

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
October 11, 2017
Part of
Public Record

BNSF RAILWAY COMPANY	)	
ABANDONMENT EXEMPTION	)	DOCKET NO. AB 6
IN POLK COUNTY,	)	(SUB-NO. 496X)
IOWA		

ENVIRONMENTAL AND HISTORIC REPORTS

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Service Date: October 11, 2017

ENVIRONMENTAL REPORT

(49 C.F.R. § 1105.7)

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

BNSF Railway Company (“BNSF”) proposes to abandon and discontinue 0.48 miles of Line Segment 81 between Milepost 67.38 (end of line) and Milepost 66.9 (SE 7th St.) to support the Elm Street corridor redevelopment project in the City of Des Moines, Polk County, Iowa (the “Line”). There is a building on western portion of the Line that was built sometime in the 70’s or 80’s (see blue emblem on map). It appears a BNSF predecessor, Des Moines and Knoxville Railroad Company, released its easement of this portion of the Line. Norfolk Southern Railway leases this Line from BNSF and a discontinuance of service would be requested simultaneously with BNSF’s formal abandonment filing. In 2006, BNSF filed and consummated the abandonment of 1.88 miles of rail line between MP 67.38 and MP 1.45 (yellow on map - immediately west of this proposed abandonment). Maps of the project area are attached as **Exhibit A**.

BNSF's salvage process as it relates to this project is as follows:

The proposed abandonment will include the removal of track materials such as rails and ties. There are no bridges on this line. The railroad right-of-way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use

of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis (“OEA”) and imposed by the Surface Transportation Board (“STB”) in the final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

No traffic has traveled over the Line since at least June 2010 (red board is in place on the east side of 7th St.) and there are no known business prospects. There is a building on western portion of the Line that was built sometime in the 70's or 80's (see blue emblem on map). It appears a BNSF predecessor, Des Moines and Knoxville Railroad Company, released its easement of this portion of the Line. Norfolk Southern Railway leases this Line from BNSF and a discontinuance of service would be requested simultaneously with BNSF's formal abandonment filing. In 2006, BNSF filed and consummated the abandonment of 1.88 miles of rail line between MP 67.38 and MP 1.45 (yellow on map - immediately west of this proposed abandonment). Maps of the project area are attached as **Exhibit A**. There is no overhead traffic on the portion of the Line included in the proposed abandonment. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

If as an alternative BNSF does not pursue this abandonment, it will forgo the opportunity costs from salvage of the Line.

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

No passenger or freight traffic will be diverted to other transportation systems as a result of the proposed abandonment. No local or overhead traffic has traveled on the Line since prior to June 2010. Norfolk Southern Railway leases this Line from BNSF and a discontinuance of service would be requested simultaneously with BNSF's formal abandonment filing.

(3) **Land Use**

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

The proposed action should be consistent with existing land use plans. BNSF occupies the property pursuant to City Ordinance No. 157, granting the Des Moines and Knoxville Railroad Company (BNSF predecessor) a right of way for operation of trains, and by Ordinance No. 1067 amending Ordinance No. 157. The City revoked this ordinance in September 2016 and in a letter dated 10/14/16, the City requested BNSF abandon its ROW along Elm Street, to support its local redevelopment project. A copy of the letter is attached as **Exhibit B**. On May 24, 2017, BNSF contacted Iowa Utilities Board. On May 31, 2017, David Lynch, General Counsel, Iowa Utilities Board, responded to our letter, stating “The letter indicates that a map of the subject railroad line is enclosed, but there was no enclosure. If possible, it would also be helpful if you could provide us with some additional background. Is the environment report being prepared for submission to the STB or for some other entity? Either way, could you please direct me to a legal requirement for the report? That would be helpful to us in preparing any possible response to the letter.” BNSF emailed a copy of the map to Mr. Lynch on June 1, 2017 and responded to his question, the environment report is prepared for submission to the STB pursuant to 49 C.F.R. 1105.7. A copy of the emails are attached as **Exhibit C**. On May 24, 2017, BNSF contacted Des Moines, IA Planning and Urban Design Office. On June 9, 2017, Michael Ludwig, AICP, Planning Administrator, City of Des Moines responded to our letter, stating “ The

proposed abandonment is consistent with the City's existing land use plans (i.e. the PlanDSM Comprehensive Plan adopted April 25, 2016). The City fully supports the abandonment request". A copy of the email is attached as **Exhibit D**. BNSF also contacted the Polk County Planning and Development office. As of the date of this Environmental Report, the Polk County Planning and Development office has not responded to our inquiry. A copy of the letter is attached as **Exhibit E**.

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

BNSF understands that the proposed abandonment will have no adverse effect on prime agriculture land. BNSF sent a letter to the NRCS Iowa State Office. On June 13, 2017, Joe Griffin, Iowa Department of Natural Resources (DNR), responded to our letter, stating "Based on the information in your letter of May 24, 2017 to the Iowa Dept. of Public Health and as described during our conversation, no storm water permit coverage for construction activities will be necessary for this project as the disturbed are will be less than 1 acre. The company should still exercise due diligence to ensure that sediment loss from soil-disturbing activities is minimized". A copy of the email is attached as **Exhibit F**.

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

BNSF understands that the proposed abandonment is not located within a designated coastal zone. Iowa does not have a state coastal zone management approved program.

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

why.

The proposed abandonment may be suitable for alternative public use. BNSF occupies the property pursuant to City Ordinance No. 157, granting the Des Moines and Knoxville Railroad Company (BNSF predecessor) a right of way for operation of trains, and by Ordinance No. 1067 amending Ordinance No. 157. The City revoked this ordinance in September 2016 and in a letter dated 10/14/16, the City requested BNSF abandon its ROW along Elm Street, to support its local redevelopment project. On vacant, city owned property, approximately 0.5 miles east of the proposed abandonment (see rail lines in purple on transload map), the City intends to construct a transload facility. A copy of the transload map is attached as **Exhibit A** and a copy of the City letter is attached as **Exhibit B**.

(4) Energy

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

The proposed abandonment will have no effect on the transportation of energy resources.

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

The proposed abandonment will have no adverse effect on the movement or recovery of recyclable commodities.

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

The proposed action will not result in an increase or decrease in overall energy efficiency because no traffic has operated on the Line since prior to June 2010.

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

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

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

The proposed abandonment will not result in a diversion of rail to motor carriage.

(5) Air

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

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

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

(C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in (i) (A), (B) or (C) above.

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

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

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

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

only the three train a day threshold in this item shall apply.

The proposed action will not result in meeting or exceeding the specified thresholds identified in (ii) (A), (B) or (C) above.

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

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

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

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

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

Not applicable.

(7) Safety

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

BNSF expects that this abandonment will have no adverse effect on health or public safety. On May 24, 2017, BNSF sent a letter to the Iowa Department of Public Health, Bureau of Environmental Health Services Office. As of the date of this Environmental Report, the Iowa Department of Public Health, Bureau of Environmental Health Services has not responded to our inquiry. A copy of the

letter is attached as **Exhibit G**.

There are four (4) public at-grade crossings on the Line, two (2) active and two (2) closed. There is one (1) active private at-grade crossing. There are no bridges on this line

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials.

The abandonment will not result in the transportation of hazardous materials.

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

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

(8) Biological Resources

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

BNSF expects that the proposed abandonment will have no adverse effect on endangered or threatened species or areas designated as a critical habitat. BNSF contacted the U.S. Fish and Wildlife Service, Rock Island Field Office, Ecological Services Office (“USFWS”), in reference to this proposed abandonment. On June 1, 2017, Veronica Starcevich, Office Assistant, US Fish and Wildlife Service, Illinois and Iowa ES Field Office, responded to our letter, stating “Attached is a

copy of a No Objection letter for you”. A copy of email response is attached as **Exhibit H**.

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

BNSF expects that no wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. On May 24, 2017, BNSF contacted the U.S. Department of the Interior, Bureau of Land Management Eastern States Office (“BLM”) and Cam Sholly, Regional Director, National Park Service, Midwest Region . As of the date of this Environmental Report, the BLM and the National Park Service have not replied to BNSF’s inquiry. Copies of the letters are attached as **Exhibits I and J** respectively.

(9) Water

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

On May 24, 2017, BNSF sent a letter to the Iowa Department of Public Health, Bureau of Environmental Heal Services. As of the date of this Environmental Report, the agency has not replied to BNSF’s inquiry. A copy of the letter is attached as **Exhibit G**.

BNSF also contacted the U.S. EPA Region 7 regarding the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF’s inquiry. A copy of the letter is attached as **Exhibit K**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are

required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

BNSF understands that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. BNSF contacted the U.S. Department of the Army, Corps of Engineers, Rock Island District in reference to the proposed abandonment. On June 15, 2017, Donna Hardy, Project Manager, Iowa Permit Section-Regulatory Branch, responded to our letter, stating “we have determined that your project as proposed does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District’s decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted. You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.” A copy of the letter is attached as **Exhibit L**. BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

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

On October 6, 2016, BNSF sent a letter to the Iowa Department of Public Health,

Bureau of Environmental Health Services. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit G**.

BNSF also contacted the U.S. EPA Region 7 regarding the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit K**.

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

BNSF expects that no adverse environmental impact will result from the proposed abandonment and, therefore, is aware of no need for any mitigating actions. BNSF will, of course, consult (as required) with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with those mitigation actions required by the Board.

HISTORIC REPORT

(49 C.F.R. § 1105.8)

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

BNSF Railway Company (“BNSF”) proposes to abandon and discontinue 0.48 miles of Line Segment 81 between Milepost 67.38 (end of line) and Milepost 66.9 (SE 7th St.) to support the Elm Street corridor redevelopment project in the City of Des Moines, Polk County, Iowa (the “Line”). There is a building on western portion of the Line that was built sometime in the 70’s or 80’s (see blue emblem on map). It appears a BNSF predecessor, Des Moines and Knoxville Railroad Company, released its easement of this portion of the Line. Norfolk Southern Railway leases this Line from BNSF and a discontinuance of service would be requested simultaneously with BNSF’s formal abandonment filing. In 2006, BNSF filed and consummated the abandonment of 1.88 miles of rail line between MP 67.38 and MP 1.45 (yellow on map - immediately west of this proposed abandonment). Maps of the project area are attached as **Exhibit A**.

BNSF's salvage process as it relates to this project is as follows:

The proposed abandonment will include the removal of track materials such as rails and ties. There are no bridges on this line. The railroad right-of-way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use

of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into rail cars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis (“OEA”) and imposed by the Surface Transportation Board (“STB”) in the final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

The Line has had no traffic has operated on the Line since at least June 2010. Norfolk Southern Railway leases this Line from BNSF and a discontinuance of service would be requested simultaneously with BNSF's formal Abandonment filing. There is no overhead traffic on the proposed abandonment portion of the Line. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

If as an alternative BNSF does not pursue this abandonment, it will forgo the opportunity costs from salvage of the Line.

HISTORIC REPORT

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

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

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

The subject Line extends approximately 0.48 miles of Line Segment 81 between Milepost 67.38 (end of line) and Milepost 66.9 (SE 7th St.) to support the Elm Street corridor redevelopment project in the City of Des Moines, Polk County, Iowa. The urban right-of-way is generally 100 feet wide, 50 feet on each side of the track. There are no federally granted rights of way involved.

3. ***Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately***

surrounding area.

None.

4. ***The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.***

None.

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

The line was originally the Des Moines & Knoxville Railway Company and was in operation from 1878 to 1901. January 1, 1901 Des Moines & Knoxville Railway Company was deeded to Chicago, Burlington & Quincy Railroad Company ("CB&Q"). In 1901 Great Northern Railway Company ("GNR") and Northern Pacific Railway Company ("NPR") jointly acquired control of CB&Q. On March 2, 1970, GNR and NPR were merged into Great Northern Pacific ("GNP") and Burlington Lines, Inc., pursuant to an Agreement of Merger dated as of January 26, 1961 ("Northern Lines Agreement"). On March 2, 1970, CB&Q merged into the GNP and Burlington Lines, Inc., pursuant to an Agreement of Merger dated as of January 26, 1961 ("Burlington Merger Agreement"). A Certificate of Amendment of Certificate of Incorporation of Great Northern Pacific and Burlington Lines, Inc., dated February 12, 1970, was filed in the office of the Secretary of State of Delaware on March 2, 1970, and the name of the company changed to Burlington Northern Inc. ("BNI"). BNI changed its name to Burlington Northern Railroad Company ("BNRR") in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in 2005.

This land was all obtained by a City Ordinance and is all classified as Permission & Right.

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

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

7. ***An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).***

BNSF contacted the Iowa Historic Preservation Office, State Historical Building in reference to the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit M**.

BNSF also contacted the Simon Monroe at the National Geodetic Survey Office in reference to the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit N**.

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

The Line was disturbed during original construction by cuts and fill and any archaeological resources that may have been located in the proposed project area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archaeological recovery of resources.

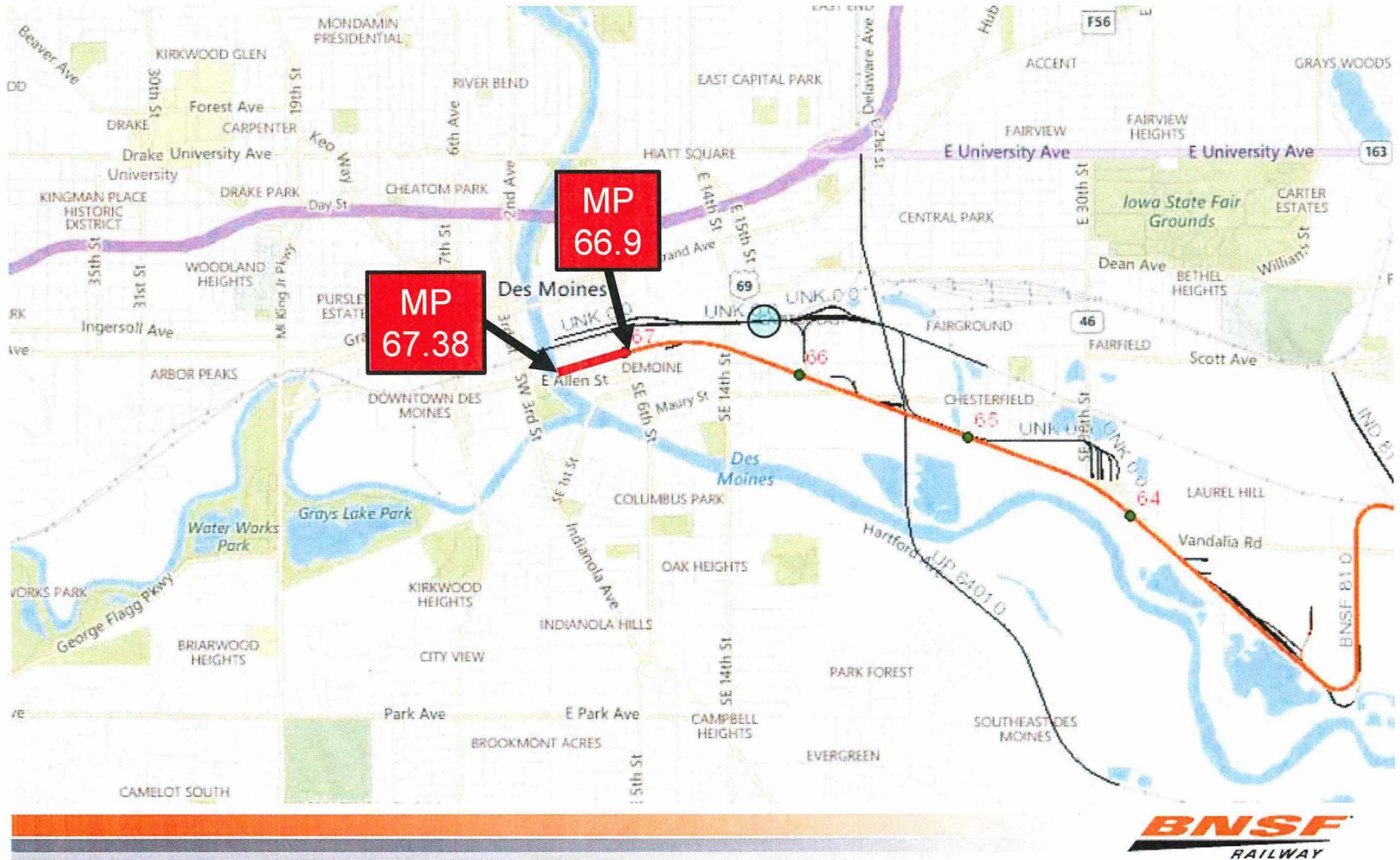
9. ***Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned***

properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e. prehistoric or native American).

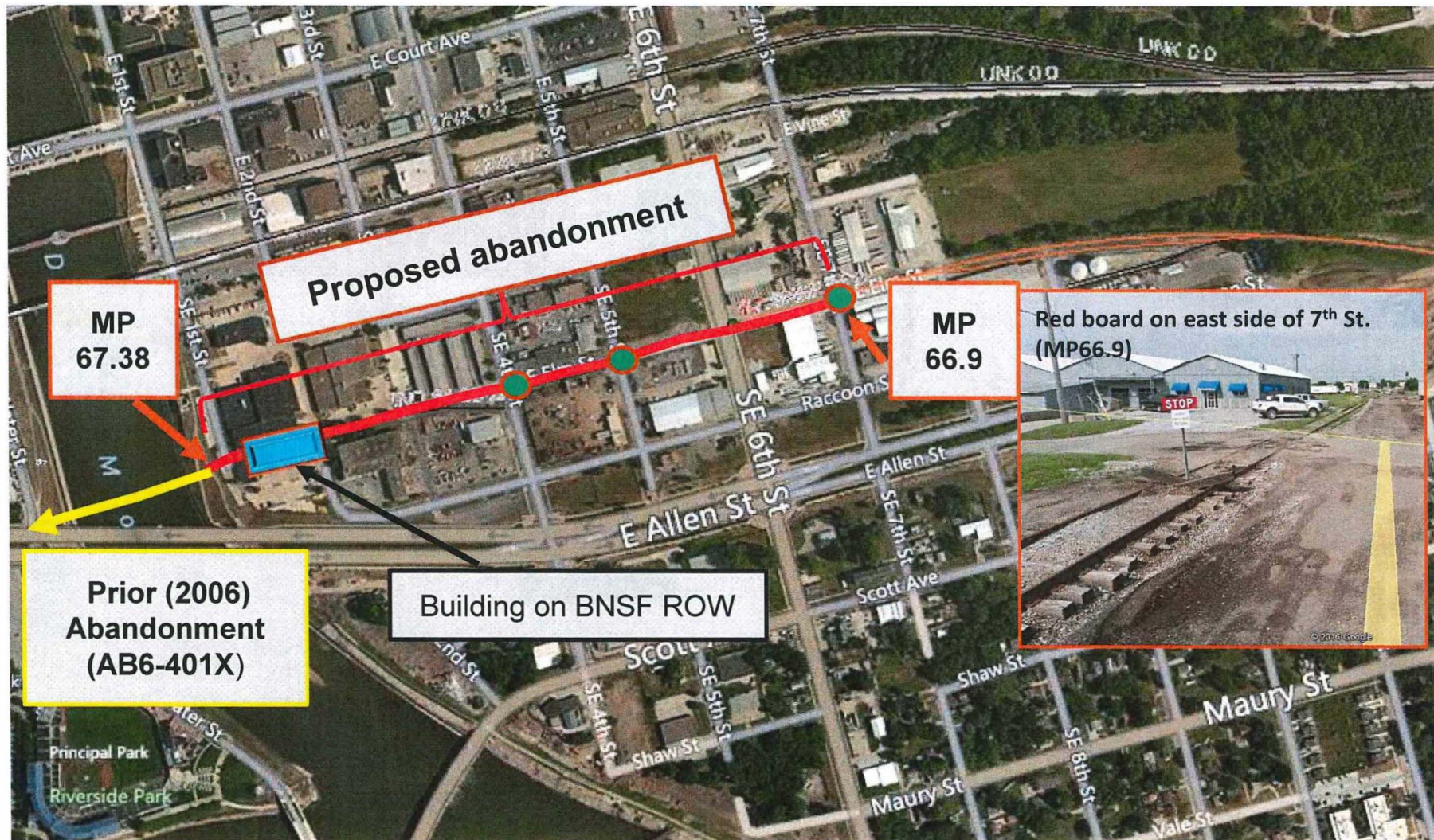
If any additional information is requested, BNSF will promptly supply the necessary information.

EXHIBIT A

Des Moines, IA – Abandonment Map



Des Moines, IA Abandonment Map



Des Moines, IA Transload Map

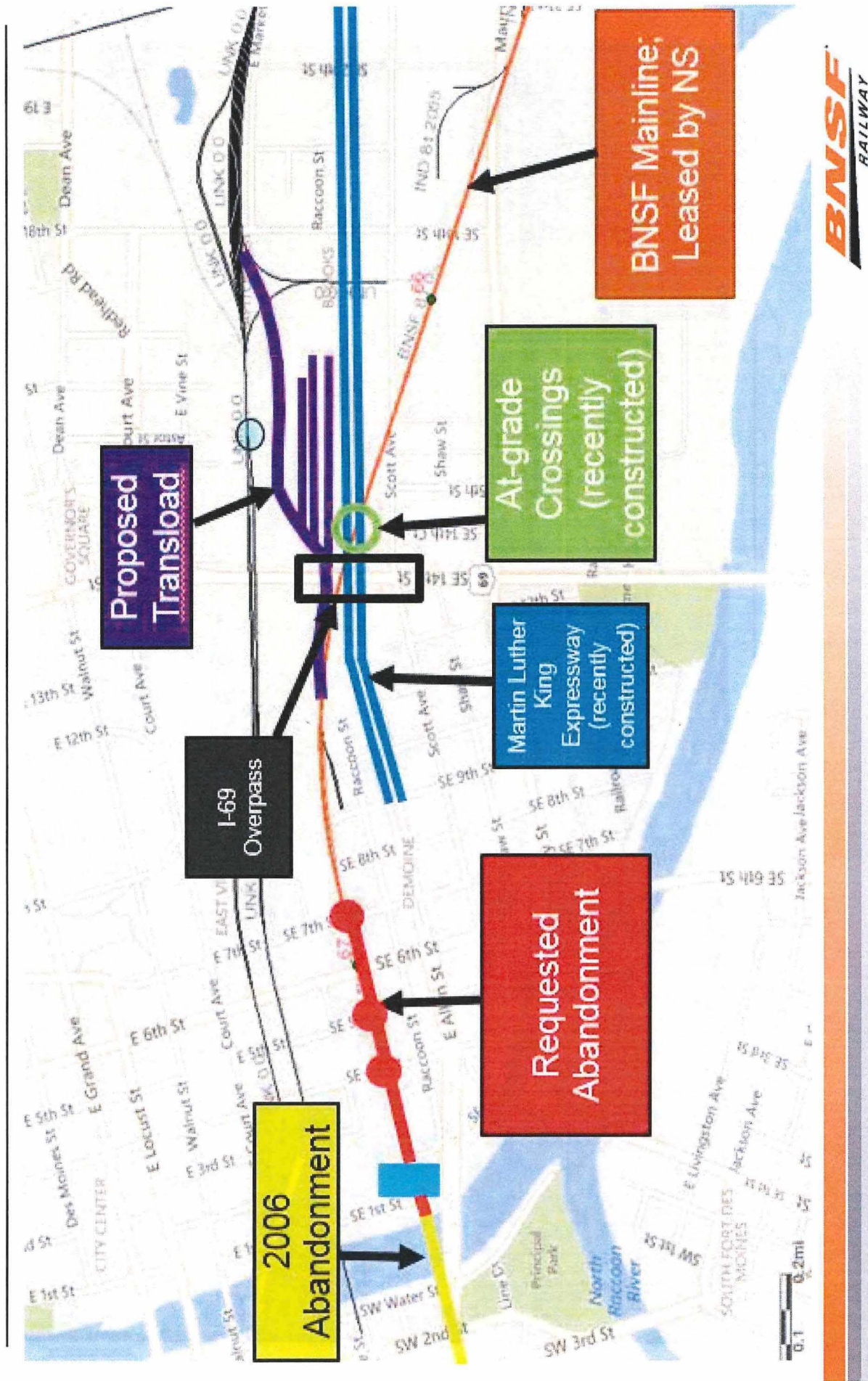


EXHIBIT B

CITY ATTORNEY
Jeffrey D. Lester

DEPUTY CITY ATTORNEYS
Lawrence R. McDowell
Carol J. Moser
Kathleen Vanderpool

SENIOR LITIGATORS
John O. Haraldson
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Douglas P. Philipph
Jessica D. Spoden
Lisa A. Wieland



October 14, 2016

Shanna Cargill
Burlington Northern Santa Fe Railway
2650 Lou Menk Drive
Fort Worth, TX 76131-2830

RE: E. Elm Street Improvements
City of Des Moines, Iowa
Railroad Division/Region: Nebraska
Railroad Subdivision/District: Des Moines
Railroad Branch/Line Name: Albia-D Moines
Railroad Milepost: West of Milepost 66.783

Dear Ms. Cargill:

In response to your recent inquiry regarding the extent of improvements proposed within E. Elm Street between SE 5th Street (RR Milepost 67.09) and SE 6th Street (RR Milepost 67.01), enclosed please find the detailed pre-final engineering plans and survey regarding said improvements. Said improvements include:

- * Reconstruction of the existing E. Elm Street pavement from gravel to concrete pavement and appurtenances.
- * Installation of storm sewers and related drainage structures.
- * Installation of sanitary sewers, manholes, and service lines.
- * Installation of water main and services and appurtenances.
- * Installation of planters in sidewalks (north side of E. Elm Street only).
- * Installation of bump outs.

These improvements to E. Elm Street will all be constructed by a private developer as public improvements to be owned by the City, inspected by the City, and the City will maintain ownership of said improvements once completed. These improvements are associated with a new project constructed by a private developer on the private property north of and adjacent to this segment of E. Elm Street. The scope of the associated project includes both a three story office building structure and a three story parking garage structure.

The project will also require the City to grant an air rights easement and a building encroachment easement in the northern edge of E. Elm Street. The air rights easement extends from the second story four feet in to a portion of E. Elm Street, and the building encroachment easement extends one foot into a subsurface portion of E. Elm Street. Please refer to the enclosed plats further describing said easement interests. The easements are granted subject to other easements, ordinances, and restrictions of record.

To the extent BNSF has rights within this segment of E. Elm Street, such rights are explicitly set forth by ordinance. The ordinance does not include any rights for BNSF to grant permits or other property interests within the City's street right-of-way. The City retains the right to use the street right-of-way, including but not limited to use as a street and the installation of utilities within the right-of-way.

Based on BNSF's current track alignment in this area, which is depicted in the enclosed plans, the City does not anticipate any of the improvements or easements described above will interfere with BNSF's rights to lay track in this segment of E. Elm Street. The easement interests are scheduled to be considered by the Des Moines City Council on October 24, 2016, at which time it is anticipated said Council will set the hearing on this matter for the November 7, 2016 meeting, which will be held at 5:00 p.m. in Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. The City plans to authorize construction of the public improvements within E. Elm Street to commence within the next thirty (30) days.

The City has been notified that BNSF has not yet applied with the Surface Transportation Board for abandonment of the rail line in this vicinity including this segment of E. Elm Street, though many crossings and tracks have been removed and there is no remaining customer base. BNSF has stated that the City's future determination regarding BNSF's ability to participate in the planned railport transloading facility proposed at SE 15th Street and Martin Luther King Junior Parkway is the basis for BNSF's delay in initiating the abandonment process.

Although the proposed improvements and easements described above are not anticipated to interfere with BNSF's right to lay track in E. Elm Street, formal abandonment with the Surface Transportation Board of the rail line west of SE 9th Street (west of Milepost 66.783) is appropriate for the following reasons:

- * There is no active line. Further, no recommendations from the planned railport transloading facility analysis and proposed track plan require track to be placed west of SE 9th Street (the City's market district).
- * Large portions of track for this line no longer exist or are buried.
- * There are no customers on this line and there will never be any customers on this line, as the City's adopted Comprehensive Land Use Plan does not contemplate new industrial uses at this location or expanded industrial uses. Instead, the City will focus these industrial uses east of the City's market district, where the railport transloading facility is proposed.

* The City is working toward identification of a preferred operator for the planned railport transloading facility, which will allow direct negotiations with all rail lines and new customers. Said negotiations will solidify track placement and switching for the planned railport transloading facility. However, the City will not move forward with the planned railport transloading facility if any train traffic is anticipated to back into the City's market district.

Therefore, the City requests BNSF apply with the Surface Transportation Board for abandonment of the rail line west of SE 9th Street (west of Milepost 66.783). Please respond by indicating your schedule for initiating abandonment proceedings with the Surface Transportation Board and any concerns with this process.

As noted above, the City will be proceeding with the above described actions within the next thirty (30) days. Please know that any delay in applying for abandonment of the subject line with the Surface Transportation Board may delay and jeopardize the planned railport transloading facility in Des Moines moving forward. Please contact Lisa Wieland at 515-283-4124 or me at 515-283-4945 with any questions.

Sincerely,

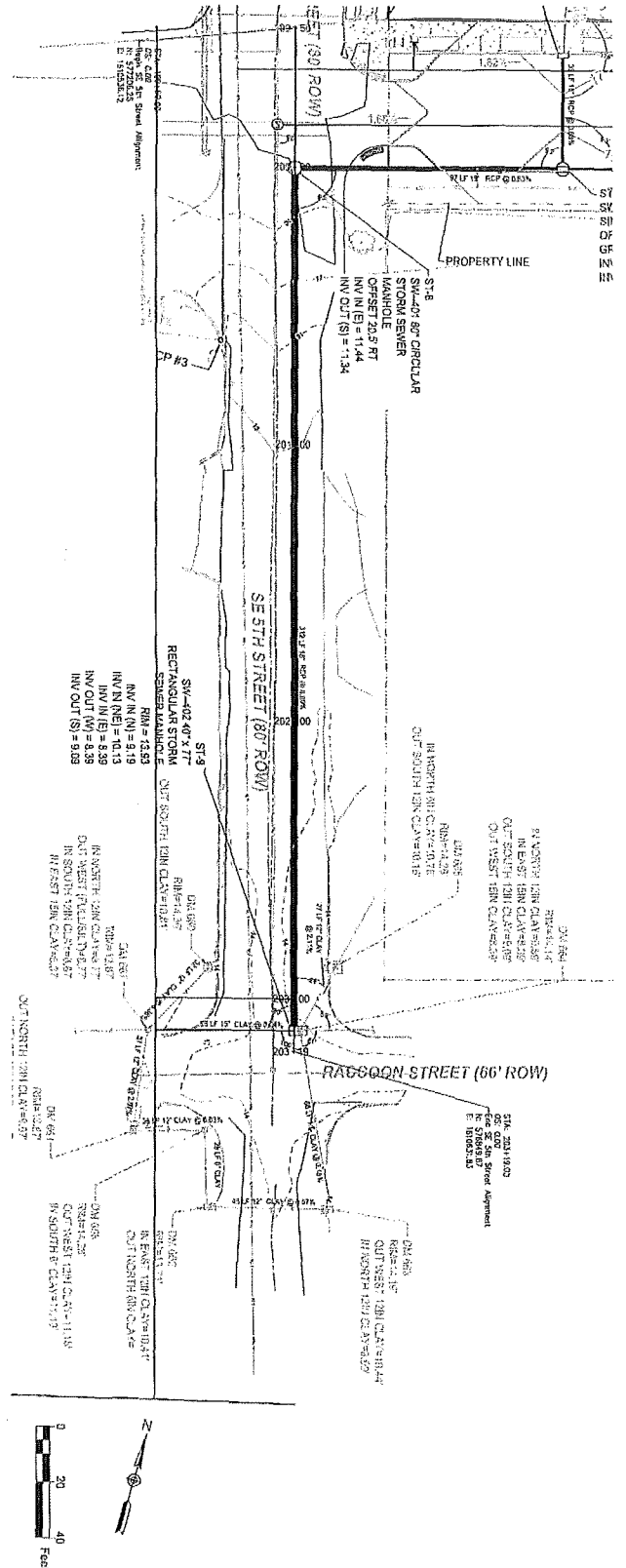
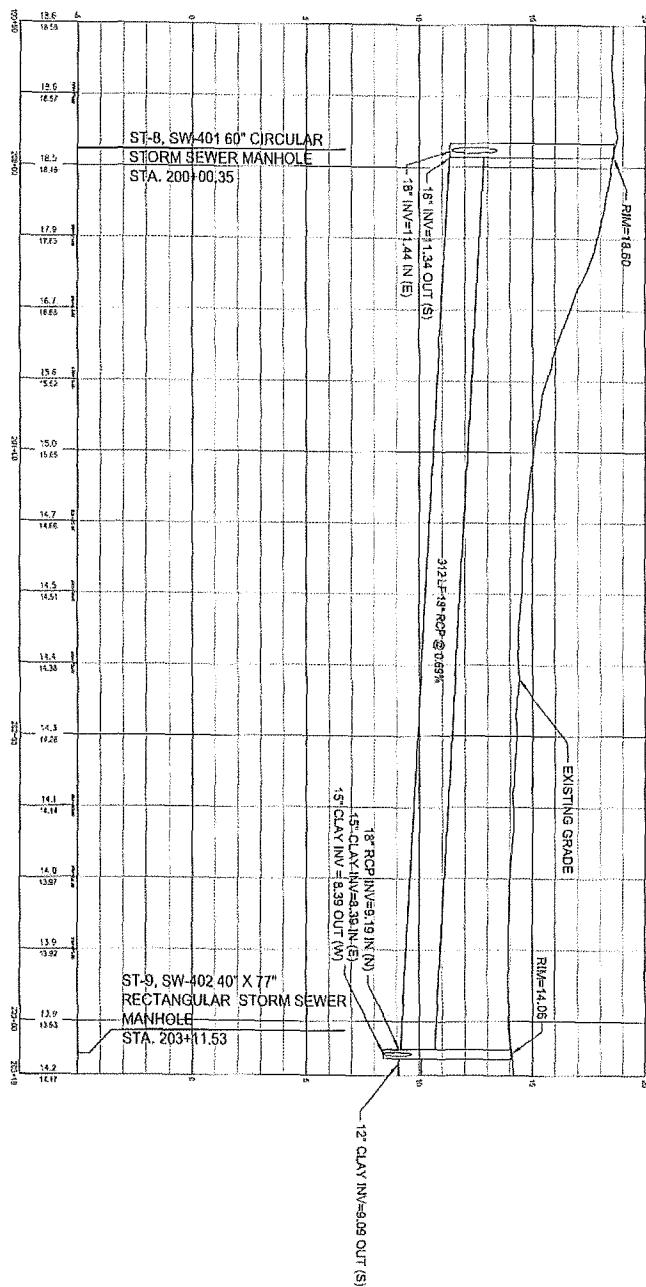


Kathleen Vanderpool
Deputy City Attorney

Enclosures

cc: Lawada Poarch, Coordinator - Abandonments, Norfolk Southern Corporation
Ellis Mays, Engineer - Public Improvement, Norfolk Southern Corporation
Roger Brown, Assistant City Attorney, City
Lisa Wieland, Assistant City Attorney, City
Rita Conner, Economic Development Coordinator, City
Erin Olson-Douglas, Economic Development Coordinator, City
Steven Naber, P.E., Deputy City Engineer – Design & Construction, City
David McGuffin, Civil Engineer II, City
Phillip Wageman, Real Estate Division Manager, City



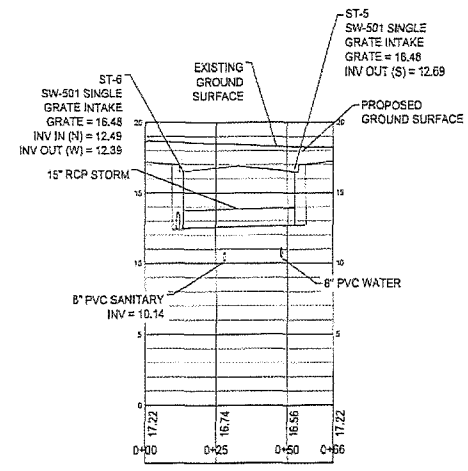


No.	Description	Date
1	SE 5TH STREET	
2	PLAY AND PROFILE	
3	STORM SEWER	
4	MANHOLE	
5	PIPE	
6	STRUCTURE	
7	STORM SEWER	
8	MANHOLE	
9	PIPE	
10	STRUCTURE	

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[illegible]

PUBLIC STORM, SANITARY, AND STREET IMPROVEMENTS



SECTION C-C

Date	Description	No.
10/26/22 HI		
Jess Mo.	Pine, Mgr.	
RHC/HCG3	SCM	
Square Tides		
ELM STREET SECTION VIEWS		
© Thomas SGM		

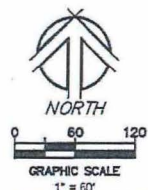
[illegible]

building strong
communities

1380 NW 121ST. Street
Clive, Iowa 50325
515-864-1229
for 515-864-2370

THE

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GENERAL LEGEND

- | | |
|-----------|---------------|
| ————— | BOUNDARY LINE |
| - - - - - | PROPERTY LINE |
| - - - - - | SECTION LINE |
| - - - - - | ROAD EASEMENT |

CORNERS FOUND:

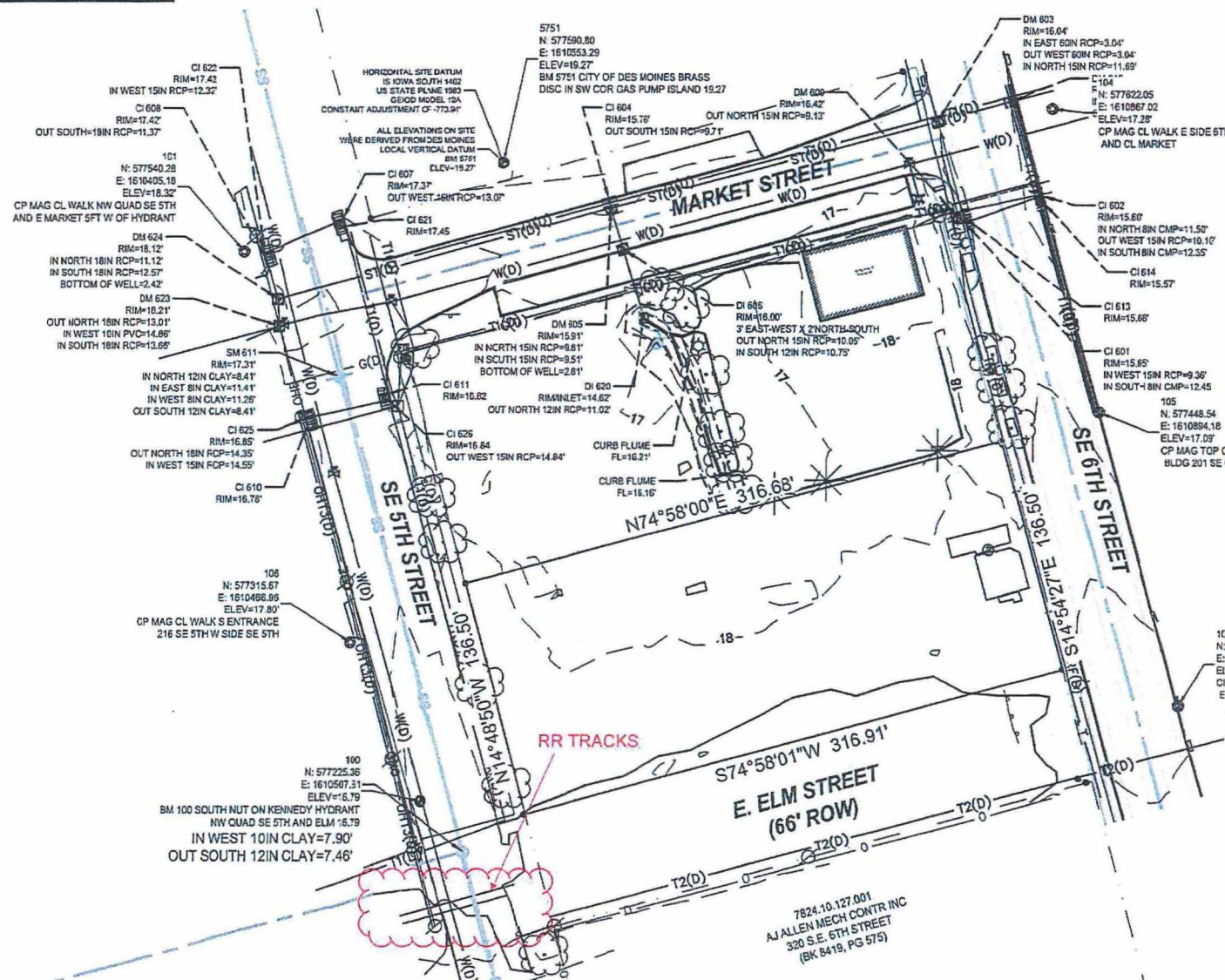
- ▲ - SECTION CORNER
(TYPE AS NOTED)
- - BOUNDARY CORNER;
FOUND 5/8" REBAR
(UNLESS NOTED OTHERWISE)

CORNERS SET:

- - BOUNDARY CORNER
1/2" REBAR CPC #19828
- △ - SECTION CORNER
1/2" REBAR CPC #19828

ABBREVIATIONS:

- | | | |
|--------|---|-------------------------|
| ROW | - | RIGHT-OF-WAY |
| BK. PG | - | BOOK AND PAGE |
| (M) | - | MEASURED DISTANCE/ANGLE |
| (R) | - | RECORD DISTANCE/ANGLE |
| PUE | - | PUBLIC UTILITY EASEMENT |
| YPC | - | YELLOW PLASTIC CAP |
| OPC | - | ORANGE PLASTIC CAP |



DES MOINES, IOWA
20716015-00
05/20/2016

•
 •
 •
 •
 •

DESIGNED BY	DRAWN BY
CHECKED BY	FIELD BOOK NO.
DRAWING NO.	SHEET NO.

EASEMENT EXHIBIT - AIR RIGHTS EASEMENT

THE SOUTH 1/4 OF
MARKET SQUARE IN THE
TOWN OF DE MOINE
220 SE 6TH STREET
PROPERTIES LLC
(DEED BK 16141, PG 899)

POINT OF COMMENCEMENT
SE CORNER
S 1/2, S 1/2
MARKET SQUARE

SE 6TH STREET
(80' ROW)

POINT OF
BEGINNING

S74°58'01"W.
167.36'

S74°58'01"W
26.00'

S15°01'59"E
4.00'

N15°01'59"W
4.00'

N74°58'01"E
26.00'

E ELM STREET
(66' ROW)

EASEMENT AREA
104 SQUARE FEET

BLOCK 32
TOWN OF DE MOINE
AJ ALLEN MECH CONTR INC
(DEED BK 8419, PG 575)

LEGAL DESCRIPTION

A FOUR FOOT AIR RIGHTS EASEMENT BEING A PART OF THE VACATED EAST ELM STREET RIGHT-OF-WAY LYING BETWEEN SOUTHEAST 5TH STREET AND SOUTHEAST 6TH STREET BEING LOCATED IN MARKET SQUARE IN THE TOWN OF DE MOINE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

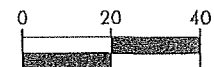
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF SAID MARKET SQUARE IN THE TOWN OF DE MOINE; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST ELM STREET S74°58'01"W, 167.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE S74°58'01"W, 26.00 FEET; THENCE S15°01'59"E, 4.00 FEET; THENCE N74°58'01"E, 26.00 FEET; THENCE N15°01'59"W, 4.00 FEET TO THE POINT OF BEGINNING. DESCRIBED EASEMENT CONTAINS 104 SQUARE FEET AND IS SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD.

ASSUMING A FINISHED FLOOR ELEVATION OF 18.45 FEET (CITY OF DES MOINES VERTICAL DATUM), THE BOTTOM OF CANOPY ELEVATION IS APPROXIMATELY 29.37 FEET (CITY OF DES MOINES VERTICAL DATUM), AND THE TOP OF CANOPY ELEVATION IS APPROXIMATELY 31.05 FEET (CITY OF DES MOINES VERTICAL DATUM).

EJS 9-16-16



NORTH



(IN FEET)
1 inch = 40 ft.

LEGEND

— — — — —	PROPERTY LINE
- - - - -	SETBACK LINE
	EASEMENT AREA



McCLURETM
ENGINEERING CO.

building strong communities.

1360 NW 121st Street
Clive, Iowa 50325
515-964-1229
fax 515-964-2370

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AIR RIGHTS EASEMENT

DES MOINES, IOWA
20716015-00
09/13/2016

REVISIONS
09/15/2016

DESIGNED BY

DRAWN BY
P. SHELQUIST

CHECKED BY
C. CARLETON

FIELD BOOK NO.

SKETCH NO.

REFERENCE QUOTE

EXH-03

EASEMENT EXHIBIT - SUBSURFACE FOOTING EASEMENT

THE SOUTH 1/4 OF
MARKET SQUARE IN THE
TOWN OF DE MOINE
220 SE 6TH STREET
PROPERTIES LLC
(DEED BK 16141, PG 899)

POINT OF BEGINNING
SE CORNER
S 1/2, S 1/2
MARKET SQUARE

SE 6TH STREET
(80' ROW)

N15°01'59"W
1.00'

EASEMENT AREA
206 SQUARE FEET

E ELM STREET
(66' ROW)

BLOCK 32
TOWN OF DE MOINE
AJ ALLEN MECH CONTR INC
(DEED BK 8419, PG 575)

N74°58'01"E 206.02'
S74°58'01"W 206.02'

S14°54'27"E
1.00'

LEGAL DESCRIPTION

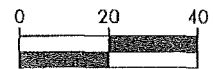
A ONE FOOT SUBSURFACE FOOTING EASEMENT BEING A PART OF THE VACATED EAST ELM STREET RIGHT-OF-WAY LYING BETWEEN SOUTHEAST 5TH STREET AND SOUTHEAST 6TH STREET BEING LOCATED IN MARKET SQUARE IN THE TOWN OF DE MOINE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF SAID MARKET SQUARE IN THE TOWN OF DE MOINE; THENCE S14°54'27"E, 1.00 FEET; THENCE S74°58'01"W, 206.02 FEET; THENCE N15°01'59"W, 1.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST ELM STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N74°58'01"E, 206.02 FEET TO THE POINT OF BEGINNING. DESCRIBED EASEMENT CONTAINS 206 SQUARE FEET AND IS SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD.

ETS 9-16-16



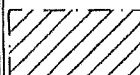
NORTH



(IN FEET)

1 inch = 40 ft.

LEGEND

- — — — — PROPERTY LINE
- - - - - SETBACK LINE
-  EASEMENT AREA



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Clive, Iowa 50325
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fax 515-964-2370

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SUBSURFACE FOOTING EASEMENT

DES MOINES, IOWA
20716015-00
08/25/2016

REVISION
09/13/2016
09/15/2016

ENGINEER

DRAWN BY
P. SHELQUIST

CHECKED BY
C. CARLETON

FIELD BOOK NO.

SKETCH NO.

REFERENCE SHEET

EXH-01

The project will also require the City to grant an air rights easement and a building encroachment easement in the northern edge of E. Elm Street. The air rights easement extends from the second story four feet in to a portion of E. Elm Street, and the building encroachment easement extends one foot into a subsurface portion of E. Elm Street. Please refer to the enclosed plats further describing said easement interests. The easements are granted subject to other easements, ordinances, and restrictions of record.

To the extent BNSF has rights within this segment of E. Elm Street, such rights are explicitly set forth by ordinance. The ordinance does not include any rights for BNSF to grant permits or other property interests within the City's street right-of-way. The City retains the right to use the street right-of-way, including but not limited to use as a street and the installation of utilities within the right-of-way.

Based on BNSF's current track alignment in this area, which is depicted in the enclosed plans, the City does not anticipate any of the improvements or easements described above will interfere with BNSF's rights to lay track in this segment of E. Elm Street. The easement interests are scheduled to be considered by the Des Moines City Council on October 24, 2016, at which time it is anticipated said Council will set the hearing on this matter for the November 7, 2016 meeting, which will be held at 5:00 p.m. in Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. The City plans to authorize construction of the public improvements within E. Elm Street to commence within the next thirty (30) days.

The City has been notified that BNSF has not yet applied with the Surface Transportation Board for abandonment of the rail line in this vicinity including this segment of E. Elm Street, though many crossings and tracks have been removed and there is no remaining customer base. BNSF has stated that the City's future determination regarding BNSF's ability to participate in the planned railport transloading facility proposed at SE 15th Street and Martin Luther King Junior Parkway is the basis for BNSF's delay in initiating the abandonment process.

Although the proposed improvements and easements described above are not anticipated to interfere with BNSF's right to lay track in E. Elm Street, formal abandonment with the Surface Transportation Board of the rail line west of SE 9th Street (west of Milepost 66.783) is appropriate for the following reasons:

- * There is no active line. Further, no recommendations from the planned railport transloading facility analysis and proposed track plan require track to be placed west of SE 9th Street (the City's market district).
- * Large portions of track for this line no longer exist or are buried.
- * There are no customers on this line and there will never be any customers on this line, as the City's adopted Comprehensive Land Use Plan does not contemplate new industrial uses at this location or expanded industrial uses. Instead, the City will focus these industrial uses east of the City's market district, where the railport transloading facility is proposed.

EXHIBIT C

james.mecone@BNSF.com

From: Lynch, David [mailto:david.lynch@iub.iowa.gov]

Sent: Wednesday, May 31, 2017 3:49 PM

To: Mecone, James M <James.Mecone@BNSF.com>; Cecil Wright <cecil.wright@iub.iowa.gov>

Subject: STB Docket No. AB 6 (Sub-No. 496X); Abandonment Exemption - in Polk County, Iowa

EXTERNAL EMAIL

Dear Mr. Mecone:

We are in receipt of your letter of May 24, 2017, regarding an anticipated filing to seek authority to abandon approximately 0.48 miles of track between Milepost 66.9 and Milepost 67.38 in Des Moines, Polk County, Iowa. The letter indicates that a map of the subject railroad line is enclosed for our reference, but there was no enclosure. It would be much appreciated if you could send me a copy of the intended enclosure. It can be sent by mail to the address shown below or by email in response to this message.

If possible, it would also be helpful if you could provide us with some additional background. Is the environmental report being prepared for submission to the Surface Transportation Board or for some other entity? Either way, could you please direct me to the legal requirement for the report? That may be helpful to us in preparing any possible response to the letter.

Thank you.

David Lynch

General Counsel

Iowa Utilities Board

1375 East Court Avenue

Des Moines, Iowa 50319-0069

Munroe, Peggy Sue

From: Lynch, David <david.lynch@iub.iowa.gov>
Sent: Thursday, June 01, 2017 10:04 AM
To: Mecone, James M
Cc: Cecil Wright; Rugema, Jill M
Subject: Re: STB Docket No. AB 6 (Sub-No. 496X); Abandonment Exemption - in Polk County, Iowa

EXTERNAL EMAIL

Thank you very much; this is very helpful.

David Lynch

On Thu, Jun 1, 2017 at 10:01 AM, Mecone, James M <James.Mecone@bnsf.com> wrote:

Dear Mr. Lynch:

Thank you for your response. I attached a copy of the map. With respect to your other questions, the environmental report is prepared for submission to the Surface Transportation Board pursuant to 49 C.F.R. 1105.7.

Please let me know if you have any other questions.

Thank you.

James M. Mecone

Assistant General Attorney

2500 Lou Menk Drive, AOB-3

Fort Worth, TX 76131

Office: 817-352-3451

Cell: 817-296-0705

Fax: 817-352-2398

EXHIBIT D

Munroe, Peggy Sue

From: Ludwig, Michael G. <MGLudwig@dmgov.org>
Sent: Friday, June 09, 2017 4:30 PM
To: Mecone, James M
Cc: Delafield, Phillip M.; Wageman, Phillip J.
Subject: STB Docket No. AB 6 (Sub-No. 496X); BNSF Railway Company-Abandonment Exemption
- in Polk County, Iowa
Attachments: 20170606161637230.pdf

EXTERNAL EMAIL

Mr. James M. Mecone
Attorney
Law Department
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828

Dear Mr. Mecone,

Thank you for providing the City of Des Moines the attached notice. The proposed abandonment is consistent with the City's existing land use plans (i.e. the **PlanDSM** Comprehensive Plan adopted April 25, 2016). The City fully supports the abandonment request.

Please notify me if you need any additional information.

Respectfully,

Michael Ludwig, AICP
Planning Administrator
City of Des Moines
P: (515) 283-4810
mgludwig@dmgov.org



EXHIBIT E



James M. Mecone
Attorney
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-3451
fax 817-352-2397
Email – james.mecone@bnsf.com

May 24, 2017

Polk County Planning and Development
5885 NE 14 Street
Des Moines, IA 50313

**Re: STB Docket No. AB 6 (Sub-No. 496X); BNSF Railway Company –
Abandonment Exemption – in Polk County, Iowa**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.48 miles of track between Milepost 66.9 and Milepost 67.38 in Des Moines, Polk County, Iowa.

As part of the environmental report, BNSF is required to contact you to determine if the proposed abandonment is consistent with existing land use plans. If applicable, please describe any inconsistencies.

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is enclosed. Please provide your response to me at the address above, if possible, by July 14, 2017. You may contact me by email or telephone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in blue ink, appearing to read "James M. Mecone".

James M. Mecone

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
John Sims – BNSF – john.sims@bnsf.com

Des Moines, IA – Abandonment Map

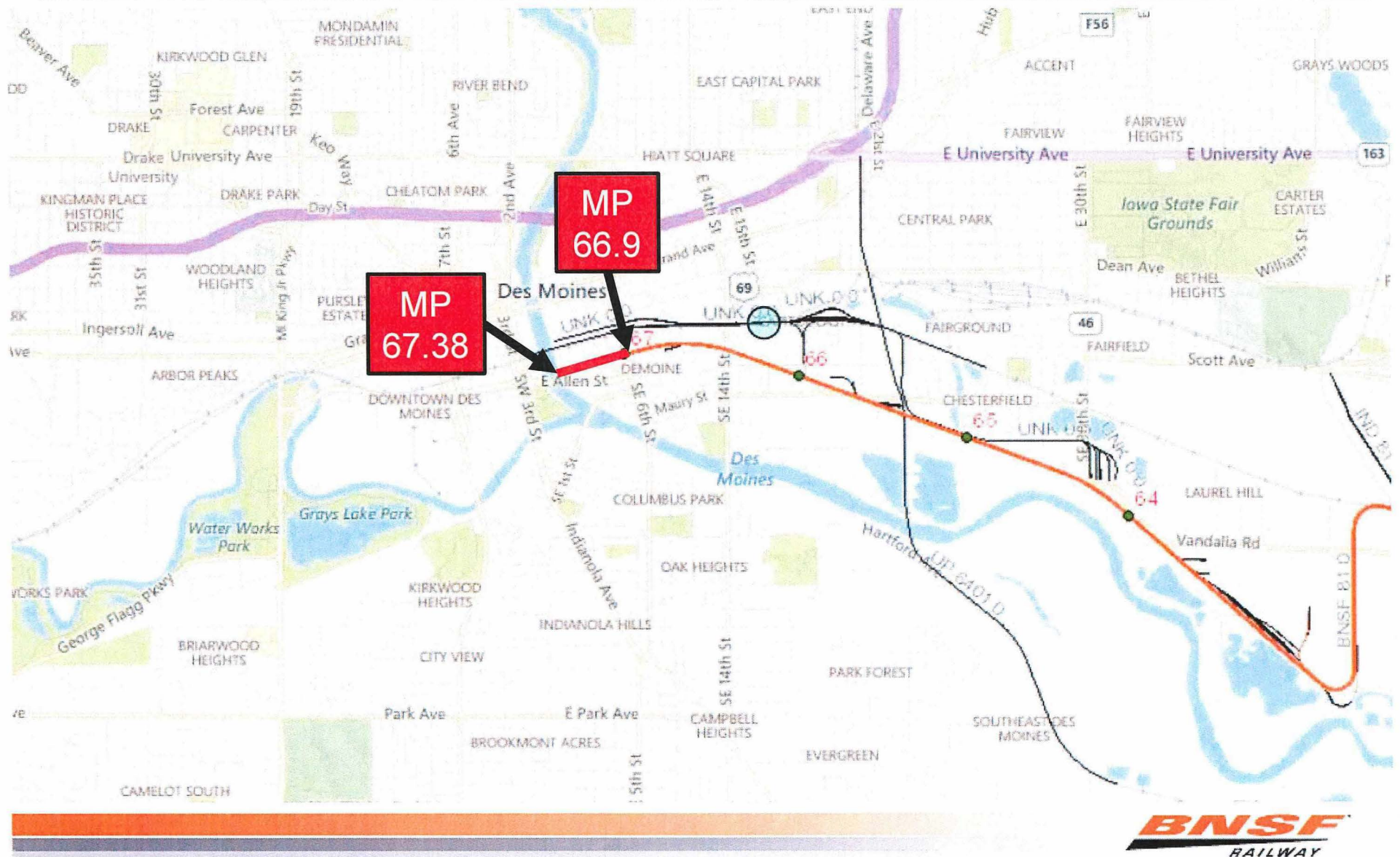


EXHIBIT F

Munroe, Peggy Sue

From: Griffin, Joe <joe.griffin@dnr.iowa.gov>
Sent: Tuesday, June 13, 2017 1:36 PM
To: Mecone, James M
Subject: STB Docket No. AB 6 (Sub-No. 496X) Rail line abandonment - Des Moines Iowa

EXTERNAL EMAIL

Jim,

As we just discussed, based on the information in your letter of May 24, 2017 to the Iowa Dept. of Public Health and as described during our conversation, no storm water permit coverage for construction activities will be necessary for this project as the disturbed area will be less than 1 acre.

The company should still exercise due diligence to ensure that sediment loss from soil-disturbing activities is minimized.

--



Joe Griffin
Iowa Department of Natural Resources
P 515-725-8417 | F 515-725-8201 | 502 E. 9th St., Des Moines, IA 50319
www.iowadnr.gov

EXHIBIT G



James M. Mecone
Attorney
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-3451
fax 817-352-2397
Email james.mecone@bnsf.com

May 24, 2017

Iowa Department of Public Health, Bureau of Environmental Health Services
321 E. 12th Street
Des Moines, IA 50319-0075

**Re: STB Docket No. AB 6 (Sub-No. 496X); BNSF Railway Company –
Abandonment Exemption – in Polk County, Iowa**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.48 miles of track between Milepost 66.9 and Milepost 67.38 in Des Moines, Polk County, Iowa.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not this action will be consistent with Federal, State or local water quality standards, and 2) whether or not Section 402 and/or National Pollutant Discharge Elimination System ("NPDES") permits are required for performance of the salvage activity described below. Please note: **BNSF anticipates the proposed abandonment will disturb no more than one (1) acre of land.**

For your reference I have enclosed a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping, and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if possible, by July 14, 2017. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



James M. Mecone

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
John Sims – BNSF – john.sims@bnsf.com

Des Moines, IA – Abandonment Map

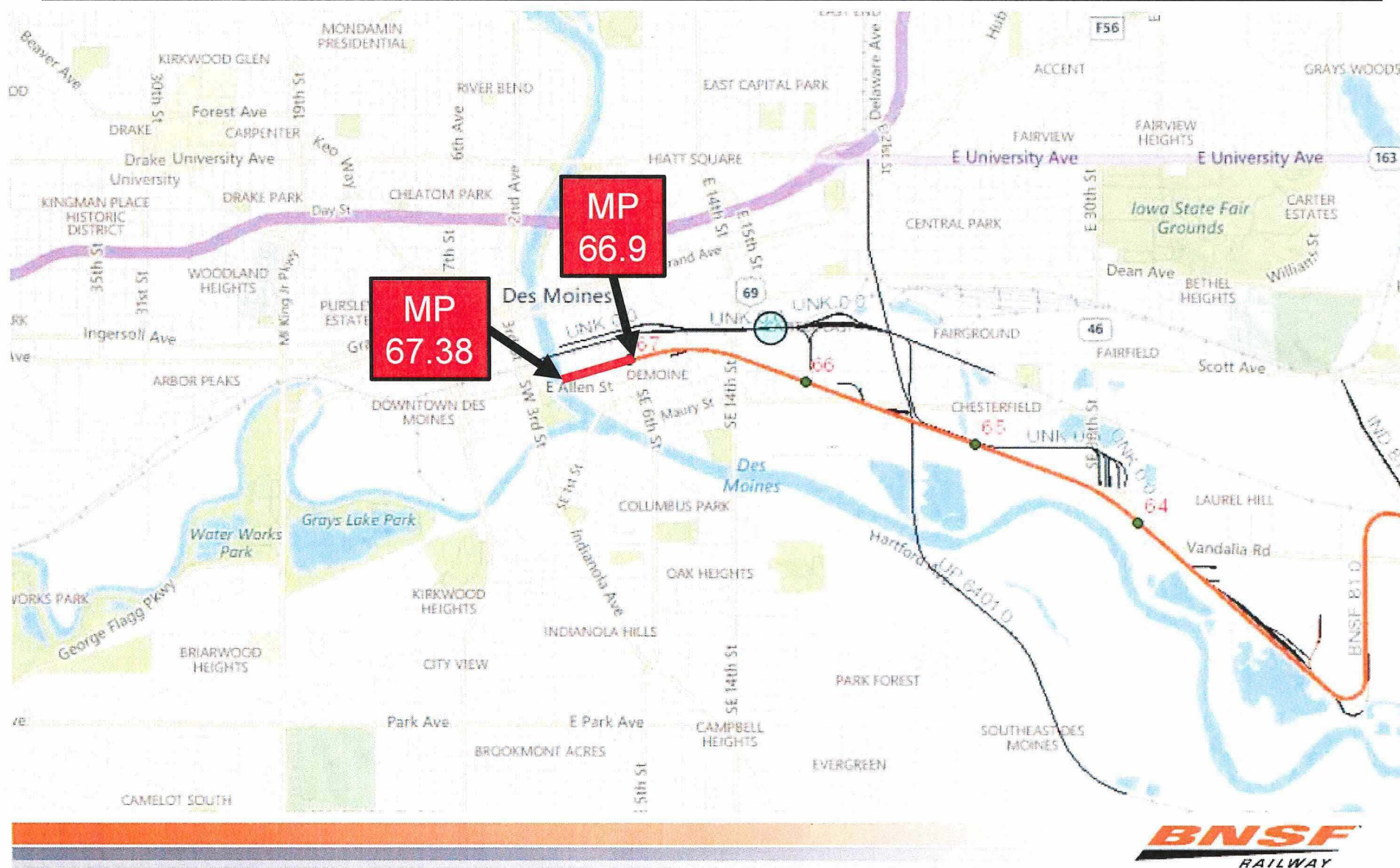


EXHIBIT H

Munroe, Peggy Sue

From: Starcevich, Veronica <veronica_starcevich@fws.gov>
Sent: Thursday, June 01, 2017 8:37 AM
To: Mecone, James M
Subject: STB Docket No AB 6
Attachments: SKM_C554e17053116340.pdf

EXTERNAL EMAIL

Hi,

I have attached a copy of a No Objection letter for you. If you have any questions, please feel free to call or email me.

Thank you,

--
Veronica Starcevich
Office Assistant

US Fish and Wildlife Service
Illinois and Iowa ES Field Office
1511 47th Avenue
Moline, IL 61265

(309) 757-5800 x204
(309) 757-5807 fax



James M. Mecone
Attorney
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-3451
fax 817-352-2397

Email – james.mecone@bnsf.com

USFWS / R3 / RIFO
RECEIVED

MAY 30 2017

May 24, 2017

U.S. Fish and Wildlife Service
Rock Island Field Office
Ecological Services
1511 47th Avenue
Moline, IL 61265

NO OBJECTION
U.S. Fish & Wildlife Service
Rock Island Field Office
[Signature]
Supervisor
Date 5/31/17

**Re: STB Docket No. AB 6 (Sub-No. 496X); BNSF Railway Company –
Abandonment Exemption – in Polk County, Iowa**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.48 miles of track between Milepost 66.9 and Milepost 67.38 in Des Moines, Polk County, Iowa.

As part of the environmental report, BNSF needs to know: 1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have enclosed a map of the subject railroad line. Information on BNSF's salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping, and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on open market bidding. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in its final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if possible, by July 14, 2017. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jim Mecone', is written over the printed name.

James M. Mecone

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
John Sims – BNSF – john.sims@bnsf.com

EXHIBIT I



James M. Mecone
Attorney
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-3451
fax 817-352-2397
Email – james.mecone@bnsf.com

May 24, 2017

U.S. Department of the Interior
Bureau of Land Management Eastern States Office
20 M Street SE Suite 950
Washington, DC 20003

**Re: STB Docket No. AB 6 (Sub-No. 496X); BNSF Railway Company –
Abandonment Exemption – in Polk County, Iowa**

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Sincerely,



James M. Mecone

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
John Sims – BNSF – john.sims@bnsf.com

Des Moines, IA – Abandonment Map

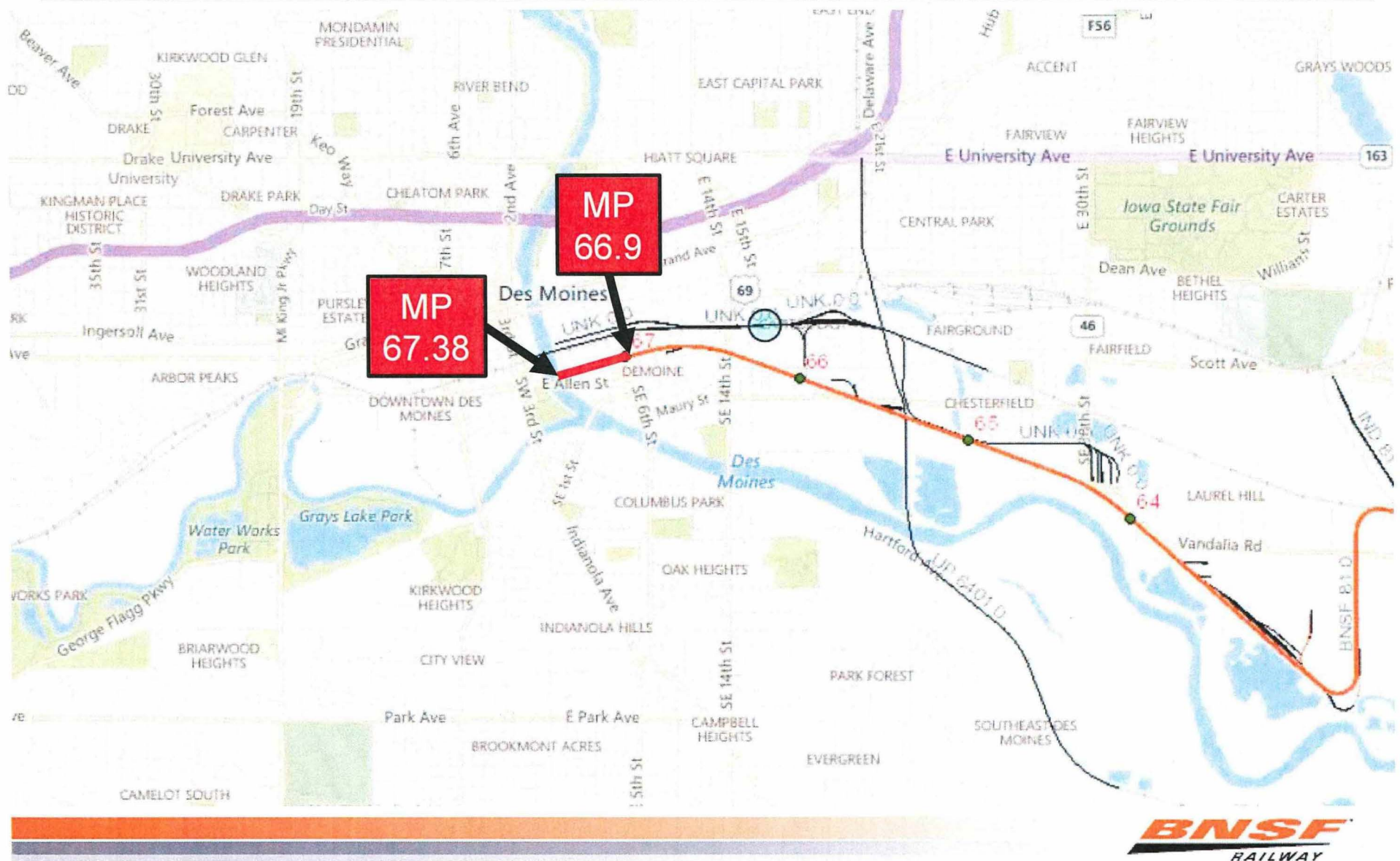


EXHIBIT J



Emily Thompson
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
Email – emily.thompson@bnsf.com

May 24, 2017

Cam Sholly, Regional Director
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

**Re: STB Docket No. AB 6 (Sub-No. 496X); BNSF Railway Company –
Abandonment Exemption – in Polk County, Iowa**

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As part of the environmental report, BNSF needs to know: 1) whether or not there are any wildlife sanctuaries or National or State parks or forests adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have enclosed a map of the subject railroad line. Information on BNSF's salvage process as it relates to this project is included below.

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping, and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

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Please provide your assessment and comments to me at the address above, if possible, by July 14, 2017. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



James M. Mecone

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
John Sims – BNSF – john.sims@bnsf.com

Des Moines, IA – Abandonment Map

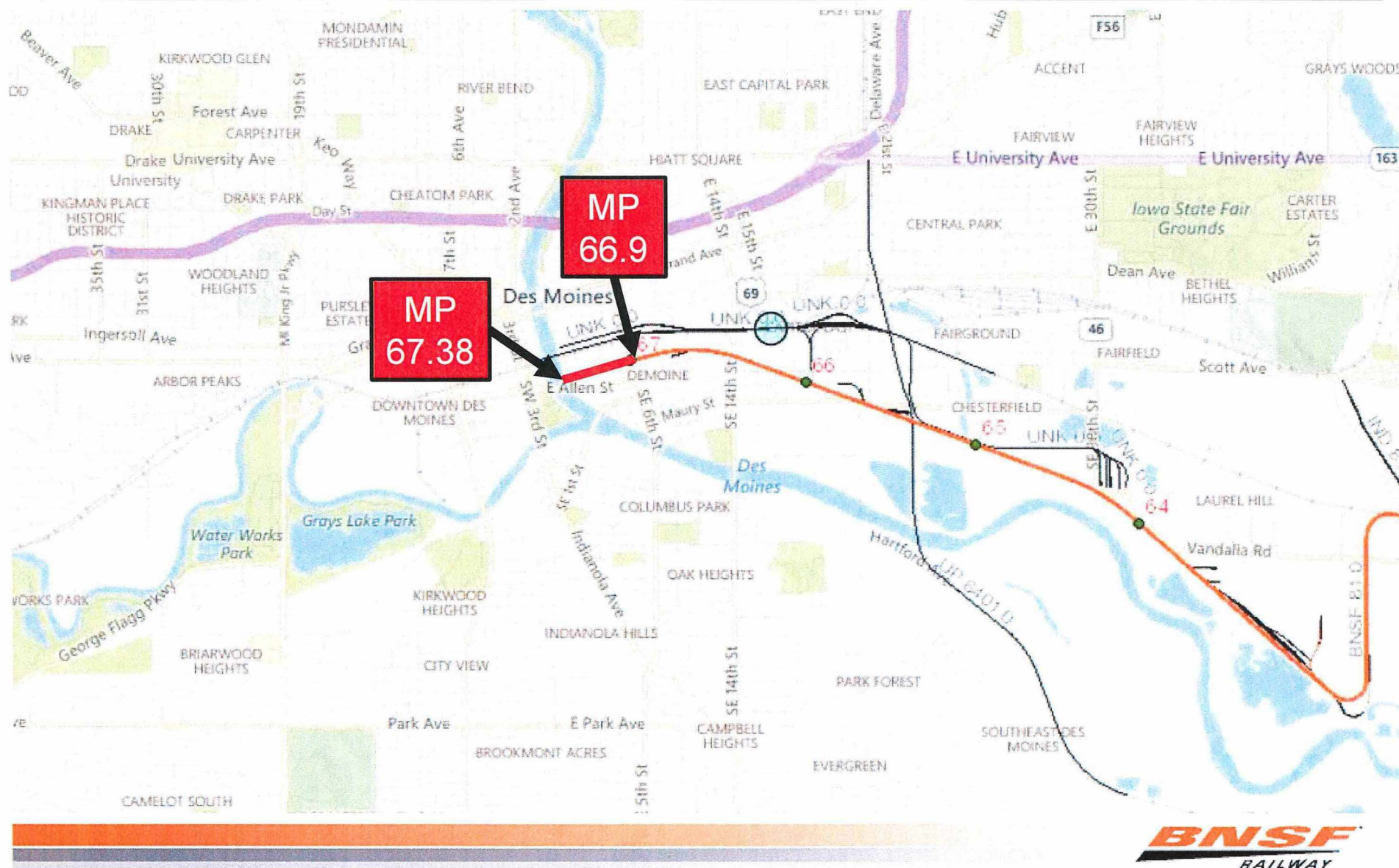


EXHIBIT K



James M. Mecone
Attorney
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-3451
fax 817-352-2397
Email james.mecone@bnsf.com

May 24, 2017

US EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

**Re: STB Docket No. AB 6 (Sub-No. 496X); BNSF Railway Company –
Abandonment Exemption – in Polk County, Iowa**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.48 miles of track between Milepost 66.9 and Milepost 67.38 in Des Moines, Polk County, Iowa.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not this action will be consistent with Federal, State or local water quality standards, and 2) whether or not Section 402 and/or National Pollutant Discharge Elimination System ("NPDES") permits are required for performance of the salvage activity described below. Please note: **BNSF anticipates the proposed abandonment will disturb no more than one (1) acre of land.**

For your reference I have enclosed a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping, and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

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Please provide your assessment and comments to me at the address above, if possible, by July 14, 2017. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



James M. Mecone

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
John Sims – BNSF – john.sims@bnsf.com

Des Moines, IA – Abandonment Map

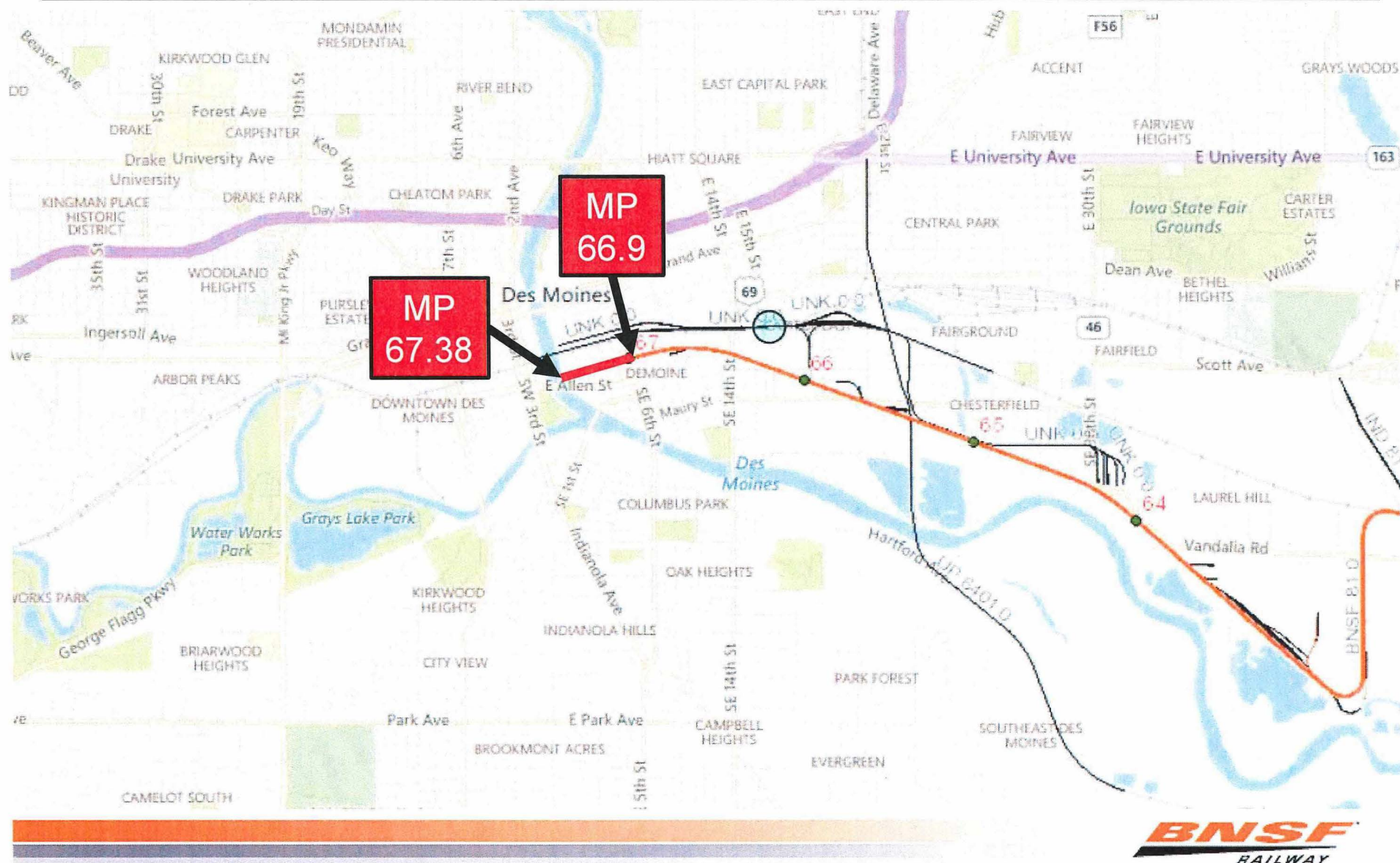


EXHIBIT L



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
P.O. BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

REPLY TO
ATTENTION OF

June 15, 2017

Operations Division

SUBJECT: CEMVR-OD-P-2017-0770

BNSF Railway
Attn: James Mecone
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828

Dear Mr. Mecone:

Our office reviewed your application we received on June 5, 2017 concerning the abandonment and removal of railway in Des Moines, Iowa. Specifically located in Section 3, Township 78N, Range 24W.

We have determined that your project as proposed does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

This letter contains an approved jurisdictional determination for the subject site. If you object to this jurisdictional determination, you may request an administrative appeal under Corps regulations found at 33 CFR Part 331. Enclosed is a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this approved jurisdictional determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the following address:

Administrative Appeals Officer
U.S. Army Corps of Engineers
Mississippi Valley Division
ATTN: CEMVD-PD-KM
Post Office Box 80
Vicksburg, Mississippi 39181-0080

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by August 15, 2017.

It is not necessary to submit an RFA form to the Division Office if you do not object to the approved jurisdictional determination contained in this letter.

You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although an individual DA permit will not be required for the project, this does not eliminate the requirement that you must still acquire other applicable Federal, state, and local permits.

The Rock Island District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached postcard and return it or go to our Customer Service Survey found on our web site at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions, please contact me at 309/794-5378.

Sincerely,



Donna Hardy
Project Manager,
Iowa Permit Section
Regulatory Branch

Copies Furnished:

Ms. Christine Schwake (3)
Iowa Department of Natural Resources
Water Resources Section
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319-0034

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION 1: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): June 15, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVR, 2017-0770: BNSF Railroad

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: IA County: Polk City: Des Moines
S3 T78N R24W Universal Transverse Mercator (UTM): 15

Name of nearest waterbody: Des Moines River

Name of watershed or Hydrologic Unit Code (HUC): 07100004

☒ Check if map/diagram of review area and/or potential jurisdictional area(s) is/are available upon request.

☐ Check if other sites (e.g. offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form.

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

☒ Office (Desk) Determination. Date: June 15, 2017

☐ Field Determination. Date:

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATIONS OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: CWA ANALYSIS: N/A

SECTION IV: DATA SOURCES

A. SUPPORTING DATA. Data reviewed for JD (check all that apply – checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☐ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant:

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K IA-Des Moines SE

☒ USDA Natural Resources Conservation Service Soil Survey.

☒ National wetlands inventory map(s). Cite name: Google Earth, NWI Layer

☐ State/Local wetland inventory maps(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): Google Earth, ORM1- GIS

☐ Other (Name & Date):

☐ Previous determination(s). File no. and date of response letter:

☐ Applicable/supporting case law:

☐ Applicable/supporting scientific literature:

☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: No WoUS or wetlands impacted by proposed project.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: BNSF Railway		File Number: 2017-0770	Date: 15JUN2017
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

EXHIBIT M



James M. Mecone
Attorney
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-3451
fax 817-352-2397
Email – james.mecone@bnsf.com

May 24, 2017

Iowa Historic Preservation Office
State Historical Building – 3rd Floor East
600 E. Locust St.
Des Moines, IA 50319

**Re: STB Docket No. AB 6 (Sub-No. 496X); BNSF Railway Company –
Abandonment Exemption – in Polk County, Iowa**

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The proposed abandonment will require removal of track materials such as rails and ties, but the roadbed will be left intact. There are no bridges or other structures associated with the proposed abandonment on this rail line.

As part of the historic report required by the STB, BNSF needs to know if there are any structures eligible for listing on the National Register of Historic Places and also if there are archaeological resources in the project area. BNSF will forward a copy of the historic report once it has been completed.

For your reference I have enclosed a map of the subject railroad line.

Please provide your assessment and comments to me at the address above, if possible, by July 14, 2017. You may contact me by email or telephone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in blue ink, appearing to read "James M. Mecone".

James M. Mecone

Enclosure as stated

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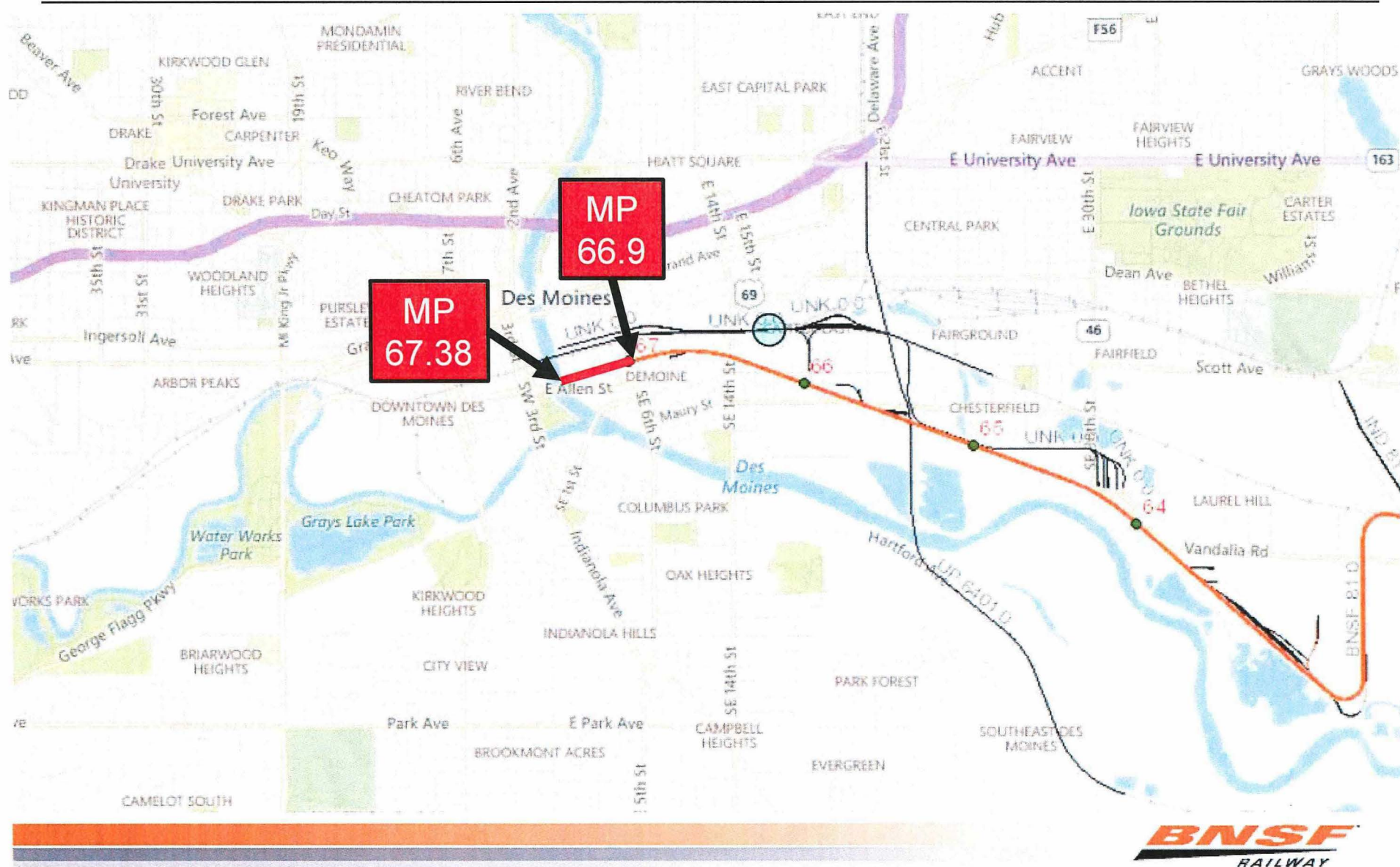


EXHIBIT N



James M. Mecone
Attorney
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-3451
fax 817-352-2397
Email – james.mecone@bnsf.com

May 24, 2017

Simon Monroe
Room 9452
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

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As part of the environmental report, BNSF is required to contact you to determine if the proposed abandonment contains any geodetic survey marks.

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is enclosed. Please provide your response to me at the address above, if possible, by July 14, 2017. You may contact me by email or telephone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

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James M. Mecone

Enclosure as stated

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John Sims – BNSF – john.sims@bnsf.com

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