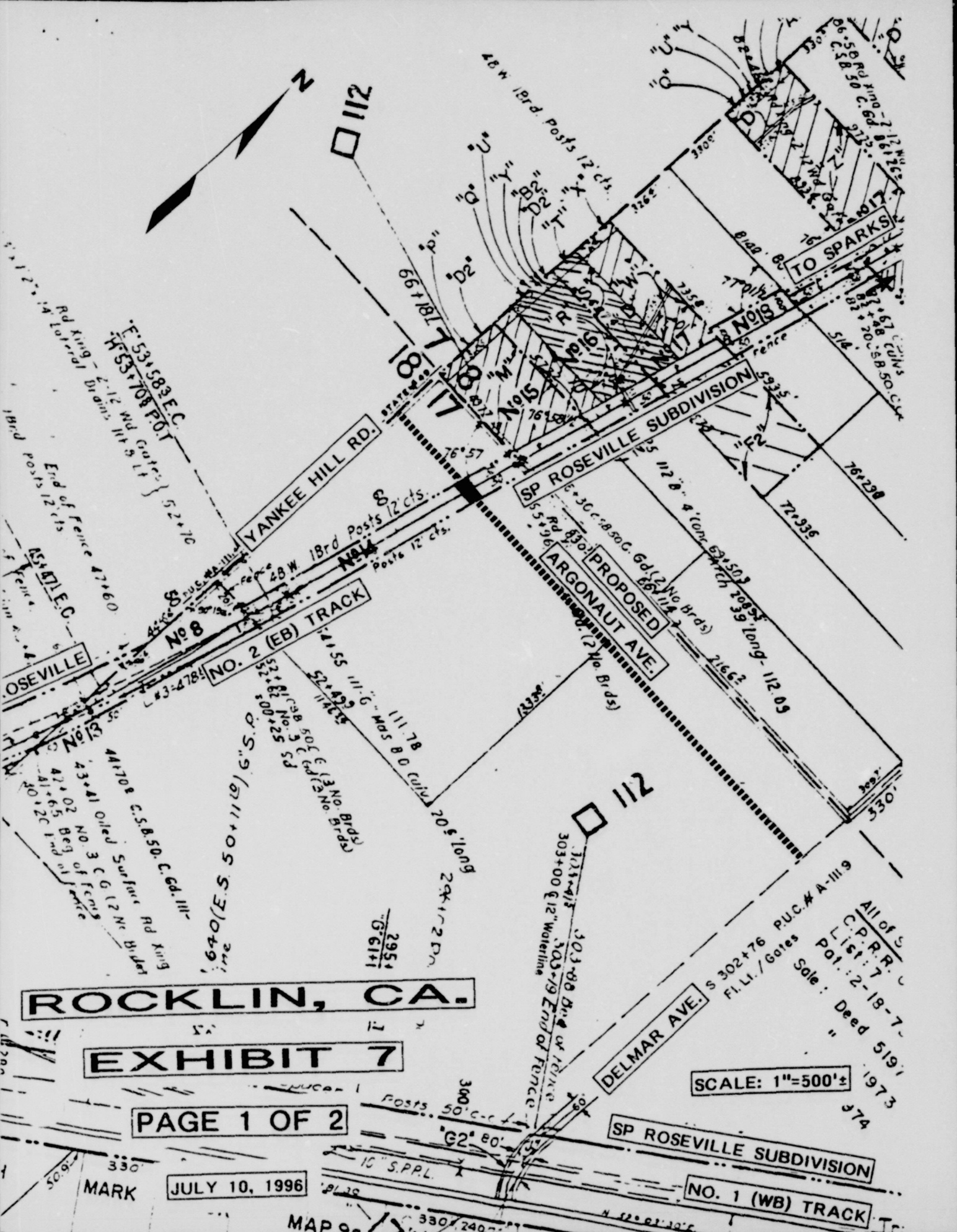
EXHIBIT 6

PAGE 2 OF 2

C  
PANY

STATION MAP





ROCKLIN, CA.

EXHIBIT 7

PAGE 1 OF 2

JULY 10, 1996

SCALE: 1"=500'

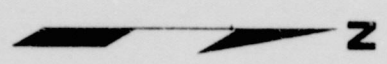
SP ROSEVILLE SUBDIVISION

NO. 1 (WB) TRACK

ALL of S  
C.P.R.R.  
List: 7  
Pat.: 2-18-7  
Sale: Deed 519  
1973  
374  
S 302+76 PUC# A-1119  
Fl. Li. / Gates  
" "

MAP 90

T.C. = 52°18'



Ving Gates ST

1/2 CULV 117.21' ST.

H STREET

TOTAL 1.2 ACRE ±

7TH STREET

BC 3' Lt.

PARCEL 1  
0.8 ACRE ±

PARCEL 2  
0.4 AC. ±

No. 24

No. 22

TO MARYSVILLE

TO ROSEVILLE

SP VALLEY SUBDIVISION

CA. HWY NO. 65

State Highway

ELEV. NARROW

CLAY SHED

(Corr. Iron)

No. 14

HOSE HOUSE

LINCOLN, CALIFORNIA

SCALE: 1"=100'±

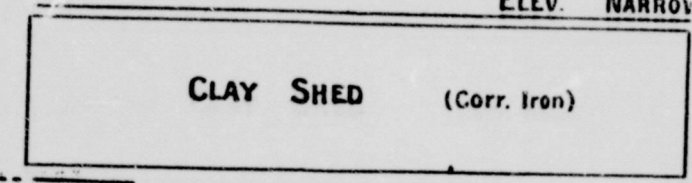
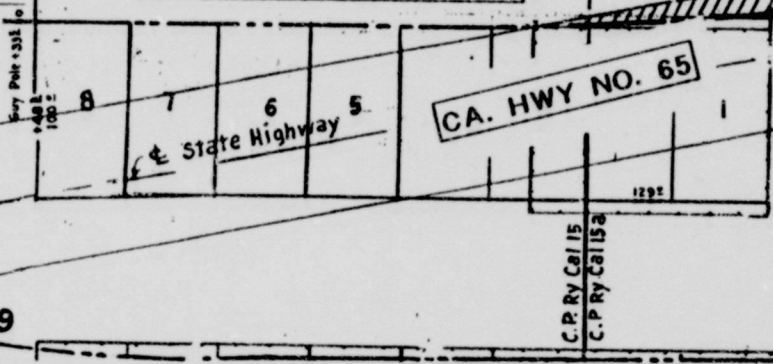
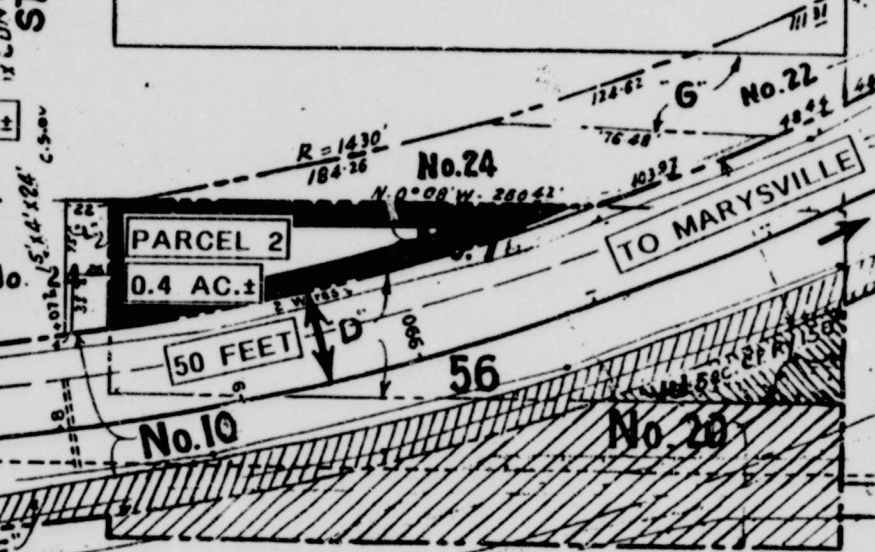
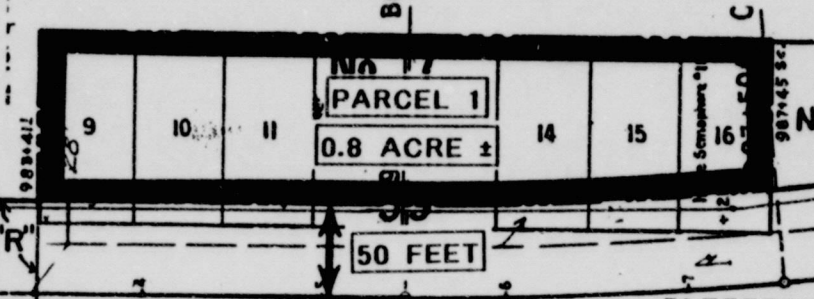
42

EXHIBIT 5

JULY 10, 1996

KILN HOUSE  
(Corr. Iron)

PAGE 1 OF 1





500°22'20"W

1325.18'

N

6.8%

TO ROSEVILLE  
PACIFIC

SP ROSEVILLE SUBDIVISION

NO. 2 (EB) TRACK

TO SPARKS

PARK SITE 3.7± AC.

KATHY CT.

ARGONAUT AVE.

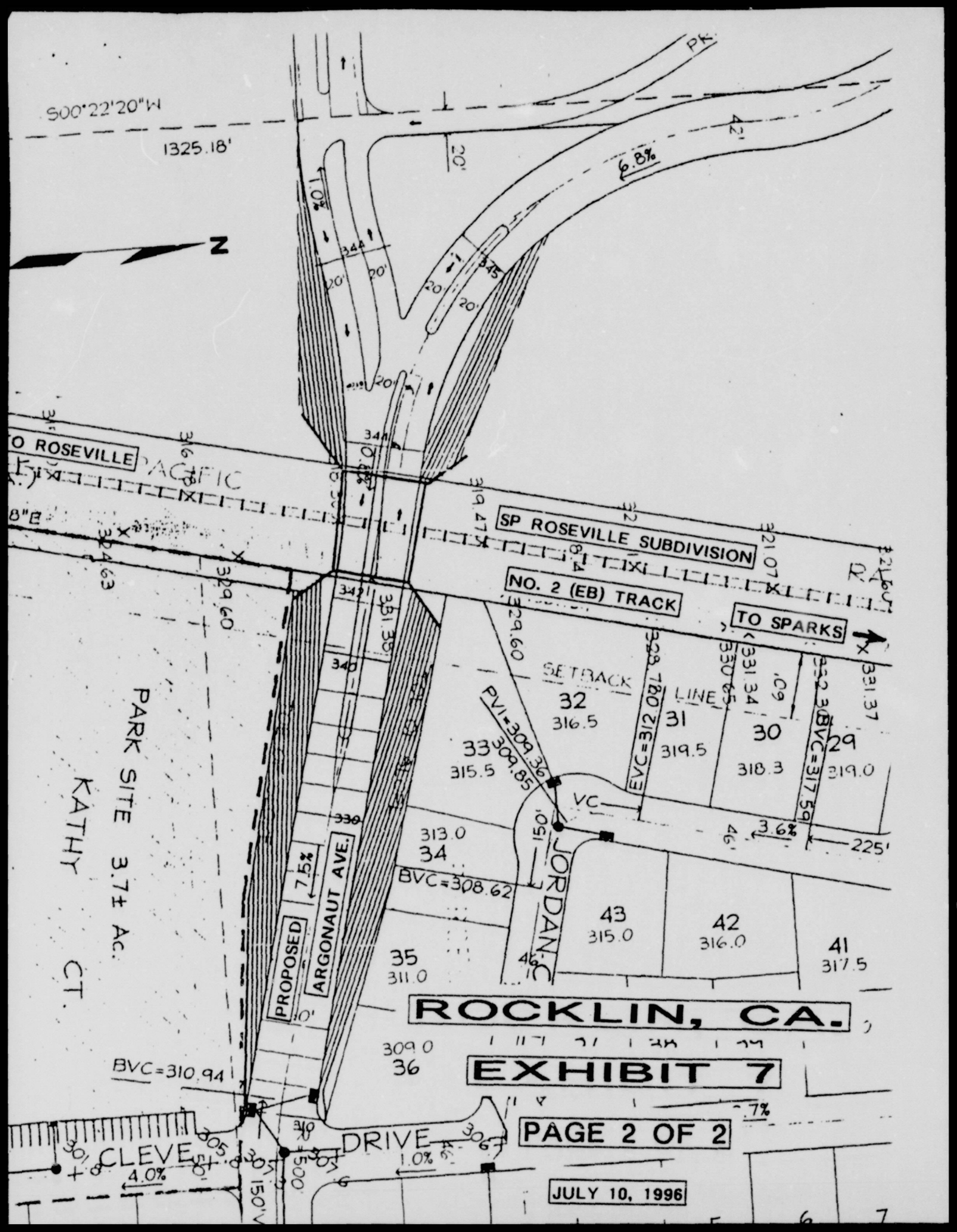
PROPOSED

ROCKLIN, CA.

EXHIBIT 7

PAGE 2 OF 2

JULY 10, 1996





FRONT

T.

N. 29° 30' E.

10.07  
196.53

127.83  
5.20° 30' W.

City Limit Line

6" S.P. Pipe Line (abandoned '79)

TO ROSEVILLE

SP ROSEVILLE SUBDIVISION

TO SPARKS

50 FEET

PROPOSED ROAD 50'±

PARCEL 1

1.5 ACRE±

TOTAL 4.7 ACRE ±

QUARRY ST.

BUSH ST.

ROCKLIN, CA.

EXHIBIT 8

JULY 12, 1996

PAGE 1 OF 3

SCALE: 1"=100'±

ROCKLIN RD.

Rd. Xing. Oil & Gas Surf. +39°

"P"

Winery

King Sign

11+128

110.49  
227+53.5 2x2 Stone Box 73'

222+59-2x2 Stone Box 110.39'

PARK

1/2" Fence 3 1/4" Pipes Posts 6'-0"

50' W.P. 2" Riser

8" W.I.P. 300'

1/2" Chain Fence

M2

M1

M3

M4

M5

M6

M7

M8

M9

M10

M11

M12

M13

M14

M15

M16

M17

M18

M19

M20

M21

M22

M23

M24

M25

M26

M27

M28

M29

M30

M31

M32

M33

M34

M35

M36

M37

M38

M39

M40

M41

M42

M43

M44

M45

M46

M47

M48

M49

M50

M51

M52

M53

M54

M55

M56

M57

M58

M59

M60

M61

M62

M63

M64

M65

M66

M67

M68

M69

M70

M71

M72

M73

M74

M75

M76

M77

M78

M79

M80

M81

M82

M83

M84

M85

M86

M87

M88

M89

M90

M91

M92

M93

M94

M95

M96

M97

M98

M99

M100

M101

M102

M103

M104

M105

M106

M107

M108

M109

M110

M111

M112

M113

M114

M115

M116

M117

M118

M119

M120

M121

M122

M123

M124

M125

M126

M127

M128

M129

M130

M131

M132

M133

M134

M135

M136

M137

M138

M139

M140

M141

M142

M143

M144

M145

M146

M147

M148

M149

M150

M151

M152

M153

M154

M155

M156

M157

M158

M159

M160

M161

M162

M163

M164

M165

M166

M167

M168

M169

M170

M171

M172

M173

M174

M175

M176

M177

M178

M179

M180

M181

M182

M183

M184

M185

M186

M187

M188

M189

M190

M191

M192

M193

M194

M195

M196

M197

M198

M199

M200

M201

M202

M203

M204

M205

M206

M207

M208

M209

M210

M211

M212

M213

M214

M215

M216

M217

M218

M219

M220

M221

M222

M223

M224

M225

M226

M227

M228

M229

M230

M231

M232

M233

M234

M235

M236

M237

M238

M239

M240

M241

M242

M243

M244

M245

M246

M247

M248

M249

M250

M251

M252

M253

M254

M255

M256

M257

M258

M259

M260

M261

M262

M263

M264

M265

M266

M267

M268

M269

M270

M271

M272

M273

M274

M275

M276

M277

M278

M279

M280

M281

M282

M283

M284

M285

M286

M287

M288

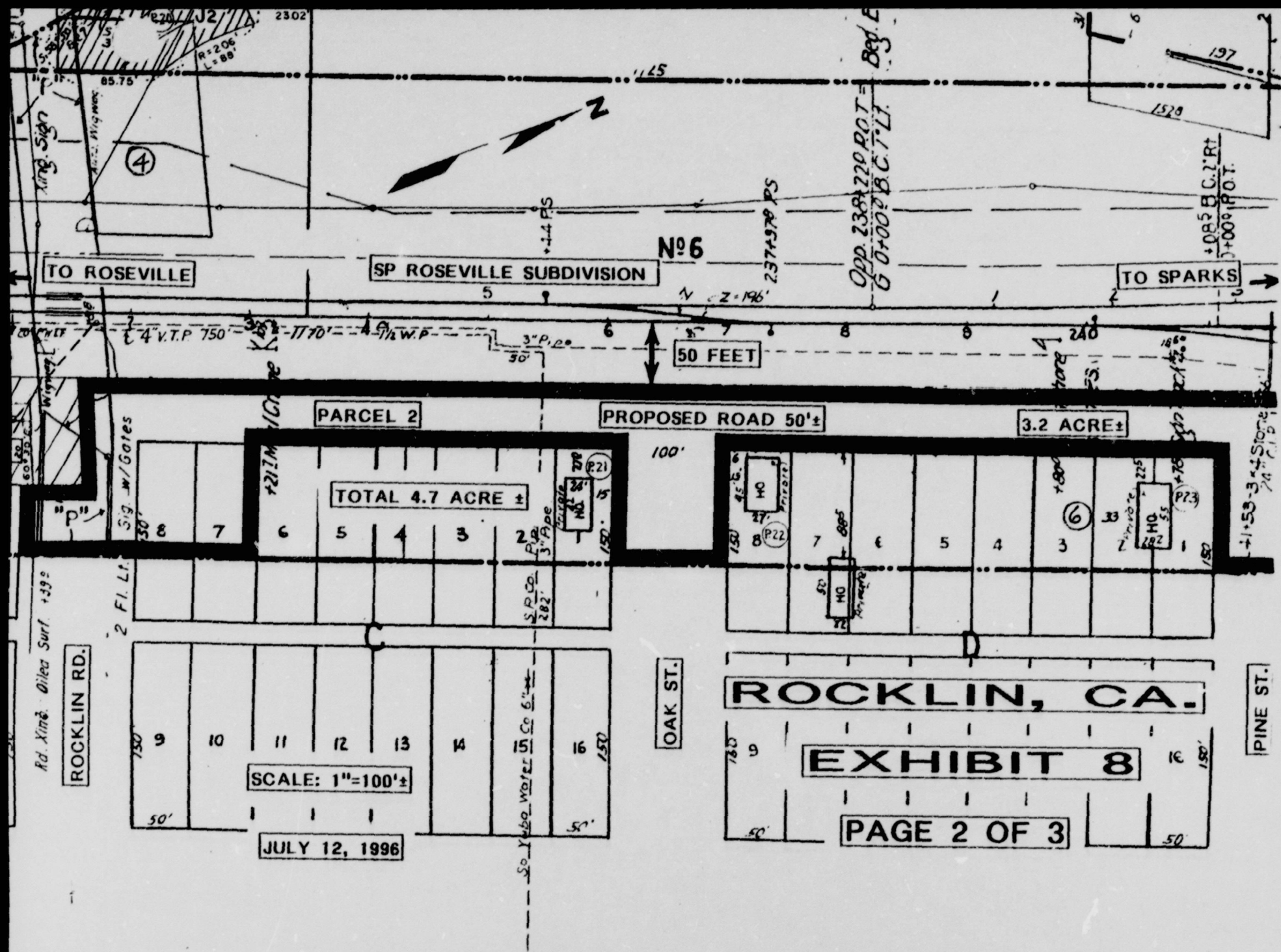
M289

M290

M291

M292

M293



TO ROSEVILLE

SP ROSEVILLE SUBDIVISION

No 6

TO SPARKS

50 FEET

PARCEL 2

PROPOSED ROAD 50'±

3.2 ACRE ±

TOTAL 4.7 ACRE ±

ROCKLIN, CA.

EXHIBIT 8

PAGE 2 OF 3

SCALE: 1"=100'±

JULY 12, 1996

OAK ST.

PINE ST.

ROCKLIN RD.

Rd. Xing. Olive Surf. +39±

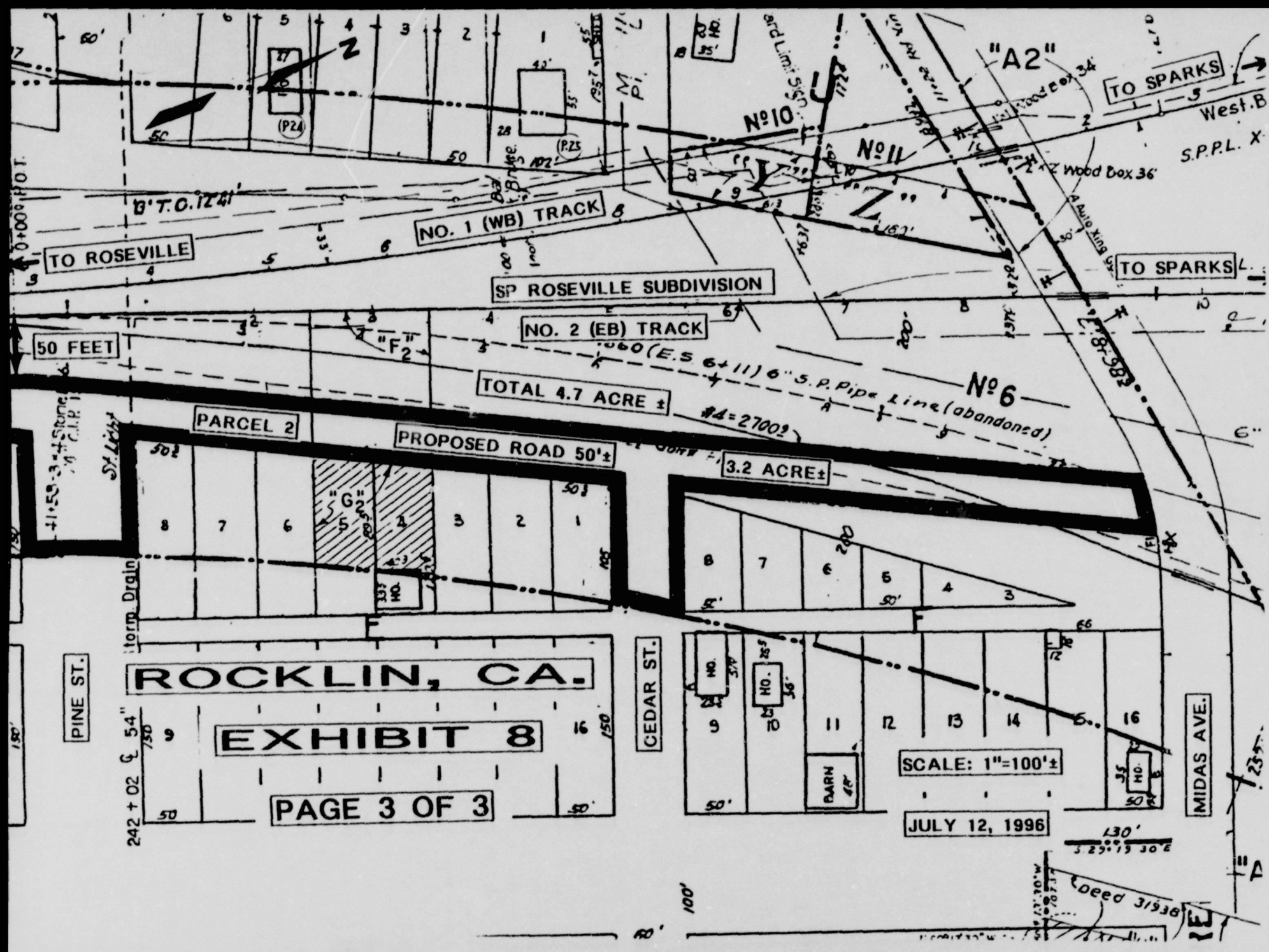
Sig. w/ Gates

So. Yuba Water

Opp. 238+220 P.O.T. = Bed. E.  
G 0+00± B.C. 1.1.

+085 B.C. 2.1 Rt.  
+000± P.O.T.





TO ROSEVILLE

TO SPARKS

West.B  
S.P.P.L. X

NO. 1 (WB) TRACK

SP ROSEVILLE SUBDIVISION

NO. 2 (EB) TRACK

TOTAL 4.7 ACRE ±

PROPOSED ROAD 50'±

3.2 ACRE ±

PARCEL 2

ROCKLIN, CA.

EXHIBIT 8

PAGE 3 OF 3

SCALE: 1"=100'±

JULY 12, 1996

MIDAS AVE.

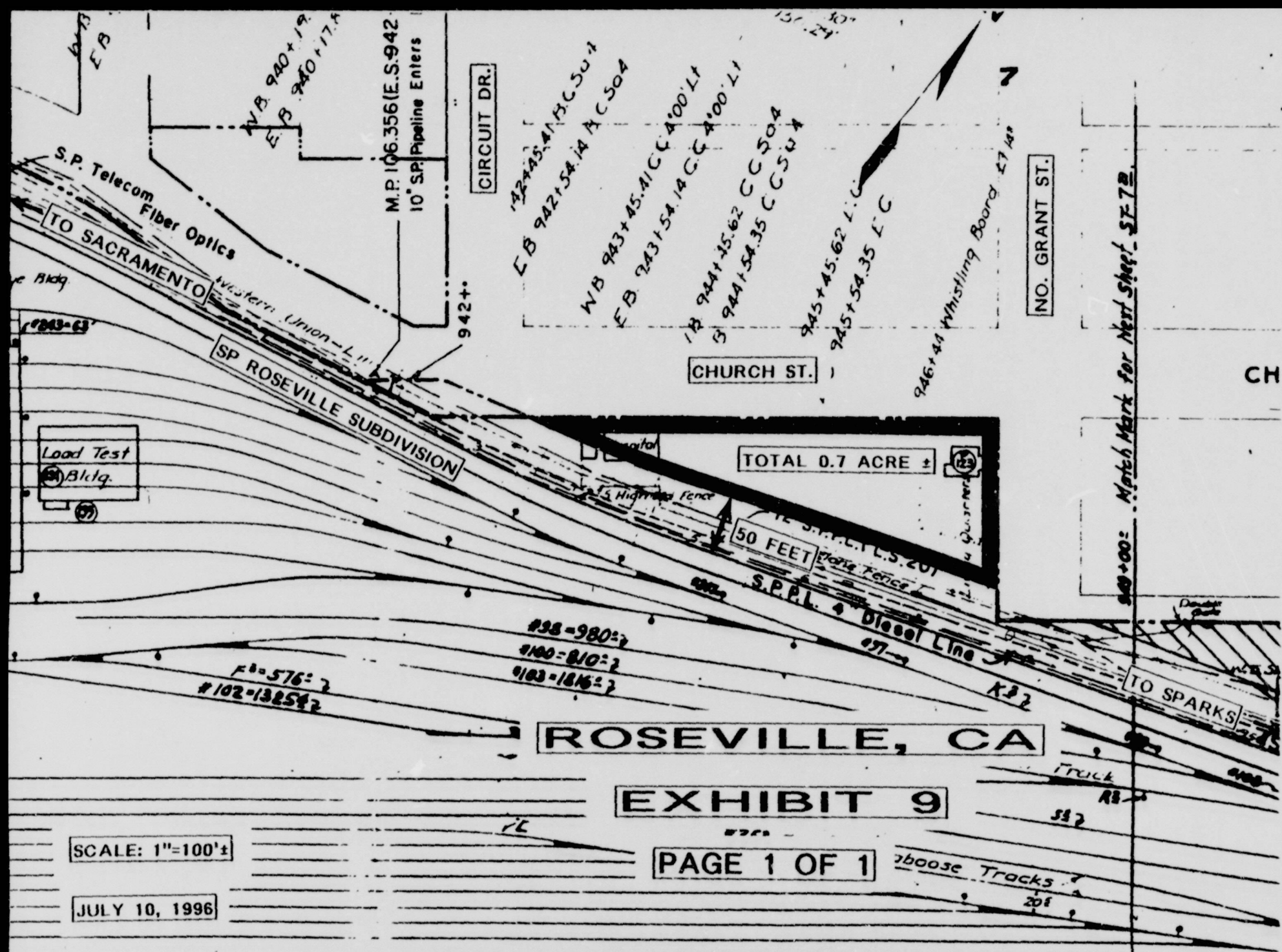
CEDAR ST.

PINE ST.

130'  
S 29° 15' 30" E

Lead 3/938





**PLACER COUNTY, CA**

**EXHIBIT 10**

**PAGE 1 OF 1**

S. P. Pipe  
TOTAL 1.5 ACRE ±

SCALE: 1"=100'±

**JULY 10, 1996**

7.7A HWY. DECK

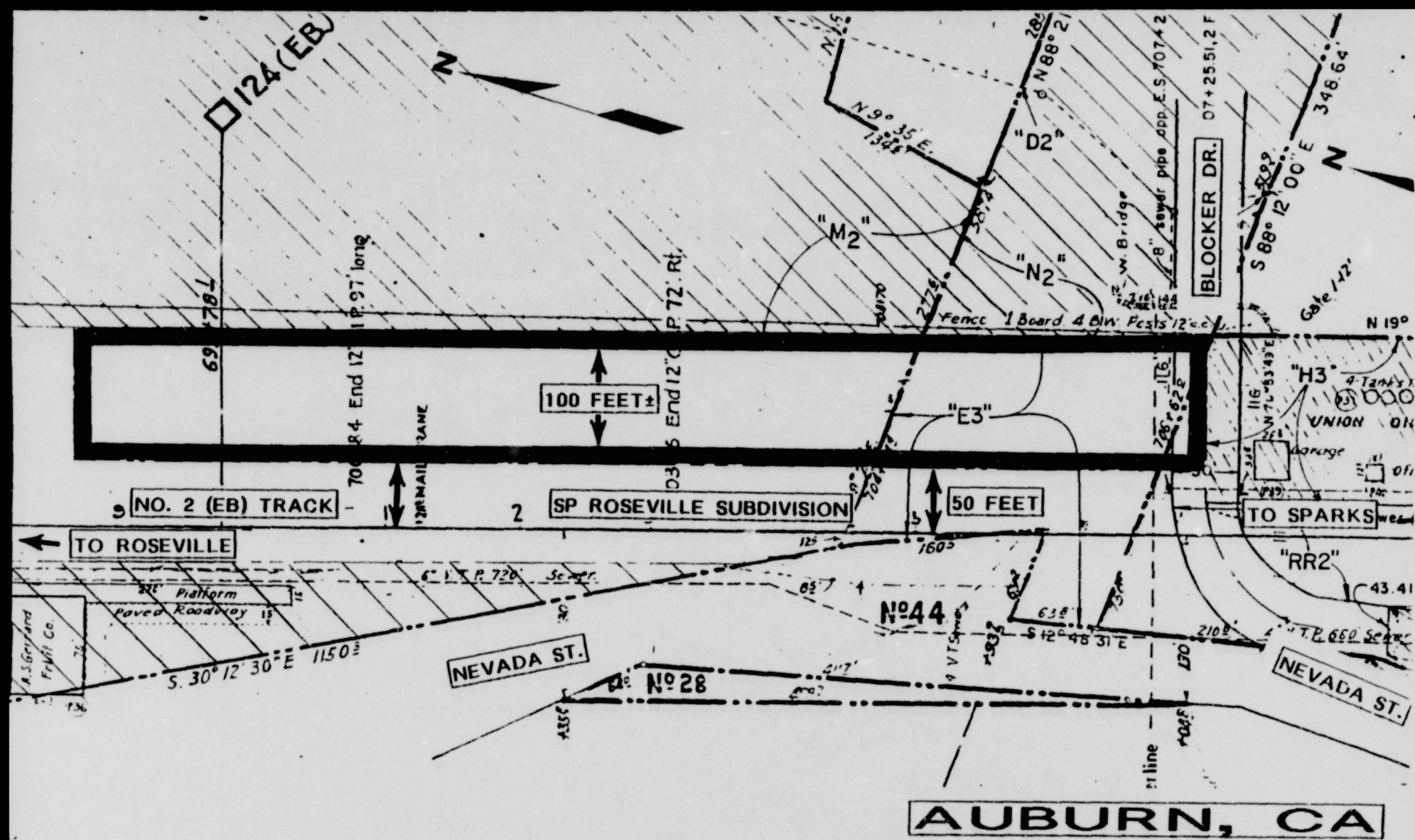


	Location	St. Name	Subdivisor	DIR TRK	M.P.	DOT #	Warning Device	Crossing Surface	Lanes	Trks.
28	Placer Co.	Weimer Cross Rd.	Roseville	W	137.50	753148L	2 CFG	Asphalt	2	1
29	Placer Co.	Mt. Howell Rd.	Roseville	W	139.30	753149T	2 FG	Concrete	2	1
30	Colfax	Grass Valley St.	Roseville	B	141.90	753151U	2 CFG	Concrete	2	2
31	Colfax	Dinkey St.	Roseville	B	142.34	753152B	2 XS	Asphalt	2	2
32	Colfax	Carpenter Rd.	Roseville	B	143.70	753154P	2 FG	Asphalt	2	2
33	Cape Horn	Cape Horn Road	Roseville	B	146.10	753156D	2 FG	Asphalt	2	2
34	Gold Run	Gold Run - Lake Alta	Roseville	B,S	152.20	753162G	2 FG	Headers	2	3
35	Gold Run	Lincoln Road	Roseville	B	153.70	753163N	1 CFG 1FG	Headers	2	2
36	Gold Run	Sacramento Road	Roseville	B	154.00	753164V	2 FG	Headers	2	2
37	Gold Run	Main St.	Roseville	B	155.70	753165C	2 FG	Headers	2	2
38	Gold Run	Alta-Bonnie Nook Rd.	Roseville	B	156.00	753166J	2 FG	Headers	2	2
39	Casa Loma	Towle Rd.	Roseville	B	157.14	753167R	2 XS	Full Plank	2	2
40	Casa Loma	Casa Loma Rd.	Roseville	B	157.32	753170Y	2 XS	Headers	2	2
41	Placer Co.	Raw Hide Rd.	Roseville	B	158.74	753171F	2 XS	Headers	2	2
42	Blue Canyon	Blue Canyon Rd.	Roseville	B	166.50	753173U	2 FG	Headers	2	2
43	Emigrant Gap	Lost Camp Mine Rd.	Roseville	B	167.30	753174B	2 XS	Headers	2	2
44	Placer Co.	Old Donner Summit Rd.	Roseville	E	193.00	753180E	???	Full Plank	2	1
45	Placer Co.	Athens Road	Valley	B	113.20	753232U	2 FG	Asphalt	2	1
46	Lincoln	Moore Road	Valley	B	116.30	753235P	2 FG	Asphalt	2	1
47	Lincoln	First St.	Valley	B	116.60	753236W	2 CFG	Asphalt	2	1
48	Lincoln	Third St.	Valley	B	116.70	753237D	2 CFG	Asphalt	2	1
49	Lincoln	Fifth St.	Valley	B	116.90	753238K	2 CFG	Asphalt	2	1
50	Lincoln	Sixth St.	Valley	B	117.00	753239S	2 FG	Asphalt	2	1
51	Lincoln	Seventh St.	Valley	B	117.10	753242A	2 CFG	Asphalt	2	1
52	Placer Co.	Wise Road	Valley	B	120.40	753246C	2 FG	Asphalt	2	1
53	Placer Co.	Chamberlain Rd.	Valley	B,S	121.00	753247J	1 CFG 1FG	Asphalt	2	2
54	Sheridan	State Rte. 65	Valley	B	124.80	753250S	2 CFG	Asphalt	4	1

F = Flasher  
 G = Gate  
 C = Cantilever  
 X = Crossbucks  
 S = Stop Sign

B = Both Tracks.....  
 S = Side Track.....  
 E = Eastward Track..  
 W = Westward Track





SCALE: 1"=100' ±

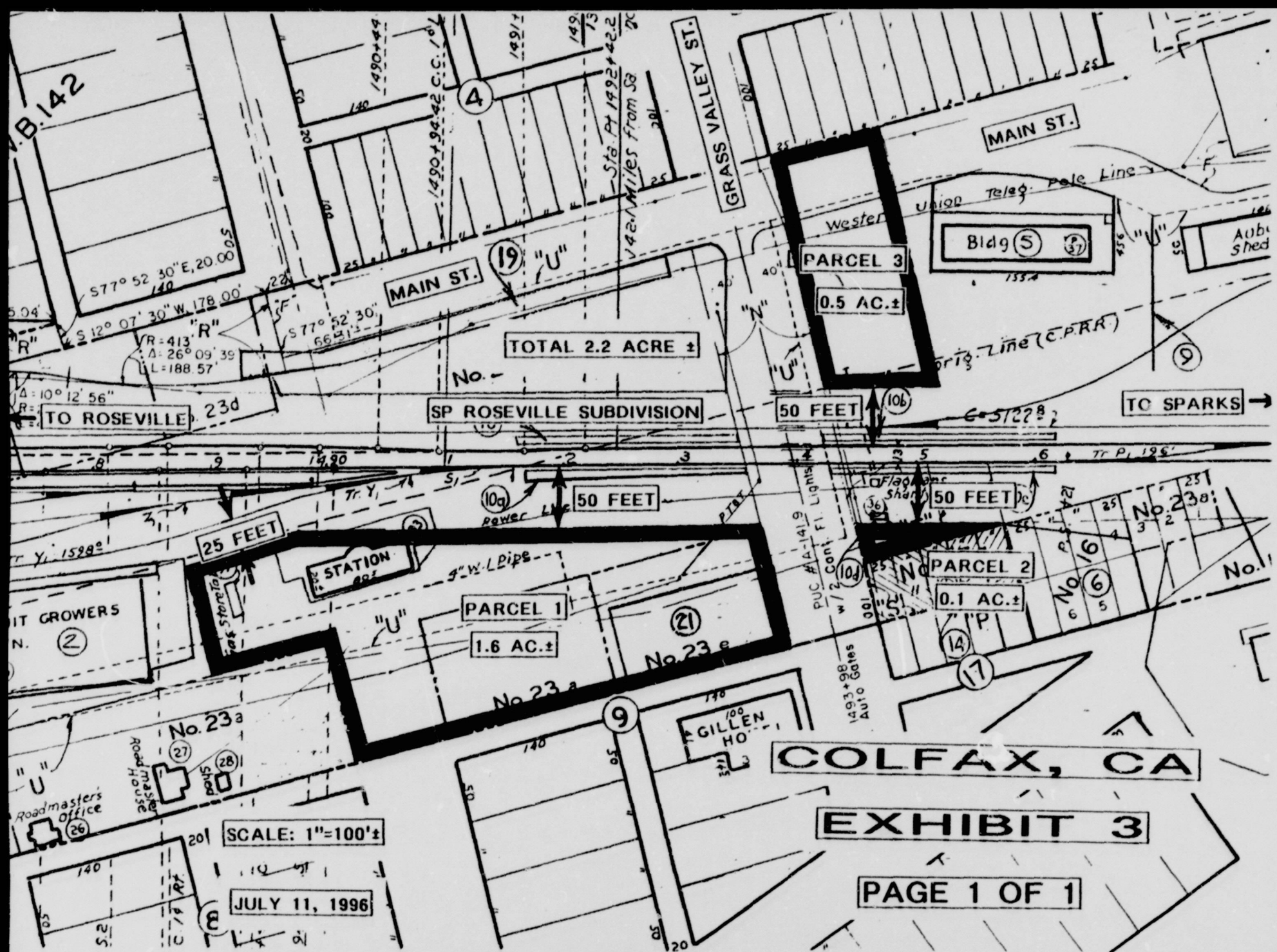
JULY 10, 1996

AUBURN, CA

EXHIBIT 2

PAGE 1 OF 1

706



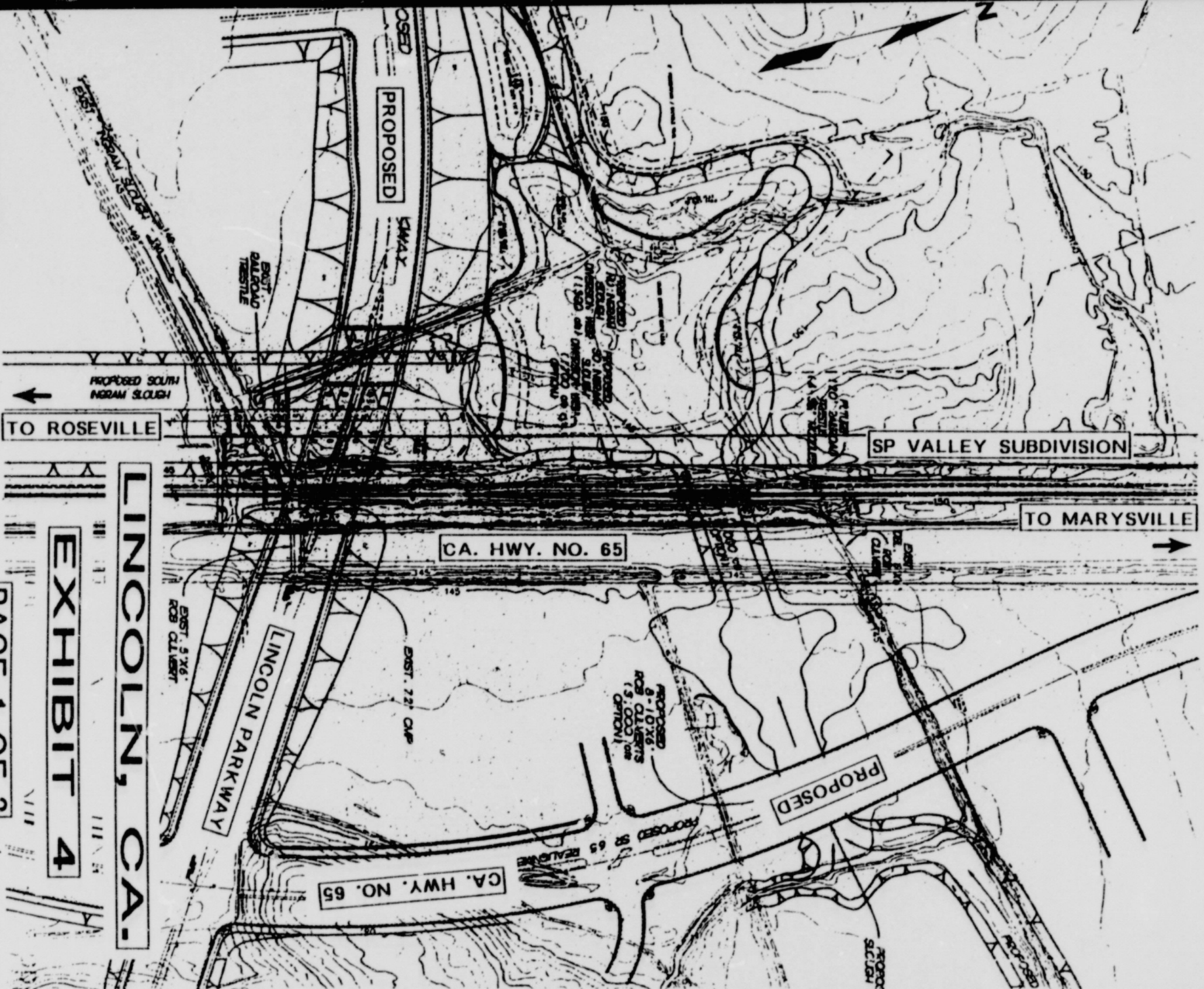


JULY 10, 1996

PAGE 1 OF 3

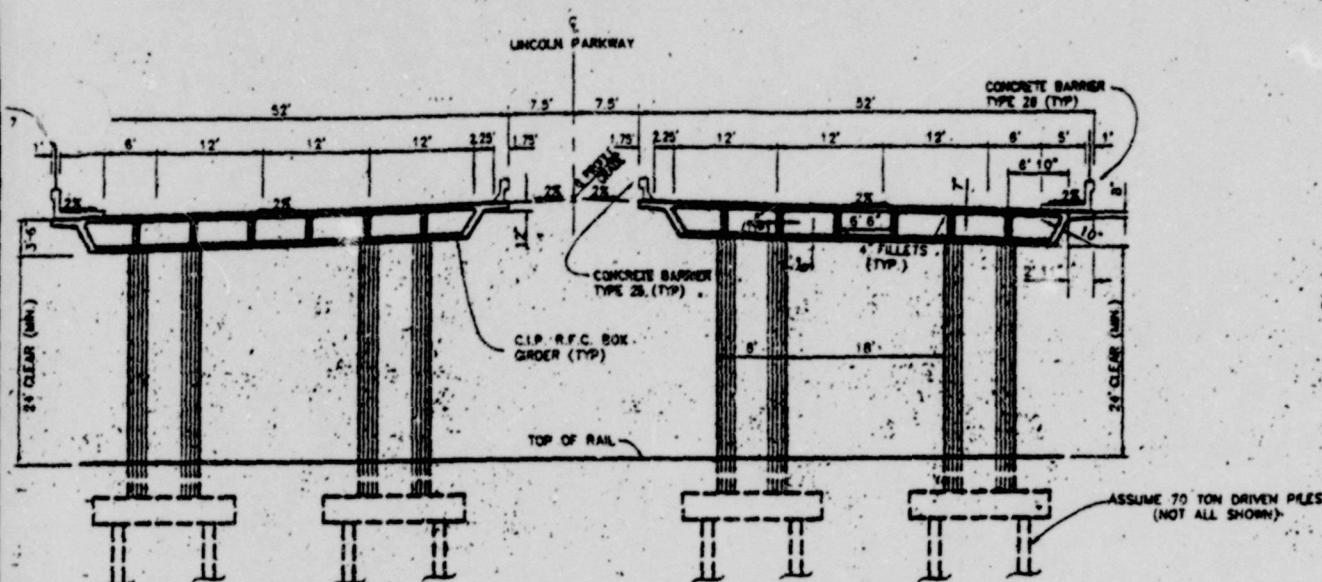
EXHIBIT 4

LINCOLN, CA.



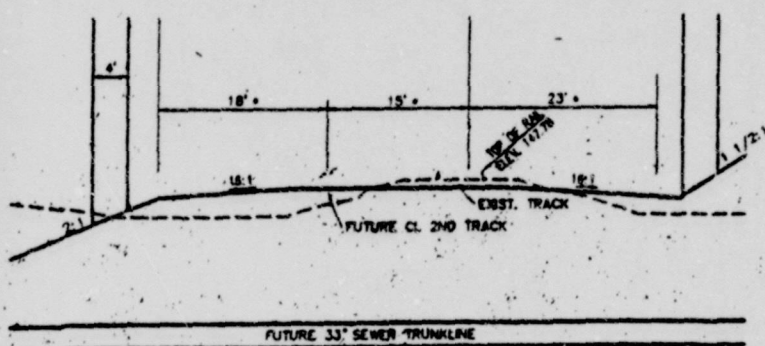






### TYPICAL SECTION

1" = 10'



### ELEVATION • S.P.T.Co. TRACKS

N.T.S.

MAY 17 1988

PRELIMINARY  
DRAFT TO CHAIRMAN

#### NOTE:

1. TWO BRIDGE ALTERNATIVES SHOWN:  
A. INTERMEDIATE BRIDGE @ 287' LENGTH  
B. LONG BRIDGE @ 366' LENGTH
2. PROFILE GRADE ALLOWS FOR 2'-0" FALSEWORK DEPTH WITH 22'-6" MIN. VERTICAL CLEARANCE TO FALSEWORK
3. (C) ON PLAN VIEW DENOTES POINT OF MINIMUM VERTICAL CLEARANCE
4. LOCATION IS APPROX. RR MP 115.7
5. RTE. 68 TO BE RELOCATED 585' TO THE EAST.
6. COLLISION WALLS TO BE CONSTRUCTED AT TWO BENTS ADJACENT TO TRACKS.

LINCOLN, CA.

EXHIBIT 4

JULY 10, 1996

PAGE 3 OF 3

STB

FD

32760

7-17-96

K

84841



84846

7/16/96 3:39:27 PM



PLACER COUNTY  
TRANSPORTATION  
PLANNING AGENCY

RECEIVED  
OFFICE OF ECONOMICS  
DIRECTOR'S OFFICE

JUL 16 3 14 PM '96

RECEIVED  
SURFACE TRANSPORTATION  
BOARD

G.C. TAYLOR  
City of Auburn  
WARREN WEGNER  
City of Colfax  
LARRY COSTA  
City of Lincoln  
MIKE BOBERG  
Town of Loomis  
KATHY LUND  
City of Rocklin  
CLAUDIA GAMAR  
City of Roseville  
RONALD LICHAU  
BILL SANTUCCI  
Place: County  
CINDY GUSTAFSON-SHAW  
Citizen Representative  
TIM DOUGLAS  
Executive Director

July 16, 1996

Elaine Kaiser, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1201 Constitution Avenue, NW, Room 3219  
Washington, DC 20423

FD 32260

RECEIVED  
SURFACE TRANSPORTATION  
BOARD  
JUL 16 4 26 PM '96  
OFFICE OF SECRETARY

Dear Elaine:

As indicated in our letter of June 5, 1996, we are notifying you that the Placer County Transportation Planning Agency, all jurisdictions in Placer County and the Placer Foothills Consolidated Fire District have executed a Memorandum of Understanding with Union Pacific Railroad that mitigates to our satisfaction the impacts of increased rail traffic on both the valley and Roseville lines. Bill Wimmer of Union Pacific has agreed to provide you with a copy of this agreement.

Thank you for your assistance in facilitating this process. If you have any questions about the agreement, please contact me at 916/823-4030.

Sincerely,

Tim Douglas  
Executive Director

TD/ss

**ENVIRONMENTAL DOCUMENT**

Item No. \_\_\_\_\_

Page Count 2

July 1996 # 22

**PLACER COUNTY TRANSPORTATION PLANNING AGENCY****853 Lincoln Way Suite 109****Auburn, CA 95603****Phone (916) 823-4030****Fax (916) 823-4036****FAX COVER SHEET****TO:** Elaine Kausier **FAX** \_\_\_\_\_**DATE** 7-16-96**FROM:** Solri for Tim Douglas**NUMBER OF PAGES (including cover page)** 2**MESSAGE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TO FACSIMILE RECEIVER:** If you do not receive the total number of pages indicated above, please contact our office as soon as possible.

STB

FD

32760

7-16-96

K

84846



84799

LAW OFFICES  
 MCCARTHY, SWEENEY & HARKAWAY, P. C.  
 1750 PENNSYLVANIA AVE., N. W.  
 WASHINGTON, D. C. 20006  
 TELEPHONE (202) 393-5710  
 TELECOPIER (202) 393-5721

ENTERED  
 Office of the Secretary

JUL 16 1996

5 Part of  
 Public Record  
 ANDREW C. GOLDSTEIN  
 Counsel

DOUGLAS M. CANTER  
 JOHN M. CUTLER, JR.  
 WILLIAM I. HARKAWAY  
 STEVEN J. KALISH  
 KATHLEEN L. MAZURE  
 HARVEY L. REITER  
 DANIEL J. SWEENEY

July 16, 1996



Honorable Linda J. Morgan, Chair  
 Honorable J.J. Simmons III, Vice Chair  
 Honorable Gus A. Owen, Commissioner  
 Surface Transportation Board  
 Washington, D.C. 20423-0001

Re: Finance Docket No. 32760  
 Union Pacific Corporation -- Control and Merger --  
 Southern Pacific Rail Corporation

Dear Chair Morgan, Vice Chair Simmons, and Commissioner Owen:

The City of Wichita and Sedgwick County wish to thank the Board for its July 3, 1996 vote to clarify the Post Environmental Assessment to ensure that the mitigation plan developed in the environmental study mandated in Chapter 5, Paragraph 23c will not govern UP/SP actions until it has been reviewed by the Board and until the Board issues a subsequent decision.

Since all parties would best be served by focusing on the study rather than filing, responding to, and ruling on formal requests for clarification of the Board's order to be issued on or about August 12th, we are taking the liberty of recommending additional clarifications for inclusion in the order. We emphasize our belief that the four clarifications we propose are consistent with the Board's intent and do not require any modification to the Board's July 3rd votes. Of course, we do not pretend to speak for the applicants and thus are sending Mr. Roach a copy of this letter via facsimile to give the applicants every opportunity to respond, should they feel a need to do so. We also are sending a copy of this letter via facsimile to counsel for Reno because of its interest in the environmental study.

### Recommended Clarifications

#### I. The Geographic Scope Of The Study

The PEA's mitigation recommendations found in Volume I, pages 5-6 to 5-7, are under the heading "Chickasha, Oklahoma to Wichita, Kansas." This describes one of the two UP line segments of concern to Wichita and Sedgwick County and includes most of Wichita and the southern portions of Sedgwick County. The

ENVIRONMENTAL MATERIALS

Item No.

Page Count

4  
 July 1996 #19

remainder of Wichita and Sedgwick County are contemplated by a second UP line segment, i.e., Lost Springs, Kansas to Wichita.

Since the evidence of record in this proceeding addresses the environmental impacts of the merger on the entirety of Wichita and Sedgwick County, and since the PEA clearly requires the environmental study to review all of the information presented by Wichita and Sedgwick County, we believe that the PEA's reference to only one of the two line segments was an inadvertent error.

We request that the Board's order clarify that the Board's consultant will be studying and preparing a report on the environmental impacts of the merger on the entirety of Wichita and the entirety of Sedgwick County.

## II. The Daily Train Count

Paragraph 23a provides that, effective with the consummation of the merger and for 18 calendar months thereafter, the "UP/SP shall operate no more than a daily average count of 6.4 trains per day through the City of Wichita." This paragraph also states that the allowed addition of two trains per day "essentially maintains the environmental status quo" and defines certain types of trains that will not be included in the 6.4 per day figure.

Paragraph 23b requires the UP/SP to file with the Board verified copies of station passing reports "for each day of each preceding month in the specified 18-month period."

While Wichita is genuinely concerned that a 45% increase in the average daily train count, from 4.4 to 6.4, will not maintain the environmental status quo, we request only that the Board clarify the the mitigation measures it has adopted to ensure that the PEA's "average count" language is not abused.

Simply stated, our concern is that since the UP may take some time to rehabilitate its track to permit increased traffic of the type proposed, it may maintain the current daily train levels for some period of the 18 months, then dramatically increase the train levels at the end of the 18 months, and still claim obedience to the mitigation condition because the "average" for the 18 months is still "only" 6.4 trains per day.

In order to prevent such an unintended result, we request that the Board's order clarify that the 6.4 per day average figure must be maintained for each of the 18 months. That is, while daily traffic figures may vary, each monthly report to be submitted under Paragraph 23b should reflect no more than a 6.4 train per day average. Wichita and Sedgwick County also would appreciate a clarification requiring the UP to serve a copy of



its monthly reports on the City and County's representative at the same time they are filed with the Board.

### III. The Timing Of The Study

As noted above, Paragraph 23a requires the UP/SP to limit its average daily train count for a period of 18 months. Paragraph 23c similarly provides that the environmental study shall be completed within 18 months.

Since the Board has voted to review the consultant's study and to issue an order concerning that study, Wichita and Sedgwick County are concerned that if the study extends for the full 18 months allowed, some time may elapse between the termination of the average daily train count requirement and the date of the issuance of the Board's decision on the study.

This concern is premised in part upon our assumption that once the study is issued, interested parties will be given a reasonable amount of time to review the study and to submit comments on the study to the Board. Thereafter, additional time also will be required for the Board to consider the study and the submitted comments and to issue its order.

Accordingly, we request that the Board clarify the PEA in one of two alternative ways. Our preference would be a clarification that the Board will issue its decision within the 18 month period. Such a clarification would permit the study to be comprehensive and would prevent a dramatic increase in daily train counts prior to the issuance of the Board's decision. Alternatively, we request that the Board clarify that the daily train count limitation will continue until the Board has issued its order.

### IV. Cost Sharing Issues

At the July 3rd voting conference, the Board clarified the PEA's mitigation proposals to require the environmental study to consider the possibility of entities other than the UP paying for a portion of the mitigation that may be mandated by the Board's post environmental study order. While Wichita and Sedgwick County obviously are concerned that they may be called upon to pay for a portion of the expenses necessitated by the merger of two railroads, we will leave that debate for another day. Rather, we seek only a clarification that the study contemplate the availability of any Federal funding proposed for any project. In an era in which all parties recognize the limited resources of the Federal Government, it would not be in any party's interest for the Board to receive a report recommending the expenditure of



Federal funds that simply are not available for the purpose desired.

Respectfully submitted,



Steven J. Kalish

Attorney for  
City of Wichita, Kansas  
Sedgwick County, Kansas

G:\steve\clar.fat

STB

FD

32760

7-16-96

K

84845



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

94845  
RECEIVED  
GENERAL ELECTRONICS  
DIRECTOR'S OFFICE

JUL 16 4 27 PM '96

RECEIVED  
SURFACE TRANSPORTATION  
BOARD

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

JUL 12 1996  
ENVIRONMENTAL DOCUMENT  
FD 32760

Elaine K. Kaiser, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1201 Constitution Avenue, NW  
Room 3219  
Washington, DC 20423

Dear Ms. Kaiser:

The purpose of this letter is to comment on the Post Environmental Assessment for the Union Pacific Railroad Company merger with the Southern Pacific Rail Corporation. While the Environmental Protection Agency (EPA) generally does not comment on environmental assessments (EAs), the size of the potentially affected environment and the level of concern raised by this EA, first issued in April 1996, led EPA staff to meet with staff from the Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) staff on May 21, 1996, and agree to provide comments on the subsequent (Post) EA. These comments are provided in accordance with the National Environmental Policy Act and Section 309 of the Clean Air Act.

It was the understanding of the EPA staff at the May meeting with the SEA staff that the Post EA would be issued on or around June 10; EPA would have had 14 days to review the document and submit comments to the STB, well before the July 3 voting conference. The document was not released until June 24 and distribution to EPA's six regional offices responsible for reviewing the document took up to one week beyond that date. This effectively precluded EPA from commenting in a timely manner before the Board met on July 3. Despite this lapse in the understanding between our two staffs, EPA wishes to comment for the benefit of the Board and the affected public. It is our hope that future mergers better integrate environmental concerns and the EPA into the STB's process.

On the basis of our review, EPA believes that the original EA and the Post EA lack information needed to fully assess the

Item No. \_\_\_\_\_

Page Count 6

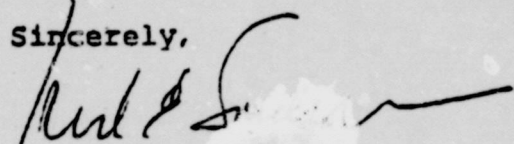
July 1996 #23



potential impact to the environment from the merger. The enclosed technical comments are meant to highlight areas in need of clarification, particularly with regard to the ongoing air quality analyses for Wichita and Reno agreed to at the Board's voting conference.

If you have any questions regarding these comments please have your staff contact Pat Haman of my staff at 202-564-7152.

Sincerely,



Richard E. Anderson  
Director  
Office of Federal Activities

Enclosure

## Technical Comments

### Air

The EA only lists nonattainment and attainment areas. There are actually three general area classifications with respect to air quality: nonattainment, maintenance, and attainment. It is very important to identify correctly maintenance areas. These areas were originally designated as nonattainment and have since attained the air quality standard; however, they operate under a federally approved maintenance plan. These plans generally include some sort of analysis which indicates a level at which air emissions must be maintained in order for the area to remain in attainment. It is important that these areas be recognized as maintenance areas in the EA to prevent their air quality concerns from being overlooked.

The EA estimates air emissions for each of the criteria pollutants. Ozone, one of the criteria pollutants, is formed by a reaction between VOCs (volatile organic compounds) and  $\text{NO}_x$  (oxides of nitrogen). Though the EA gives emission estimates for another criteria pollutant,  $\text{NO}_2$  (nitrogen dioxide), it does not estimate  $\text{NO}_x$  emissions. In fact, the document seems to use the terms  $\text{NO}_2$  and  $\text{NO}_x$  interchangeably, making it difficult for the public and the STB decision makers to fully understand the potential impacts from the merger. It is very important to document emissions of both VOCs and  $\text{NO}_x$  to obtain a true picture of the potential impacts from this merger on ozone formation. In addition,  $\text{NO}_x$  emissions also contribute to particulate levels in  $\text{PM}_{10}$  (particulate matter less than 10 microns) nonattainment areas.

In a related comment, the table in volume 5, Appendix G, outlining the attainment status of the various Air Quality Control Regions (AQCRs) lists  $\text{NO}_x$  as a criteria pollutant. Because  $\text{NO}_x$  is not a criteria pollutant, there are no nonattainment areas for  $\text{NO}_x$ . As discussed above,  $\text{NO}_x$  is one of the reactive pollutants which form ozone.

Additionally, Table 3-5 lists "net emission changes" for all pollutants for the analyzed AQCRs and Table 4-4 gives the estimated reductions from the proposed mitigation by AQCR. It is difficult for the reader to discern what the STB estimates as the true projected net increase (or decrease) in emissions for each AQCR. As a result, it is difficult to estimate what sort of offsets will be needed to prevent any deterioration in air quality for attainment, nonattainment and maintenance areas.



## Superfund Sites

Some of the rail lines proposed for abandonment in Colorado pursuant to the merger process run through or near three EPA-designated Superfund sites: Eagle Mine Site in and around Minturn, CO; the California Gulch Site, located in and around Leadville, CO; and the Smeltertown Superfund Site, located in Salida, CO. All three of these Superfund sites contain hazardous remnants of over one hundred years of hard rock mining operations. The mine sites which historically were and continue to be serviced by rail lines owned and operated by the Denver & Rio Grande Western Railroad (D&RGW) are laden with mining wastes, such as tailings, waste rock, slag and acid mine drainage containing heavy metals such as lead, arsenic, zinc and cadmium. High concentrations of these metals have been released to receiving waters such as the Eagle and Arkansas Rivers. In addition to creating a substantial risk to the populations of non-human species found in and near these water courses, the human populations living in the Minturn and Leadville communities are at risk of exposure to these heavy metals.

The D&RGW has entered into a partial consent decree for remediation of slag at the California Gulch Superfund site. Risk assessment and remedial investigation data show that slag "fines," the small particles which result from the breaking or splintering of large slag pieces, may present a risk to sensitive human and ecological populations in the Leadville community. For the California gulch Superfund site, health risk to recreational and commercial/industrial users has been shown to be minimal. However, should the future use of the rail line right-of-way transecting the town of Leadville be a residential one, EPA is concerned that the concentration of heavy metals from slag fines in the soil within or adjacent to the rail line right-of-way would require remediation. EPA is also troubled by the fact that the corporate entity that will exist after the merger occurs has not committed to honor D&RGW's obligations under the consent decree, including the remediation of the AV, LaPlata and Harrison Street slag pile footprints and addressing any release of hazardous substances from these piles into sitewide surface and groundwater.

Similarly, EPA understands that the abandoned right-of-way that runs through the Eagle Mine Site may be used as a recreation trail subject to the possibility of future restoration of rail service pursuant to Section 208 of the National Rails System Act Amendments of 1983.<sup>1</sup> While EPA is generally in favor of returning properties to such recreational uses, EPA is charged by Congress

---

<sup>1</sup>Pub.L. No. 98-11(1983), codified at 16 U.S.C. §1247(d).



with the responsibility of ensuring that such a future use will not expose recreational users to hazardous substances existing in the former rights-of-way. Therefore, should the right-of-way be abandoned or any of the companies' land or structures require remediation, EPA may require the companies to conduct such cleanup and may have concerns regarding future land use and other public uses.

### Mitigation

The EA consistently refers to compliance with applicable laws as mitigation. The EPA does not view complying with applicable Federal and state laws as "mitigation." Mandatory compliance with such laws should be differentiated from proposed mitigation in the document for the benefit of the public and the decision maker.

With regard to actual mitigation, it would be more informative to disclose to the public how the STB thinks environmental impacts from the merger can be offset, reduced, or compensated for by the new rail company. Specifically, the Council on Environmental Quality defines mitigation in five ways<sup>2</sup>:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

### Construction and Abandonment

The draft EA (volume 3, pp.1-2 and 1-3) discussed salvage and remediation activities associated with abandonment, including the removal of rails, ties and structures (bridges, buildings). Although the discussion on these pages was informative, several potential impacts are not discussed. Possible impacts include: rail ties and wooden bridges treated with creosote; metal bridges containing lead-based paint; and structures proposed for abandonment containing hazardous materials such as PCBs (polychlorinated biphenyls) in electrical equipment and asbestos. Our review did not note any additional documentation in the Post EA

---

<sup>2</sup>40 CFR 1508.20

to correct this deficiency.

Future documentation for abandonment or renovation should discuss these issues as well as the Federal, state and local requirements which apply.

#### Settlement Agreements

As part of the merger agreement, 4 railroads have reached agreement with the UP/SP and will be given specific operating rights on UP/SP track to foster competition in certain corridors. Because these new operating rights, in particular the BNA/Santa Fe settlement agreement, may contribute to the cumulative impact to a corridor, EPA believes that these potential impacts should have been analyzed in the documentation for the proposed merger so the public and the decision maker may assess the overall impact to the environment from this proposed merger. The table on page G-10 of volume 2 of the Post EA sheds little light upon these additional potential impacts.

#### Consultation with Native American Tribes

The distribution list in the Post EA indicates that the document was distributed to 31 American Indian tribes. Of the 31 tribes listed, 21 are in Oklahoma, 5 in Kansas, 2 in Texas, and 1 each in Arizona, Nevada and Louisiana. There is no indication in the Post EA that Indian tribes in other states that may be near or adjacent to the rail corridors were contacted during the environmental review process. A map printed by the U.S. Bureau of Indian Affairs (BIA) shows that a number of Indian tribes may be in close proximity to the corridors. There are, for example, a number of small to medium size reservations in Washington and several reservations in southern California. Our review of this BIA map, when compared to the maps in Volume 1 of the Post EA, also indicates that other Indian tribes in Arizona and Nevada may also be in close proximity to the rail corridors.

We recommend that the STB and the project applicants revisit your consultation efforts with Indian tribes and communities which may be affected by the project. This would be in keeping with the requirements of Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."

STB

FD

• 32760

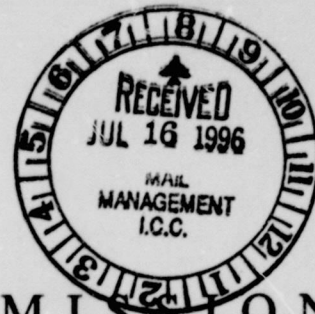
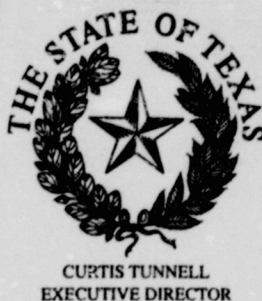
7-16-96

K

• ✓ 84777



ENVIRONMENTAL  
MATERIALS



# TEXAS HISTORICAL COMMISSION

P.O. BOX 12276

AUSTIN, TEXAS 78711-2276

(TELEPHONE) 512-463-6100

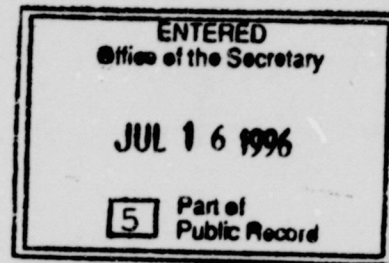
(FAX) 512-475-4872

(RELAY TX) 1-800-735-2989 (TDD)

## NATIONAL REGISTER DEPARTMENT

July 3, 1996

Elaine K. Kaiser, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
Washington, D. C. 20423-0001



Re: Union Pacific/Southern Pacific Railroad Merger, Section 106 Compliance Finance Docket No. 32760 (STB, N10, N20, N25, F1)

Dear Ms. Kaiser:

The State Historic Preservation Office [SHPO] reviewed the federal undertaking referenced above under Section 106 of the National Historic Preservation Act, 36 CFR 800. The SHPO's National Register Department and the Department of Antiquities Protection review properties to determine their historical significance.

The Department of Antiquities Protection will review data when submitted to the SHPO. The National Register Department received your correspondence of May 22, 1996 (Finance Docket No. 32760), which includes the site inventory forms and photographs of standing structures.

The National Register Department conducted a review of the following property by applying state and federal criteria for historical designation:

- \* Southern Pacific-Cotton Belt Depot, Harlingen, c. 1929
- \* SP Yard, Harlingen - potential historic district
- \* Clear Creek (Swing) Bridge and approach trestles, MP 31.99, Seabrook, 1907
- \* Dickenson Bayou (Swing) Bridge and approach trestles, MP 38.77, San Leon, 1907
- \* Bridge Tender's House, Dickenson Bayou Bridge, MP 38.50, c. 1907
- \* Bellmead Yard, Waco - potential historic district:
  - Power Plant,
  - Accessory Building,
  - MKT Shops,
  - Foreman's House
- \* UP Depot, El Paso (in private ownership)
- \* Houston (Tower 26) - potential historic district
- \* SP Depot (Brownsville Historic Museum), RTHL, NR, Brownsville

These properties are **ELIGIBLE** for or **LISTED** in the National Register of Historic Places

Item No. \_\_\_\_\_

The State Agency for Historic Preservation: Page Count 3

July 1996 # 18

Page 2

Re: Re: Union Pacific/Southern Pacific Railroad Merger, Section 106 Compliance Finance  
Docket No. 32760 (STB, N10, N20, N25, F1)

under Criteria A and/or C for their association with the development and history of Texas' railroad system. Their significance derives from the spectrum of rail functions, from track engineering to warehouse and operational facilities, to passenger and freight depots. These rail properties were instrumental in the population of and economic growth of the state from the late 19<sup>th</sup>-century through the mid 20<sup>th</sup> century.

\* Little Pine Oak Creek Bridge, Hearne, 1907:

MP 117.55, 1901, 1946, 1957

MP 112.96, 1899, 1941, 1957

MP 109.73, 1899, 1946, 1957

These properties may be **ELIGIBLE** for the National Register of Historic Places under Criterion A for their association with the early development of the Houston and Texas Central Railroad. Though these properties were modified, they are part of an early rail system in the state and as such may reveal information about the evolution of construction methods over time.

Please provide additional survey level information concerning the following properties:

- \* Carrollton SP-Building, Pg E-69, Photo 4
- \* Waco SP - Pg E-98, 99, Photos 1, 2, 3
- \* Fort Worth (Broadway) SP - Pg E-101, 102, Photos 2, 4
- \* Texarkana SP - Pg E-108, 109, 110, Photos 5, 6, 7, 8, 11
- \* Fort Worth UP - Pg E-148, Photo 5
- \* Houston (Tower 26) - Pg E-153, 154, 155, Photo 1, 2, 3, 4, 5
- \* Harlingen SP - Pg E-123, 124, Photo 3, 4, 5, 6

The National Register Department conducted a review of the following properties by applying state and federal criteria for historical designation:

The following standing structures are not eligible for listing in the National Register of Historic Places. No further review of this undertaking as it affects these properties is required:

- \* Campbell Creek Bridge, MP 105.24
- \* SP Trestle Bridge, Robertson County, MP 104.34
- \* UP Trestle Bridges, Smith County, MP 002.60, MP 002.70
- \* Mud Creek Bridge, Smith County, MP 003.60

Page 3

Re: Re: Union Pacific/Southern Pacific Railroad Merger, Section 106 Compliance Finance  
Docket No. 32760 (STB, N10, N20, N25, F1)

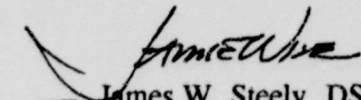
- \* UP Trestle Bridge, Smith County, MP 004.30
- \* Houston (Strang) SP Yard
- \* South San Antonio (SOSAN) UP Intermodal
- \* Houston Galena Park SP Automotive Facility
- \* Houston (Tower 87)
- \* Houston SP to UP Construction Project Area

It is possible that buried cultural materials may be present in the project area. If such materials are encountered during construction or disturbance activities, work should cease in the immediate project area; work may continue in the project area where no cultural materials are present. Please contact the SHPO's Department of Antiquities Protection at 512/463-6096 to consult on further actions that may be necessary to protect cultural remains.

For questions about eligibility of standing structures please contact, Jamie Wise, National Register Department, at 512/463-6006 and for archeological concerns contact, Sergio Iruegas.

Thank you for your interest in the cultural heritage of Texas, and for your compliance with this federal review process.

Sincerely,



James W. Steely, DSHPO  
National Register Department

cc: Sergio Iruegas, THC Department of Antiquities Protection  
Linda Roark, THC Division of Architecture  
Sharon Fleming, THC Division of Architecture  
Gerron Hite, THC Division of Architecture  
Lisa Hart Stross, THC Division of Architecture  
Hugo Gardea, THC Division of Architecture  
Richard Starzak, Myra Frank & Associates

JWS/JLW



STB

FD

32760

7-16-96

K

84807



# ENVIRONMENTAL MATERIALS

## TEXAS

### HISTORICAL COMMISSION

George W. Bush • Governor 84807

John L. Nau, III • Chairman

Curtis Tunnell • Executive Director

*The State Agency for Historic Preservation*

#### DEPARTMENT OF ARCHITECTURE

July 8, 1996

Elaine K Kaiser, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
Washington, D. C. 20423-0001



Re: *Union Pacific/Southern Pacific Railroad Merger, Section 106 Compliance Finance  
Docket No. 32760, multiple counties, Texas (106)*

Dear Ms. Kaiser:

Thank you for the information regarding the subject project. As the State Historic Preservation Office (SHPO), Texas Historical Commission reviews federal undertakings in accordance with the National Historic Preservation Act. The Department of Architecture reviews determinations of effect for federal projects on National Register eligible buildings, structures, objects, and districts.

The subject project is currently undergoing review for eligible properties in the area of potential effect. When eligibility issues have been resolved for each property, we look forward to reviewing project documentation and determinations of effect for eligible properties that may be affected by the proposed project.

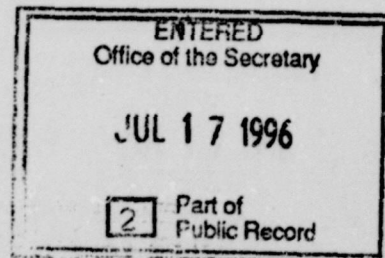
Thank you for your interest in the cultural heritage of Texas, and for the opportunity to comment on this project in accordance with the National Historic Preservation Act, as amended. If you have any questions or concerns about this review please contact Linda Roark in the Department of Architecture at 512/463-6094.

Yours truly,

*Stan Graves*  
Stan Graves, AIA, DSHPO  
Director  
Department of Architecture

SG/LR

c: Sharon Fleming, THC Division of Architecture  
Hugo Gardea, THC Division of Architecture  
Gerron Hite, , THC Division of Architecture  
Lisa Hart Stross, THC Division of Architecture  
Sergio Iruegas, THC Department of Antiquities Protection  
Jamie Wise, THC National Register Department  
Richard Starzak, Myra Frank & Assoc.



Item No. \_\_\_\_\_

Page Count *21*

*July 1996 #21*

STB

FD

32760

7-16-96

K

84802



Item No. \_\_\_\_\_

84802

7/16/96 12:54:20 PM

Page Count 29  
July 1996 # 20

**COVINGTON & BURLING**

1201 PENNSYLVANIA AVENUE, N. W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

TELEFAX: (202) 662-6291

TELEX: 89-593 (COVLING WSH)

CABLE: COVLING

LECONFIELD HOUSE

CURZON STREET

LONDON W1Y 8AS

ENGLAND

TELEPHONE: 44-171-495 5655

TELEFAX: 44-171-495 3101

BRUSSELS CORRESPONDENT OFFICE

44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE: 32-2-512 9890

TELEFAX: 32-2-502 1598

**J. MICHAEL HEMMER**

DIRECT DIAL NUMBER

(202) 662-5578

DIRECT FACSIMILE

(202) 778-5578

INTERNET ADDRESS

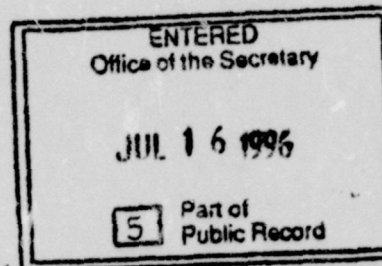
MHEMMER@COV.COM

July 15, 1996

FILE IN DOCKET

**HAND DELIVERY**

Ms. Elaine K. Kaiser  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
Room 3219  
12th and Constitution Avenue, N. W.  
Washington, D.C. 20423



OFFICE OF SECRETARY

JUL 16 2 05 PM '96

RECEIVED  
SURFACE TRANSPORTATION  
BOARD

Re: Union Pacific/Southern Pacific  
Control Proceeding (F.D. 32760)

Dear Ms. Kaiser:

Enclosed is a copy of a fully executed Memorandum of Understanding between Applicants and East Bay Regional Park District resolving the District's concerns in connection with the UP/SP merger.

Sincerely,

J. Michael Hemmer

Enclosure

cc: Mr. Wagstaff

ENVIRONMENTAL DOCUMENT

# REGIONAL PARKS

## EAST BAY REGIONAL PARK DISTRICT

July 3, 1996

William E. Wimmer  
UNION PACIFIC RAILROAD  
1416 Dodge St. Room 1030  
Omaha, NE 68179

BOARD OF DIRECTORS  
Susan Smartt  
President  
Douglas Siden  
Vice-President  
Jean Siri  
Treasurer  
Beverly Lane  
Secretary  
Jocelyn Combs  
Ted Radke  
Carol Severin  
Pat O'Brien  
General Manager

FAX: 402/ 271-66

Dear Bill:

This letter is to confirm that our Board has authorized our General Manager to sign the Memorandum of Understanding between the East Bay Regional Park District and the Union Pacific. One of the two originals is enclosed with this letter; we will retain the other for files.

It is our understanding that the Surface Transportation Board has requested a copy of any settlement agreement. I would appreciate your company giving them appropriate notification of this agreement. Please copy me on any such correspondence.

My staff is now working on the PUC application and in gathering technical information regarding the lateral trails. It was my understanding that they should work with Thomas Ogee on these issues and they are instructed to contact him to keep him informed of their work.

Once again, thank you for your assistance in developing safe shoreline access in the Bay Area.

Respectfully

  
Lloyd Wagstaff  
Land Acquisition Manager



**MEMORANDUM OF UNDERSTANDING  
EAST BAY REGIONAL PARK DISTRICT  
AND UNION PACIFIC RAILROAD**

This agreement is entered this 14th day of June, 1996, by and between The East Bay Regional Park District, a California Special District (hereinafter "District"), and the Union Pacific Railroad Company, a Utah Corporation (hereinafter "Railroad"). This memorandum is intended to and shall set forth the fundamental terms of an agreement between the District and Railroad concerning proceedings presently pending before the Surface Transportation Board.

**WHEREAS:**

A. Railroad has presently pending before the Surface Transportation Board (STB) an application in Finance Docket No. 32760 to merge with Southern Pacific Railroad (SP) (hereinafter the "Control Case"). Upon completion of the merger, Railroad affirms that it will be able to perform under this agreement.

B. The District has requested that the STB's approval of the merger should be subject to certain environmental mitigation conditions;

C. The STB has prepared an Environmental Analysis ("EA"), which requires that the District and the Railroad develop a mutually agreeable environmental mitigation plan; and

D. The District and the Railroad have developed and wish to enter this Agreement to implement such a mutually-agreed plan. The District is prepared to withdraw its objections to the Control Case in consideration of the mutual promises as set forth herein.

**NOW THEREFORE**, in consideration of the mutual promises set forth herein, the parties agree as follows:

1. **Pedestrian Crossings (Grade Separation and At-Grade):** The District shall prepare, with Railroad's assistance and support and file an application with the California Public Utilities Commission ("PUC") for the establishment of the following public crossings to the SP's Martinez Subdivision and SP's Mococo Line:



<u>Exhibits</u>	<u>Description</u>
-----------------	--------------------

- |     |   |
|-----|---|
| 1.1 | Grade Separation at Wilson Point, MP 21.85<br>(ROW Map V-65 Sht 15, ES3193+00)      |
| 1.2 | Grade Separation at Gately, MP 22.65<br>(ROW Map V-65 Sht 16, ES3150+00)            |
| 1.3 | Grade Separation at Lone Tree Point, MP 25.11<br>(ROW Map V-65 Sht 19, ES 3020+00)  |
| 1.4 | Grade Separation at Martinez/Nejedly, MP 34.10<br>(ROW Map V-65 Sht 28, ES 2545+00) |
| 1.5 | At-grade at Eckley, MP 30.02<br>(ROW Map V-65 Sht 24 & 25, ES 151+50)               |
| 1.6 | At-grade at Port Costa/Light, MP 31.15<br>(ROW Map V65 Sht 25, ES 91+00)            |
| 1.7 | At-grade at White's Resort, MP 32.58<br>(ROW Map V65 Sht 26, ES 15+58)              |
| 1.8 | At-grade at Oakley/Neroly Road, MP 57.30<br>(ROW Map V65 Sht 34, ES 1326+50)        |
| 1.9 | At-grade at Valona, MP 28.23<br>(ROW Map V65 Sht 22, ES 2855+30)                    |

The Railroad will support this application. In addition, Railroad agrees to continue cooperation with the District with respect to the development of the Eckley at-grade crossing, MP 30.0, in accordance with the order issued by the PUC for such crossing on July 19, 1995, and presently being progressed by SP to completion..

2. **Cost Sharing:** The parties agree to the following formula with respect to the payment for crossing improvements and grade separations. The Railroad will pay one-third (1/3) of the cost of the bridge structures which are proposed at the four locations over the Railroad and one-third (1/3) of the costs for new crossing surfaces and the signal system which the PUC orders to be installed at each of the five at-grade crossings of the Railroad.

All improvements leading to both the bridge structure or to within two foot of the nearest rail on the paths leading to the at-grade crossings will be responsibility of the District. Railroad will maintain path between main tracks.

3. **Longitudinal Access:** To maximize safety concerns multi-use recreational trails must be designed and located on the outer most 15 feet of railroad's right-of-way, where not already encumbered with other physical improvements. Railroad is willing to grant right of way for multi-use recreational trails as shown on Exhibits 3.1 - 3.7. The property will be covered by an easement (which may be revoked for causes outlined in this agreement), which must be fully executed by all parties involved prior to the start of any approved project. District will accept the easements subject to existing underground improvements and will reasonably work with Railroad on any future underground improvements that Railroad may subsequently grant to others.

**Exhibits Description**

- 3.1 Richmond/Point Pinole, MP 17.85 to MP 18.85  
(ROW Map V-65 Sht 11 & 12, ES 3404+00 to 3351+00)
- 3.2 Seaview School, MP 20.95 to MP 21.33  
(ROW Map V-65 Sht 14 & 15, ES 3240+00 to 3220+00)
- 3.3 Pinole/Bayfront Park, MP 22.85 to MP 22.97  
(ROW Map V-65 Sht 16, ES 3140+00 to 3133+00)
- 3.4 Pinole/Railroad Avenue, MP 23.03 to MP 23.12  
(ROW Map V-65 Sht 17; ES 3130+00 to 3125+00)
- 3.5 HPI/Pacific Refinery, MP 24.10 to MP 25.11  
(ROW Map V-65 Sht 18; ES 3073+50 to 3020+00)
- 3.6 Valona, MP 28.02 to MP 28.40  
(ROW Map V-65 Sht 22; ES 2866+50 to 2847+00)
- 3.7 Port Costa/Light, MP 31.02 to MP 31.23  
(ROW Map V-65 Sht 25; ES 98+00 to 87+00)

Each such longitudinal access shall consist of a strip of land 15 feet in width. The District shall be responsible for all improvements on such trails, and for maintaining consistent with District standards, a suitable fence, as determined by District will be maintained between such trail and the Railroad main tracks. District police officers with lawful citation authority shall patrol trails and take action to deter and reduce any incidents of trespassing onto the Railroad property by users of the District's park lands. If Railroad still believes there are safety concerns at a specific location despite these measures, the parties will ask the PUC to decide the issue. If the PUC should decline to decide on any matters, Railroad and District shall submit the issue to binding arbitration, with a mutually agreeable engineering firm.

As for the longitudinal access proposed for the HPI/Pacific Refinery and Valona locations, the parties shall jointly assume the responsibility and expense for determining the feasibility of these pedestrian trails and bikeways. The feasibility of these trails shall be assessed from safety, economic and engineering standpoints. If the parties cannot agree, the PUC will be asked to decide the issues.



In the future if the Railroad receives approval for additional main track adjacent to any above-described longitudinal accesses, a written notice of termination will be mailed to the District requiring removal and relocation of the affected area within 120 days of notice given. District agrees to peaceably and quietly surrender possession to the Railroad. District's non-use of the property for the specified use continuing for a period of one year shall constitute abandonment and termination will automatically occur at the end of the one year.

All costs for construction and maintenance of pedestrian trails or bikeways on the longitudinal access will be borne by the District.

If the Railroad determines that any of the above-mentioned longitudinal accesses are required for reasonably related to railroad purposes other than an additional main track, Railroad shall confer with District and discuss why no other "less-impact" alternative can be used. District shall have the right to review Railroad's data and within 90 days, may propose alternative capital improvements that meet the project requirements of the Railroad, without significant cost changes. Specific to this paragraph, the District recognizes that capital improvements directly necessary for railroad purposes are superior to these longitudinal accesses for District multi-use recreational trail needs; however, Railroad will negotiate in good faith to minimize impacts on the longitudinal accesses granted herein.

If the Railroad and the District fail to agree on a project description, the parties will ask the PUC to decide the issue. If the PUC should decline to decide on any matters, Railroad and District shall submit the issue to binding arbitration, with a mutually agreeable engineering firm, which shall be resolved as expeditiously as possible.

**4. Other Conditions:**

4.1 The District shall inform the Board in writing that a satisfactory mitigation plan has been agreed upon.

4.2 This Agreement shall be interpreted in accordance with the law of California. It may be amended only in writing signed by all parties.

4.3 All plans for construction of any facility on Railroad property by the District will be reasonably approved by Railroad in a timely manner, prior to start of construction.

4.4 It is understood that all commitments made in this section are expressly contingent upon approved exercise by Railroad of authority to control Southern Pacific pursuant to Final Order of the STB.

4.5 All at-grade crossings shall be constructed by Railroad in a timely manner.



4.6 Railroad understands that District may seek to construct these projects in phases that may extend several years.

**5. Term**

This memorandum shall remain in full force and effect until replaced by more specific agreements or until all of the commitments made by Railroad and the District are fully accomplished and all assurances have been performed by both parties.

**6. Recitals**

The recitals contained in this memorandum shall be conclusive as between the parties hereto. Any such recital shall be incontestable in any dispute resolution proceeding between the parties and no party shall have the right to introduce evidence to the contrary in any such proceeding.

**7. Attorney's Fees**

In the event the District or Railroad is required to retain an attorney to enforce any of the terms of the memorandum then the Court, as part of its final judgment, shall award attorney's fees and costs to the prevailing party.

**8. Advice of Counsel**

Each party to this memorandum has been advised by counsel of its choosing, and all parties have cooperated in the preparation of the memorandum. It shall be deemed joint work product and may not be construed against either party by reason of its preparation. This memorandum supersedes all previous discussions and correspondence between the parties regarding these matters.

**9. Waiver**

The waiver or failure to enforce any provisions of the memorandum shall not operate as a waiver of any future breach.

**10. Operating Memoranda**

The District and Railroad acknowledge that implementation of this memorandum will require a close degree of cooperation and an on-going working relationships. Details, refinements, and future events may demonstrate the need for technical modifications to implement its general terms. If and when the parties find that such changes or adjustments are necessary, or where there is need to establish the time or manner of a specific thing to be done, they shall effectuate such changes or take such steps in the form of Operating Memoranda. The parties shall also execute any and all additional documents reasonably required to carry out the purposes of this memorandum.

No such memorandum shall create or constitute an amendment to the general terms. Any such change or amendment must be approved by the parties using the same procedures as for the creation of this document.

**11. Notices**

Any and all notices, statements, demands or other communications to be given under this agreement shall be in writing and shall be deemed given when delivered in person, or by certified mail, first class postage prepaid, return receipt requested to the following:

Union Pacific Railroad Company  
Attn: Senior Assistant Vice President-  
Engineering Management  
Room 1030  
1416 Dodge Street  
Omaha, Nebraska 68179

East Bay Regional Park District  
Attn: General Manager  
2950 Peralta Oaks Court  
P.O. Box 5381  
Oakland, California 94605-0381

**IN WITNESS WHEREOF**, the parties have signed and delivered this Agreement on the date above first written.

UNION PACIFIC RAILROAD COMPANY

By: 

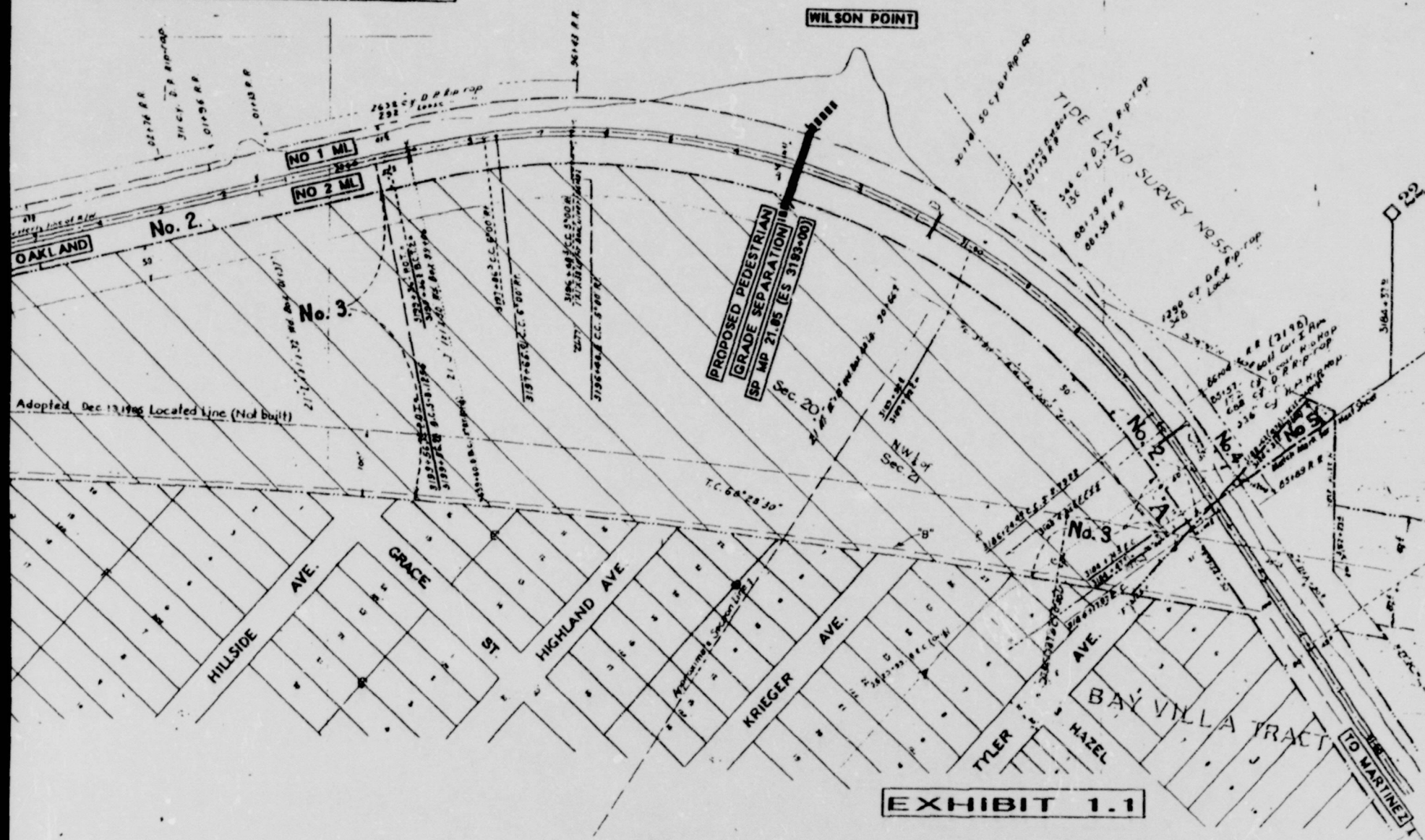
A. L. Shoener  
Executive Vice President - Operations

EAST BAY REGIONAL PARK DISTRICT

By: 

General Manager

# SAN PABLO BAY





B

L

O

B

A

TIDE LAND SURVEY NO 15

TC 62°49'30"

SAN PABLO BAY

PINOLE

BAYFRONT PARK

SP MP 22.65 (ES 3150+00)

T2N R.4W M.D.B. & I

LONGITUDINAL ACCESS  
FOR PEDESTRIAN TRAIL

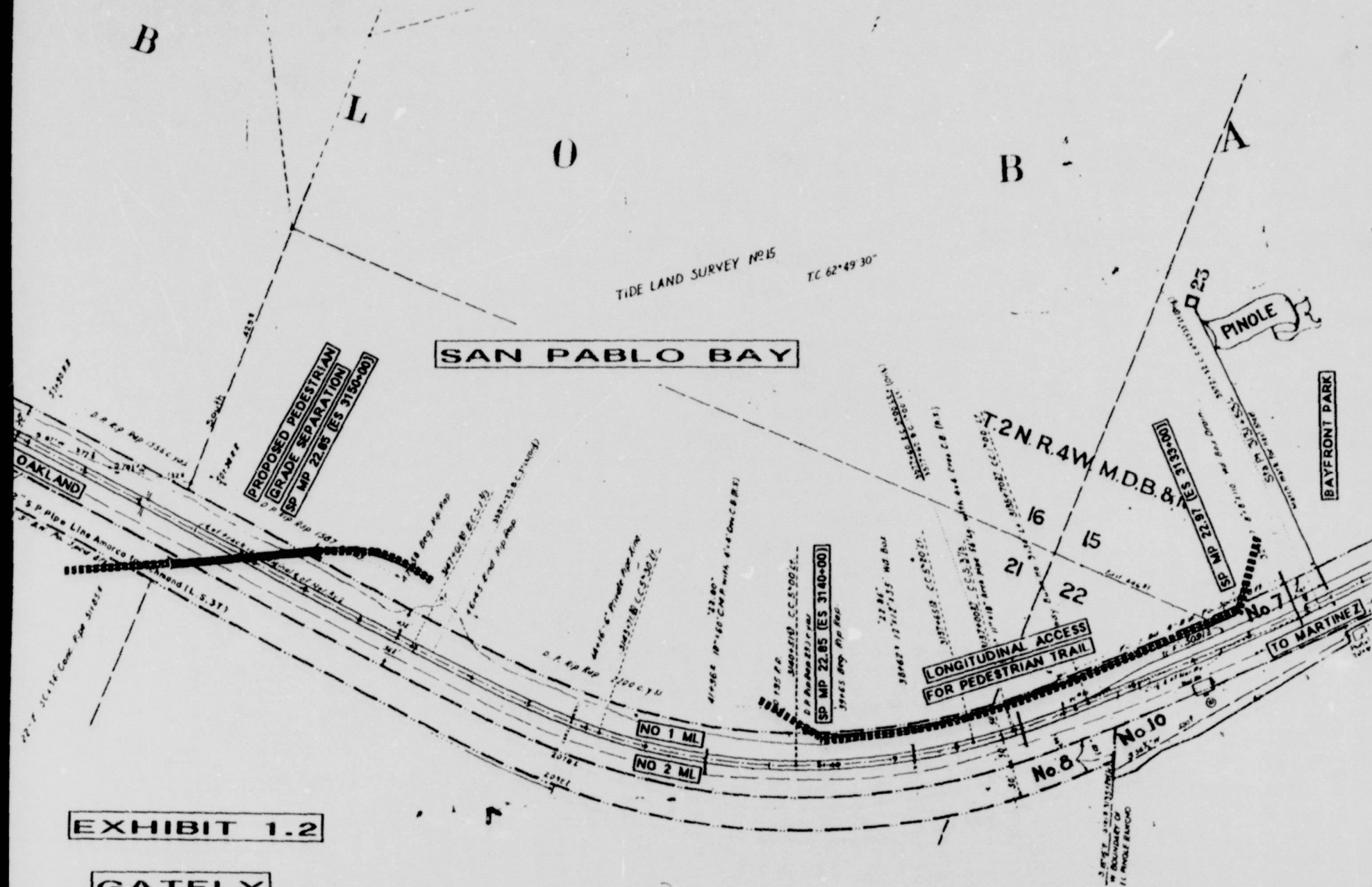
TO MARTINEZ

EXHIBIT 1.2

GATELY

SP MP 22.65

DATE: MARCH 11 1982



A

LONE TREE POINT

SAN PABLO BAY

DEED 50374 D/  
SPCO. TO SEQUOIA  
Quitclaims area not

1966  
ING CORP.  
d as owned

PROPOSED PEDESTRIAN  
GRADE SEPARATION  
50 MP 25.11 (S 3000' 40")

NO 1 ML

NO 2 ML

No. 6

No 5

No 58

SURVEY

TO MARTINEZ

No. 16  
S'S P  
Sequoia

No. 4

No. 2

LONGITUDINAL ACCESS  
FOR PEDESTRIAN TRAIL

OAKLAND

Line Amended to Richmond (L.S. 57)  
1/4 E.S. 1023133 GGT (P. 25 04 87) Sec 17  
P Pipe Line enters R/W Sequoia Ref.  
Union Railway (L.S. 32)

SHARON

SECOND

EXHIBIT 1.3

LONE TREE POINT

SP MP 25.11

DATE: JUNE 11, 1996

C

H

E

L

LAKE AVE.

W-9

W-17

W-18

W-19

W-20

W-21

W-22

W-23

W-24

W-25

W-26

W-27

W-28

W-29

W-30

W-31

W-32

W-33

W-34

W-35

W-36

W-37

W-38

W-39

W-40

W-41

W-42

W-43

W-44

W-45

W-46

W-47

W-48

W-49

W-50

W-51

W-52

W-53

W-54

W-55

W-56

W-57

W-58

W-59

W-60

W-61

W-62

W-63

W-64

W-65

W-66

W-67

W-68

W-69

W-70

W-71

W-72

W-73

W-74

W-75

W-76

W-77

W-78

W-79

W-80

W-81

W-82

W-83

W-84

W-85

W-86

W-87

W-88

W-89

W-90

W-91

W-92

W-93

W-94

W-95

W-96

W-97

W-98

W-99

W-100

W-101

W-102

W-103

W-104

W-105

W-106

W-107

W-108

W-109

W-110

W-111

W-112

W-113

W-114

W-115

W-116

W-117

W-118

W-119

W-120

W-121

W-122

W-123

W-124

W-125

W-126

W-127

W-128

W-129

W-130

W-131

W-132

W-133

W-134

W-135

W-136

W-137

W-138

W-139

W-140

W-141

W-142

W-143

W-144

W-145

W-146

W-147

W-148

W-149

W-150

W-151

W-152

W-153

W-154

W-155

W-156

W-157

W-158

W-159

W-160

W-161

W-162

W-163

W-164

W-165

W-166

W-167

W-168

W-169

W-170

W-171

W-172

W-173

W-174

W-175

W-176

W-177

W-178

W-179

W-180

W-181

W-182

W-183

W-184

W-185

W-186

W-187

W-188

W-189

W-190

W-191

W-192

W-193

W-194

W-195

W-196

W-197

W-198

W-199

W-200

W-201

W-202

W-203

W-204

W-205

W-206

W-207

W-208

W-209

W-210

W-211

W-212

W-213

W-214

W-215

W-216

W-217

W-218

W-219

W-220

W-221

W-222

W-223

W-224

W-225

W-226

W-227

W-228

W-229

W-230

W-231

W-232

W-233

W-234

W-235

W-236

W-237

W-238

W-239

W-240

W-241

W-242

W-243

W-244

W-245

W-246

W-247

W-248

W-249

W-250

W-251

W-252

W-253

W-254

W-255

W-256

W-257

W-258

W-259

W-260

W-261

W-262

W-263

W-264

W-265

W-266

W-267

W-268

W-269

W-270

W-271

W-272

W-273

W-274

W-275

W-276

W-277

W-278

W-279

W-280

W-281

W-282

W-283

W-284

W-285

W-286

W-287

W-288

W-289

W-290

W-291

W-292

W-293

W-294

W-295

W-296

W-297

W-298

W-299

W-300

W-301

W-302

W-303

W-304

W-305

W-306

W-307

W-308

W-309

W-310



# STRAITS OF CARQUINEZ

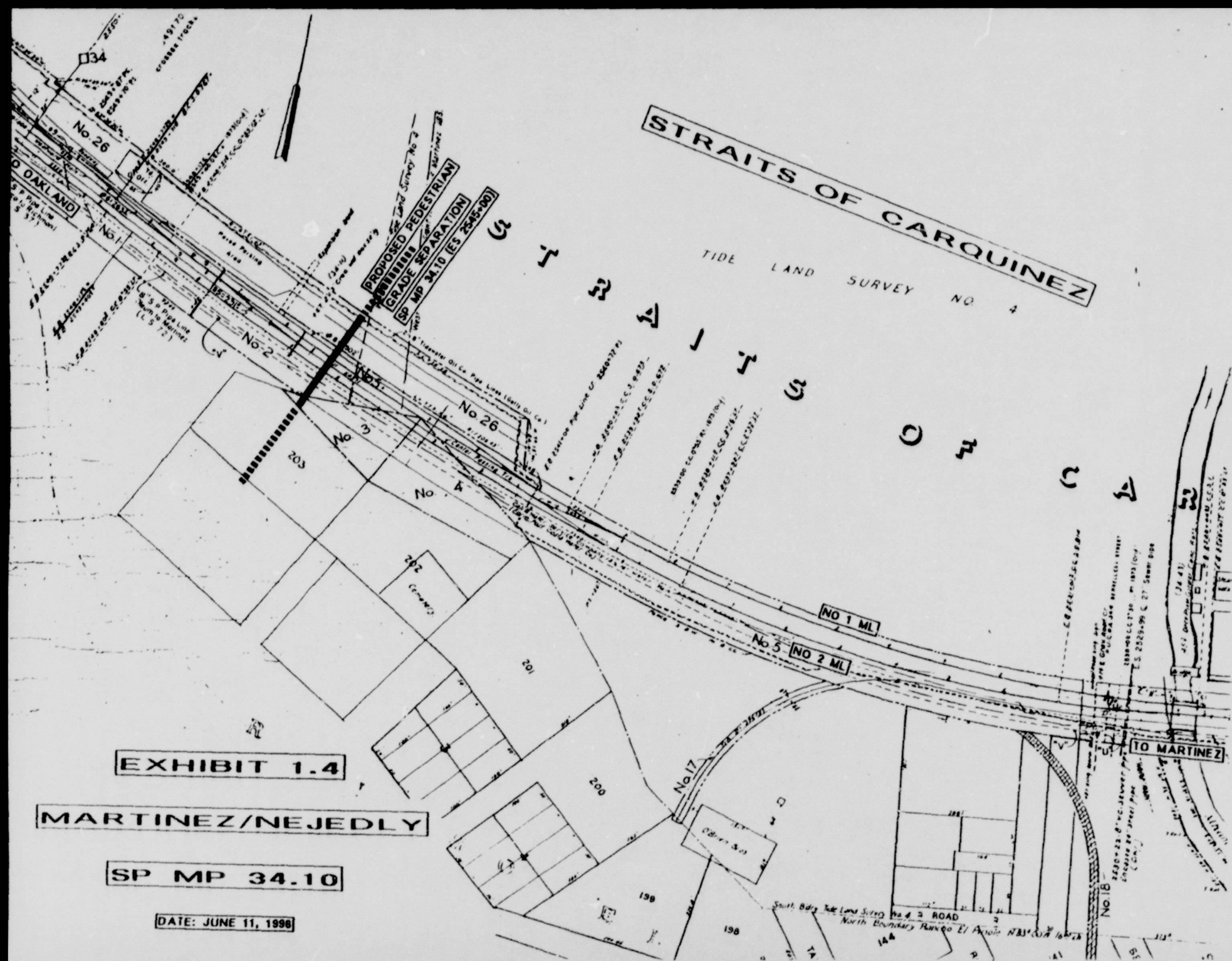
TIDE LAND SURVEY NO. 4

EXHIBIT 1.4

MARTINEZ/NEJEDLY

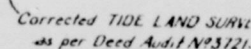
SP MP 34.10

DATE: JUNE 11, 1996





S T  
C'



**ECKLEY**

**DATE: JUNE 11, 1996**

STRAITS OF CARQUINEZ

S T R A I T S

O F C

PORT COSTA

Station from 1105+00 to 1105+00

CORRECTED TO LAND SURVEY No 32  
AS PER DEED AND No 37213

LONGITUDINAL ACCESS

FOR PEDESTRIAN TRAIL

PROPOSED PEDESTRIAN  
AT-GRADE CROSSING  
SP MP 31.15 (ES 91+00)

EXHIBIT 1.6

PORT COSTA/LIGHT

SP MP 31.15

DATE: JUNE 11, 1990



# STRAITS OF CARQUINEZ

C A R Q U I N E

TIDE LAND SURVEY No 32  
DEED AUDIT No 37213

PROPOSED PEDESTRIAN  
AT-GRADE CROSSING  
SP MP 32.58 (ES 15-50)

OAKLAND

8" S.P. Pipe Line  
Oilum to Martinez (L.S. 72)

12" S.P. Pipe Line Amoco to Richmond (L.S. 37)

EXHIBIT 1.7

WHITE'S RESORT

Northern R.  
Southern Pacific R.  
by I.C.C. Finance I  
Southern Pacific C  
authorized by I.C.C.

SP MP 32.58

DATE: JUNE 11, 1990

by April 14, 1898.  
September 30, 1955, authorized

company November 26, 1969,  
o 131756.

NO 1 MI

NO 2 MI

TO MARTINEZ

32.74 MI  
32.73 MI



Orig. T.C.  $42^{\circ} 22' \frac{1}{4}"$

57

STA. PT. 1327+26.4

NE  
MI

PROPOSED PEDESTRIAN  
AT-GRADE CROSSING  
SP MP 57.30 (ES 1326+00)

DELTA DE ANZA REGIONAL TRAIL  
CONTRA COSTA CANAL  
LAUREL RD

1315+25.28 g Water Dist. Lateral #7.1  
(Central Valley Project)

TO TRACY

1352+50

1350

Prune St.

45+00 g Derail  
St. East  
Plum St.

1343+104

Almond St.

1340

Peach St.

1332+50

1330

No 10

MARTINEZ

No 16  
NEROLY RD

No 11

No 9

No 12

1320

1310

Semaphore 49+466

Oiled Rd. Xing 6+167

08" 18" x 50' Lg. Cor. I.F. 1338+61.5

DELTA DE ANZA REGIONAL TRAIL  
CONTRA COSTA CANAL  
OPERATED BY CONTRA COSTA WATER DISTRICT

SOMERVILLE

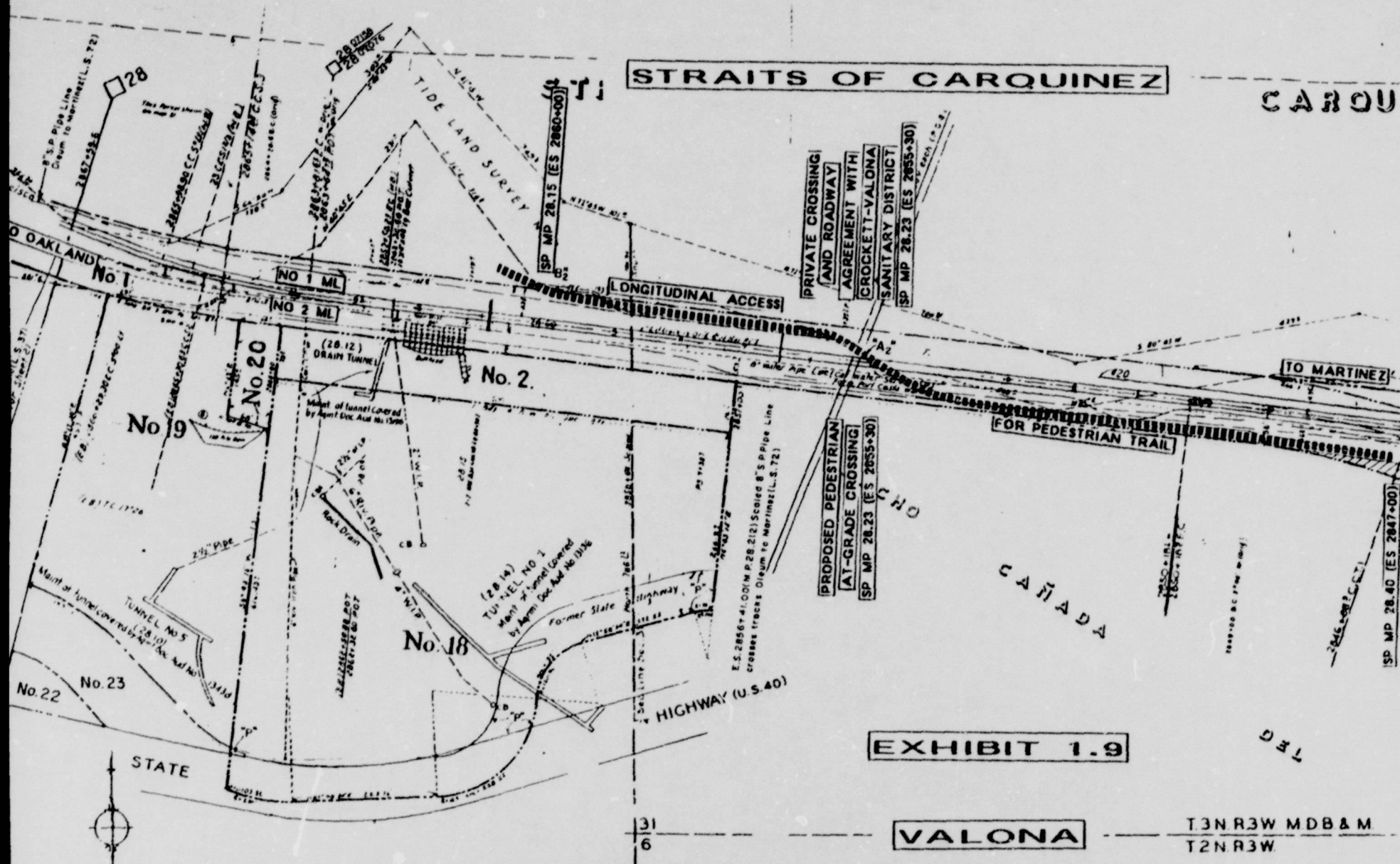
"Water Pipe at C.E.S. 1325+50  
Rd Xing & The Culv. 22+72  
g 14' Gates  
S.P. 1326+00  
g Contra Costa C.

EXHIBIT 1.8

OAKLEY/NEROLY ROAD

SP MP 57.30

DATE: JUNE 11, 1996



STRAITS OF CARQUINEZ

CAROU

EXHIBIT 1.9

VALONA

T3N R3W MDB & M  
T2N R3W

SP MP 28.23

DATE: JUNE 11, 1996

**RICHMOND PARKWAY**

LOT 202

E 1,464,000

**LONGITUDINAL ACCESS**

**FOR PEDESTRIAN TRAIL**

OAKLAND

LOT E

No 7  
No 4  
No 1  
No 2

No 1  
No 2  
No 3

NO 1 ML

NO 2 ML

**TO MARTINEZ**

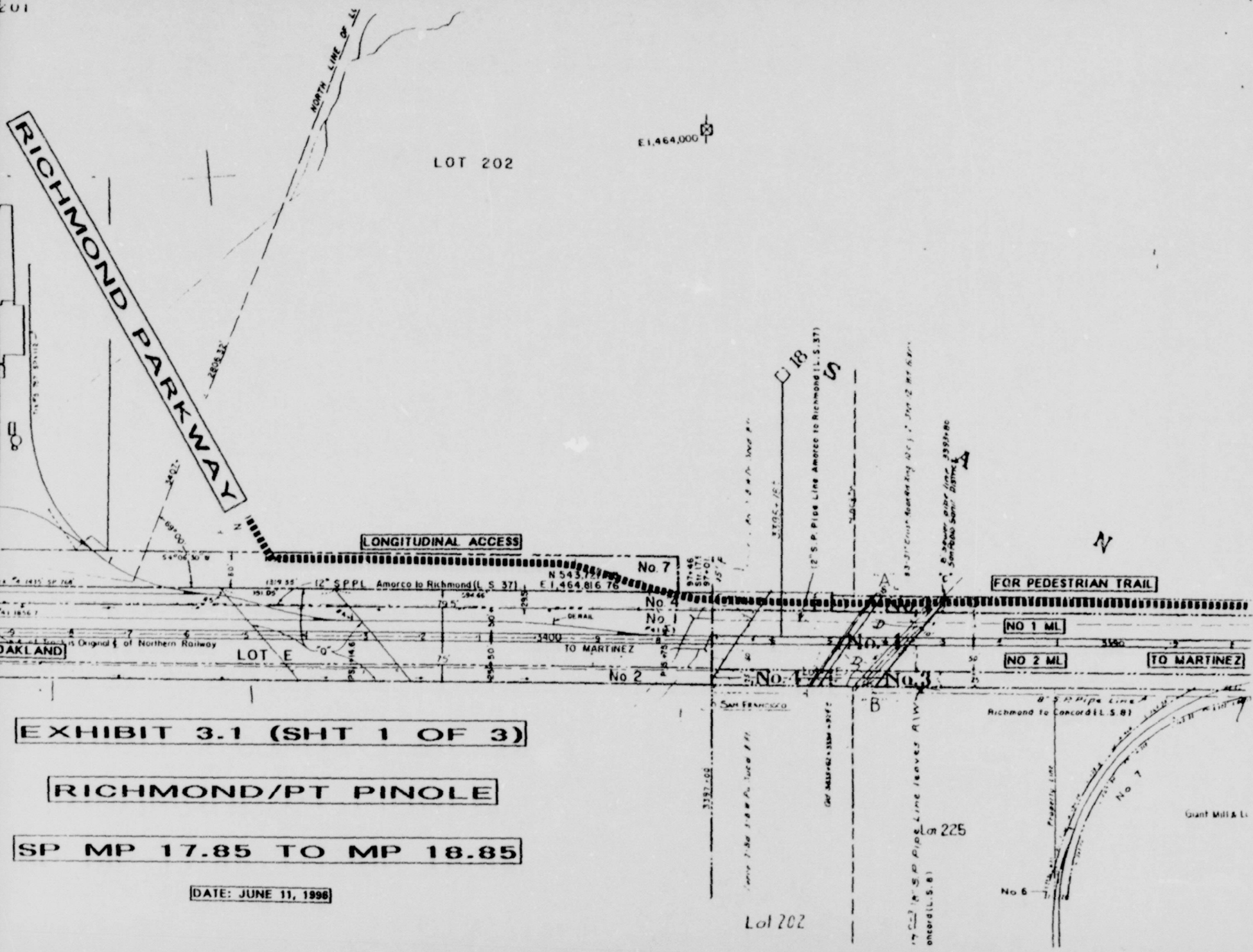
**EXHIBIT 3.1 (SHT 1 OF 3)**

**RICHMOND/PT PINOLE**

**SP MP 17.85 TO MP 18.85**

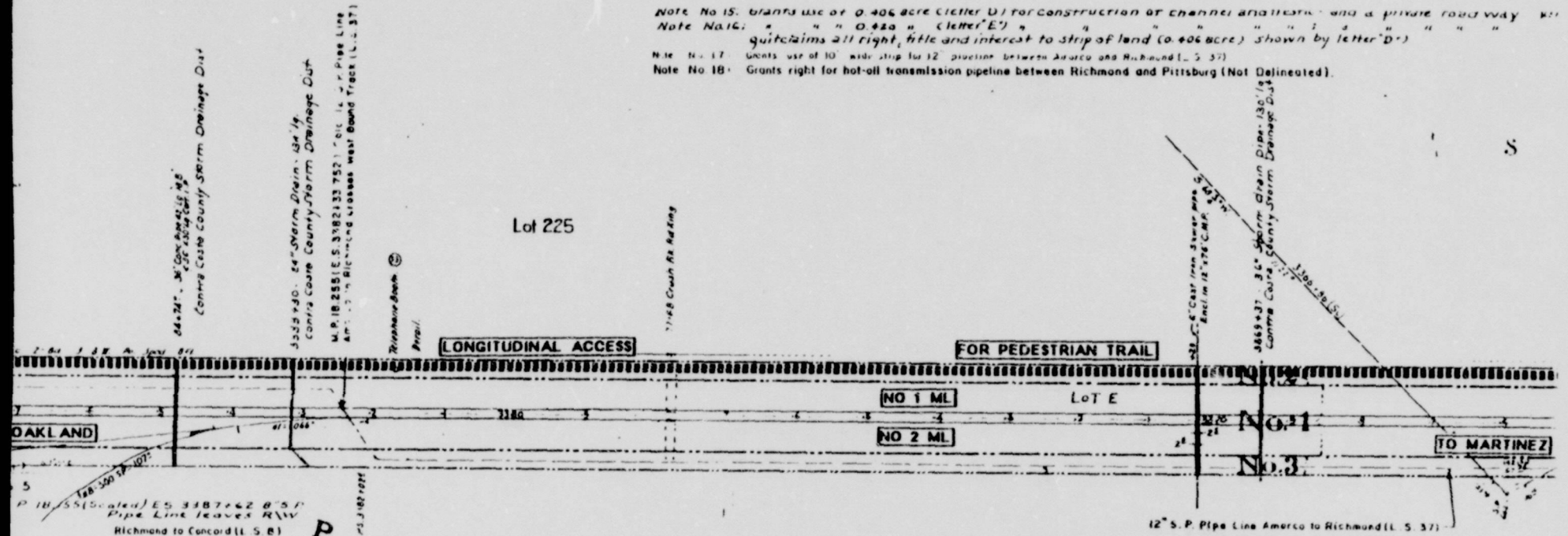
**DATE: JUNE 11, 1996**

Lot 202





Note No. 17: Grants use of 10' wide strip for 12' pipeline between Aurora and Richmond [L-5-37]



**EXHIBIT 3.1 (SHT 2 OF 3)**

**RICHMOND/PT PINOLE**

SP MP 17.85 TO MP 18.85

**DATE: JUNE 11, 1996**

PARCHESTER V.

Lot 225

## R

grantee hereby

W  
A  
1/21/11 to 2/21/11 for the  
Costa County Storm Drainage Dist.

1/21/11 to 2/21/11 for the  
Costa County Storm Drainage Dist.

Approximate Boundary of Rancho San Juan

Lot 227

PARCEL ONE  
as per Record of Survey  
filed 1/31/68 in Bk 50  
of L. S. M. at Page 32-36,  
Contra Costa Co Records

LONGITUDINAL ACCESS

FOR PEDESTRIAN TRAIL

SP MP 18.85 (ES 3351+00)

GIANT  
Sta P. 3348+25.8  
18.8 MI from San Francisco

Lot 227

21

3122+00.8  
Match with "A" Sheet

OAKLAND

NO 1 ML Lot 228

No. 2

NO 2 ML

No. 1  
TO MARTINEZ

No. 3

TOTALLY  
12" S P Pipe Line Amcor to Richmond  
IL 5371

PARCEL TWO  
as per Record of Survey  
filed 12/20/68 in Bk 50  
of L. S. M. at Page 31-34,  
Contra Costa Co Records

S P Co, et al quitclaims all rights in Parcel Two  
of Record of Survey to the Bethlehem Steel Corp  
by Disclaimer dated Nov 25, 1969, Superior Court  
Case # 116390 Doc 132329 Area not claimed  
as owned

0 Lot 227

Lot 227

EXHIBIT 3.1 (SHT 3 OF 3)

RICHMOND/PT PINOLE

SP MP 17.85 TO MP 18.85

DATE: JUNE 11, 1996

County Rd 211

S  
A  
N

SAN PABLO BAY

RICHMOND CITY LIMITS

CEL ONE  
ward of Survey  
1/2 in 1/2 30  
at Page 32-36  
Contra Costa Co. Records

OAKLAND

NO 1 ML

NO 2 ML

No. 3

No. 1

TO MARTINEZ

LONGITUDINAL ACCESS  
FOR PEDESTRIAN TRAIL

SP MP 20.95 (ES 3240-00)

TO SAN FRANCISCO  
Line Amcor to Richmond 3.57

30' D CONCRETE STRUCTURE  
JANUARY 1998  
SITE # 2098

EXHIBIT 3.2 (SHT 1 OF 2)

SEAVIEW SCHOOL

SP MP 20.95 TO MP 21.33

DATE: JUNE 11, 1996

Sec. 20, T. 2N., R. 4W.,  
M.D.B. & M.

RICHMOND CITY LIMITS

12" S P Pipe Line Amcor to Richmond 3.57

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line

1/2" S P Pipe Line



P A B L O

SAN PABLO BAY

B  
ABANDONED DEC 15, 1956.  
KRIEGER  
100-11428  
1235

ABANDONED DEC 15, 1938

Sig Pt 3210-98<sup>6</sup>  
16 Mi from S Francisco  
\*21/51\*

1. 01.5 2. 01.5

36485 3.14.14.8.19 CMO Fir Box Culvert "21.58"

TO MARTINEZ

12 S.P Pipe Line Amorco to Richmond L.S. 37

RICHMOND TERRACE

VILLA

**EXHIBIT 3.2 (SHT 2 OF 2)**

# SEAVIEW SCHOOL

SP MP 20.95 TO MP 21.33

**DATE: JUNE 11, 1996**

2T.2N..R.4W.  
D.B.&M.

B

L

SAN PABLO BAY

B

A

TIDE LAND SURVEY NO. 15

TC 62°49'30"

PINOLE

BAYFRONT PARK

T.2N.R.4W.M.D.B.8

SP MP 22.97 (ES 3130+00)

PROPOSED PEDESTRIAN  
GRADE SEPARATION  
SP MP 22.85 (ES 3150+00)

LONGITUDINAL ACCESS  
FOR PEDESTRIAN TRAIL

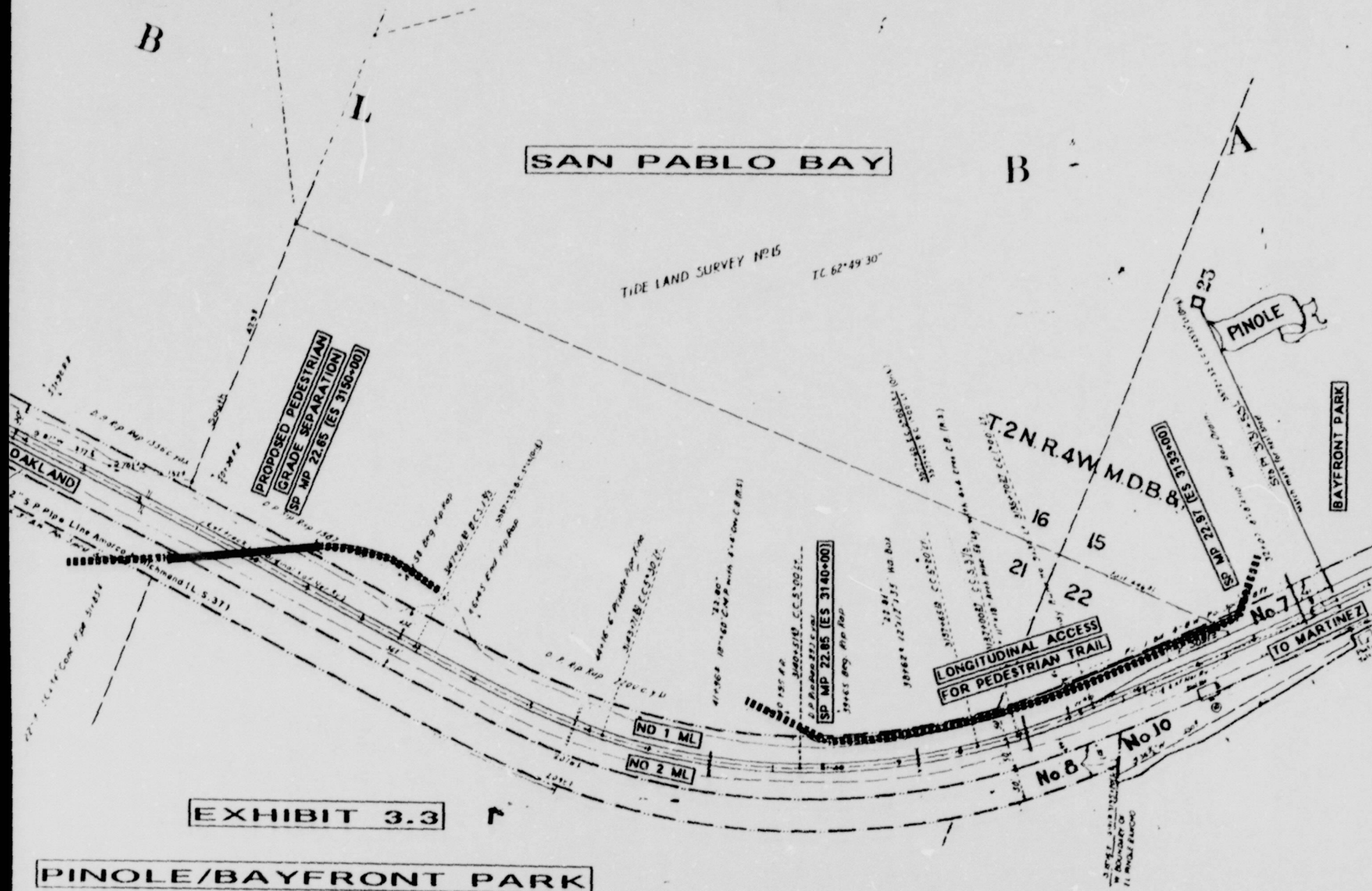
TO MARTINEZ

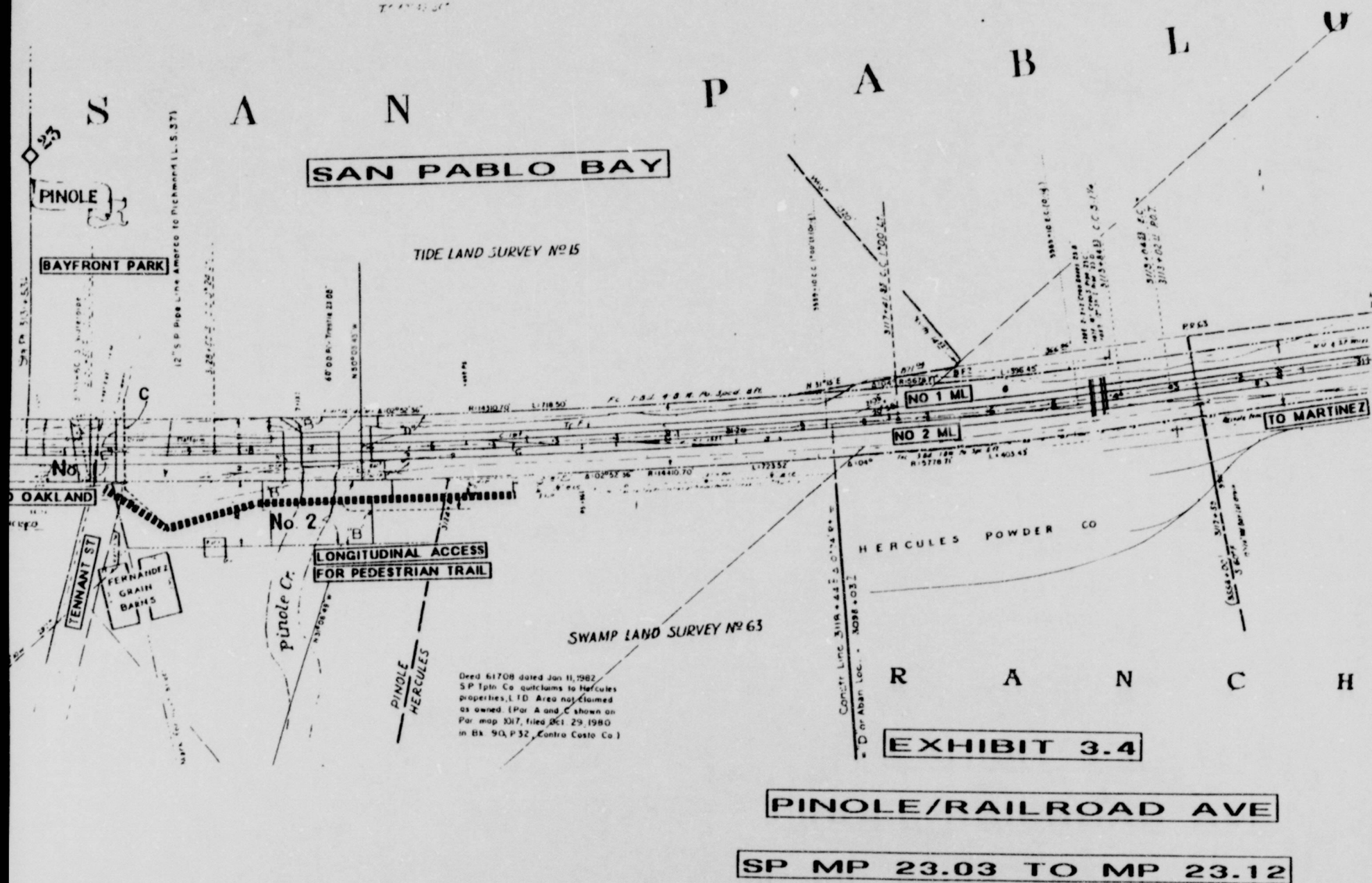
EXHIBIT 3.3

PINOLE/BAYFRONT PARK

SP MP 22.85 TO MP 22.97

[DATE: JUNE 11, 1996]





DATE: JUNE 11, 1996



TIDE LAND SURVEY N<sup>o</sup> 16

No. 2.

No. 4.

S

A

N

P

A

T.C. 49° 36'

SAN PABLO BAY

Curve R<sub>1</sub> A = 35° 11'

Deed 56514 Dated Jan 13, 1975  
SPTpin Co. To Hercules Inc.  
Quitclaims area not claimed as owned

Adopted 10'

LONGITUDINAL ACCESS  
FOR PEDESTRIAN TRAIL

PARCEL MAP MSH-1  
24 Polio-21

EXHIBIT 3.5 (SHT 1 OF 3)

HPI/PACIFIC REFINERY

SP MP 24.10 TO MP 25.11

DATE: JUNE 11, 1996

B

A

Y

O

L

B

# SAN PABLO BAY

"D" LINE Adopted Nov 1 1906

"F" LINE Adopted Dec 13 1906

Deed 56516 Dated Jan. 13, 1975  
S.P. Tptn. Co. To Sequoia Refining Corp.  
Quitclaims area not claimed as owned

DEED 50374 DATED SEPT. 14, 1966  
SPCO TO SEQUOIA REFINING CORP  
Quitclaims area not claimed as owned

No. 58

Deed 56515 Dated Jan. 13, 1975  
S.P. Tptn. Co. To Burmah Oil and Gas Co.  
Quitclaims area not claimed as owned.

OAKLAND

TO MARTINEZ

LONGITUDINAL ACCESS  
FOR PEDESTRIAN TRAIL

DEED 50374 DATED SEPT. 14, 1966  
SPCO TO SEQUOIA REFINING CORP  
Quitclaims area not claimed as owned

Deed 56516 Dated Jan. 13, 1975  
S.P. Tptn. Co. To Sequoia Refining Corp.  
Quitclaims area not claimed as owned

EXHIBIT 3.5 (SHT 2 OF 3)

HPI/PACIFIC REFINERY

SP MP 24.10 TO MP 25.11

DATE: JUNE 11, 1996

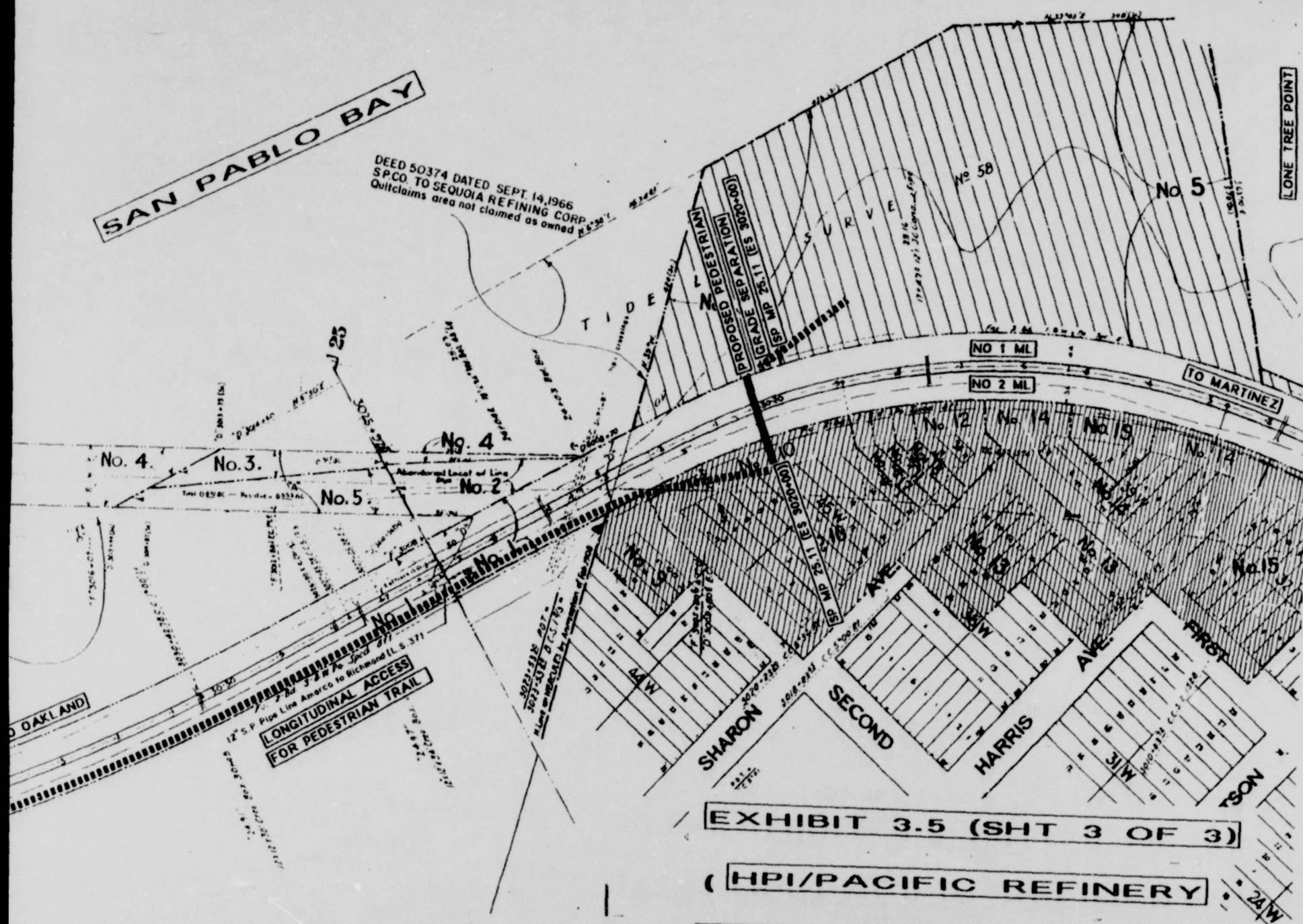
1975  
and Gas Co  
as owned



SAN PABLO BAY

DEED 50374 DATED SEPT. 14, 1966  
SPCO. TO SEQUOIA REFINING CORP.  
Outclaims area not claimed as owned N.E. 30°

LONE TREE POINT



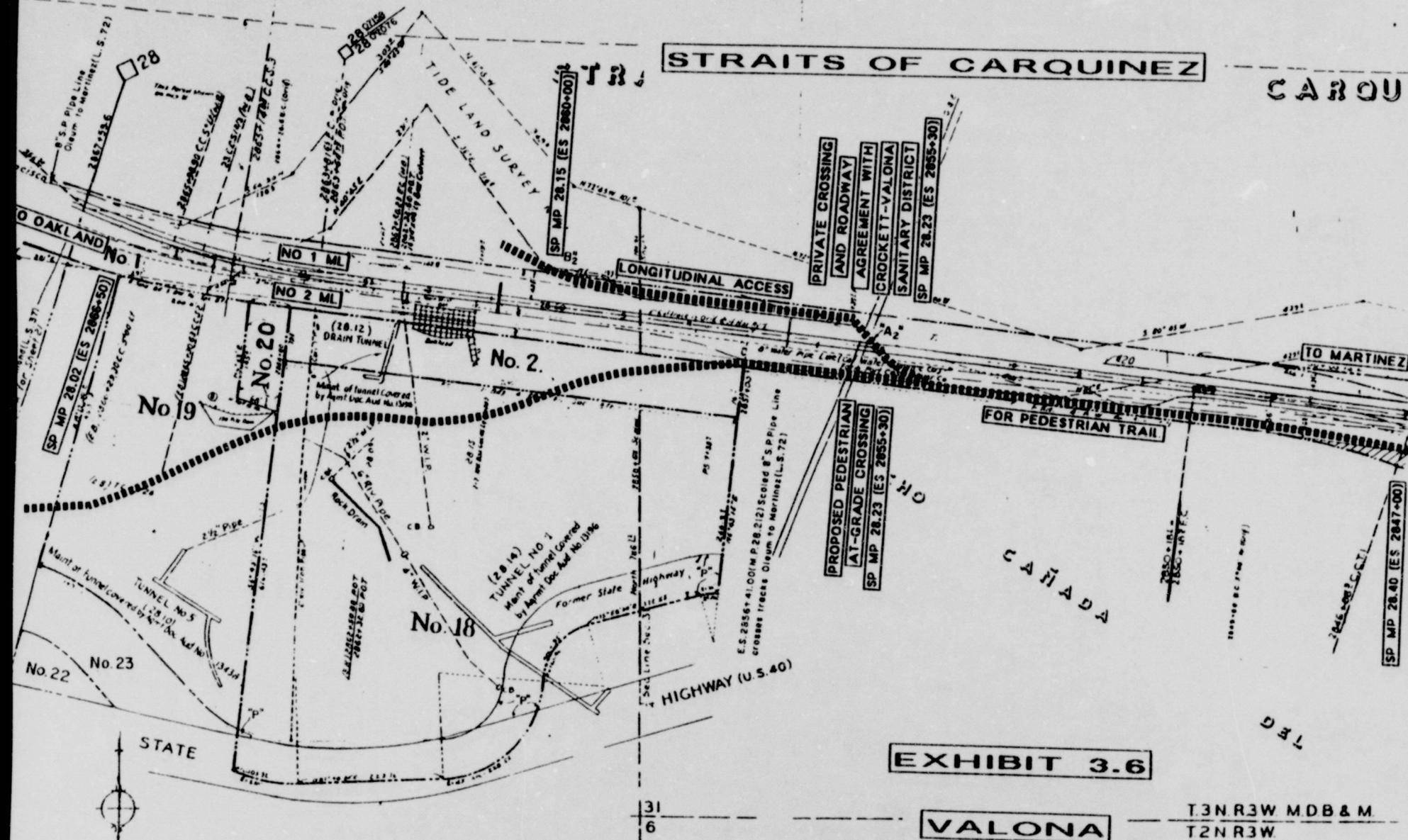
SP MP 24.10 TO MP 25.11

DATE: JUNE 11, 1996



STRAITS OF CARQUINEZ

CARQUINEZ





STB

FD

32760

7-11-96

K

84726





84726

Item No. \_\_\_\_\_  
Page Count 2  
July 1996 # 16

# Oklahoma Historical Society

Founded May 27, 1893

State Historic Preservation Office • 2704 Villa Prom • Shepherd Mall • Oklahoma City, OK 73107  
Telephone 405/521-6249 • Fax 405/947-2918

June 25, 1996

Ms. Elaine Kaiser, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
12th & Constitution Avenue, NW #3219  
Washington, D.C. 20423-0001

RE: File #0189-96; Proposed Merger of Union Pacific & Southern  
Pacific Railroads, Finance Docket #32760 (MHA-L-12),  
Locations Listed on the Attachment

Dear Ms. Kaiser:

We have reviewed the documentation submitted for the referenced project. Construction projects related to the merger have been defined very narrowly with all of the proposed construction activity occurring adjacent to or as an extension of existing tracks. We find that there are no properties eligible for the National Register of Historic Places within these narrowly defined project boundaries. We reserve the right to review and render an opinion on National Register eligibility of properties close to these sites (select depots) should any activities take place at these locations in the future.

Please reference the above underlined file number when responding. If you have any questions, please contact Mr. Marshall Gettys, Historical Archaeologist, at 405/521-6381.

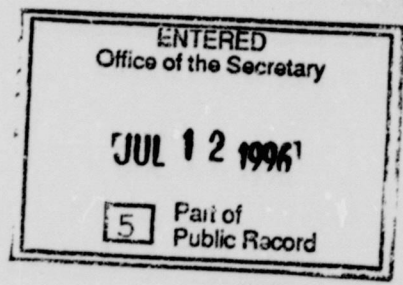
Sincerely,

*Melvina Heisch*

Melvina Heisch  
Deputy State Historic  
Preservation Officer

MH:pm

cc via fax: Mr. Paul McGinley



JUL 11 3 24 PM '96  
OFFICE OF THE SECRETARY  
SURFACE TRANSPORTATION BOARD

# ENVIRONMENTAL DOCUMENT

FILE # LIST OF PROPERTIES

0189-96

0189-96 (LOCATIONS SUBMITTED 6/20/96)

1. JEFFERSON, MILEPOST 316-317,  
GRANT COUNTY
2. JEFFERSON, MILEPOST 318.3-319.5,  
GRANT COUNTY
3. NORTH ENID, MILEPOST 338-340,  
GARFIELD COUNTY
4. ENID, MILEPOST 341-343, GARFIELD  
COUNTY
5. JACKS, MILEPOST 366-368, KINGFISHER  
COUNTY
6. OKARCHE, MILEPOST 388-390, CANADIAN  
COUNTY
7. CONCHO, MILEPOST 395-397, CANADIAN  
COUNTY
8. CHICKASHA, MILEPOST 435-438,  
GRADY COUNTY
9. MARLOW, MILEPOST 458-460, GRADY  
COUNTY
10. SUNRAY, MILEPOST 481-483, STEPHENS  
COUNTY
11. WAURIKA, MILEPOST 501-503, JEFFERSON  
COUNTY

STB

FD

32760

7-8-96

K

84685



**COVINGTON & BURLING**

1201 PENNSYLVANIA AVENUE, N. W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

TELEFAX: (202) 662-6291

TELEX: 89-593 COVLING WSH

CABLE: COVLING

J. MICHAEL HEMMER

DIRECT DIAL NUMBER

(202) 662-5577

Item No. 84685

Page Count 4

July 1996 # 12

LECONFIELD HOUSE

CURZON STREET

LONDON W1Y 8AS

ENGLAND

TELEPHONE: 44-171-495-5655

TELEFAX: 44-171-495-3101

BRUSSELS CORRESPONDENT OFFICE

44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

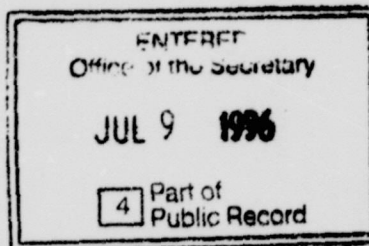
TELEPHONE: 32-2-512-9890

TELEFAX: 32-2-502-1598

June 12, 1996

**VIA FACSIMILE**

Ms. Elaine K. Kaiser  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
Room 3219  
12th and Constitution Avenue, N. W.  
Washington, D.C. 20423



OFFICE OF SECRETARY

JUL 8 10 59 AM '96

RECEIVED  
SURFACE TRANSPORTATION  
BOARD

Re: Union Pacific/Southern Pacific  
Control Proceeding (F.D. 32760)

Dear Ms. Kaiser:

Based on consultations with SEA and its consultant, suggestions from SEA and other sources, and discussions with local communities throughout the UP and SP systems, Applicants are willing to adopt the following measures to ensure that the UP/SP merger will not have significant environmental effects. In doing so, Applicants, of course, should not be understood as acknowledging that any of these measures are required or that their merger will cause significant environmental effects. Nevertheless, we want to be responsive to concerns that have been raised. Please note in connection with air quality, where we offer several significant suggestions, that our position remains that the intermodal diversions forecast for every major corridor offset emission effects of rail traffic increases.

\* All UP and some SP crossing signals have visible instructions designating an 800 number to be called if signal crossing device malfunctions. As the new dispatching system is cut in on SP lines, this signage can be applied on all SP crossings.

\* UP/SP can make available to all emergency response forces in all communities an 800 number providing access to supervisors at UP's dispatching center for the appropriate territory. These numbers must not be disclosed generally, to prevent railfans and the public from blocking the lines for legitimate uses.

**ENVIRONMENTAL DOCUMENT**

Ms. Kaiser  
June 12, 1996  
Page 2

\* SP's standard practice is to use asphalt on rail crossings. UP/SP can follow UP's standard practice of replacing crossings, in connection with rail programs and when replacement is necessary, with concrete surface material, which makes the crossings much safer and more comfortable for motorists.

\* UP founded the highly-successful Operation Lifesaver program and continues to provide support for this program at a higher level than SP. UP/SP can expand that level of commitment to SP territories.

\* You asked about four-quadrant crossing gates. This technology has not yet been accepted by standard-setting organizations.

\* UP/SP can ensure that "key" trains carrying hazardous materials in designated corridors are equipped with two-way EOT devices. (Note that such devices are required for all trains by 7/1/97, assuming supplies are available.)

\* By adopting UP's formula-based standards for track inspection on SP lines, UP/SP will increase the frequency of track inspections on SP.

\* UP/SP can extend UP's training program for community and emergency response personnel to locations on SP and include personnel from SP-served locations in UP's school at Pueblo, Colorado, for additional emergency response training.

\* UP/SP can extend UP's tank car inspection programs to SP facilities, which will result in a substantial increase in tank car inspections. This program discovers problems and non-accident releases before they become more serious or cause an accident.

\* UP/SP can use UP's training tank car on SP lines for training communities on hazardous material issues and to conduct emergency response drills.

\* UP/SP can extend UP's award-winning participation in the TRANSCAER program to SP jurisdictions. In this program, UP works with communities to develop hazardous material and emergency response plans.

\* UP has 29 personnel on 24-hour call to respond to hazardous material emergencies, compared to nine on SP. UP/SP can redistribute personnel to provide UP's level of coverage throughout the system and assign such personnel to unprotected areas on SP, such as Arizona, New Mexico and West Texas.



Ms. Kaiser  
June 12, 1996  
Page 3

\* UP/SP will adopt UP's policy of using head-hardened rail on curves in mountainous territory. This rail is less likely to suffer defects than carbon rail used by SP.

\* UP/SP can upgrade the engines inside SP locomotives during locomotive overhauls from model 645 E3 to model 645 E3B and from model 710 G3 to model 710 G3A. (SP does not do this.) The upgraded models achieve a higher level of compression and combustion, reduce fuel consumption and reduce emissions for locomotives that will be used throughout the UP/SP system.

\* UP/SP can eliminate use of model 567 locomotive engines, either by upgrading or retirement. These engines are less efficient and produce more pollution than newer models. Many are used in freight yards and terminals, which tend to be in urban areas.

\* UP/SP can adopt on SP lines UP training and operating practices that are designed to reduce fuel consumption, including throttle modulation, use of dynamic braking, increased use of pacing and coasting trains and isolating unneeded horsepower. On UP these changes reduced fuel consumption and emissions by approximately 14 percent.

\* UP/SP can convert all road locomotives to standards applicable in the South Coast Air Quality Basin for visible smoke reduction.

\* UP/SP plans to maintain SP locomotives to UP standards, which are higher. In addition, SP regularly defers periodic maintenance on hundreds of locomotives. The improved maintenance will reduce emissions and visible smoke.

\* UP/SP can adopt UP's policy of shutting down locomotives when not in use for over an hour when temperatures are above 40 degrees. This will reduce both noise and air pollution in terminal areas throughout the SP system.

\* In order to address concerns of Northern California jurisdictions about additional itinerants venturing into their area, Applicants can apply throughout the SP system UP's program of closing boxcar doors on empty cars before movement. This will not only reduce the number of hiding places for itinerants, but also reduce wind resistance and fuel consumption.

\* Rather than relying on local police forces to arrest and book itinerants, UP/SP security forces can secure and use authority to perform their own arrests and bookings. This would reduce demands on local authorities.

\* UP/SP can implement a system-wide database identifying itinerants

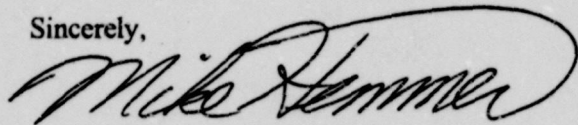


Ms. Kaiser  
June 12, 1996  
Page 4

who have been detained. This database, which would be shared with BN/Santa Fe (and other interested railroads), can be used to make it easier to obtain stiffer sentences for repeat itinerants.

We are awaiting information from your staff on SO<sub>2</sub> emissions. Please call if I can be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "Mike Hemmer". The signature is fluid and stylized, with a large loop at the end of the last name.

J. Michael Hemmer

STB

FD

32760

6-29-96

K

84490

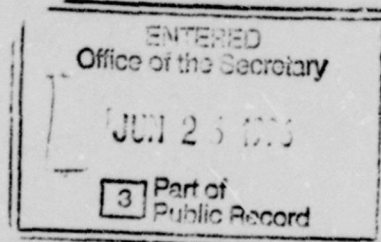


OFFICE OF  
INTERGOVERNMENTAL  
SERVICES

PHONE (501) 682-1074  
FAX (501) 682-5206

ENVIRONMENTAL MATERIALS  
84480

STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
PO BOX 3278  
LITTLE ROCK • 72203



March 07, 1996

Ms. Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

Item No. \_\_\_\_\_

Page Count 12  
JUN #226

RE: SURFACE TRANSPORTATION BOARD REQUEST FOR ENVIRONMENTAL COMMENTS ON THE  
POTENTIAL ENVIRONMENTAL IMPACTS OF THE CONTROL & MERGER APPLICATION  
BETWEEN THE UNION PACIFIC & SOUTHERN PACIFIC RAILROADS(FINANCE DOCKET  
NO. 32760)

Dear Ms. Kaiser:

The State Clearinghouse has received the above Document pursuant to the  
Arkansas Project Notification and Review System.

To carry out the review and comment process, this document was  
forwarded to members of the Arkansas Technical Review Committee. Resulting  
comments received from the Technical Review Committee which represents the  
position of the State of Arkansas are attached.

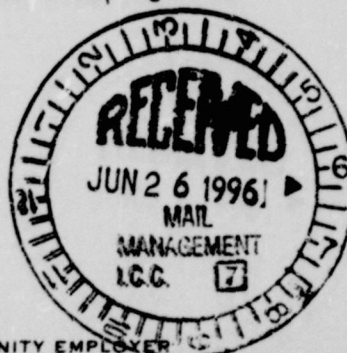
The State Clearinghouse wishes to thank you for your cooperation with  
the Arkansas Project Notification and Review System.

Sincerely,

Tracy L. Copeland, Manager  
State Clearinghouse

Enclosure  
PC: Randy Young, AS&WCC  
mkb/tlc

0001N







J. Randy Young, P.E.  
Executive Director

# Arkansas Soil and Water Conservation Commission

101 EAST CAPITOL  
SUITE 350  
LITTLE ROCK, ARKANSAS 72201

PHONE 501-682-1611  
FAX 501-682-3981

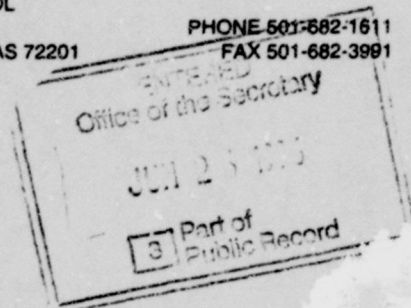
## MEMORANDUM

TO: Mr. Tracy Copeland  
Manager, State Clearinghouse

FROM: J. Randy Young, P.E.  
Chairman, Technical Review Committee

SUBJECT: SURFACE TRANSPORTATION BOARD REQUEST FOR  
ENVIRONMENTAL COMMENTS ON THE POTENTIAL  
ENVIRONMENTAL IMPACTS OF THE CONTROL & MERGER  
APPLICATION BETWEEN THE UNION PACIFIC &  
SOUTHERN PACIFIC RAILROADS (FINANCE DOCKET  
#32760)

DATE: FEBRUARY 29, 1996



Members of the Technical Review Committee have reviewed the above referenced project which is a request for environmental comments on the potential environmental impacts of the control and merger application between the Union Pacific and Southern Pacific Railroads. The Committee supports this project and comments that proper measures should be taken during construction to minimize potential negative stream and wetland impacts and that review of final construction plans should be completed by appropriate state and city agencies.

The opportunity to comment is appreciated.

JRY:smc  
Enclosures  
cc: Members of the Technical Review Committee

# RECEIVED

MAR 07 1996

INTERGOVERNMENTAL  
SERVICES  
STATE CLEARINGHOUSE



OFFICE OF  
INTERGOVERNMENTAL  
SERVICES

PHONE (501) 682-1074  
FAX (501) 682-5206

STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
P.O. BOX 3278  
LITTLE ROCK • 72203

RECEIVED  
CITY OF LITTLE ROCK  
CITY CLERK'S OFFICE

MEMORANDUM

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse  
(PLEASE EXPEDITE)

DATE: Feb. 2, 1996

SUBJECT: SURFACE TRANSPORTATION BOARD REQUEST FOR ENVIRONMENTAL COMMENTS ON THE  
POTENTIAL ENVIRONMENTAL IMPACTS OF THE CONTROL & MERGER APPLICATION  
BETWEEN THE UNION PACIFIC & SOUTHERN PACIFIC RAILROADS (FINANCE DOCKET #32760)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2)(c) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

FEB. 13, 1996

Your comments should be returned by \_\_\_\_\_ to - Mr. Randy Young,  
Chairman, Technical Review Committee, 101 E Capitol, Suite 350, Little Rock,  
Arkansas 72203.

If we have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Shani Cable of the ASWCC at 682-1611 or the State Clearinghouse Office.

☒ Support

☐ Do Not Support (Comments Attached)

☒ Comments Attached

☐ Support with Following Conditions

☐ No Comments

☐ Non-Degradation Certification Issues  
(Applies to PC&E Only)

Signature Joseph Krystofek Agency ASWCC Date 2/8/96

0173N

**COMMENTS TO THE CHAIRMAN OF THE TECHNICAL  
REVIEW COMMITTEE ON PROJECTS PURSUANT TO  
PROVISIONS OF SECTION 404 OF THE CLEAN WATER ACT,  
SECTION 102(2)(c) OF THE NATIONAL ENVIRONMENTAL  
POLICY ACT OF 1969 AND THE ARKANSAS PROJECT  
NOTIFICATION AND REVIEW SYSTEM**

PROJECT: Surface Transportation Board Request for Environmental Comments on the  
Potential Environmental Impacts of the Control & Merger Application Between the Union  
Pacific & Southern Pacific Railroads (Finance Docket #32760)

COMMENTS: Potential exists for sediment and toxic substances to move into streams and  
wetlands during new rail line construction and rail line abandonment. Therefore, measures  
should be taken to prevent this type of stream and wetland degradation (e.g., installation of silt  
fences, ditch checks).

New rail line construction has the most potential for negative stream and wetland impacts.  
Stream crossings should not restrict stream flow and should insure stream bank stabilization.  
Since new rail line construction appears to be at already developed intermodal facilities,  
mitigation for wetland impacts may be most effective if done off-site, and should be considered  
in the mitigation plan.

Rail line abandonment has the potential for restoring previously impacted streams and wetlands.  
Consideration should be given to restoring natural topography, hydrology and vegetation along  
the abandoned rail lines if no other specific use of the right of way (e.g., rails to trails) is  
planned.

Signature Joseph Krystofek Agency ASWCC Date 2/8/96





OFFICE OF  
INTERGOVERNMENTAL  
SERVICES

PHONE (501) 682-1074  
FAX (501) 682-5206

STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
P O BOX 3278  
LITTLE ROCK • 72203

RECEIVED

95 FEB -7 PM 3:47

SOIL & WATER CONTL.

MEMORANDUM

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse  
(PLEASE EXPEDITE)

DATE: Feb. 2, 1996

SUBJECT: SURFACE TRANSPORTATION BOARD REQUEST FOR ENVIRONMENTAL COMMENTS ON THE  
POTENTIAL ENVIRONMENTAL IMPACTS OF THE CONTROL & MERGER APPLICATION  
BETWEEN THE UNION PACIFIC & SOUTHERN PACIFIC RAILROADS (FINANCE DOCKET #32760)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2)(c) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

FEB. 13, 1996

Your comments should be returned by \_\_\_\_\_ to - Mr. Randy Young,  
Chairman, Technical Review Committee, 101 E Capitol, Suite 350, Little Rock,  
Arkansas 72203.

If we have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Shani Cable of the ASWCC at 682-1611 or the State Clearinghouse Office.

<input type="checkbox"/> Support	<input type="checkbox"/> Do Not Support (Comments Attached)
<input type="checkbox"/> Comments Attached	<input type="checkbox"/> Support with Following Conditions
<input checked="" type="checkbox"/> No Comments	<input type="checkbox"/> Non-Degradation Certification Issues (Applies to PC&E Only)

Signature W. L. V. Bl Agency Ark. Gen. Court Date 2-5-96

0173N



OFFICE OF  
INTERGOVERNMENTAL  
SERVICES

PHONE (501) 682-1074  
FAX (501) 682-5206

# STATE OF ARKANSAS

DEPARTMENT OF FINANCE AND ADMINISTRATION

RECEIVED

PO BOX 3278

LITTLE ROCK • 72203

93 FEB -7 PM 3:30

SOIL CONSERVATION

## MEMORANDUM

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse  
(PLEASE EXPEDITE)

DATE: Feb. 2, 1996

SUBJECT: SURFACE TRANSPORTATION BOARD REQUEST FOR ENVIRONMENTAL COMMENTS ON THE  
POTENTIAL ENVIRONMENTAL IMPACTS OF THE CONTROL & MERGER APPLICATION  
BETWEEN THE UNION PACIFIC & SOUTHERN PACIFIC RAILROADS (FINANCE DOCKET #32760)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2)(c) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

FEB. 13, 1996

Your comments should be returned by \_\_\_\_\_ to - Mr. Randy Young,  
Chairman, Technical Review Committee, 101 E Capitol, Suite 350, Little Rock,  
Arkansas 72203.

If we have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Shani Cable of the ASWCC at 682-1611 or the State Clearinghouse Office.

☐ Support

☐ Do Not Support (Comments Attached)

☐ Comments Attached

☐ Support with Following Conditions

☒ No Comments

☐ Non-Degradation Certification Issues  
(Applies to PC&E Only)

Signature [Signature] Agency AEDC Date 2-6-96

0173N



STATE OF ARKANSAS

DEPARTMENT OF FINANCE AND ADMINISTRATION

P.O. BOX 3278

LITTLE ROCK • 72203

OFFICE OF  
INTERGOVERNMENTAL  
SERVICES

PHONE (501) 682-1074  
FAX (501) 682-5206

RECEIVED  
FEB 14 PM 12:00

SOIL & WATER CONTL.

MEMORANDUM

**RECEIVED  
A.H.T.D.**

**FEB 06 1996**

**ENVIRONMENTAL  
DIVISION**

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse  
(PLEASE EXPEDITE)

DATE: Feb. 2, 1996

SUBJECT: SURFACE TRANSPORTATION BOARD REQUEST FOR ENVIRONMENTAL COMMENTS ON THE  
POTENTIAL ENVIRONMENTAL IMPACTS OF THE CONTROL & MERGER APPLICATION  
BETWEEN THE UNION PACIFIC & SOUTHERN PACIFIC RAILROADS (FINANCE DOCKET #3276C)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2)(c) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

FEB. 13, 1996

Your comments should be returned by \_\_\_\_\_ to - Mr. Randy Young,  
Chairman, Technical Review Committee, 101 E Capitol, Suite 350, Little Rock,  
Arkansas 72203.

If we have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Shani Cable of the ASWCC at 682-1611 or the State Clearinghouse Office.

<input type="checkbox"/> Support	<input type="checkbox"/> Do Not Support (Comments Attached)
<input checked="" type="checkbox"/> Comments Attached	<input type="checkbox"/> Support with Following Conditions
<input type="checkbox"/> No Comments	<input type="checkbox"/> Non-Degradation Certification Issues (Applies to PC&E Only)

Signature [Signature] Agency Arkansas State Highway and Transportation Department Date 2-9-96  
Steve League  
Assistant Chief Engineer - Planning

0173N



ARKANSAS STATE HIGHWAY  
AND  
TRANSPORTATION DEPARTMENT

Dan Flowers  
Director  
Telephone (501) 569-2000



P.O. Box 2261  
Little Rock, Arkansas 72203-2261  
Telefax (501) 569-2400

February 9, 1996

Ms. Tracy Copeland  
Arkansas State Clearinghouse  
Department of Finance and Administration  
P.O. Box 3278  
Little Rock, Arkansas 72203

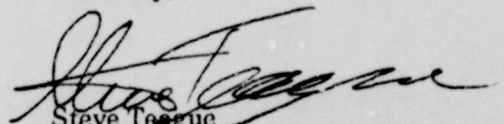
Dear Ms. Copeland:

Reference is made to your request for the Department's review of the potential environmental impacts from the proposed merger of the Union Pacific and Southern Pacific Railroads.

From the examination of the data provided, the Department offers the following comments on proposed rail line construction projects.

CONSTRUCTION PROJECT	COMMENTS
Common Point Connection Camden, AR	Final construction plans should be reviewed by our Roadway Design Division.
Corridor Upgrade Fair Oaks, AR	No comments.
Common Point Connection Pine Bluff, AR (East)	No comments.
Common Point Connection Pine Bluff, AR (West)	Final construction plans should be reviewed by our Roadway Design Division and the City of Pine Bluff.
Common Point Connection and Construction at Intermodal Facility Texarkana, AR	Final construction plans should be reviewed by the City of Texarkana.
Corridor Upgrade West Memphis, AR	No comments.

Sincerely,

  
Steve Teague  
Assistant Chief Engineer - Planning

Enclosure

cc: Deputy Director and Chief Engineer



OFFICE OF  
INTERGOVERNMENTAL  
SERVICES

PHONE (501) 682-1074  
FAX (501) 682-5206

RECEIVED  
FEB 05 1996

STATE OF ARKANSAS

DEPARTMENT OF FINANCE AND ADMINISTRATION

P.O. BOX 3278

LITTLE ROCK • 72203

ARK. DEPT. of HEALTH  
DIVISION OF ENGINEERING

MEMORANDUM

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland *XC* Manager - State Clearinghouse  
(PLEASE EXPEDITE)

DATE: Feb. 2, 1996

SUBJECT: SURFACE TRANSPORTATION BOARD REQUEST FOR ENVIRONMENTAL COMMENTS ON THE  
POTENTIAL ENVIRONMENTAL IMPACTS OF THE CONTROL & MERGER APPLICATION  
BETWEEN THE UNION PACIFIC & SOUTHERN PACIFIC RAILROADS (FINANCE DOCKET #3276C)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2)(c) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

FEB. 13, 1996

Your comments should be returned by \_\_\_\_\_ to - Mr. Randy Young,  
Chairman, Technical Review Committee, 101 E Capitol, Suite 350, Little Rock,  
Arkansas 72203.

If we have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Shani Cable of the ASWCC at 682-1611 or the State Clearinghouse Office.

<input type="checkbox"/> Support	<input type="checkbox"/> Do Not Support (Comments Attached)
<input type="checkbox"/> Comments Attached	<input type="checkbox"/> Support with Following Conditions
<input checked="" type="checkbox"/> No Comments	<input type="checkbox"/> Non-Degradation Certification Issues (Applies to PC&E Only)

Signature *Tracy L. Copeland* Agency \_\_\_\_\_ Date *2-8-96*

0173N

Division of Engineering  
Arkansas Department of Health  
4815 West Markham  
Little Rock, AR 72205-3867

RECEIVED  
56 FEB 14 PM 12:02  
SOIL & WATER COMM.

ARKANSAS GAME AND FISH COMMISSION  
February 13, 1996

MEMORANDUM TO: Randy Young, Chairman  
Technical Review Committee

FROM: Craig K. Uyeda, Member  
Technical Review Committee

*Craig*

In response to memorandums from the State Clearinghouse of February 2 and 5, 1996, with attached correspondence from the Surface Transportation Board, Washington, D.C. and a Public Notice from the Memphis District, U.S. Corps of Engineers, this is to advise we have no objections to the following projects:

Surface Transportation Board Request for Environmental Comments on the potential environmental impacts of the control and merger application between the Union Pacific and Southern Pacific Railroads (Finance Docket #32760).

\* \* \* \*

Caney Creek 95-004 - Loyd Brewer, Brinkley, AR - construct low water weir in Caney Creek for irrigation purposes approximately seven miles north of Brinkley, AR in Monroe County.

Thank you for the opportunity to review the above proposals.

CKU:DGC:ac

cc: State Clearinghouse  
U.S. Fish & Wildlife service  
Memphis District, USCE  
Regulatory Functions Section





OFFICE OF  
INTERGOVERNMENTAL  
SERVICES

PHONE (501) 682-1074  
FAX (501) 682-5206

# STATE OF ARKANSAS

DEPARTMENT OF FINANCE AND ADMINISTRATION

PO BOX 3278

LITTLE ROCK • 72203

RECEIVED

93 FEB 15 PM 3:47

SOIL FEB 07 1996

## MEMORANDUM

OUTDOOR RECREATION GRANTS

EXECUTIVE DIRECTOR  
OFFICE

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse  
(PLEASE EXPEDITE)

DATE: Feb. 2, 1996

SUBJECT: SURFACE TRANSPORTATION BOARD REQUEST FOR ENVIRONMENTAL COMMENTS ON THE  
POTENTIAL ENVIRONMENTAL IMPACTS OF THE CONTROL & MERGER APPLICATION  
BETWEEN THE UNION PACIFIC & SOUTHERN PACIFIC RAILROADS (FINANCE DOCKET #32760)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2)(c) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

FEB. 13, 1996

Your comments should be returned by \_\_\_\_\_ to - Mr. Randy Young,  
Chairman, Technical Review Committee, 101 E Capitol, Suite 350, Little Rock,  
Arkansas 72203.

If we have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Shani Cable of the ASWCC at 682-1611 or the State Clearinghouse Office.

<input type="checkbox"/> Support	<input type="checkbox"/> Do Not Support (Comments Attached)
<input type="checkbox"/> Comments Attached	<input type="checkbox"/> Support with Following Conditions
<input checked="" type="checkbox"/> No Comments	<input type="checkbox"/> Non-Degradation Certification Issues (Applies to PC&E Only)

Signature Victor Turner Agency Parks & Tourism Date 2/14/96

0173N



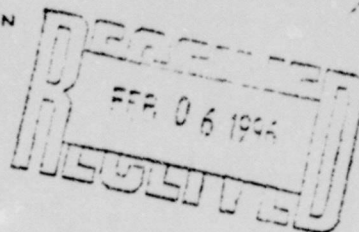
OFFICE OF  
INTERGOVERNMENTAL  
SERVICES

PHONE (501) 682-1074  
FAX (501) 682-5206

STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
RECEIVED  
P.O. BOX 3278  
LITTLE ROCK • 72203

95 FEB 21 PM 2:02

SOIL & WATER COMMEMORANDUM



TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse  
(PLEASE EXPEDITE)

DATE: Feb. 2, 1996

SUBJECT: SURFACE TRANSPORTATION BOARD REQUEST FOR ENVIRONMENTAL COMMENTS ON THE  
POTENTIAL ENVIRONMENTAL IMPACTS OF THE CONTROL & MERGER APPLICATION  
BETWEEN THE UNION PACIFIC & SOUTHERN PACIFIC RAILROADS (FINANCE DOCKET #32760)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2)(c) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

FEB. 13, 1996

Your comments should be returned by \_\_\_\_\_ to - Mr. Randy Young,  
Chairman, Technical Review Committee, 101 E Capitol, Suite 350, Little Rock,  
Arkansas 72203.

If we have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Shani Cable of the ASWCC at 682-1611 or the State Clearinghouse Office.

<input type="checkbox"/> Support	<input type="checkbox"/> Do Not Support (Comments Attached)
<input type="checkbox"/> Comments Attached	<input type="checkbox"/> Support with Following Conditions
<input checked="" type="checkbox"/> No Comments	<input type="checkbox"/> Non-Degradation Certification Issues (Applies to PC&E Only)

Signature Steve Brown Agency ADPC&E Date 7 FEB 96

0173N

STB

FD

32760

6-26-96

K

86491



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON  
GOVERNOR  
JESSE R. KLAUSER  
SECRETARY

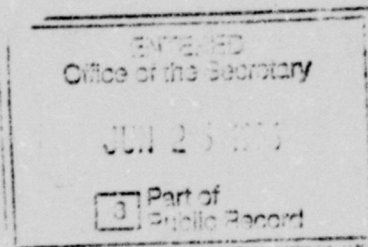


86491  
Mailing Address:  
Post Office Box 7868  
Madison, WI 53707-7868

February 15, 1996

ENVIRONMENTAL MATERIALS

Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001



Re: Control and Merger Application between the Union Pacific and Southern Pacific Railroads  
(Finance Docket No. 32760)

Dear Ms. Kaiser:

The Wisconsin Coastal Management Program (WCMP) has received notification of the above activity. We are concerned about potential impacts to coastal resources, primarily rivers, waterways or wetlands feeding in to Lake Michigan. However, the WCMP has no specific comments at this time, as no information has been provided regarding the location of rail line segments which may undergo modifications or improvements.

Please provide this information in the Environmental Assessment. In addition, we request a risk-analysis on the likelihood of hazardous material spills due to the increase in traffic volume, and what the policies of the merged Union Pacific Railroad Company will be for dealing with such situations.

If you have any questions, please feel free to call me at 608-266-8269

Sincerely,

Mary E. Frazer, Federal Consistency Coordinator  
Wisconsin Coastal Management Program

cc: Oscar Herrera, Chief  
Wisconsin Coastal Management Program

c:meff/c/1-96

Item No. \_\_\_\_\_  
Page Count 2  
In 226 A



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
101 East Wilson Street, Madison, Wisconsin

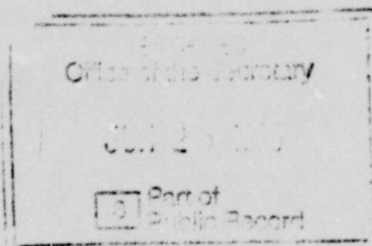
WMY G. THOMPSON  
GOVERNOR  
JAMES R. KLAUSER  
SECRETARY



Mailing Address:  
Post Office Box 7868  
Madison, WI 53707-7868

February 15, 1996

Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001



Re: Control and Merger Application between the Union Pacific and Southern Pacific Railroads  
(Finance Docket No. 32760)

Dear Ms. Kaiser:

The Wisconsin Coastal Management Program (WCMP) has received notification of the above activity. We are concerned about potential impacts to coastal resources, primarily rivers, waterways or wetlands feeding in to Lake Michigan. However, the WCMP has no specific comments at this time, as no information has been provided regarding the location of rail line segments which may undergo modifications or improvements.

Please provide this information in the Environmental Assessment. In addition, we request a risk-analysis on the likelihood of hazardous material spills due to the increase in traffic volume, and what the policies of the merged Union Pacific Railroad Company will be for dealing with such situations.

If you have any questions, please feel free to call me at 608-266-8269.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mary E. Frazer'.

Mary E. Frazer, Federal Consistency Coordinator  
Wisconsin Coastal Management Program

cc: Oscar Herrera, Chief  
Wisconsin Coastal Management Program

c:mef/jc/1-96

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF ENERGY & INTERGOVERNMENTAL RELATIONS  
NR0284

MAILING ADDRESS:  
P.O. BOX 7868  
MADISON, WI 53707-7868

## FACSIMILE COVER MESSAGE

**CONFIDENTIALITY:** This facsimile transmission is intended only for the use of the individual or entity to which it is addressed. It may contain information which is privileged, confidential or exempt from disclosure under applicable law.

If the reader of this message is not the intended recipient, you are notified that any review, use copying, or dissemination or distribution of the contents other than to the addressee of this communication, is strictly prohibited.

If you received this communication in error, notify the sender immediately by telephone. If required for confidential purposes, the sender will provide instructions for returning the FAX message by U.S. mail.

<b>TO</b>	
Name	Phillis Johnson - Ball
Location	Surface Transportation Board
Room Number	
Facsimile Telephone Number	202-927-6225
Telephone Number	202-927-6213
<b>FROM (Sender)</b>	
Name	Mary Frazer 608-266-8269
Location	101 East Wilson Street, 6th Floor, Madison, WI
Number of Pages including This Cover Sheet	2
Facsimile Telephone Number	(608) 267-6931
Telephone Number	(608) 266-8234

COMMENTS / INSTRUCTIONS



STB

FD

• 32760

6-26-96

K

• 86490

GRADY RUNYAN,  
COUNTY JUDGE  
CLARK COUNTY  
ARKADELPHIA, AR 71923  
501-246-5847

ENVIRONMENTAL MATERIALS

86990

February 13, 1996

Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

Item No. \_\_\_\_\_

Page Count 2

Jun

226 B

Dear Ms. Kaiser,

As the county judge of Clark County, I am in complete agreement with your merger proposal merging Union Pacific with Southern Pacific Railroad service.

I see no detrimental environment impact by this merger.

Sincerely,

*Grady Runyan*

Grady Runyan  
Clark County Judge

GR/rw



# Clark County Government

---

Courthouse Square  
Arkadelphia, AR 71923  
501-246-5847  
Fax: 501-245-3092

---

## FAX TRANSMISSION COVER SHEET

---

Date: 2-13-96

To: ELADNE KAISER

Fax: 202-927-6225

Subject: UNION PACIFIC + SOUTHERN PACIFIC MERGER

Sender: JUDGE GRADY RUNYAN

---

YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET.  
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 501-246-5847.

---



STB

FD

32760

6-26-96

K

84527

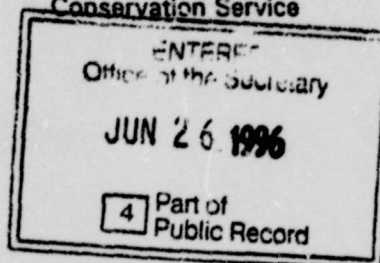
# ENVIRONMENTAL MATERIALS

United States  
Department of  
Agriculture

Natural Resources  
Conservation Service

3737 Government Street  
Alexandria, Louisiana  
71302

84527



February 23, 1996



Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

Attention: Finance Docket No. 32670 - comments

Re: Surface Transportation Board Request for Environmental  
Comments on the Potential Environmental Impacts of the  
Control and Merger Application between the Union Pacific  
and Southern Pacific Railroads

In response to your letter dated January 29, 1996, requesting  
our views and comments on the above referenced subject, the  
following comments are offered for your consideration:

1. I am enclosing a copy of our letter to Julie Donsky,  
Environmental Scientist, with Dames and Moore dated  
December 15, 1995. (Enclosure #1)
2. NRCS has no proposed work in the impacted area in Northwest  
Louisiana.
3. Any proposed construction should consider drainage and  
flooding impacts.
4. As indicated on the maps and sketches provided for review  
some wetlands will be affected.
5. The twenty-five (25) new rail line connects that would  
require construction outside existing right-of-way will have  
the potential to convert important farmland to  
nonagricultural uses.
  - a. Important farmland includes prime, unique, and farmland  
of statewide or local importance. Prime farmlands are

Item No. \_\_\_\_\_

Page Count 3

Jun #192

AN EQUAL OPPORTUNITY EMPLOYER

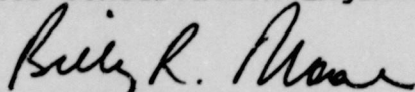
those whose value derives from their general advantage as cropland due to soil and water conditions. The land does not have to be presently in row crops to be classified as prime farmland. Prime farmland can be cropland, pastureland, forestland, but not urban built-up land.

- b. Unique farmland is land other than prime farmland that is used for production of specific high-value crops and fiber crops such as citrus and sugarcane.
6. The U.S. Department of Agriculture has published final rules for implementation of the Farmland Protection Policy Act (FPPA). Enclosed is a copy of the Act and the rules which became effective August 6, 1984. (See Enclosure #2). Also enclosed is a copy of amendments to this rule published June 17, 1994. See Enclosure #3.
- a. The purpose of the Act and rules is to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of important farmlands to nonagricultural uses. Section 658.4 describes the actions federal agencies are to take to comply with the rules. Form SCS-CPA-106 should only be used for those actions that will cause the conversion of important farmlands to other uses.
  - b. Form SCS-CPA-106 for corridors, should only be completed if a federal agency or federal funds are involved in the proposed activity. Enclosure #4 is a copy of this form.
7. To determine the area of prime, unique, and statewide and local important farmland that may be converted, more detailed information is required. The width of additional rights-of-way along corridors to be expanded is needed to determine potential conversion of important farmland. Enclosed are copies of applicable soil survey reports for Jefferson, Iberville, Allen, Pointe Coupee, and St Charles Parishes, with soil legends that identify mapping units classified as important farmland. See Enclosures #5, 6, 7, 8 & 9. The soil survey for Jefferson Davis Parish has not been published at this time but the soil survey has been completed. If the exact location for work in Jefferson Davis Parish is provided, a determination regarding prime, unique or important farmland can be made by this agency.



Elaine K. Kaiser  
Page 3  
February 23, 1996

Should you have any questions please contact E. J. Giering III,  
State Conservation Engineer, at (318) 473-7673.



Acting For  
Donald W. Gohmert  
State Conservationist

Encls (9)

cc: E. J. Giering III, State Conservation Engineer, NRCS,  
Alexandria, LA

STB

FD

• 32760

6-26-96

K

• 84485

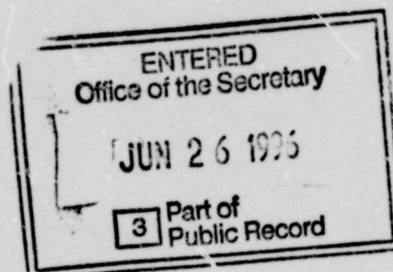


ENVIRONMENTAL MATERIALS  
84485  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

FD 32760

February 13, 1996

Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Ave, Room 3219  
Washington, D.C. 20423-0001



Dear Ms. Kaiser:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA), Region 6 office, has reviewed your Solicitation For Comments for the proposed merger of the Union Pacific Railroad and the Southern Pacific Transportation Company. The proposed merger requires approval of the Surface Transportation Board. The Board retains the former Interstate Commerce Commission (ICC) review authority.

We have completed our review of the brief project description and would like to take this opportunity to submit basic recommendations on the scope of the Environmental Assessment you are preparing. Our comments, which are enclosed, are based upon the Council on Environmental Quality regulations 40 CFR (Parts 1500-1508) and our authority under Section 309 of the Clean Air Act.

We appreciate the early opportunity to comment. Please send our office two copies of the Environmental Assessment. If you have any questions, please contact me at (214) 665-7451.

Sincerely yours,

*Michael P. Jansky, P.E.*

Michael P. Jansky, P.E.  
Regional Environmental Review Coordinator

Enclosure



Item No. \_\_\_\_\_  
Page Count 6  
Sum # 224



**SCOPING COMMENTS  
FOR THE  
SURFACE TRANSPORTATION BOARD  
UNION PACIFIC AND SOUTHERN PACIFIC RAILROADS  
CONTROL AND MERGER APPLICATION  
ENVIRONMENTAL ASSESSMENT**

**FEDERAL REGULATORY PROGRAMS**

EPA Federal programs, authorities and special interests include but are not limited to:

A. Water Quality Management Program - Sections 106, 205, 208, and 303 of the Clean Water Act.

B. National Pollutant Discharge Elimination System (NPDES) Permit Program - Section 402 of the Clean Water Act.

C. Drinking Water Programs - Surface Public Water Supply and Underground Water Source Programs - Safe Drinking Water Act.

D. Section 404 Permit Program Coordination - Section 404 of the Clean Water Act.

E. Environmental Impact Statement (EIS) Coordination - EIS Preparation and Review Programs - National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

F. Executive Orders 11988 (Floodplain Management) and 11990 (Wetland Protection).

G. Section 7 of the Endangered Species Act - Protection of threatened or endangered species of flora or fauna.

H. 36 CFR Part 800 of the Historic Preservation Act - Protection of archeological or historical elements eligible for nomination to the National Register.

Description and requirements of these programs:

A. The Environmental Protection Agency (EPA) established the Water Quality Management (WQM) Program under the authority of Sections 106, 205, 208, and 303 of the Clean Water Act to develop and implement programs to control point and nonpoint sources of water pollution. Specific program activities include identifying water pollution problems; assigning the responsibility for problem solving to state and local agencies; and then coordinating with these agencies in developing and implementing solutions to the problems. The state agencies establish their water quality goals and standards, and develop programs to meet these goals. To establish water quality standards, states designate uses for stream

segments, and set numerical and general water quality criteria to attain these uses.

B. Wastewater discharges are considered point sources subject to a National Pollutant Discharge Elimination System (NPDES) permit under Section 402 of the Clean Water Act.

C. The EPA developed primary drinking water regulations to protect public health, and established requirements for state programs to implement the public water supply supervisor program and underground injection control program under authority of the Safe Drinking Water Act.

D. Under Section 404, the U.S. Army Corps of Engineers is authorized to issue permits for discharge of dredged or fill material into waters of the U.S., subject to an EPA "veto" if the discharge has certain unacceptable impacts. Thus, in general, the Corps is the primary permitting agency for the Federal 404 program. EPA has the authority to review each permit application and to submit comments. Pursuant to the 404(b)(1) Guidelines for evaluating discharge of dredged or fill material, an EPA permit review focuses on evaluating practicable alternatives, minimizing impacts, and mitigating for unavoidable impacts to the aquatic ecosystem, including wetlands.

E. Section 309 of the Clean Air Act and the Council on Environmental Quality (CEQ) regulations require EPA to review and comment on projects that may significantly impact the quality of the human environment.

F. Executive Orders 11988 (Floodplain Management) and 11990 (Wetland Protection) require federal agencies to evaluate the potential effects of their actions in floodplains and to avoid adverse floodplain impacts wherever possible, as well as taking action to avoid adversely impacting wetlands wherever possible and minimizing wetlands destruction and preserving the values of wetlands.

G. Section 7 of the Endangered Species Act requires federal agencies to insure that any agency action does not jeopardize the continued existence of any endangered or threatened species or result in the destruction of adverse modification of such critical habitat.

H. 30 CFR Part 800 of the Historic Preservation Act requires federal agencies to identify and determine the effect of the action on any district site, building, structure, or object listed in or eligible for listing in the National Register of Historic Places.

#### GENERAL COMMENTS:

Environmental Assessment should objectively evaluate all reasonable alternatives and, for alternatives which were eliminated



from detailed study, adequately discuss the reasons for their having been eliminated (40 CFR 1502.14).

#### ENVIRONMENTAL JUSTICE

All Federal agencies should be aware that on February 11, 1994, Executive Order 12898 (E.O.) on "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," and an accompanying Presidential Memorandum was issued. The E.O. directs Federal agencies to analyze "the environmental effects, including human health, economic and social effects, of federal actions...." The Presidential Memorandum directs EPA to ensure that Federal agencies analyze the environmental effects of Federal actions on minority and low-income communities when such analysis is required by the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. Section 4321 et seq.)

Although social and economic impacts have always been a consideration in EPA's Section 309 reviews, the Presidential Memorandum highlights the necessity to better integrate the consideration of human health, social and economic effects into the Section 309 review process. The E.O. calls for collection and analysis of information on race, national origin, income level and other appropriate information for areas surrounding projects that have expected environmental, health and economic effect on those populations.

#### WATER QUALITY

For each alternative under consideration, we request that the EA adopt a process to ensure that water quality concerns are assessed. The discussion in the EA should be of sufficient detail to determine which sites are environmentally preferable. Site-specific water quality problems need to be assessed in greater detail, if applicable, including the adoption of site-specific mitigation measures to protect water quality and beneficial uses.

In 1987, Congress amended the CWA by adding Section 319. Section 319 requires states to assess nonpoint source water pollution problems, develop nonpoint source pollution management programs, and implement controls to protect and improve water quality and beneficial uses. We ask that the applicant work closely with appropriate state water pollution control agencies to determine what pollution control measures should be adopted to implement the state's nonpoint source management plans.

#### GROUNDWATER COMMENTS

For the selected alternative under consideration, we ask that the EA adopt a process to ensure that the following groundwater concerns are assessed.



a. Describe current groundwater conditions in the program areas. Assess any likely impact to groundwater quality and quantity from program activities.

b. Identify mitigation measures to prevent or reduce adverse impacts to groundwater quality and discuss their effectiveness. We recommend that the applicant work closely with state and local agencies which regulate the protection of groundwater resources (i.e., state health departments and water pollution control agencies.)

#### WETLANDS - CLEAN WATER ACT (CWA)

The EA should determine whether the project will require the placement of dredged or fill material into waters of the United States, including wetlands, an activity regulated under Section 404(b)(1) of the Clean Water Act (CWA). We recommend that the applicant work closely with the U.S. Army Corps of Engineers to determine if Section 404 is applicable. We recommend the preservation and enhancement of existing wetland resources. The EA should consider alternatives which will preserve these resources in perpetuity.

It is essential that the applicant undertake every practicable effort to first avoid and then reduce the amount of fill placed into waters of the United States. It would be useful for the EA to make an initial determination whether the proposed project may require the placement of fill material in waters of the United States. If so, the EA should substantiate that appropriate and practicable steps have been taken to avoid and minimize the adverse impacts on aquatic ecosystems. Finally, the EA should describe appropriate and practicable measures to compensate for the unavoidable loss of wetlands and other waters of the United States.

#### AIR QUALITY COMMENTS - CLEAN AIR ACT

For the preferred alternative under consideration, we suggest that the EA adopt a process to ensure that the air quality concerns are assessed. The EA should discuss existing air quality conditions in terms of National Ambient Air Quality Standards (NAAQS), Federal Prevention of Significant Deterioration (PSD) increments, and state air quality standards. State air quality laws should also be discussed.

When appropriate, the EA should substantiate coordination with state/local/regional air pollution control agencies on air quality planning, air quality modeling, compliance with federal/state air quality standards, the need for air permits, air quality monitoring, and mitigation for adverse impacts.

#### PESTICIDES

The EA should state whether or not any pesticides (e.g.,

herbicides, insecticides, rodenticide, fungicides, etc.) will be used for vegetation clearance or control, maintenance and harvest operations, or the control of rat, mosquito or other vector populations. If so, the types of pesticides, application rates, and application procedures should be addressed. Any pesticides used must be registered with the EPA and the state, and label directors and instructions followed. All applicable state regulations must also be followed. In addition, because the regulatory status of chemicals is constantly changing, EPA recommends that a periodic review of the chemical's current regulatory status be done prior to application.

#### AGRICULTURAL LAND

The EA should clarify if any agricultural land would be impacted by the program. If so, the EA should use the U.S. Department of Agriculture classification scheme to describe the present use of agricultural land which would be affected. If this acreage is prime agricultural land (Class 2), consideration should be given to the Council on Environmental Quality (CEQ) (August 30, 1976 and August 11, 1980) which urge the protection of prime agricultural land.

#### ENDANGERED SPECIES

The EA should demonstrate adequate coordination with the Fish and Wildlife Service to identify any adverse effects, determine the effect and take measures to eliminate it and fully comply with the requirements under Section 7 of the Endangered Species Act.

#### HISTORIC PRESERVATION

36 CFR Part 800 of the Historic Preservation Act requires federal agencies to identify and determine the effect of the action on any district, site, building, structure, or object listed in or eligible for listing in the National Register of Historic Places. The EA should demonstrate proper coordination with the state historical preservation officer. If adverse impacts are identified, the applicant should request formal consultation with the Advisory Council on Historic Preservation (36 CFR, Part 00). Compliance with E.O. 121593 is required.

STB

FD

32760

6-26-96

K

84483



# ENVIRONMENTAL MATERIALS

## CHEYENNE COUNTY COMMISSIONERS

### CHEYENNE COUNTY, COLORADO

1 So. 1st P.O. Box 567 Cheyenne Wells, Colorado 80810-0567  
(719) 767-5872  
Fax (719) 767-5540

Everett Johnson

District 1, Kit Carson, Co

Nancy L. Bogenhagen

District 2, Cheyenne Wells, CO

Jerry Allen

District 3, Arapahoe, CO

Kay Feyh

Clerk, Cheyenne Wells, CO

(719) 767-5685

ENTERED  
Office of the Secretary

JUN 26 1996

3 Part of  
Public Record



February 13, 1996

Dear Elaine K. Kaiser

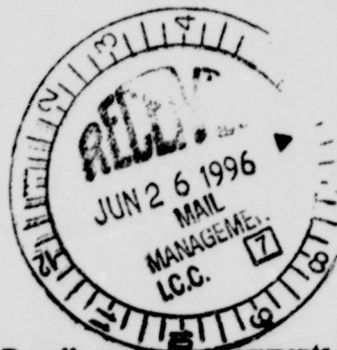
UP/SP Environmental Project Director

Section of Environmental Analysis

Surface Transportation Board

12th and Constitution Avenue, Room 3219

Washington, D.C. 20423-001



Item No. \_\_\_\_\_

Page Count 3

Jim # 223

RE: Cheyenne County's response to Surface Transportation Board's request for comments on the Potential Environmental Impacts of the Control and Merger Application between the Union Pacific and Southern Pacific Railroads (Finance Docket No. 32760)

Dear Ms. Kaiser,

Cheyenne County has concerns regarding the merger and probable increase of train traffic on the Union Pacific line running through Cheyenne County.

One of our major concerns is the accessibility of emergency equipment to the south side of the railroad tracks. Cheyenne County Sheriff's Office and the firehouse in Cheyenne Wells, Cheyenne County, Colorado is located on the north side of the railroad tracks, as is most of Cheyenne Wells. Highway 40 is located on the south side of the railroad tracks.

We have reported instances from Cheyenne County emergency response personnel of occurrences when they were called to locations south of the railroad tracks and were unable to cross the tracks due to trains blocking the crossings. There are three railroad crossings providing this access and they are all within approximately 1.4 miles.

There is automatic safety warning equipment at only two of the three crossings. In July 1993, a local farmer lost his life at the crossing where no safety warning equipment is located. We are requesting that in the process of the line upgrade, automatic warning signals be installed at this crossing.

We would like to address the problems and possibility of increase in number of fires started along the railroad line by traveling trains. The Union Pacific Railroad has not maintained an access road along the railroad tracks. This already has led to an increase in fire danger and also has impaired the ability of



Cheyenne Wells Volunteer Fire Department and Kit Carson Volunteer Fire Department to fight fires started by trains. There have been instances of loss of wheat crops and grass due to fires started by the trains. If access is not there, more damage is done.

Cheyenne County Weed Control District has been unable to treat the problem of bindweed that is growing along the tracks, due to lack of an access road. Bindweed, if not treated, will smother a crop. The seed is spread by deer, antelope and even the wind. As you can see, an access road is vitally important.

The information I have received concerning the increase in daily train traffic has varied from '8 or so' to '12' and currently there are 1 or 2 trains running daily. If the numbers increase and the size of the trains increase, all the above problems become more critical.

Thank you for the opportunity to respond to the possible merger. Hopefully these concerns can be addressed and resolved.

Sincerely,

*Nancy L. Bogenhagen*

Nancy L. Bogenhagen

Cheyenne County Commissioner

**Fax Transmittal: Pages 3**  
**Date: February 15, 1996**  
**From: Nancy Bogenhagen**  
**Cheyenne County Commissioner**  
**Cheyenne County, Colorado**  
**Phone: 1-719-767-5301, 5615 or 5872**

**To: Surface Transportation Board**  
**12th and Constitution Avenue, Room 3219**  
**Washington, D. C. 20423-0001**

**Attention:**  
**Elaine K. Kaiser**  
**UP/SP Environmental Project Director**  
**Section of Environmental Analysis**  
**Attention: Finance Docket No. 32760 - Comments**



STB

FD

32760

6-26-96

K

84478



REPLY TO  
ATTENTION OF

84428  
**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, MISSOURI RIVER DIVISION  
12565 WEST CENTER ROAD  
OMAHA, NEBRASKA 68144-3869



February 15, 1996

ENTERED  
Office of the Secretary

JUN 26 1996

3 Part of  
Public Record

Planning Division

*ENVIRONMENTAL MATERIALS*

*FD 32260*

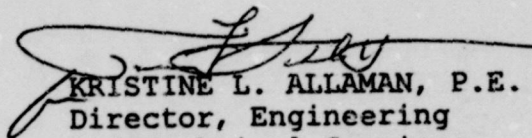
Ms. Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

Dear Ms. Kaiser:

This responds to your January 29, 1996 request for environmental impact review of the proposed railroad merger. Please find Omaha District comments on the proposal at enclosure 1.

If you have questions, please contact Dr. Nancy Andrews at (402) 697-2471.

Sincerely,

  
KRISTINE L. ALLAMAN, P.E.  
Director, Engineering  
and Technical Services

Enclosure

Item No. \_\_\_\_\_  
Page Count *7*  
*Jun 4 219*

February 13, 1996

Planning Division

Department of the Army  
CEMRD-ET-P

Kristine L. Allaman, Director, Engineering and Technical Services  
12565 West Center Road  
Omaha, NE. 68144-3869

Dear Mrs. Andrews:

We have reviewed your letter, dated February 1, 1996 and enclosed attachments on Potential Environmental Impacts from Proposed Action by Union Pacific/Southern Pacific Railroad Merger in Colorado, Iowa, Nebraska, and Wyoming. We offer the following comments.

The Federal Flood Plain Management criterion basically states that construction which could be damaged by floodwaters or which could obstruct floodflows should not be located in the 100-year flood plain. If this is not practicable, any residential construction that could be damaged by floodwater should be placed above the 100-year floodwater surface elevation and any nonresidential construction that could be damaged by floodwater should be placed above or flood proofed to above the 100-year floodwater surface elevation and should be designed to minimize potential harm to or within the flood plain. If the operation of the constructed facilities is considered critical during flood periods, the facilities should be protected from the 500-year flood. Flood plain construction should not increase the water surface elevation of the 100-year flood more than 1 foot relative to existing conditions.

The design of the proposed project should ensure that the project is in compliance with flood plain management criteria of the City of Denver and the State of Colorado. As a minimum, the design should insure that the 100-year flood water surface elevation of any stream affected is not increased more than one foot relative to pre-project conditions. It is desirable, however, that water surface elevations either remain the same or decrease as a result of this project.

Your plans should be coordinated with the U.S. Environmental Protection Agency, which is currently involved in a program to protect groundwater resources.

If you have not already done so, we recommend that you consult with the U.S. Fish and Wildlife Service and the state agency responsible for fish and wildlife resources. In addition, the State Historic Preservation Office should be contacted for information and recommendations on potential cultural resources in the project area.

Encl



It appears that some of the construction could take place in waterways or wetlands which are classified as waters of the United States and are therefore regulated under Section 404 of the Clean Water Act. If construction activities involve any work in waters of the United States, a Section 404 permit may be required. For a detailed review of permit requirements, final project plans should be sent to:

Mr. Tim Carey  
Tri Lakes Project Office  
U.S. Army Corps of Engineers  
9307 Colorado State Hwy. #121  
Littleton, Colorado 80123-6901

If you have any questions, please contact Mr. Robert Tusa of our staff at (402) 221-4594. Thank you for the opportunity to review this proposal.

Sincerely

Candace M. Thomas

Chief, Environmental  
Analysis Branch  
Planning Division

Copy Furnished:  
CEMRO-OP-R(CO)

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, MISSOURI RIVER DIVISION  
12565 WEST CENTER ROAD  
OMAHA, NEBRASKA 68144-3869

February 15, 1996

JUN 23 1996

☐ Part of  
Public Record

Planning Division

Ms. Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

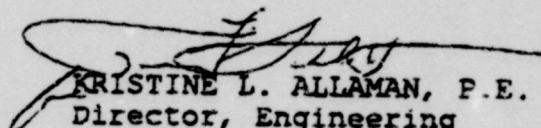
FD 3226C

Dear Ms. Kaiser:

This responds to your January 29, 1996 request for environmental impact review of the proposed railroad merger. Please find Omaha District comments on the proposal at enclosure 1.

If you have questions, please contact Dr. Nancy Andrews at (402) 697-2471.

Sincerely,

  
KRISTINE L. ALLAMAN, P.E.  
Director, Engineering  
and Technical Services

Enclosure

February 13, 1996

Planning Division

Department of the Army  
CEMRD-ET-P

Kristine L. Allaman, Director, Engineering and Technical Services  
12565 West Center Road  
Omaha, NE. 68144-3869

Dear Mrs. Andrews:

We have reviewed your letter, dated February 1, 1996 and enclosed attachments on Potential Environmental Impacts from Proposed Action by Union Pacific/Southern Pacific Railroad Merger in Colorado, Iowa, Nebraska, and Wyoming. We offer the following comments.

The Federal Flood Plain Management criterion basically states that construction which could be damaged by floodwaters or which could obstruct floodflows should not be located in the 100-year flood plain. If this is not practicable, any residential construction that could be damaged by floodwater should be placed above the 100-year floodwater surface elevation and any nonresidential construction that could be damaged by floodwater should be placed above or flood proofed to above the 100-year floodwater surface elevation and should be designed to minimize potential harm to or within the flood plain. If the operation of the constructed facilities is considered critical during flood periods, the facilities should be protected from the 500-year flood. Flood plain construction should not increase the water surface elevation of the 100-year flood more than 1 foot relative to existing conditions.

The design of the proposed project should ensure that the project is in compliance with flood plain management criteria of the City of Denver and the State of Colorado. As a minimum, the design should insure that the 100-year flood water surface elevation of any stream affected is not increased more than one foot relative to pre-project conditions. It is desirable, however, that water surface elevations either remain the same or decrease as a result of this project.

Your plans should be coordinated with the U.S. Environmental Protection Agency, which is currently involved in a program to protect groundwater resources.

If you have not already done so, we recommend that you consult with the U.S. Fish and Wildlife Service and the state agency responsible for fish and wildlife resources. In addition, the State Historic Preservation Office should be contacted for information and recommendations on potential cultural resources in the project area.



It appears that some of the construction could take place in waterways or wetlands which are classified as waters of the United States and are therefore regulated under Section 404 of the Clean Water Act. If construction activities involve any work in waters of the United States, a Section 404 permit may be required. For a detailed review of permit requirements, final project plans should be sent to:

Mr. Tim Carey  
Tri Lakes Project Office  
U.S. Army Corps of Engineers  
9307 Colorado State Hwy. #121  
Littleton, Colorado 80123-6901

If you have any questions, please contact Mr. Robert Tusa of our staff at (402) 221-4594. Thank you for the opportunity to review this proposal.

Sincerely

Candace M. Thomas

Chief, Environmental  
Analysis Branch  
Planning Division

Copy Furnished:  
CEMRO-OP-R(CO)

# FACSIMILE HEADER SHEET



U. S. ARMY CORPS OF ENGINEERS  
MISSOURI RIVER DIVISION  
P. O. BOX 103, DOWNTOWN STATION  
OMAHA, NEBRASKA 68101-0103

**DELIVER TO:**

**FAX NUMBER** 202-927-6225  
**NAME** Ms. Phillis Johnson-Ball  
**OFFICE SYMBOL** \_\_\_\_\_  
**TELEPHONE NO.** 202-927-6213

**FROM:**

**FAX NUMBER** 402-697-2480  
**NAME** Dr. Nancy Andrews  
**OFFICE SYMBOL** CEMRD-ET-P  
**TELEPHONE NO.** 402-697-2471

**DATE:**

2/15/96

**NUMBER OF PAGES**

(Including Cover Sheet)

**PRECEDENCE**

(P or R)

If you do not receive all  
pages, please telephone:

**TIME:**

3

P

Judy Osbahr 402-697-2481

**REMARKS:**

STB

FD

32760

6-26-96

K

84476



# ENVIRONMENTAL MATERIALS

84476

## DEPARTMENT OF THE ARMY

ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS

4101 JEFFERSON PLAZA NE

ALBUQUERQUE, NEW MEXICO 87109-3435

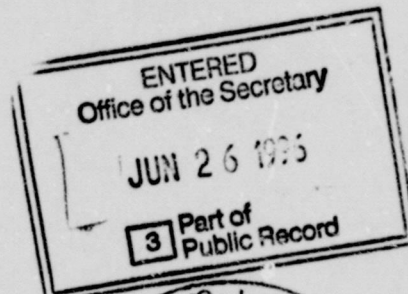
FAX (505) 342-3498

March 12, 1996



REPLY TO  
ATTENTION OF:

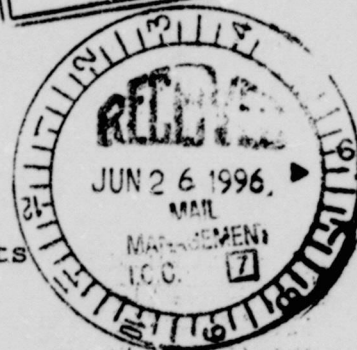
Construction and Operations Division  
Regulatory Branch



Ms. Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, District of Columbia 20423-0001

Attention: Finance Docket No. 32760 - Comments

Dear Ms. Kaiser:



This is in reference to your letter to Brigadier General Henry S. Miller, Jr., Commander, U.S. Army Corps of Engineers, Southwest Division, dated 29 January 1996, requesting environmental comments on the potential environmental impacts of the control and merger application between the Union Pacific (UP) and Southern Pacific (SP) Railroads.

Several times in 1995 and 1996 (Reference our Action Nos. 199530413, 199550152, 199550156, 199550171, 199550183, 199550184, 199500443, 199500470, and 199650000) the Albuquerque District's Regulatory offices have provided information to Dames & Moore regarding proposed activities associated with the merger of UP and SP, and Section 404 of the Clean Water Act's applicability to those activities. The following is a summary of our comments.

Regarding proposed railroad track upgrades, construction of additional tracks, and extension of rail siding at the following locations:

Arabella, NM  
Separ and Wilna, NM  
Tunis, NM  
Carne, NM  
Aden, NM  
Lenark, NM  
Lordsburg and Ulmoris, NM  
Oscura, NM  
Leoncito, NM  
Strauss to Anapra, NM  
First View, CO

Dona, NM  
Gage, NM  
Deming, NM  
Akela, NM  
Afton, NM  
Strauss, NM  
Tularosa, NM  
Robsart, NM  
Palomas, NM  
Clifford, CO  
Monahans, TX

Item No. \_\_\_\_\_  
Page Count 4  
JUN 26 1996

Pecos, TX  
San Martine, TX  
El Paso, TX

Toyah, TX  
Wild Horse, TX

regulations pursuant to Section 404 of the Clean Water Act (Appendix A to 33 CFR 330) describe Nationwide Permit No. 26 for discharges of dredged or fill materials into headwaters and isolated waters of the United States, including wetlands. Proposed activities conducted in the preceding locations may include a discharge into headwaters or isolated waters, therefore, necessary projects can be constructed under Nationwide Permit No. 26, provided they do not result in the loss of more than one acre of waters of the U.S. Further, the party responsible for the project must insure compliance with all conditions of the permit.

Moreover, for discharges which cause the loss of one to ten acres of waters of the U.S., notification is required in accordance with General Condition No. 13 of the permit. Discharges resulting in the loss of more than ten acres of these waters will require an individual Section 404 permit. The acreage of loss of waters of the U.S. includes the filled area plus waters of the U.S. that are adversely affected by flooding, excavation, or drainage as a result of the project.

Finally, no work can be performed in any **wetland (affecting over 1/2 acre) or perennial surface water** of New Mexico under this nationwide permit until the permittee has notified the Surface Water Quality Bureau of the New Mexico Environment Department, and has received Environment Department approval of plans and specifications detailing how water quality standards will be attained. You may contact them at:

New Mexico Environment Department  
Harold Runnels Building  
1190 St. Francis Drive, P.O. Box 26110  
Santa Fe, New Mexico 87502  
Attn: Ms. Cecilia Brown                      ph. (505) 827-0106

This verification will be valid for 2 years unless the nationwide permit is modified, reissued or revoked. The verification will remain valid if, during that time, the nationwide permit is reissued without modification or the activity complies with any subsequent modification of the nationwide permit authorization. If the nationwide permit authorization expires, is suspended, revoked, or modified such that the activity would no longer comply with the terms and



conditions of the nationwide permit, the provisions of 33 CFR 330.6(b) will apply.

To avoid violation of the National Historic Preservation Act, you should immediately notify me if you encounter an archeological or historic site. You should avoid activities that impact the site until clearance is obtained.

Regarding abandonment of railroad lines at the following locations:

Towner to NA Junction, CO  
Malta to Leadville, CO  
Dotsero to Canon City, CO

railroad line abandonment and salvage activities are not anticipated to involve discharges of dredged or fill materials into a water of the United States or an adjacent wetland; therefore, these activities are not subject to our jurisdiction under Section 404 of the Clean Water Act, and a permit is not required from our office. However, if your proposed track abandonments require any activities involving discharges of dredged or fill materials, these activities may require a Section 404 permit, and our office should be contacted to verify the status of the project.

Regarding increased traffic volumes and rail activities along the following rail segments:

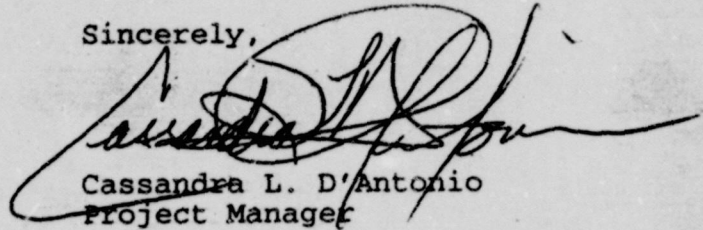
Big Spring to Toyah, TX  
Colton, CA to El Paso, TX  
El Paso, TX to Lordsburg, NM  
Dalhart to El Paso, TX  
Sierra Blanca to El Paso, TX  
Toyah to Sierra Blanca, TX

increases in rail traffic are not regulated under the provisions of Section 404 of the Clean Water Act because they are not anticipated to result in a discharge of dredged or fill materials into a water of the United States or an adjacent wetland; therefore, a permit is not required from our office. However, if increases in rail activity result in capacity improvements involving discharges of dredged or fill materials, a Section 404 permit may be required, and our office should be contacted to verify the status of the project.



Should you have any questions regarding these regulations,  
please feel free to write or call me at (505) 342-3283.

Sincerely,



Cassandra L. D'Antonio  
Project Manager

Copy furnished:

J. Steven Brooks, AICP  
Deputy Project Manager  
De Leuw, Cather & Company of Virginia  
11320 Random Hills Road, Suite 100  
Fairfax, Virginia 22030

ENVIRONMENTAL MATERIAL/584488

NEVADA COUNTY  
BOARD OF SUPERVISORS950 Maidu Avenue  
Nevada City, CA 95959-8617  
(916) 265-1480ENTERED  
Office of the Secretary

JUN 26 1996

FAX TRANSMITTAL

☒ Part of  
Public Record

Date: March 8, 1996

To: Elaine K. Kaiser

Fax No: (202) 927-6225

UP/SP Environmental Project Director

From: COUNTY OF NEVADA, BOARD OF SUPERVISORS  
FAX Number: (916) 265-1234

Name of Sender: Fran Grattan

Total number of pages (including transmittal): 4

## Comments/Special Instructions:

Concerns of the Nevada County Board of Supervisors regarding

the proposed merger between the Union Pacific and Southern Pacific  
railroads.

Item No. \_\_\_\_\_

Page Count 4

Jm # 225

H:\FAX\TRANSMTL.DOC

# COUNTY OF NEVADA

## STATE OF CALIFORNIA

950 Maidu Avenue • Nevada City, California 95959-8617

Telephone: (916) 265-1480 • FAX: (916) 265-1234

### BOARD OF SUPERVISORS

March 8, 1996

Elaine K. Kaiser

UP/SP Environmental Project Director

Section of Environmental Analysis

Surface Transportation Board

12th and Constitution Avenue, Room 329

Washington, D.C. 29423-0001



Christine (Wilcox) Foster, 1st District  
Karen Knecht, 2nd District  
Fran Grattan, 3rd District  
René Antonson, 4th District  
Sam Dardick, 5th District

Cathy R. Thompson  
Clerk of the Board



ENTERED  
Office of the Secretary

JUN 26 1996

3 Part of  
Public Record

**RE: Finance Docket No. 32760 - Comments - Nevada County, California, Board of Supervisors**

Dear Ms. Kaiser:

The purpose of this letter is to convey to you the concerns of the Nevada County Board of Supervisors regarding the proposed merger between the Union Pacific and Southern Pacific railroads.

The Board of Supervisors believes that any impacts caused by the merger and the resulting increase in train traffic should be fully mitigated.

The Nevada County Board of Supervisors is aware that the Town of Truckee plans to file statements containing specific detail concerning potential impacts of the proposed rail merger. The issues contained herein are of concern to the Nevada County Board of Supervisors and this letter is written in support of the more complete information that Truckee will transmit to you.

Impacts on Vehicle Traffic Utilizing California State Highway 267 Crossing of SP Donner's Summit Line

This highway grade crossing is located near downtown Truckee. Each time a train moves through the Town of Truckee, auto traffic comes to gridlock in the vicinity of the railroad crossing. During peak traffic times, the queues extend from the train tracks one to two miles south into the Martis Valley. On the north side of the crossing, emergency vehicles are frequently blocked from exiting the Truckee fire station.



## Proposed Merger between UP/SP Railroads

March 8, 1996

Page 2

Truckee is the gateway to the North Lake Tahoe area and this region's economy is heavily dependent upon tourism. The extreme congestion, which occurs when trains move through the area, has a potentially negative economic impact on Truckee and the rest of the North Tahoe region.

### Air Quality Issues

Eastern Nevada County is under the jurisdiction of the Northern Sierra Air Quality Management District and has a nonattainment air quality status. The increase in train traffic has the potential to increase particulate matter and other pollutants in the air. Also, the pollutant levels may increase from vehicles in traffic queues waiting for trains to clear the crossing.

### Water Quality Issues

The railroad tracks in the Truckee area run along the Truckee River canyon which is a part of an important and sensitive watershed. The environmental impact analysis for this proposed merger should consider potential degradation of water quality in the Truckee River, and the potential for contamination that may occur if a train, carrying hazardous materials, has an accident near the river.

### Potential Mitigations

In preparation of the environmental assessment for the proposed merger, it has been suggested that the following potential mitigations be considered:

- (1) The geography of the State Highway 267 SP railroad crossing precludes the installation of a grade separated crossing at that location. However, there is an existing grade separated crossing on Highway 89, a short distance west of the Highway 267 crossing. Potential mitigation for the increased train traffic might be to provide funding to assist in a widening of the SR 89 grade separated crossing to allow more traffic to utilize that location during times when trains are moving through town.
- (2) Another way that the railroad could help alleviate the impacts of increased train traffic would be to provide passenger rail service into the Truckee region. This would allow tourists to access the recreational facilities of the High Sierra without bringing vehicles into the area. In 1992, the Nevada County Transportation Commission prepared a rail feasibility analysis which indicated the potential viability of passenger rail operations from the San Francisco Bay Area into the Truckee/Reno area. We hope you will consider this information in the preparation of the environmental assessment.
- (3) Nevada County and the State of California are working to complete plans for Highway 267 to bypass the Town of Truckee and bridge the Truckee River and the railroad. We have been working for years to obtain funding for this project and it continues to be at risk. Once this bypass is

Proposed Merger between UP/SP Railroads  
March 8, 1996  
Page 3

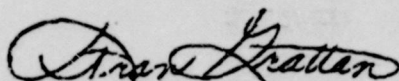
constructed, a significant amount of traffic will be moved out of Truckee. Consideration should be given to the railroad providing some funding to help with construction of the bypass as a mitigation measure.

If you need further information from the Nevada County Board of Supervisors, please feel free to contact the Board office at the address above or call directly to (916) 265-1480.

To enable the Board to continue to track this important issue, please send copies of the Environmental Impact Statement to the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, CA 95959 and to the Nevada County Transportation Commission, 101 Providence Mine Road, Suite 102, Nevada City, CA 95959.

Thank you for the opportunity to share these comments.

Sincerely,



Fran Grattan, Chairman  
Nevada County Board of Supervisors

FG:nh

STB

FD

• 32760

6-26-96

K

• ✓ 84473





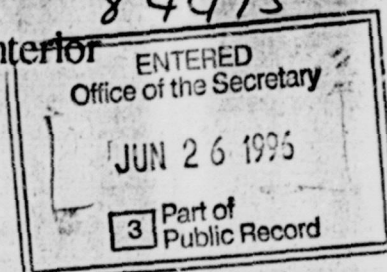
# ENVIRONMENTAL MATERIALS

84473

United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services Field Office  
10711 Burnet Road, Suite 200  
Hartland Bank Bldg.  
Austin, Texas 78758



Item No. \_\_\_\_\_

Page Count 9

Jun 4 2/4

MAR 05 1996

2-15-96-I-091

Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001



ATTENTION: Finance Docket No. 32760-Comments

Dear Ms. Kaiser:

This responds to your letter, dated January 29, 1996, requesting a list of species federally listed or proposed to be listed as threatened or endangered. The proposed action involves the Union Pacific Railroad Company and the Southern Pacific Transportation Company merger to improve service capabilities and operating efficiencies. The proposed merger would create a single railroad company with more than 35,000 miles of tract operating in 24 states. It would result in rerouting train traffic, rail line abandonments and a number of rail line construction projects. The construction projects would involve 25 new rail line connections that would require construction outside existing rights-of-way. Other merger-related activities would include the construction, consolidation, or phaseout of intermodal facilities as well as the closure of existing rail yards. Your geographic area of interest covers several counties in Texas. The attached list contains only those counties within our office's area of responsibility.

Category 1 candidate species are those for which the U.S. Fish and Wildlife Service (Service) has substantial information to support their listing as endangered or threatened. The development and publication of proposed rules for these species are anticipated. Species of Concern (SOC) are those for which the Service has information indicating that proposing to list is possibly appropriate, but for which substantial data on biological vulnerability or threats are not currently available to support the immediate preparation of such rules. Candidate and SOC species have no legal protection under the Endangered Species Act and are included in this document for planning purposes only.

### Wild and Scenic Rivers

The project site does not contain any designated Wild and Scenic Rivers along its route, however, a portion of the Rio Grande beginning at Marcial Canyon in Brewster County to the eastern boundary of Terrell County, is designated as Wild and Scenic.

### Wetlands

An examination of the Service's National Wetlands Inventory (NWI) maps indicates there are numerous wetlands, arroyos, draws and creeks throughout the project area. The railway follows the Rio Grande and crosses several rivers such as the Pecos, Colorado, Brazos, and San Antonio. Some lakes adjacent to, or being crossed by, the railroad are: Grayton Lake, Levinson Reservoir, Red Lake, Boggy Lake, Salt Lake, Fourmile Lake, Threemile Lake, Lake Iatan, Lake Colorado City, Lake Sweetwater, Lytle Lake, and Baird RR Lake. Two State parks are located near the railroad's route, Franklin Mountain State Park and Lake Colorado State Park.

Riparian zones and wetlands are primary habitat areas for wildlife and are inherently dynamic and very sensitive to changes caused by such activities as overgrazing, logging, or major construction. Riparian vegetation provides food and cover for wildlife, stabilizes banks and decreases soil erosion. Construction activities crossing rivers, riparian areas, or wetlands should be carefully designed and revegetated to prevent erosion or loss of habitat. All machinery and petroleum products should be stored outside the floodplain and/or wetland area during construction to prevent possible contamination of water and soils.

Although we have identified several wetlands, NWI maps may not identify all wetlands that are regulated by the Clean Water Act. Additional information regarding jurisdictional wetlands and waters of the United States that are regulated by the U.S. Army Corps of Engineers under the Clean Water Act can be obtained by contacting them at: Department of the Army, U.S. Army Engineer District, Fort Worth Corps of Engineers, P.O. Box 17300, Fort Worth, Texas, 76102-0300.

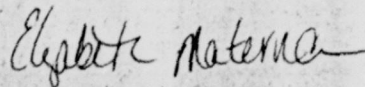
### Contaminants

At stations scheduled to be increased in size or abandoned, soils, water pits, or storage tanks in areas used for refueling or loading hazardous materials should be assessed for contaminants prior to construction or abandonment.

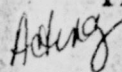
We suggest you contact the Texas Department of Parks and Wildlife for information concerning fish, wildlife, and plants of State concern.

We appreciate your concern for the nation's natural resources. If we can be of further assistance, please call Mary Orms at (512) 490-0057.

Sincerely



Field Supervisor





Enclosure 1

Federally Listed Threatened and Endangered Species

**Bexar County**

Black-capped vireo  
Golden-cheeked warbler  
Mountain plover  
Ferruginous hawk  
Loggerhead shrike  
Mexican hooded oriole  
Reddish egret  
Invertebrate (spider)

" "  
" "  
" "  
" "  
" "  
" (harvestman)  
" (beetle)  
" "  
"

Texas garter snake  
Texas horned lizard  
Comal blind salamander  
Texas salamander  
Big red sage  
Correll's false dragon-head  
Toothless blindcat  
Widemouth blindcat

(E) *Vireo atricapillus*  
(E) *Dendroica chrysoparia*  
(1) *Charadrius montanus*  
(SOC) *Buteo regalis*  
(SOC) *Lanius ludovicianus migrans*  
(SOC) *Icterus cucullatus cucullatus*  
(SOC) *Egretta rufescens*  
(SOC) *Cicurina madla*  
(SOC) *Cicurina baronia*  
(SOC) *Cicurina venii*  
(SOC) *Cicurina vespera*  
(SOC) *Neoleptoneta microps*  
(SOC) *Texella cokendolpheri*  
(SOC) *Rhadine exilis*  
(SOC) *Rhadine infernalis*  
(SOC) *Batrises ventyvi*  
(SOC) *Thamnophis sirtalis annectans*  
(SOC) *Phrynosoma cornutum*  
(SOC) *Eurycea tridentifera*  
(SOC) *Eurycea neotenes*  
(SOC) *Salvia penstemonoides*  
(SOC) *Physostegia correllii*  
(SOC) *Trogloglanis pattersoni*  
(SOC) *Satan eurystomus*

**Brazos County**

Navasota ladies'-tresses  
Ferruginous hawk  
Loggerhead shrike  
Texas horned lizard  
Blue sucker  
Sharptnose shiner  
Smalleye shiner  
Houston meadowrue  
Small-headed pipewort  
Texas windmill grass

(E) *Spiranthes parksii*  
(SOC) *Buteo regalis*  
(SOC) *Lanius ludovicianus migrans*  
(SOC) *Phrynosoma cornutum*  
(SOC) *Cycleptus elongatus*  
(SOC) *Notropis oxyrhynchus*  
(SOC) *Notropis buccula*  
(SOC) *Thalictrum texanum*  
(SOC) *Eriocaulon kornickianum*  
(SOC) *Chloris texensis*



**Callahan County**

Black-capped vireo	(E)	<i>Vireo atricapillus</i>
Whooping crane	(E)	<i>Grus americana</i>
Ferruginous hawk	(SOC)	<i>Buteo regalis</i>
Loggerhead shrike	(SOC)	<i>Lanius ludovicianus migrans</i>
Texas horned lizard	(SOC)	<i>Phrynosoma cornutum</i>

**Culberson County**

American peregrine falcon	(E)	<i>Falco peregrinus anatum</i>
Southwestern willow flycatcher	(E)	<i>Empidonax traillii extimus</i>
Lloyd's hedgehog cactus	(E)	<i>Echinocereus lloydii</i>
Gypsum wild-buckwheat	(T)	<i>Eriogonum gypsophilum</i>
Mexican spotted owl	(T)	<i>Strix occidentalis lucida</i>
Pecos pupfish	(1)	<i>Cyprinodon pecosensis</i>
Guadalupe fescue	(1)	<i>Festuca ligulata</i>
Ferruginous hawk	(SOC)	<i>Buteo regalis</i>
Mexican hooded oriole	(SOC)	<i>Icterus cucullatus cucullatus</i>
Northern goshawk	(SOC)	<i>Accipiter gentilis</i>
White-faced ibis	(SOC)	<i>Plegadis chihi</i>
Texas horned lizard	(SOC)	<i>Phrynosoma cornutum</i>
Davis Mountain cottontail	(SOC)	<i>Sylvilagus floridanus robustus</i>
Desert pocket gopher	(SOC)	<i>Geomys bursarius arenarius</i>
Guadalupe pocket gopher	(SOC)	<i>Thomomys umbrinus guadalupensis</i>
Guadalupe Mountains tiger beetle	(SOC)	<i>Cicindela politula petrophila</i>
Texas minute moss beetle	(SOC)	<i>Limnebius texanus</i>
Chisos agave	(SOC)	<i>Agave glomeruliflora</i>
Chisos coral-root	(SOC)	<i>Hexalectris revoluta</i>
Guadalupe rabbitbrush	(SOC)	<i>Chrysothamnus nauseosus ssp. texensis</i>
Guadalupe Mountain violet	(SOC)	<i>Viola guadalupensis</i>
Guadalupe pincushion cactus	(SOC)	<i>Escobaria guadalupensis</i>
Mat leavedaisy	(SOC)	<i>Chaetopappa hersheyi</i>
McKittrick snowberry	(SOC)	<i>Symphoricarpos guadalupensis</i>
Sand sacahuista	(SOC)	<i>Nolina arenicola</i>
Sandhill goosefoot	(SOC)	<i>Chenopodium cycloides</i>
Smooth-stem skullcap	(SOC)	<i>Scutellaria laevis</i>
Few-flowered jewelflower	(SOC)	<i>Streptanthus sparsiflorus</i>
Texas wolfberry	(SOC)	<i>Lycium texanum</i>

**Ector County**

Swift fox	(1)	<i>Vulpes velox</i>
Ferruginous hawk	(SOC)	<i>Buteo regalis</i>
White-faced ibis	(SOC)	<i>Plegadis chihi</i>
Texas horned lizard	(SOC)	<i>Phrynosoma cornutum</i>

### EL Paso County

American peregrine falcon  
Least tern  
Northern aplomado falcon  
Sneed pincushion cactus  
Mexican spotted owl  
Ferruginous hawk  
Northern gray hawk  
Northern goshawk  
White-faced ibis  
Texas horned lizard  
Blotched gambusia  
Conchos pupfish  
Rio Grande darter  
Franklin Mountain talussnail  
Alamo beardtongue  
Comal snakewood  
Dense cory cactus  
Desert night-blooming cereus  
Hueco rock-daisy  
Sand prickly-pear  
Sand sacahuista  
Sandhill goosefoot  
Texas false saltgrass

### Howard County

Whooping crane  
Ferruginous hawk  
Texas horned lizard

### Hudspeth County

American peregrine falcon  
Northern aplomado falcon  
Southwestern willow flycatcher  
Mexican spotted owl  
Ferruginous hawk  
Northern goshawk  
White-faced ibis  
Desert pocket gopher  
Occult little brown bat  
Texas horned lizard  
Barbara Ann tiger beetle  
Chisos agave  
Dense cory cactus

(E) *Falco peregrinus anatum*  
(E) *Sterna antillarum*  
(E) *Falco femoralis septentrionalis*  
(E) *Coryphantha sneedii* var. *sneedii*  
(T) *Strix occidentalis lucida*  
(SOC) *Buteo regalis*  
(SOC) *Buteo nitidus maximus*  
(SOC) *Accipiter gentilis*  
(SOC) *Plegadis chihi*  
(SOC) *Phrynosoma cornutum*  
(SOC) *Gambusia senilis*  
(SOC) *Cyprinodon eximius*  
(SOC) *Etheostoma grahami*  
(SOC) *Sonerella metcalfi*  
(SOC) *Penstemon alamoensis*  
(SOC) *Colubrina stricta*  
(SOC) *Coryphantha dasyacantha dasyacantha*  
(SOC) *Cereus greggii* var. *greggii*  
(SOC) *Perityle huecoensis*  
(SOC) *Opuntia arenaria*  
(SOC) *Nolina arenicola*  
(SOC) *Chenopodium cycloides*  
(P/SOC) *Allolepsis texana*

(E) *Grus americana*  
(SOC) *Buteo regalis*  
(SOC) *Phrynosoma cornutum*

(E) *Falco peregrinus anatum*  
(E) *Falco femoralis septentrionalis*  
(E) *Empidonax traillii extimus*  
(T) *Strix occidentalis lucida* pos.  
(SOC) *Buteo regalis*  
(SOC) *Accipiter gentilis*  
(SOC) *Plegadis chihi*  
(SOC) *Geomys bursarius arenarius*  
(SOC) *Myotis lucifugus occultus*  
(SOC) *Phrynosoma cornutum*  
(SOC) *Cicindela politula barbarannae*  
(SOC) *Agave glomeruliflora*  
(SOC) *Coryphantha dasyacantha dasyacantha*



Desert night-blooming cereus	(SOC)	<i>Cereus greggii</i> var. <i>greggii</i>
Gypsum scalebroom	(SOC)	<i>Lepidospartum burgessii</i>
Mat lestdaisy	(SOC)	<i>Chaetopappa hersheyi</i>
Paper-spined cactus	(SOC)	<i>Sclerocactus papyracanthus</i>
Sand prickly-pear	(SOC)	<i>Opuntia arenaria</i>
Sand sacahuista	(SOC)	<i>Nolina arenicola</i>
Smooth-stem skullcap	(SOC)	<i>Scutellaria laevis</i>
Swallow spurge	(SOC)	<i>Chamaesyce golondrina</i>
Terlingua brickelbush	(SOC)	<i>Brickellia brachyphylla</i> var. <i>linguensis</i>
Texas wolfberry	(SOC)	<i>Lycium texanum</i>
Watson's false ciappia-bush	(P/SOC)	<i>Pseudocappia watsonii</i>

### Jeff Davis County

American peregrine falcon	(E)	<i>Falco peregrinus anatum</i>
Black-capped vireo	(E)	<i>Vireo atricapillus</i>
Least tern	(E)	<i>Sterna antillarum</i>
Northern aplomado falcon	(E)	<i>Falco femoralis septentrionalis</i>
Southwestern willow flycatcher	(E)	<i>Empidonax traillii extimus</i>
Comanche Springs pupfish	(E)	<i>Cyprinodon elegans</i>
Pecos gambusia	(E)	<i>Gambusia nobilis</i>
Little Aguja Creek pondweed	(E)	<i>Potamogeton chystocarpus</i>
Bald eagle	(T)	<i>Haliaeetus leucocephalus</i>
Mexican spotted owl	(T)	<i>Strix occidentalis lucida</i>
Mountain plover	(I)	<i>Charadrius montanus</i>
Shinner's tickle-tongue	(I)	<i>Zanthoxylum parvum</i>
Ferruginous hawk	(SOC)	<i>Buteo regalis</i>
Northern gray hawk	(SOC)	<i>Buteo nitidus maximus</i>
Northern goshawk	(SOC)	<i>Accipiter gentilis</i>
White-faced ibis	(SOC)	<i>Plegadis chihi</i>
Davis Mountain pocket gopher	(SOC)	<i>Thomomys umbrinus texensis</i>
Davis Mountain cottontail	(SOC)	<i>Sylvilagus floridanus robustus</i>
Limpia pocket gopher	(SOC)	<i>Thomomys umbrinus limpiae</i>
Presidio mole	(SOC)	<i>Scolopus aquaticus texanus</i>
Texas horned lizard	(SOC)	<i>Phrynosoma cornutum</i>
Texas minute moss beetle	(SOC)	<i>Limnebius texanus</i>
Diminutive amphipod	(SOC)	<i>Gammarus hyalleloides</i>
Brune's tryonia	(SOC)	<i>Tryonia brunei</i>
Davis County springsnail	(SOC)	<i>Fontelicella davisi</i>
Phantom Cave snail	(SOC)	<i>Cochliopa texana</i>
Phantom tryonia	(SOC)	<i>Tryonia cheatumi</i>
Dense cory cactus	(SOC)	<i>Coryphantha dasyacantha dasyacantha</i>
Desert night-blooming cereus	(SOC)	<i>Cereus greggii</i> var. <i>greggii</i>
Fringed paintbrush	(SOC)	<i>Castilleja ciliata</i>
Hinckley's jacob-ladder	(SOC)	<i>Polemonium pauciflorum</i> ssp. <i>hinckleyi</i>



Hinckley's brickelbush  
 Livermore sandwort  
 Livermore sweet-cicely  
 Long spur columbine  
 Many-flowered unicorn plant  
 Ojinaga ringstem  
 Sandhill goosefoot  
 Standley whitlow-grass  
 Texas false saltgrass  
 Texas purple spike  
 Watson's false clappia-bush  
 Withered wooly milk-vetch  
 Young's snowbell

(SOC) *Brickellia brachyphylla* var. *hinckleyi*  
 (SOC) *Arenaria livermorensis*  
 (SOC) *Osmorhiza mexicana* ssp. *bipatriata*  
 (SOC) *Aquilegia longissima*  
 (SOC) *Proboscidea spicata*  
 (P/SOC) *Anulocaulis reflexus*  
 (SOC) *Chenopodium cycloides*  
 (SOC) *Draba stanleyi*  
 (P/SOC) *Allolepsis texana*  
 (SOC) *Hexalectris warnockii*  
 (P/SOC) *Pseudoclapia watsonii*  
 (SOC) *Astragalus mollissimus marcidus*  
 (SOC) *Styrax youngae*

#### McLennan County

Black-capped vireo  
 Golden-cheeked warbler  
 Bald eagle  
 Ferruginous hawk  
 White-faced ibis  
 Texas olive sparrow  
 Texas garter snake  
 Texas horned lizard  
 Smalleye shiner  
 Sharpnose shiner

(E) *Vireo atricapillus*  
 (E) *Dendroica chrysoparia*  
 (T) *Haliaeetus leucocephalus*  
 (SOC) *Buteo regalis*  
 (SOC) *Plegadis chihi*  
 (SOC) *Arremonops raturigatus rutivirgatus*  
 (SOC) *Thamnophis sirtalis annectans*  
 (SOC) *Phrynosoma cornutum*  
 (SOC) *Notropis buccula*  
 (SOC) *Notropis oxyrhynchus*

#### Martin County

Swift fox  
 Ferruginous hawk  
 Texas horned lizard

(I) *Vulpes velox*  
 (SOC) *Buteo regalis*  
 (SOC) *Phrynosoma cornutum*

#### Midland County

Black-capped vireo  
 Swift fox  
 Ferruginous hawk  
 Texas horned lizard

(E) *Vireo atricapillus*  
 (I) *Vulpes velox*  
 (SOC) *Buteo regalis*  
 (SOC) *Phrynosoma cornutum*

#### Mitchell County

Texas poppy-mallow  
 Concho watersnake  
 Texas horned lizard

(E) *Callirhoe scabriuscula*  
 (T) *Nerodia harteri paucimaculata*  
 (SOC) *Phrynosoma cornutum*

**Nolan County**

Black-capped vireo  
Texas horned lizard

(E) *Vireo atricapillus*  
(SOC) *Phrynosoma cornutum*

**Reeves County**

American peregrine falcon  
Northern aplomado falcon  
Comanche Springs pupfish  
Pecos gambusia  
Pecos pupfish  
Puzzle sunflower  
White-faced ibis  
Texas horned lizard  
Proserpine shiner  
Balmorhea damselfly  
Balmorhea saddle-case caddisfly  
Cheatum's snail  
Phantom Cave snail  
Hardtoe seepweed

(E) *Falco peregrinus anatum*  
(E) *Falco femoralis septentrionalis*  
(E) *Cyprinodon elegans*  
(E) *Gambusia nobilis*  
(I) *Cyprinodon pecosensis*  
(I) *Helianthus paradoxus*  
(SOC) *Plegadis chihi*  
(SOC) *Phrynosoma cornutum*  
(SOC) *Cyprinella proserpina*  
(SOC) *Argia* sp.  
(SOC) *Protophila balmorhea*  
(SOC) *Tryonia cheatumi*  
(SOC) *Cochliopa texana*  
(SOC) *Suaeda duripes*

**Robertson County**

Houston toad  
Large-fruited sand verbena  
Navasota ladies'-tresses  
Bald eagle  
Loggerhead shrike  
Smalleye shiner  
Sharpnose shiner  
Texas horned lizard  
Umbrella sedge

(E w/CH) *Bufo houstonensis*  
(E) *Abronia macrocarpa*  
(E) *Spiranthes parksii*  
(T) *Haliaeetus leucocephalus*  
(SOC) *Lanius ludovicianus migrans*  
(SOC) *Notropis buccula*  
(SOC) *Notropis oxyrhynchus*  
(SOC) *Phrynosoma cornutum*  
(SOC) *Cyperus grayioides*

**Taylor County**

Black-capped vireo  
Reddish egret  
White-faced ibis  
Texas horned lizard  
Glass Mountain coral-root  
Texas purple spike

(E) *Vireo atricapillus*  
(SOC) *Egretta rufescens*  
(SOC) *Plegadis chihi*  
(SOC) *Phrynosoma cornutum*  
(SOC) *Hexalectris nitida*  
(SOC) *Hexalectris warnockii*

**Ward County**

Pecos pupfish  
Texas horned lizard  
Sandhill goosefoot  
Umbrella dune sedge

(I) *Cyprinodon pecosensis*  
(SOC) *Phrynosoma cornutum*  
(SOC) *Chenopodium cycloides*  
(SOC) *Cyperus onerosus*



E = Endangered  
T = Threatened  
P/ = Proposed ...  
TSA = Threatened due to similarity of appearance  
CH = Critical Habitat (in Texas unless annotated ‡)  
SOC = Species for which there is some information evidence of vulnerability, but not enough data to support listing at this time.  
C1 = Species for which the Service has on file enough substantial information to warrant listing as threatened or endangered.



STB

FD

32760

6-26-96

K

84472



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Anadarko Area Office

P.O. Box 368

Anadarko, Oklahoma 73005

FEB 20 1996

Item No. \_\_\_\_\_

Page Count 5

Jun 26 213

Office of the Secretary

JUN 26 1996

3 Part of Public Record



**ENVIRONMENTAL MATERIALS**  
Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

Attn: Finance Docket No. 32760 - Comments

RE: Surface Transportation Board Request for Environmental  
Comments on the Potential Environmental Impacts of the  
Control and Merger Application Between the Union Pacific and  
Southern Pacific Railroads.

Dear Ms. Kaiser:

Thank you for the opportunity to provide comments on the potential environmental impacts of the merger of the Union Pacific and Southern Pacific Railroads. In past correspondence with Dames & Moore we have discussed some issues that should be taken into consideration, mostly as they relate to Native American Tribal governments and encouraged solicitation of their opinions of the impacts the different proposals will have on the Native American populations to be most affected by the proposed merger.

A segment of a map of culture areas of North America as tentatively delimited by European explorers beginning with the Spanish entrada in the early 1500s (Indians of North America; National Geographic Society, December 1972, Vol. 142 No. 6) is enclosed for your information and as a guide to determine what Tribes to contact with regard to consultation for projects located in Kansas, Nebraska, Oklahoma, and Texas. Also enclosed is a list of Tribes, officials and addresses within the Anadarko Area jurisdiction that you should contact for consultation regarding American Indian Populations, lands, and cultures and areas of sensitive resources. The Tribes to contact would be the Apache Tribe of Oklahoma, Cheyenne-Arapaho Tribes, Comanche Tribe of Oklahoma, Kaw (Kanza) Nation, Kiowa Tribe of Oklahoma, Pawnee Tribe of Oklahoma, Otoe-Missouria Tribe, and Tonkawa Tribe of Oklahoma.

With regard to historic, cultural, or archeological resources on Indian lands that may be impacted by the project we will require more specific information regarding legal descriptions on proposed areas of new construction to determine if individual Indian allotted lands, or Tribal trust lands will be impacted. As you are

probably well aware, the best source for determining impacts to archeological and historic properties are the State Historic Preservation Offices and State Archeologists. They maintain a record of all sites recorded in the States and can best apprise you of the potential for impacting those sites. The Bureau of Indian Affairs keeps records only of those sites located on individual Indian allotted and Tribal trust lands, although we can provide an opinion regarding the potential for encountering unrecorded sites based on the topography and hydrologic setting.

You should also take into consideration Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations" as it relates to the concerns of Native Americans. What impact will the increased or decreased transportation of hazardous materials have on Indian lands and the populations living there? What impact will the increased or decreased traffic, new construction, etc. have on Native Americans' need for quiet during spiritual and ceremonial activities? Do the rail lines pass through areas considered more sensitive than others to Native Americans, etc. The issues you have developed to be addressed in your environmental analysis are appropriate, however, you should also consult the Tribal governments mentioned above about other issues that may be important to them but that are not included in your list.

If you have any questions regarding these comments, please contact Tom Parry, Area Archeologist, or Mike Reed, Environmental Scientist at (405) 247-6673, extension 265 or 249 respectively.

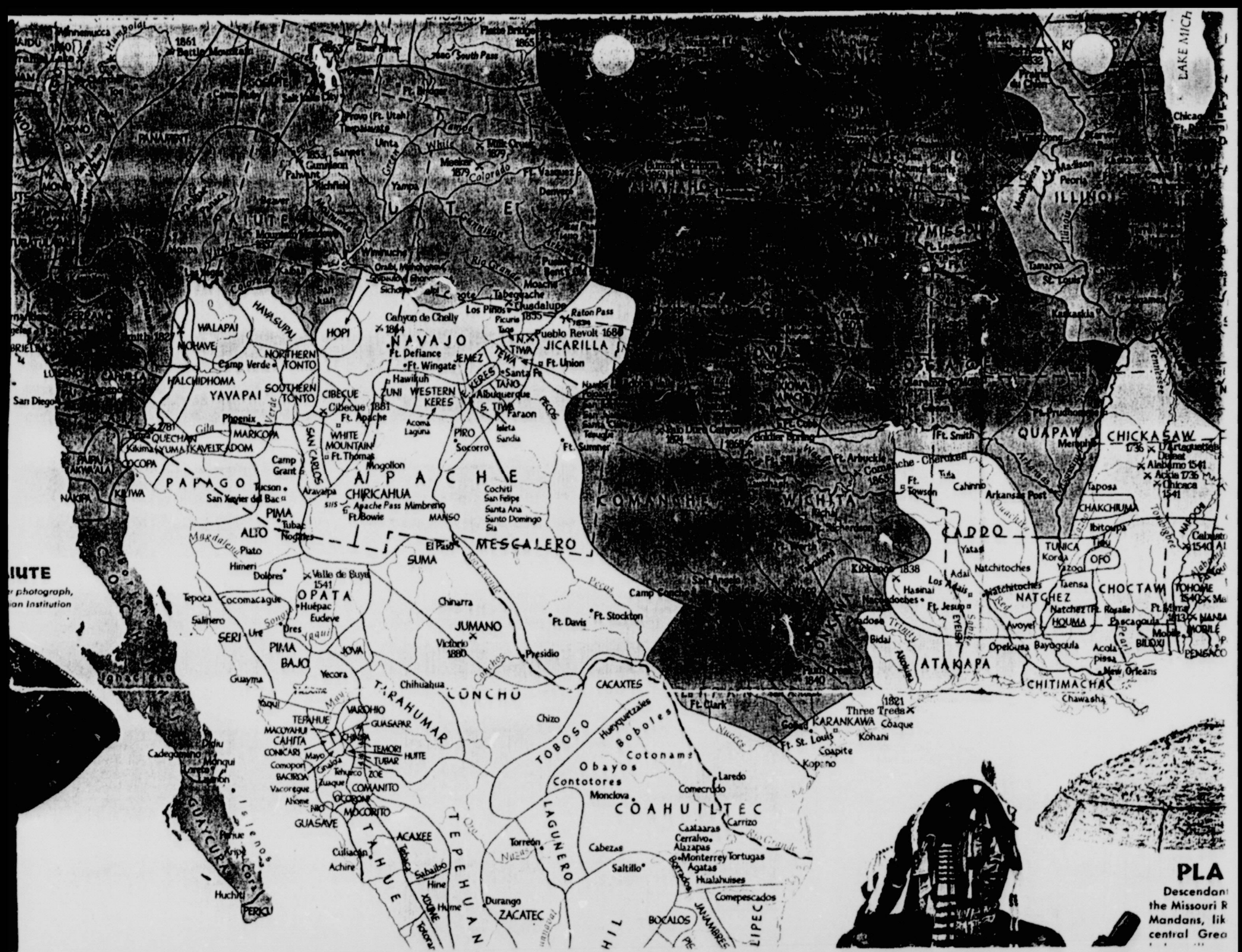
Sincerely,

*L. D. Collier*

Area Director

Enclosures





# PLA

Descendant  
the Missouri R  
Mandans, lik  
central Grea

\*FAX NUMBERS

ANADARKO AREA OFFICE  
P.O. BOX 368  
ANADARKO, OKLAHOMA 73005  
405/247-6673  
\*405/247-2242

AGENCY/TRIBAL OFFICIALS

<u>ANADARKO AGENCY</u>	James DeHaas, Superintendent	P.O. Box 309, Anadarko, Oklahoma 73005	405/247-6673	*405/247-9232
Apache Tribe of Oklahoma	Henry Kostzuta, Chairman	P.O. Box 1220, Anadarko, Oklahoma 73005	405/247-6724	*405/247-7511
Caddo Tribe of Oklahoma	Vernon Hunter, Acting Chairman	P.O. Box 487, Binger, Oklahoma 73009	405/656-2344	*405/656-2892
Comanche Tribe of Oklahoma	Wallace E. Coffey, Chairman	HC 32-Box 1720, Lawton, Oklahoma 73502	405/492-4988	*405/492-4981
Delaware Tribe of Western OK	Lawrence Frank Snake, President	P.O. Box 825, Anadarko, Oklahoma 73005	405/247-2448	*405/247-9393
Fort Sill Apache Tribe of Oklahoma	Ruey Darrow, Chairperson	Rt. 2, Box 121, Apache, Oklahoma 73008	405/588-2298	*405/588-3133
Kiowa Tribe of Oklahoma	Billy Evans Horse, Chairman	P.O. Box 369, Carnegie, Oklahoma 73015	405/654-2300	*405/654-2188
Wichita and Affiliated Tribes	Gary McAdams, President	P.O. Box 729, Anadarko, Oklahoma 73005	405/247-2425	*405/247-2430
<u>CONCHO AGENCY</u>	Galila Mattwaoshshe, Superintendent	P.O. Box 68, El Reno, OK 73036-0068	405/262-7481	*405/262-7940 <sup>3140</sup>
Cheyenne-Arapaho Tribes of OK	Charles Surveyor, Chairman	P.O. Box 38, Concho, Oklahoma 73022	405/262-0345	*405/262-0745
<u>HORTON AGENCY</u>	Steve York, Superintendent	P.O. Box 31, Horton, Kansas 66439	913/486-2161	*913/486-2515
Iowa Tribe of Kansas & Nebraska	Leon Campbell, Chairman	Rt. 1, Box 58A, White Cloud, Kansas 66094	913/595-3258	*913/595-6610
Kickapoo of Kansas	Fred Thomas, Chairman	P.O. Box 271, Horton, Kansas 66439	913/486-2131	*913/486-2801
Prairie Band Potawatomi of Ks	Mamie Rupnicki, Chairperson	14880 K. Road, Mayetta, Kansas 66509	913/966-2255	*913/966-2144
Sac and Fox of Missouri	Corbin Shuckahosee, Chairman	Rt. 1, Box 60, Reserve, Kansas 66434	913/742-7471	*913/742-3785



<u>PAWNEE AGENCY</u>	<u>Julia Langan, Superintendent</u>	<u>P.O. Box 440, Pawnee, Oklahoma 74058</u>	<u>918/762-2585</u>	<u>*918/762-3201</u>
Kaw Tribe of Oklahoma	Wanda Stone, Chairperson	Drawer 50, Kaw City, Oklahoma 74641	405/269-2552	*405/269-2301
Otoe-Missouria Tribe of OK	Raymond Butler, Chairman	Rt. 1, Box 62, Red Rock, Oklahoma 74661	405/723-4434	*405/723-4273
Pawnee Tribe of Oklahoma	Elizabeth Blackowl, President	P.O. Box 470, Pawnee, Oklahoma 74058	918/762-3621	*918/762-2389
Ponca Tribe of Oklahoma	Douglas Rhodd, Chairman	P.O. Box 2, White Eagle Ponca City, Oklahoma 74601	405/762-8104	*405/762-7436
Tonkawa Tribe of Oklahoma	Richard Cornell, President	P.O. Box 70, Tonkawa, Oklahoma 74653	405/628-2561	*405/628-3375
<u>SHAWNEE AGENCY</u>	<u>Robert (Bob) Jones, Superintendent</u>	<u>624 W. Independence, Suite 114</u> <u>Shawnee, Oklahoma 74801</u>	<u>405/273-0317</u>	<u>*405/273-0072</u>
Absentee-Shawnee Tribe of Ok	Larry Nuckolls, Governor	2025 S. Gordon Cooper Drive Shawnee, Oklahoma 74801	405/275-4030	*405/275-5637
Citizen Band Potawatomi Tribe	John Barrett, Chairman	1901 S. Gordon Cooper Drive Shawnee, Oklahoma 74801	405/275-3121	*405/275-0198
Iowa Tribe of Oklahoma	Lawrence P. Murray, Chairman	Rt. 1, Box 721, Perkins, Oklahoma 74059	405/547-2403	*405/547-5294
Kickapoo Tribe of Oklahoma	Kendall Scott, Chairman	P.O. Box 70, McLoud, Oklahoma 74851	405/964-2075	*405/964-2745
Kickapoo Traditional Tribe of TX	Raul Garza, Chairman	P.O. Box 972, Eagle Pass, Texas 78853	210/773-2105	*210/767-9228
Sac and Fox Nation of Oklahoma	Dora Young, Principal Chief	Rt. 2, Box 246, Stroud, Oklahoma 74079	918/968-3528	*918/968-3887
<u>ANADARKO AREA OFFICE</u>	<u>L.W. Collier, Jr., Area Director</u>	<u>P.O. Box 388, Anadarko, Oklahoma 73005</u>	<u>405/247-6673</u>	<u>*405/247-2242</u>
Alabama-Coushatta Tribe of Texas	Roland A. Poncho, Chairman	Rt. 3, Box 640, Livingston, Texas 77351	409/563-4391	*409/563-4397



STB

FD

32760

6-26-96

K

84471

Item No.

Page Count

3

United States Department of the Interior

FISH AND WILDLIFE SERVICE

New Mexico Ecological Services Field Office

2105 Osuna NE

Albuquerque, New Mexico 87113

Phone: (505) 761-4525 Fax: (505) 761-4542

February 28, 1996

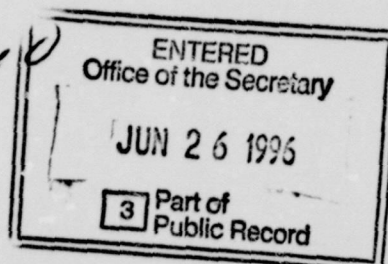


Cons. #2-22-96-I-151

ENVIRONMENTAL  
MATERIALS

Ms. Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

EO 32760



Dear Ms. Kaiser:

This responds to your letter dated January 29, 1996, requesting environmental comments on the proposed merger of the Union Pacific and Southern Pacific Railways in New Mexico. The proposed merger may precipitate the need for improvements of the rail lines to accommodate an increase in traffic. Such improvements may occur in the southern part of the state from Steins, New Mexico to El Paso, Texas. Improvements may also be performed from El Paso, Texas northward to Nara Visa, Quay County, New Mexico about six miles from the Texas stateline. These improvements may include double tracking, siding extension and bridge modifications.

We have reviewed the National Wetlands Inventory maps and have determined that some areas delineated in your documentation as proposed corridor upgrade sites have wetlands associated with them. The proposed upgrade sites with potential wetlands are Aden, Akela, Deming, Robsart, Separ and Tunis. The U.S. Fish and Wildlife Service (Service) classifies these wetlands as palustrine with various subclassifications. Convectional summer thunderstorms are the primary source of water for these wetlands that may be intermittently inundated and of greatest use to wildlife on a seasonal basis. However, shorebirds and waterfowl may use these sites in the winter provided water is available. These habitats are rare in the American southwest and any construction activity that could eliminate them must be avoided. If adverse impacts cannot be avoided, our office should be contacted to discuss your projects in more detail.

A variety of bats, both endangered and candidate species, may occur at the proposed project sites. These species use a variety of habitats. They commonly roost or breed in caves, mine shafts and man-made structures such as buildings and bridges. Juxtaposition of natural and artificial structures to water, where food may be found, is an important element of the habitat of some species. If not residents, these species may frequent the project areas during migration periods. Roosting habitat or

Ms. Elaine K. Kaiser

2

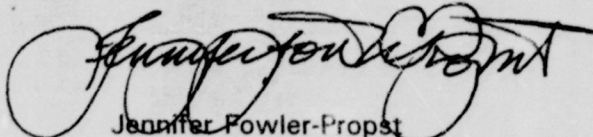
hibernacula that may be perturbed from construction activities should be cleared of bats before work is performed.

The Migratory Bird Treaty Act protects the western burrowing owl. The owl is likely to occur throughout the proposed project areas. The species inhabits burrows for roosting and breeding. Though the species is migratory, they are probably present throughout the year in southern New Mexico. This species inhabits level, open areas of grassland or desert vegetation, with available burrows, usually those of colonial rodents, primarily prairie dogs (Cynomys). However, burrowing owls are opportunistic and will use most burrows such as coyote and badger dens and man-made structures like culverts. Burrowing owls feed on a variety of insects and small mammals. Nesting areas typically have available perching sites, such as fences, utility poles, or raised rodent mounds. The project areas should be surveyed for this species. If the species is found and may be potentially disrupted from the project, individuals should be evicted from their burrows during non-breeding times of the year (October-February) before construction activities.

The Service lists the northern aplomado falcon as endangered and is very rare in New Mexico. They historically occurred in Chaves, Doña Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Sierra, and Socorro counties. This species is found in open grassland habitats with scattered woody vegetation such as yucca and mesquite. Woody vegetation, fence posts and telephone poles serve as perches. Stick nests are usually constructed by other species and are found in tops of woody vegetation. Recent confirmation of a population in northern Chihuahua, Mexico, and confirmed sightings in the U.S. has stimulated interest in this species. Before any construction activities, surveys for this species should be performed.

Enclosed are the scientific names and status of the animals discussed or referred to in this letter. If we can be of further assistance, please call Mr. Craig L. Springer of my staff at (505) 761-4525.

Sincerely,



Jennifer Fowler-Propst  
Field Supervisor

Enclosure

cc: (wo/enc)

Director, New Mexico Department of Game and Fish, Santa Fe, New Mexico  
Director, New Mexico Energy, Minerals and Natural Resources Department, Forestry  
and Resources Conservation Division, Santa Fe, New Mexico  
Geographic Manager, New Mexico Ecosystems, U.S. Fish and Wildlife Service,  
Albuquerque, New Mexico



List of Endangered or Category 2 Candidate Species for  
the Union Pacific and Southern Pacific  
Railway Merger  
February 28, 1996

Big free-tailed bat, Nyctinomops macrotis (= Tadarida m., T. molossa), C2  
California leaf-nosed bat, Macrotus californicus, C2  
Cave myotis, Myotis velifer, C2  
Fringed myotis, Myotis thysanodes, C2  
Greater western mastiff bat, Eumops perotis californicus, C2  
Lesser long-nosed bat, Leptonycteris curasoae verbabuenae, E  
Long-legged myotis, Myotis volans, C2  
Mexican long-nosed bat, Leptonycteris nivalis, E  
Mexican long-tongued bat, Choeronycteris mexicana, C2  
Occult little brown bat, Myotis lucifugus occultus, C2  
Pale Townsend's (= western) big-eared bat, Plecotus townsendii pallescens, C2  
Small-footed myotis, Myotis ciliolabrum, C2  
Spotted bat, Euderma maculatum, C2  
Yuma myotis, Myotis yumanensis, C2  
Northern aplomado falcon, Falco femoralis septentrionalis, E  
Western burrowing owl, Athene cunicularia hypugea, C2

STB

FD

32760

6-26-96

K

84467



# United States Department of the Interior

NATIONAL PARK SERVICE  
Pacific West Field Area  
600 Harrison Street, Suite 600  
San Francisco, California 94107-1372

Item No. \_\_\_\_\_

Page Count 3

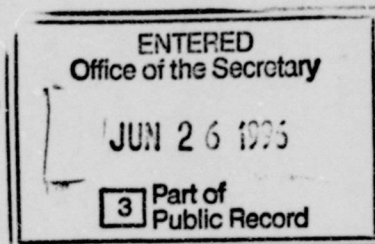
Inv # 208

IN REPLY REFER TO:

MAR 15 1996

L6016(PGSO-PP)

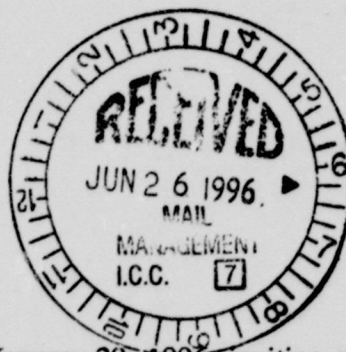
ENVIRONMENTAL MATERIALS



Elaine Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

Re: Finance Docket No. 32760 - Comments

Dear Ms. Kaiser:



On February 21, 1996, we received your letter of January 29, 1996, inviting comments on potential impacts of the control and merger application between the Union Pacific and Southern Pacific Railroads. Although we only received the document after the date deadline, we would like our comments to be included in the environmental analysis of this proposed merger.

Given the level of detail provided in your correspondence, we believe two of the proposed rail line segment abandonments have the potential for conversion to trails. These include: Whittier Junction to Colima Junction (Docket Number AB-33, Sub-No. 93X) and Magnolia Tower to Melrose (Docket No. AB-33, Sub-No. 94X). Both rail line segments have the potential to connect to existing trails; the Whittier to Colima Junction segment to trails along the San Gabriel River and the Magnolia Tower to Melrose segment to the San Francisco Bay Trail and other existing trails. Both segments are in communities with parks and recreation and planning departments, or which have active trail constituencies that may likely be interested in rail-trail conversions or applying for railbanking of these segments. The Magnolia Tower to Melrose rail line segment may also include a bridge that may be of interest for potential rail-trail conversions. Please address the potential for railbanking these segments for conversion to trail use in your environmental analysis.

By copy of this letter, we are notifying these jurisdictions and interests of the possibility of rail-trail conversions of these two rail line segments. We request you directly inform these potentially interested parties of these possible conversions and their potential involvement in a railbanking process. These interested parties and their addresses are shown in Attachment A.



In responding to this letter, we would like to know how our comments have been addressed. Please adjust your mailing list for this project as follows: Pacific/Great Basin System Support Office, National Park Service, 600 Harrison Street, Suite 600, San Francisco, CA 94107, Attn: Holly Van Houten. We would also like to be informed about the timeframe for acting on railbanking and filing a public use condition request for these segments.

Thank you for the opportunity to comment on this matter. If you have any questions, please contact Holly Van Houten at (415) 744-3975.

Sincerely,

*Patricia A. Neubauer*

*for* Stanley T. Albright  
Field Director, Pacific West Field Area

Attachment

cc:

Charlie Willard, State Trails Coordinator  
Steve Emmett-Mattox, Rails to Trails Conservancy  
Bertha Ruiz, Los Angeles County  
Hideo Hamano, City of Whittier  
Steve Fiala, East Bay Regional Parks District  
Mark Ivy, California Trails and Greenway Foundation  
Cleve Williams, City of Oakland  
Noel Ibalio, City of Oakland  
Brian Wiese, Association of Bay Area Governments  
Martin Matarrese, City of Oakland

Attachment A.

Charlie Willard  
State Trails Coordinator  
California Dept of Parks and Recreation  
P.O. Box 94286  
Sacramento, CA 94296-0001

Steve Emmett-Mattox  
Rails to Trails Conservancy  
1400 16th Street, NW, Suite 300  
Washington, DC 20036

33-93X

Bertha Ruiz  
Trail Coordinator  
Los Angeles County  
433 South Vermont Avenue  
Los Angeles, CA 90020-1979

Hideo Hamano  
Director of Parks  
City of Whittier  
13230 Penn Street  
Whittier, CA 90602

33-94X

Steve Fiala  
Trails Coordinator  
East Bay Regional Parks District  
2950 Peralta Oaks Court  
P.O. Box 5381  
Oakland, CA 94605-5381

Mark Ivy  
California Trails and Greenway  
Foundation  
1841 Flood Drive  
San Jose, CA 95124

Cleve Williams  
Director of Parks  
City of Oakland  
1520 Lakeside Drive  
Oakland, CA 94612-4598  
238-3092

Noel Ibalio  
Office of Planning and Building  
City of Oakland  
1330 Broadway, Suite 310  
Oakland, CA 94612

Brian Wiese  
Trail Development Coordinator  
San Francisco Bay Trail Project  
Association of Bay Area Gov't  
P.O. Box 2050  
Oakland, CA 94604-2050

Martin Matarrese  
Parkland Resource Supervisor  
Oakland Parks and Recreation  
3590 Sanborn Drive  
Oakland, CA 94602

STB

FD

32760

6-26-96

K

84466



84466

USDA  
Natural Resources Conservation Service

ENVIRONMENTAL  
MATERIALS

Room 5404, Federal Building  
700 West Capitol Avenue  
Little Rock, Arkansas 72201

FAX NO: 501-324-5138

FD 3276C

Total No. of Pages: 2 Date: 2-15-96

(Including Transmittal Sheet)

TO: Elaine Kaiser, 11 P/5P Env. Proj. Director  
FAX No: 202-927-6225 Phone No: Surface Transportation BoardFROM: Belinda Bell, Resource Manager  
Phone No: \_\_\_\_\_

COMMENTS:



Item No. \_\_\_\_\_

Page Count 5JUN # 207

If problems occur, call 501-324-5477.

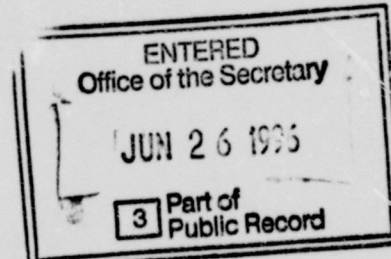
UNITED STATES  
DEPARTMENT OF  
AGRICULTURE

Natural Resources  
Conservation  
Service

Room 5404 Federal Building  
700 West Capitol Avenue  
Little Rock, Arkansas 72201

FEB 15 1996

Ms. Elaine Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001



Dear Ms. Elaine Kaiser:

We have reviewed the proposed actions listed on the following page. We do not anticipate that these projects will adversely impact prime farmland or erosion rates, the primary concerns of the Natural Resources Conservation Service.

The rail line construction project located in Fair Oaks, Arkansas, may have an adverse impact on prime farmland. We recommend conservation practices be applied to the construction area. Thank you for providing us with the opportunity to comment on potential significant effects.

If further information is required, please call Belinda Bell at (501) 324-5509.

Sincerely,

JERRY L. MITCHELL  
Assistant State Conservationist (Programs)

Enclosure

fire.dcx(02/96)

The Natural Resources Conservation Service, formerly the Soil Conservation Service, works hand-in-hand with the American people to conserve the natural resources on private lands.

AN EQUAL OPPORTUNITY EMPLOYER

All programs and services of the Natural Resources Conservation Service are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, marital status, age, or handicap.

Union Pacific/Southern Pacific Merger Projects

- The phase out of the SP facility at Texarkana, Arkansas
- New UP/SP Intermodal Facility at Texarkana, Arkansas
- Phaseout of SP Facility at Pine Bluff, Arkansas
- Abandonment of the Gurdon to Camden line, Arkansas
- Rail Line Construction Project in Texarkana, Arkansas
- Rail Line Construction Project in Camden, Arkansas
- New connection-east in Pine Bluff, Arkansas
- New connection-west in Pine Bluff, Arkansas

fire2.dcx(2/96)



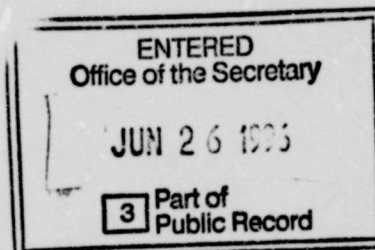
UNITED STATES  
DEPARTMENT OF  
AGRICULTURE

Natural Resources  
Conservation  
Service

Room 5404 Federal Building  
700 West Capitol Avenue  
Little Rock, Arkansas 72201

FEB 16 1996

Ms. Elaine Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001



Dear Ms. Elaine Kaiser:

We have reviewed the proposed actions listed on the following page. We do not anticipate that these projects will adversely impact prime farmland or erosion rates, the primary concerns of the Natural Resources Conservation Service.

The rail line construction project located in Fair Oaks, Arkansas, may have an adverse impact on prime farmland. We recommend conservation practices be applied to the construction area. Thank you for providing us with the opportunity to comment on potential significant effects.

If further information is required, please call Belinda Bell at (501) 324-5509.

Sincerely,

JERRY L. MITCHELL  
Assistant State Conservationist (Programs)

Enclosure

fire.dcx(02/96)

The Natural Resources Conservation Service, formerly the Soil Conservation Service, works hand-in-hand with the American people to conserve the natural resources on private lands.

AN EQUAL OPPORTUNITY EMPLOYER

All programs and services of the Natural Resources Conservation Service are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, marital status, age, or handicap.

## Union Pacific/Southern Pacific Merger Projects

- The phase out of the SP facility at Texarkana, Arkansas
- New UP/SP Intermodal Facility at Texarkana, Arkansas
- Phaseout of SP Facility at Pine Bluff, Arkansas
- Abandonment of the Gurdon to Camden line, Arkansas
- Rail Line Construction Project in Texarkana, Arkansas
- Rail Line Construction Project in Camden, Arkansas
- New connection-east in Pine Bluff, Arkansas
- New connection-west in Pine Bluff, Arkansas

STB

FD

32760

6-26-96

K

84465



84465

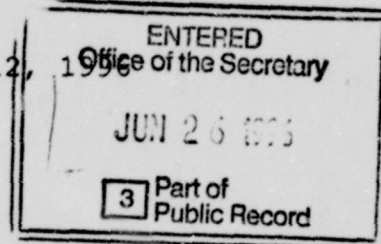
United States  
Department of  
Agriculture

Natural  
Resources  
Conservation  
Service

1902 Fox Drive  
Champaign, IL  
61820

January 29, 1996

February 12, 1996



# ENVIRONMENTAL MATERIALS

Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

RE: Environmental Comments on the Potential Environmental Impacts of  
the Merger Application Between Union Pacific and Southern  
Railroad (Finance Docket No. 32760)

Dear Ms. Kaiser:

We have reviewed the available information for sites located in  
Illinois as requested. Our comments are as follows:

Impacts on local land uses: New rail line construction outside  
existing rights-of-way; and, new rail line connections will probably  
require the acquisition of agricultural land. Farmland Protection  
Policy in Illinois requires that alternative actions to lessen adverse  
effects be considered if farmland is converted to nonagricultural  
uses. Additional information can be obtained from the Bureau of  
Farmland Protection, Illinois Department of Agriculture.

Biological resources: Critical habitat areas within 5 miles of some  
of the proposed rail line construction sites include parks and  
refuges, forested wetlands on bottomland and upland sites and several  
jurisdictional wetlands.

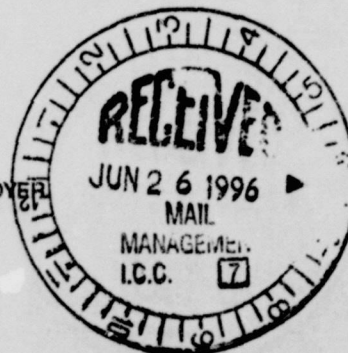
Historic, cultural or archaeological resources: Prior experience has  
shown that railroad rights-of-way sites contain unique plant species  
and communities. Alternative actions that take into account the  
adverse effects that could occur if rail lines are abandoned should be  
considered.

Other information: If this merger is approved, we recommend that all  
Illinois Soil and Water Conservation Districts affected by this merger  
be contacted to develop an Erosion Control Plan before starting any  
construction.

The Natural Resources Conservation Service,  
formerly the Soil Conservation Service, works  
hand-in-hand with the American people to  
conserve natural resources on private lands.

Item No. \_\_\_\_\_ AN EQUAL OPPORTUNITY EMPLOYER

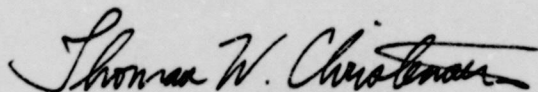
Page Count 2  
Inn # 206



Elaine K. Kaiser

Thank you for the opportunity to review and comment on this project.

Sincerely,



THOMAS W. CHRISTENSEN  
State Conservationist

The Natural Resources Conservation Service,  
formerly the Soil Conservation Service, works  
hand-in-hand with the American people to  
conserve natural resources on private lands.

AN EQUAL OPPORTUNITY EMPLOYER

STB

FD

32760

6-26-96

84463

~~X~~





United States  
Department of  
Agriculture

Soil  
Conservation  
Service

84463  
Federal Building  
210 Walnut St., Ste. 693  
Des Moines, IA 50309-2180

ENVIRONMENTAL  
MATERIALS

February 15, 1996

Ms. Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-0001

FD 3296

ENTERED  
Office of the Secretary

JUN 26 1996

3 Part of  
Public Record

Dear Ms. Kaiser:

Upon review of the proposed merger of the Union Pacific Railroad Company and the Southern Pacific Transportation Company, I have found no obvious environmental impact. Although the merger will increase rail traffic, little construction is involved and existing tracks will be used.

Sincerely,

Leroy Brown  
State Conservationist



Item No. \_\_\_\_\_

Page Count 1

Jun 204



The Soil Conservation Service  
is an agency of the  
Department of Agriculture

AN EQUAL OPPORTUNITY EMPLOYER

STB

FD

• 32760

6-26-96

K

• 84452

84452



**SHASTA COUNTY  
REGIONAL TRANSPORTATION PLANNING AGENCY**  
WILLIAM E. LYMAN  
EXECUTIVE OFFICER

1855 PLACER STREET • REDDING, CALIFORNIA 96001  
PHONE (916) 225-5661 • FAX (916) 225-5667

*ENVIRONMENTAL*

February 21, 1996

*MATERIALS*

Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, DC 20423-0001

ENTERED  
Office of the Secretary  
JUN 26 1996  
3 Part of  
Public Record



Attention: Finance Docket No. 32760 - Comments

Dear Ms. Kaiser:

The Shasta County Regional Transportation Planning Agency has reviewed the UP/SP merger proposal. Attachment one submitted for our review, "Potential Environmental Impacts from Proposed Action -- Rail Line Segments," states that significant increases in rail traffic volumes will occur on the Marysville to Dunsmuir rail section. This segment runs through Shasta County and its three incorporated cities. Attachment one also states that this rail line segment may require capacity improvements such as double tracking.

There are significant transportation efficiency and safety issues at existing rail line intersections with existing streets and roads in Shasta County. These areas require improvements such as grade separation crossings or reconfiguration of existing intersections.

Increases in rail traffic or rail capacity improvements will exacerbate this existing condition and result in significant transportation efficiency and safety impacts on local streets and roads in Shasta County. This is particularly true in the downtown corridors of our three cities and along State Route 273. The impacted intersections should be identified and mitigation provided such as construction of improvements or provision of funding. We would be glad to offer existing studies and other information resources available for this evaluation.

Item No. \_\_\_\_\_  
Page Count 2  
Jun 27 1996



Ms. Elaine Kaiser  
February 21, 1996  
Page 2

Thank you for soliciting our concerns. We would be interested in receiving notice regarding other opportunities for review and comment on this project. If you have any questions please contact Dan Little at (916)225-5661.

Very truly yours,

William E. Lyman, Executive Director  
Shasta County Regional Transportation  
Planning Agency (MPO)

By Willet Ramsdell  
Willet (Bill) Ramsdell  
Supervising Planner

WR/mlc

cc: Doug Latimer, Shasta County CAO  
Mike Knight, City of Anderson DPW  
Bob Galusha, City of Redding DPW  
Mike Mitchell, City of Shasta Lake DPW

STB

FD

32760

6-26-96

K

84449

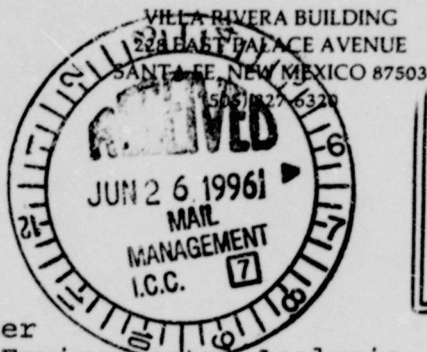


GARY E. JOHNSON  
GOVERNOR

# ENVIRONMENTAL MATERIALS

84449

STATE OF NEW MEXICO  
**OFFICE OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

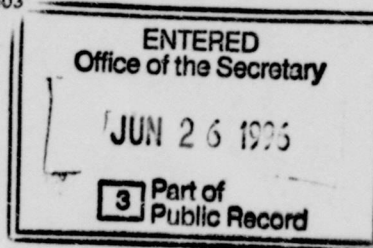


VILLA RIVERA BUILDING  
228 EAST PALACE AVENUE  
SANTA FE, NEW MEXICO 87503  
(505) 827-6320

MICHAEL ROMERO TAYLOR  
DIRECTOR

March 8, 1996

Ms. Elaine K. Kaiser  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
Washington, D.C. 20423-0001



Item No. \_\_\_\_\_  
Page Count 4  
197

Dear Ms. Kaiser:

VIA FACSIMILE

I am writing in regard to the proposed merger between the Union Pacific and Southern Pacific Railroads. Since the merger is an action that must be permitted by a federal agency, and since the merger has the potential for affecting properties that are listed on or eligible for listing on the National Register of Historic Places, the merger is an undertaking subject to the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR 800. I am sending you our comments on this undertaking pursuant to these regulations. As I understand it we have already missed the February 15, 1996, deadline for comments; however, after speaking with Ms. Phillis Johnson-Ball this morning, I learned that my office can still express our concerns.

We did receive several requests for comment from Dames & Moore on the proposed merger. I spoke with Julie Donsky in January about what we had learned from our investigation of the merger and how it might effect historic properties in New Mexico. I told her that I would send our comments to her, but because of the extreme time deadline, I am sending our comments to you directly, with a copy forwarded to Dames & Moore.

Based on the information that you provided us in your letter of January 29, 1996, it appears that there will be no increased activity at rail yards, intermodal facilities, rail line abandonments, or rail line construction projects in New Mexico as a result of the proposed merger. However, there will be rail line segment construction within the state to accommodate increase traffic and this will result in capacity improvements such as double tracking, siding extensions, and/or bridge and tunnel modifications.

We have reviewed information provided to us by Dames & Moore on each of the line segments in New Mexico, and find that there are



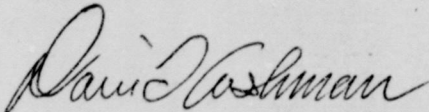
known archeological sites, bridges, and other cultural resources adjacent to, extending over, or bisected by existing lines that may be National Register eligible and that may be affected by construction activities. Furthermore, our review of our state files only indicates the potential effect of the merger on known cultural resources; there may be National Register eligible properties that are currently unknown that may also be affected by construction.

We are unable to comment specifically on the effect of the merger at this point because we do not have detailed information on what construction will involve and where it will take place for each rail segment. What we can say is that in general it is likely that the construction of the rail line segments will have an effect on National Register eligible properties. As such, we recommend that we be provided with more detailed plans about what is being proposed and where for each rail segment when these plans become available. At that time, we will make recommendations on survey and identification, as the first step in addressing the National Register evaluation and treatment of effect requirements under the regulations cited above.

If you have any questions, please contact me.

Thank you.

Sincerely,



David Cushman  
Acting Deputy State Historic Preservation Officer

Log: 49576

cc: Ms. Julie Donsky  
Environmental Scientist  
Dames & Moore  
One Continental Towers  
1701 Golf Road  
Suite 1000  
Rolling Meadows, IL 60008



STATE OF NEW MEXICO  
OFFICE OF CULTURAL AFFAIRS  
HISTORIC PRESERVATION DIVISION

VILLA RIVERA BUILDING  
228 EAST PALACE AVENUE  
SANTA FE, NEW MEXICO 87503  
(505) 827-6320

## TELECOPIER COVER SHEET

MACHINE MODEL: CANNON MODEL L770  
TELECOPIER NUMBER: (505) 827-6338  
VOICE PHONE NUMBER: (505) 827-6320

FD 8276 ✓

DATE:

3/8/96

TO:

Elaine Kaiser

Surface Transportation Board

TELECOPIER PHONE NO.: 1-202-927-6225

TOTAL NUMBER OF PAGES:

3

RESPONSE REQUESTED BY HISTORIC PRESERVATION DIVISION ☐ NO ☐ YES

MESSAGE OR DESCRIPTION OF ITEMS SENT:

COMMENTS ON UNION PACIFIC AND

SOUTHERN PACIFIC RAILROAD MERGER

PERSON OPERATING TELECOPIER:

DAVID CUSHMAN





GARY E. JOHNSON  
GOVERNOR

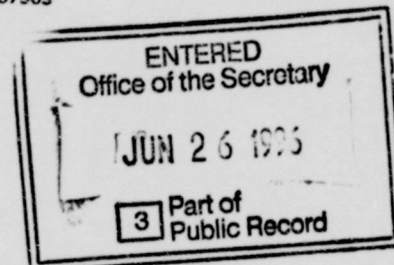
STATE OF NEW MEXICO  
**OFFICE OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

VILLA RIVERA BUILDING  
228 EAST PALACE AVENUE  
SANTA FE, NEW MEXICO 87503  
(505) 827-6320

MICHAEL ROMERO TAYLOR  
DIRECTOR

March 8, 1996

Ms. Elaine K. Kaiser  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
Washington, D.C. 20423-0001



Dear Ms. Kaiser:

VIA FACSIMILE

I am writing in regard to the proposed merger between the Union Pacific and Southern Pacific Railroads. Since the merger is an action that must be permitted by a federal agency, and since the merger has the potential for affecting properties that are listed on or eligible for listing on the National Register of Historic Places, the merger is an undertaking subject to the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR 800. I am sending you our comments on this undertaking pursuant to these regulations. As I understand it we have already missed the February 15, 1996, deadline for comments; however, after speaking with Ms. Phillis Johnson-Ball this morning, I learned that my office can still express our concerns.

We did receive several requests for comment from Dames & Moore on the proposed merger. I spoke with Julie Donsky in January about what we had learned from our investigation of the merger and how it might effect historic properties in New Mexico. I told her that I would send our comments to her, but because of the extreme time deadline, I am sending our comments to you directly, with a copy forwarded to Dames & Moore.

Based on the information that you provided us in your letter of January 29, 1996, it appears that there will be no increased activity at rail yards, intermodal facilities, rail line abandonments, or rail line construction projects in New Mexico as a result of the proposed merger. However, there will be rail line segment construction within the state to accommodate increase traffic and this will result in capacity improvements such as double tracking, siding extensions, and/or bridge and tunnel modifications.

We have reviewed information provided to us by Dames & Moore on each of the line segments in New Mexico, and find that there are



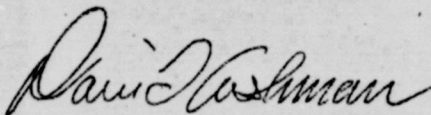
known archeological sites, bridges, and other cultural resources adjacent to, extending over, or bisected by existing lines, that may be National Register eligible and that may be affected by construction activities. Furthermore, our review of our site files only indicates the potential effect of the merger on known cultural resources; there may be National Register eligible properties that are currently unknown that may also be affected by construction.

We are unable to comment specifically on the effect of the merger at this point because we do not have detailed information on what construction will involve and where it will take place for each rail segment. What we can say is that in general it is likely that the construction of the rail line segments will have an effect on National Register eligible properties. As such, we recommend that we be provided with more detailed plans about what is being proposed and where for each rail segment when these plans become available. At that time, we will make recommendations on survey and identification, as the first step in addressing the National Register evaluation and treatment of effect requirements under the regulations cited above.

If you have any questions, please contact me.

Thank you.

Sincerely,



David Cushman  
Acting Deputy State Historic Preservation Officer

Log: 49576

cc: Ms. Julie Donsky  
Environmental Scientist  
Dames & Moore  
One Continental Towers  
1701 Golf Road  
Suite 1000  
Rolling Meadows, IL 60008

STB

FD

32760

6-26-96

K

84447

# ENVIRONMENTAL MATERIALS

84447



M. J. "MIKE" FOSTER, JR.  
GOVERNOR

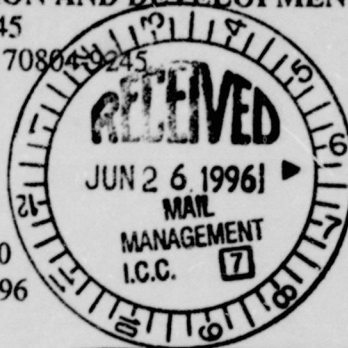
## STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

P.O. Box 94245  
Baton Rouge, Louisiana 70804-9245

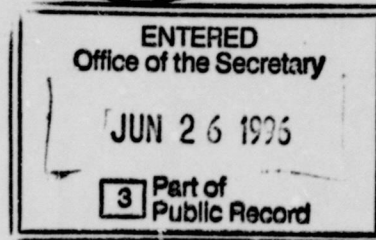


FRANK M. DENTON  
SECRETARY

(504) 929-9190  
February 15, 1996



Ms. Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Ave., Room 3219  
Washington, D.C. 20423-0001



Dear Ms. Kaiser:

FD 32260

The Louisiana Department of Transportation and Development (LDOTD) received your solicitation of views packet, dated January 29, 1996, concerning the merger between Union Pacific and Southern Pacific Railroads. The proposed merger is not in conflict with Louisiana's Statewide Transportation Plan.

The LDOTD's Maintenance Division shall be consulted regarding tie changes to existing crossings or the addition of new crossings at public roads. LDOTD shall be kept apprised of any changes in train traffic, number of tracks, etcetera which affect public highway/rail at-grade crossings. Consideration should be given to improving the safety of the public crossings as part of any track improvements or capacity expansion. Additionally, before beginning any construction activity, the local LDOTD District Office should be consulted as to any permits that the District may require. Finally, the relocation of U.S. Highway 171 overpass pier in Shreveport shall be closely coordinated with LDOTD and the Louisiana Division of the Federal Highway Administration (FHWA).

If you have any questions regarding crossings contact Mr. William Shrewsberry, Road Maintenance Engineer, at (504) 379-1543. If you need information regarding railroads in Louisiana, contact Mr. Eddie Morris, Rail Program Manager, at (504) 379-1928. If you need any information regarding the Statewide Transportation Plan, contact Mr. Coan Bueche, Chief, Planning Division, at (504) 358-9131. If you need any information regarding environmental concerns, contact the Environmental Section at the number above.

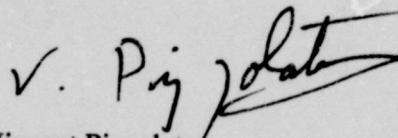
Item No. \_\_\_\_\_  
Page Count 2  
Jun 26 190



Letter to Ms. Kaiser

Page 2

Sincerely,

A handwritten signature in dark ink, appearing to read "V. Pizzolato", with a stylized flourish at the end.

Vincent Pizzolato  
Environmental Engineer Administrator

VP/na

cc: Mr. Frank Denton, Secretary

Mr. R. E. Dillon

Mr. Norval Knapp

Mr. Coan Bueche

Mr. William Jack

Mr. John Collins

Ms. Carol Cranshaw

Mr. Eddie Morris

Mr. William S. Newsberry

Mr. Bruce Easterly, District 04 Administrator

Mr. John Andrus, District 07 Administrator

FHWA

STB

FD

32760

6-26-96

K

84444

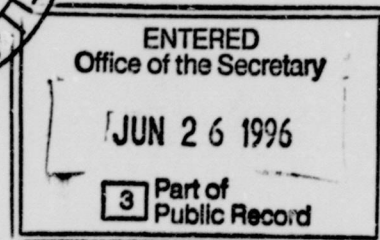
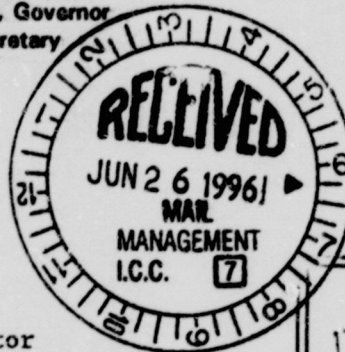
# ENVIRONMENTAL MATERIAL 158444



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

PO Box 7921  
101 South Webster Street  
Madison, Wisconsin 53707-7921  
TELEPHONE 608-266-2621  
FAX 608-267-3579  
TDD 608-267-6897



February 14, 1996

Ms. Elaine K. Kaiser  
UP/SP Environmental Project Director  
Section of Environmental Analysis  
Surface Transportation Board  
12th and Constitution Avenue, Room 3219  
Washington, D.C. 20423-001

SUBJECT: Finance Docket No. 32760 - Comments

Dear Ms. Kaiser:

As you requested, we have reviewed your description of the proposed merger of the Union Pacific Railroad Company and the Southern Pacific Transportation Company and your request for comments on the environmental impacts of the merger. We have some general comments on the potential environmental consequences (nation and industry-wide) of the merger, and also some specific comments on the current St. Francis to Oak Creek rail line segment that could be impacted by your approval of the merger.

In a general sense, we would expect that the proposed merger would create nation-wide environmental and economic improvements. In the handling of most bulk commodities, rail should be more energy efficient and less polluting than trucks, and if the proposed action reduces the number of trucks needing to operate on the U.S. highway system, there would be a corresponding reduction in the environmental impacts from truck emissions and road capacity expansion needed to service trucking.

The merger could also increase competition with barge shipments of bulk commodities, such as the shipment of grain, coal and petroleum products on the Mississippi River, potentially affecting the need for the U. S. Army Corps of Engineers' proposed major improvements to the Upper Mississippi River navigation system. On the other hand, there may be some Great Lakes port shipping increases that could occur as a result of the merger, such as the potential of the Port of Milwaukee to handle shipments of grain and coal.

The merger could create the potential for efficiency gains in multimodal transportation through use of containerized shipment, piggyback trailers and double deck trailers. Overall, there should be a potential for national economic improvement since there will be greater competition with trucking and barges which currently receive heavy government subsidies.

Item No. \_\_\_\_\_

Page Count 2

Jan 188

Quality Natural Resources Management  
Through Excellent Customer Service





We are unable comment on the specific environmental impacts of increased traffic volumes on the St. Francis to Oak Creek rail line due to the lack of projected traffic volumes and construction related information in your letter. However, it should be noted that this area of Wisconsin is designated as an ozone non attainment area under the Clean Air Act. If the merger would lead to reductions in emissions of ozone causing chemicals in this area, this would be an environmental improvement. Regarding the potential for rail capacity improvements mentioned in your letter, it should be noted that this line is located in an area that may be constrained for construction by existing infrastructure developments and may also contain undesirable soil considerations.

If you need further information, you may call me at (608) 266-5428.

Sincerely,

*Michael T. Neuman*

Michael T. Neuman  
Environmental Liaison

CC: Mary Frazer - Coastal Management Program, DOA  
Jim Thiel - DOT  
Jim Morrissey - DNR, Southeast District  
Lloyd Eagan - AM/7  
George Meyer - DNR, AD/5