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BALL JANIK LLP

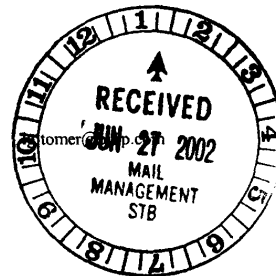
A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

June 27, 2002



205 718
LOUIS E. GITOMER
OF COUNSEL
(202) 466-6532

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423

DID# 0101977001

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

Dear Secretary Williams:

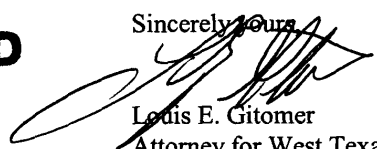
Enclosed are the original and 10 copies of a Notice of Exemption for abandonment in the above-entitled proceeding and check number 54084656 for the filing fee of \$2,700. Also enclosed are three computer diskettes containing the Notice, Environmental Report and Historic Report.

Please time and date stamp the additional copy of this letter and the notice and return it with our messenger. Thank you for your assistance.

If you have any questions, call or email me.

FEE RECEIVED

JUN 27 2002

Sincerely,


Louis E. Gitomer
Attorney for West Texas & Lubbock
Railroad Company, Inc

Enclosures
**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings

JUN 27 2002

Part of
Public Record

FILED

JUN 27 2002

**SURFACE
TRANSPORTATION BOARD**

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-473 (SUB-NO. 1X)

WEST TEXAS & LUBBOCK RAILROAD COMPANY, INC.
-- ABANDONMENT EXEMPTION --
IN LUBBOCK, LUBBOCK COUNTY, TX

NOTICE OF EXEMPTION



Gary A. Laakso, Esq.
Vice President Regulatory Counsel
RailAmerica, Inc.
5300 Broken Sound Boulevard N.W.
Second Floor
Boca Raton, FL 33487
(561) 994-6015

Louis E. Gitomer, Esq.
Of Counsel
BALL JANIK LLP
1455 F Street, N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorneys for:
WEST TEXAS & LUBBOCK RAILROAD
COMPANY, INC.

Dated: June 27, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-473 (SUB-NO. 1X)

WEST TEXAS & LUBBOCK RAILROAD COMPANY, INC.
-- ABANDONMENT EXEMPTION --
IN LUBBOCK, LUBBOCK COUNTY, TX

NOTICE OF EXEMPTION

West Texas & Lubbock Railroad Company, Inc. ("WTLR"), files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon its 1.1-mile rail line in the City of Lubbock, TX from milepost 1.1, at University Avenue, eastward to milepost 0.0, at the interchange with The Burlington Northern and Santa Fe Railway Company near North Avenue U, in Lubbock County, TX (the "Line").

1. Proposed consummation date. The proposed consummation date is August 16, 2002.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. West Texas & Lubbock Railroad Company, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

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

(3) Relief sought. WTLR seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon its 1.1-mile rail line in the City of Lubbock, TX from milepost 1.1, at University Avenue, eastward to milepost 0.0, at the interchange with The Burlington Northern and Santa Fe Railway Company near North Avenue U, in Lubbock County, TX. There has been no local on the Line in over two years. Any overhead traffic that could use the Line has been rerouted.¹

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Gary A. Laakso, Esq., Vice President Regulatory Counsel, RailAmerica, Inc., 5300 Broken Sound Boulevard N.W., Second Floor, Boca Raton, FL 33487, (561) 994-6015, and Louis E. Gitomer, Ball Janik LLP, 1455 F St., N.W., Suite 225, Washington, DC 20005, (202) 638-3307.

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses ZIP Code 79415.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which

¹ WTLR is rerouting the overhead traffic pursuant to a joint relocation project. *West Texas & Lubbock Railroad Company, Inc. and The Burlington Northern and Santa Fe Railway Company—Joint Relocation Project Exemption—in Lubbock, TX*, STB Finance Docket No. 34168 (STB served March 4, 2002).

would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The Line traverses a predominately urban area that has an adequate road and highway network. Therefore, there is little or no likelihood that the rail corridor is needed for a transit or highway corridor. WTLR is unaware of any restrictions on the title to the property.

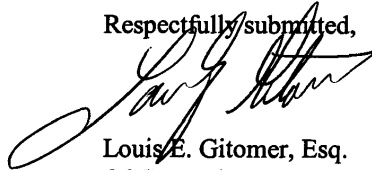
4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. *See* Exhibit D. Based on information in WTLR's possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

7. Historic Report. *See* Exhibit E.

Respectfully submitted,



Gary A. Laakso, Esq.
Vice President Regulatory Counsel
RailAmerica, Inc.
5300 Broken Sound Boulevard N.W.
Second Floor
Boca Raton, FL 33487
(561) 994-6015

Louis E. Gitomer, Esq.
Of Counsel
BALL JANIK LLP
1455 F Street, N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorneys for:
WEST TEXAS & LUBBOCK RAILROAD
COMPANY, INC.

Dated: June 27, 2002

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

I, Rodney J. Conklin, being duly sworn depose and state that I am Senior Vice President Operations of West Texas & Lubbock Railroad Company, Inc. ("WTLR"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

Rodney J. Conklin

My Commission Expires: Aug 20, 2004


Notary Public

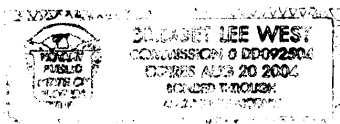


EXHIBIT B

MAP

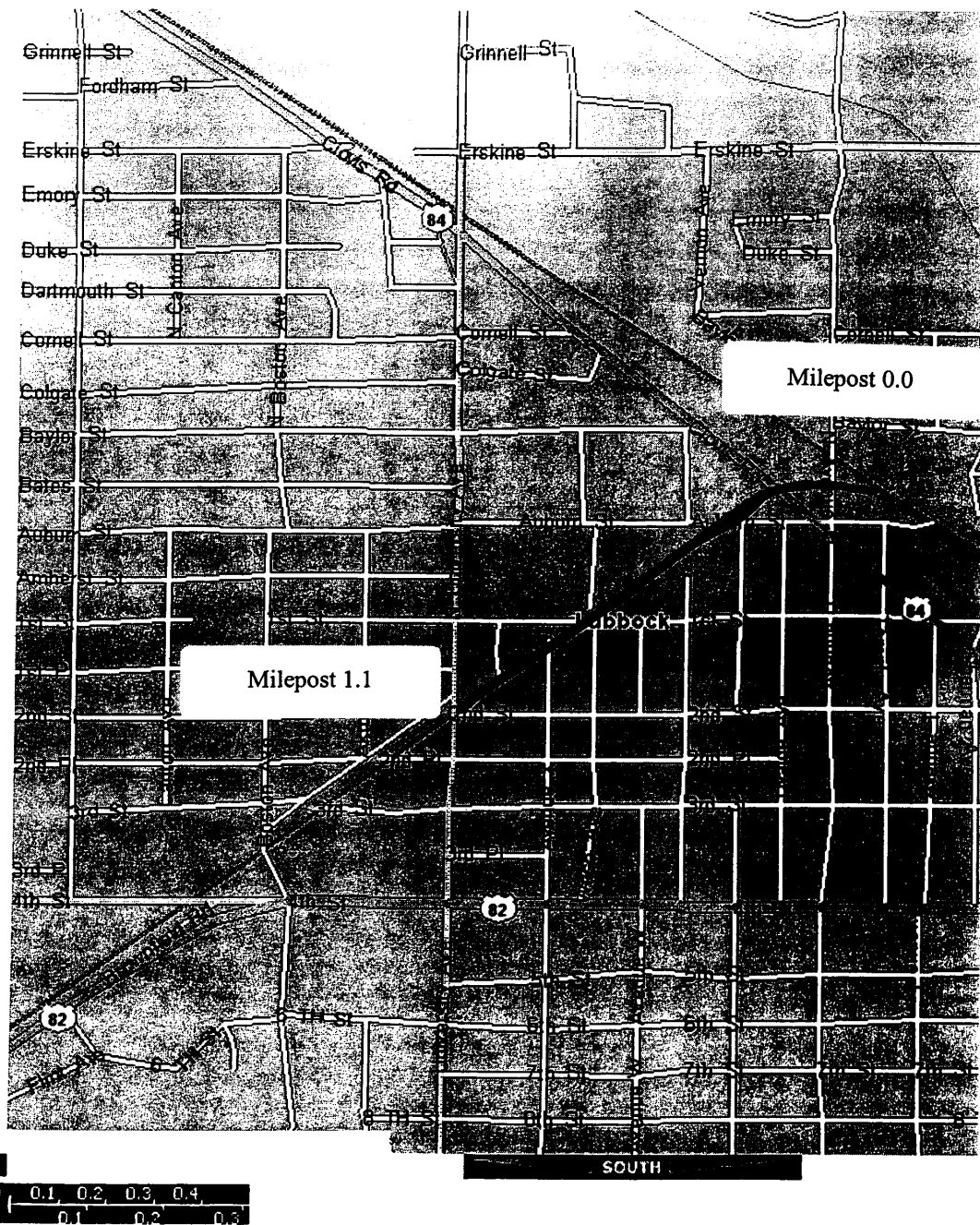


EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-473 (Sub-No. 1X) was mailed via first class mail on June 17, 2002, to the following parties:

State Public Service Commission

Public Utility Commission
William B. Travis Building
1701 N. Congress
P.O. Box 13326
Austin, TX 78711-3326

Railroad Commission
P.O. Box 12967
Austin, TX 78711-2967

Transportation Commission
125 East 11th Street
Austin, TX 78701-2483

Military Traffic Management Command

MTMCTEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA 23606-2574

National Park Service

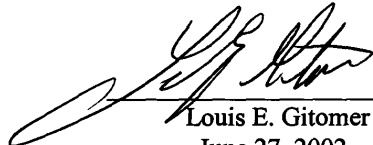
Mr. Tom Ross
Chief of National Recreation and Trails
U.S. Department of Interior - National Park Service
Recreation Resources Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
800 North Capitol St., N.E.
Room 540
Washington, DC 20002

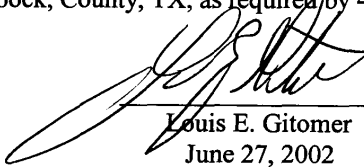
U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250


Louis E. Gitomer
June 27, 2002

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-473 (Sub-No. 1X) was advertised on June 20, 2002 in the Lubbock Avalanche-Journal, a newspapers of general circulation in Lubbock, County, TX, as required by 49 C.F.R. § 1105.12.



Louis E. Gitomer
June 27, 2002

THE STATE OF TEXAS

COUNTY OF LUBBOCK

Before me Kristy Owens

a Notary Public in and for Lubbock County, Texas on this day personally appeared Deanna Gray, Telephone Sales Manager of the Southwestern Newspapers Corporation, publishers of the Lubbock Avalanche-Journal - Morning, and Sunday, who being by me duly sworn did depose and say that said newspaper has been published continuously for more than fifty-two weeks prior to the first insertion of this Legal Notice

No. _____ at Lubbock County, Texas and the attached printed copy of the Legal Notice is a true copy of the original and was printed in the Lubbock Avalanche-Journal on the following dates: June 20, 2002
377 words at \$.76 = \$ 286.52

Deanna Gray

Telephone Sales Manager

LUBBOCK AVALANCHE-JOURNAL
Morris Communication Corporation

Kristy Owens
NOTARY PUBLIC in and for the State of Texas
My Commission Expires 5/17/04

Subscribed and sworn to before me this 26 day of June 20 02

FORM 58-10

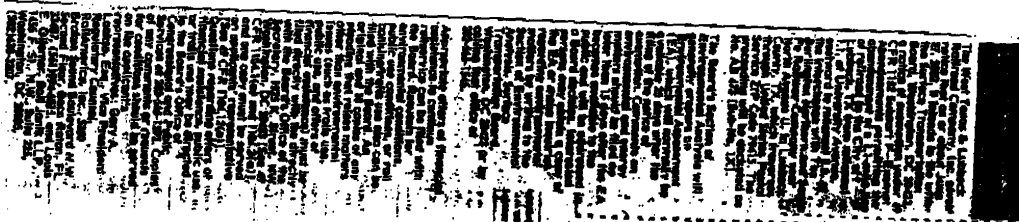
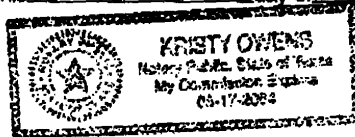


EXHIBIT D

ENVIRONMENTAL REPORT

(49 C.F.R. 1105.7)

Docket No. AB-473 (Sub-No. 1X)

WEST TEXAS & LUBBOCK RAILROAD COMPANY, INC.

--ABANDONMENT EXEMPTION--

IN LUBBOCK, LUBBOCK COUNTY, TX

Dated: June 27, 2002

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

The West Texas & Lubbock Railroad Company, Inc. ("WTLR") proposes to abandon a 1.1-mile rail line in the City of Lubbock, TX from milepost 1.1, at University Avenue, eastward to milepost 0.0, at the interchange with The Burlington Northern and Santa Fe Railway Company near North Avenue U, in Lubbock County, TX (the "Line"). Upon receipt of abandonment authority, WTLR intends to salvage the rail, crossties, and other track material, and divest the right-of-way.

There has been no traffic moving over the Line in local service for over two years.

Overhead traffic on the Line can be rerouted to other lines.

The only alternative to abandonment would be not to abandon the Line. No local service has been provided on the Line for over two years and the Line is no longer required to move overhead traffic. WTLR believes that there is not a sufficient volume of traffic available on the Line to justify the costs of maintaining and operating the Line. Making a capital investment in the Line would not be a prudent use of carrier resources. With little or no potential traffic, WTLR has decided to seek abandonment of the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

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

No passenger or freight traffic will be diverted to other modes as a result of the proposed abandonment. There has been no local freight traffic on the Line in over two years. As of April 4, 2002, overhead rail traffic has been diverted to another rail route. There has been no passenger traffic over the Line in recent memory. Hence, no existing rail freight or passenger traffic will be diverted to motor carrier. Accordingly, the proposed abandonment will have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) WTLR considers the proposed abandonment to be consistent with existing land use plans. The land adjoining the Line is a mixture of industrial, State office use, and urban park land. WTLR contacted the City of Lubbock, TX and the County of Lubbock, TX by letters dated June 7, 2002. *See Exhibit 2*. In a letter dated June 14, 2002, the Environmental Compliance Manager for the City of Lubbock concluded that the "abandonment and removal is judged to pose no threat to the environment..." *See Exhibit 2*. No response has been received from the county as of this date. A copy of this Environmental Report has been mailed to the appropriate local and state agencies for their information and further comment.

(ii) WTLR notified the United States Department of Agriculture ("USDA") Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated June 7, 2002, and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. No response has been received to date. A copy of this report is being supplied to the USDA for its information and further comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) The area traversed by the Line, as described in item (i) above, is most suitable to making the right-of-way on the Line available to the adjacent land owners through sale. An adequate road and highway network serves this portion of the City of Lubbock, TX. Therefore, there is little or no likelihood that the rail corridor is needed for a transit or highway corridor. The right-of-way could be used for a recreational trail.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

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

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have minimal effect on overall energy efficiency as less than 10 cars per week used the Line.

(iv) The proposed abandonment will not cause the diversion more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the Line of rail traffic 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 rail 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. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (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 the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) 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 grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. The removal of five public at-grade crossings at Avenue U, Auburn Street, University Avenue, First Street, and Texas State Route 84 and the associated signs and structures, will enhance public safety by eliminating distractions to vehicular and pedestrian traffic crossing the Line.

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

(iii) WTLR is not aware of any known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor of the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) WTLR does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. WTLR notified the U.S. Fish and Wildlife Service of the proposed abandonment by letter dated June 7, 2002, and

requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. *See* Exhibit 2. A copy of this Report has been supplied to the U.S. Fish and Wildlife Service for its information and further comment.

(ii) WTLR is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment. WTLR notified the National Parks Service of the proposed abandonment by letter dated June 7, 2002, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See* Exhibit 2. To date, no response to this request has been received. A copy of this Report is being supplied to the National Park Service for its information and comment.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) WTLR is confident that the proposed abandonment will be consistent with applicable water quality standards. WTLR contacted the Texas Environmental Protection Division ("TXEPD") and the United States Environmental Protection Agency ("USEPA") by letters dated June 7, 2002. TXEPD and USEPA have responded. *See* Exhibit 2. A copy of this Report has been supplied to the TXEPD and USEPA for their information and further comment.

(ii) WTLR believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. WTLR contacted the U.S. Army Corps of Engineers by

letter dated June 7, 2002 and has received no response to date. *See* Exhibit 2. A copy of this Report has been supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) WTLR believes that no permit under section 402 of the Clean Water Act would be required for track removal. WTLR contacted the TXEPD and the USEPA by letter dated June 7, 2002. TXEPD and USEPA have not indicated that the proposed abandonment will require a permit under section 402 of the Clean Water Act for track removal. *See* Exhibit 2. A copy of this Report has been supplied to the TXEPD and USEPA for their information and further comment.

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

WTLR does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. WTLR will, of course, adhere to any remedial actions suggested by the recipients of this Report, which are required by the Board.

EXHIBIT 1

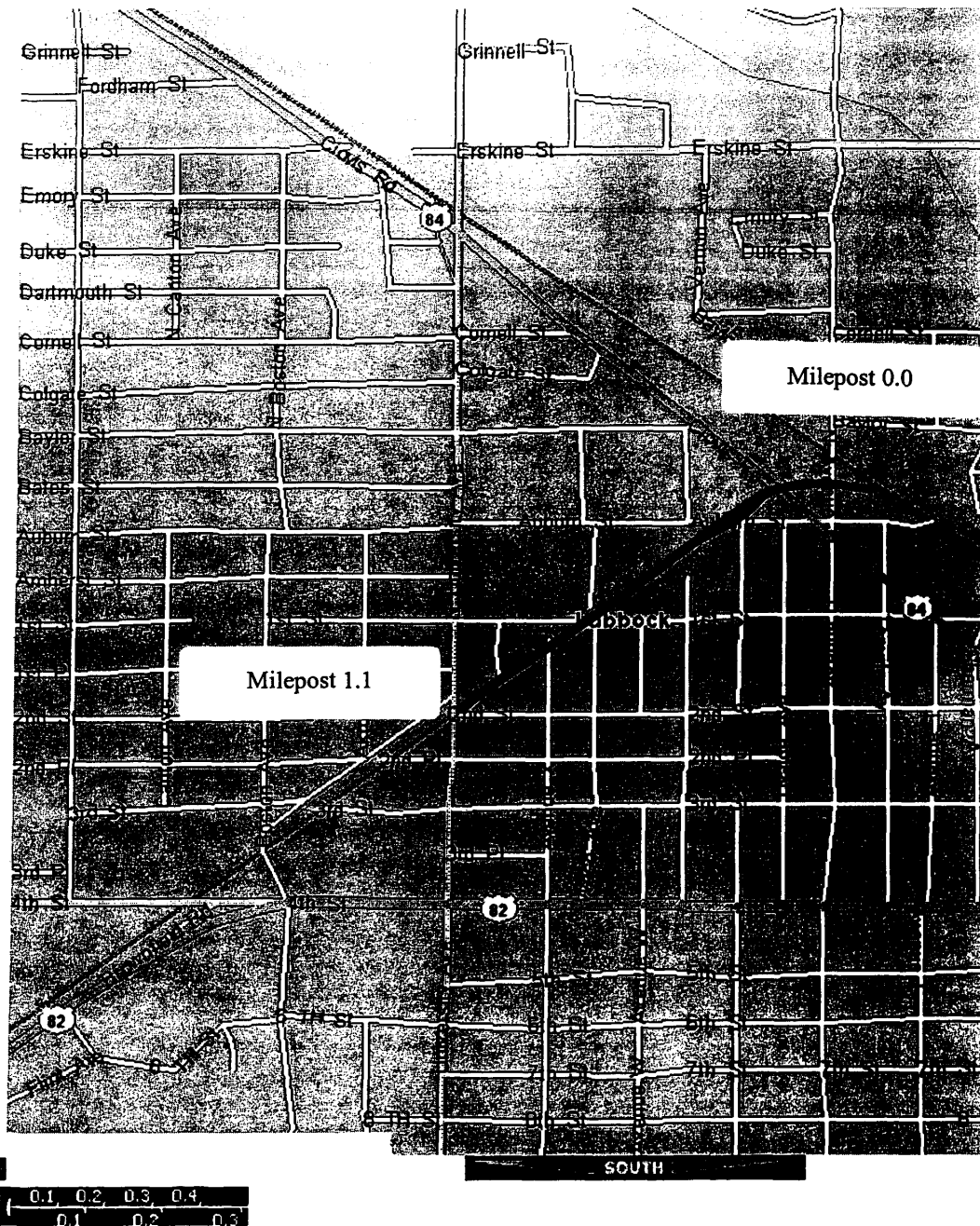


EXHIBIT 2

WEST TEXAS & LUBBOCK

5300 BROKEN SOUND BLVD., N.W. 2ND FLOOR
BOCA RATON, FL 33487
OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

Honorable Windy Sitton
Mayor, City of Lubbock
Municipal Building
1625 13th Street
Lubbock, TX 79457

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

Dear Mayor Sitton:

On or about June 27, 2002, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority to abandon West Texas & Lubbock Railroad Company, Inc.'s 1.1-mile rail line in the City of Lubbock, TX from milepost 1.1, at University Avenue, eastward to milepost 0.0, at the interchange with The Burlington Northern and Santa Fe Railway Company near North Avenue U, in Lubbock County, TX.

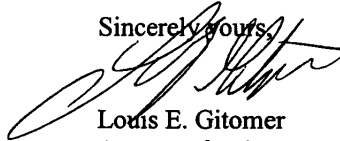
Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone 202-565-1538 and refer to the above Docket No. AB-473 (Sub-No. 1X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action.

Honorable Windy Sitton
June 7, 2002
Page 2

If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-638-3307, by email at lgitomer@dc.bjllp.com, or mail at Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Sincerely yours,



Louis E. Gitomer
Attorney for the West Texas & Lubbock
Railroad Company, Inc.

Enclosure



Office of the City Manager

P.O. Box 2000 • 1625 13th Street • Lubbock, TX 79457
(806) 775-3002 • Fax: (806) 775-2051

June 14, 2002

West Texas & Lubbock
5300 Broken Sound Blvd., N.W. 2nd Floor
Boca Raton, FL 33487RE: Docket No. AB-473 (Sub-No.1X), West Texas & Lubbock Railroad
Company, Inc.—Abandonment Exemption—In Lubbock, Lubbock County, TX

Dear West Texas & Lubbock Railroad Company:

We have completed our review of the provided Environmental Report concerning the proposed abandonment of the described 1.1 mile rail line in the City of Lubbock beginning at milepost 1.1, University Ave. The abandonment and removal is judged to pose no threat to the environment, based on information provided in the report.

Sincerely,


Dan Dennison, R.E.H.S./R.S.
Environmental Compliance Manager

cc: Richard Burdine, Assistant City Manager Development Services

WEST TEXAS & LUBBOCK

5300 BROKEN SOUND BLVD., N.W. 2ND FLOOR
BOCA RATON, FL 33487
OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

County Judge
The Honorable Tom Head
904 Broadway
Lubbock, TX 79401

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

Dear Judge Head:

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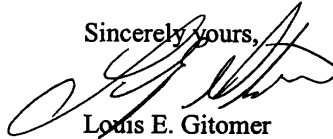
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Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action.

The Honorable Tom Head
June 7, 2002
Page 2

If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-638-3307, by email at lgitomer@dc.bjllp.com, or mail at Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Sincerely yours,



Louis E. Gitomer
Attorney for the West Texas & Lubbock
Railroad Company, Inc.

Enclosure

WEST TEXAS & LUBBOCK

5300 BROKEN SOUND BLVD., N.W. 2ND FLOOR
BOCA RATON, FL 33487
OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

State Conservationist
U.S.D.A. Natural Resources Conservation Service
Lubbock Field Office
6113 43rd Street, Suite A
Lubbock TX 79407-3748

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

Dear Madam/Sir:

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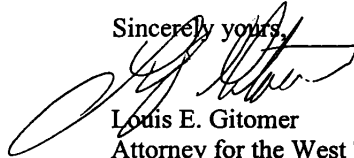
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State Conservationist
June 7, 2002
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Enclosure

WEST TEXAS & LUBBOCK

5300 BROKEN SOUND BLVD., N.W. 2ND FLOOR

BOCA RATON, FL 33487

OFFICE (561) 994-6015

FAX (561) 994-4629

June 7, 2002

U.S. Fish and Wildlife Service

Region 2

P.O. Box 1306

Albuquerque, NM 87103-1306

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

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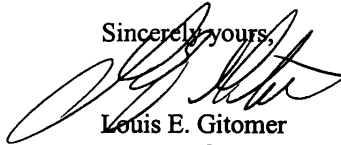
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U.S. Fish and Wildlife Service
June 7, 2002
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Sincerely yours,



Louis E. Gitomer
Attorney for the West Texas & Lubbock
Railroad Company, Inc.

Enclosure

WEST TEXAS & LUBBOCK
5300 BROKEN SOUND BLVD., N.W. 2ND FLOOR
BOCA RATON, FL 33487
OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

Director
National Park Service
1849 C Street NW
Washington, DC 20240

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

Dear Sir/Madam:

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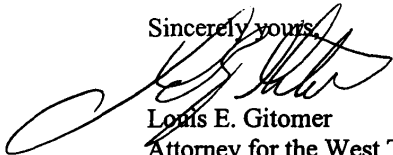
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Director, National Park Service
June 7, 2002
Page 2

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Sincerely yours,

A handwritten signature in black ink, appearing to read 'L. Gitomer', written over the typed name.

Louis E. Gitomer
Attorney for the West Texas & Lubbock
Railroad Company, Inc.

Enclosure

WEST TEXAS & LUBBOCK

5300 BROKEN SOUND BLVD., N.W. 2ND FLOOR
BOCA RATON, FL 33487
OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

Environmental Protection Division
P.O. Box 13087
Austin, TX 78711-3087

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

Dear Madam/Sir:

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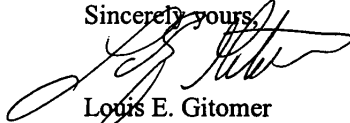
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Environmental Protection Division
June 7, 2002
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Enclosure

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5300 BROKEN SOUND BLVD., N.W. 2ND FLOOR
BOCA RATON, FL 33487
OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

United States Environmental Protection Agency
Region 6
First Interstate Bank Tower at Fountain Plaza
1445 Ross Avenue
12th Floor, Suite 1200
Dallas, TX 75202

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

Dear Madam/Sir:

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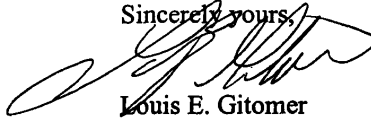
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United States Environmental Protection Agency
June 7, 2002
Page 2

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Sincerely yours,

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Louis E. Gitomer
Attorney for the West Texas & Lubbock
Railroad Company, Inc.

Enclosure

WEST TEXAS & LUBBOCK

5300 BROKEN SOUND BLVD., N.W. 2ND FLOOR
BOCA RATON, FL 33487
OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

U.S. Army Engineer District, Fort Worth
P.O. Box 17300
Fort Worth, TX 76102-0300

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

Dear Sir/Madam:

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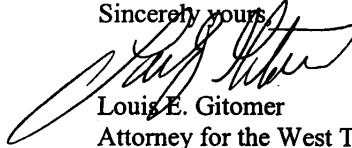
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U.S. Army Engineer District, Fort Worth
June 7, 2002
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Enclosure

WEST TEXAS & LUBBOCK

5300 BROKEN SOUND BLVD., N.W. 2ND FLOOR
BOCA RATON, FL 33487
OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

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

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

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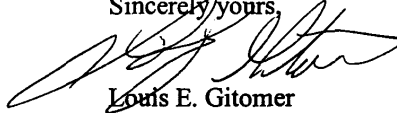
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National Oceanic and Atmospheric Administration
June 7, 2002
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OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

State Clearinghouse
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

Dear Sir/Madam:

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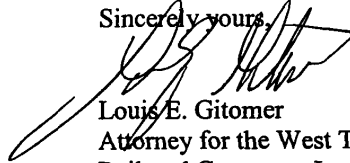
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State Clearinghouse
June 7, 2002
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BOCA RATON, FL 33487
OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

Texas General Land Office
P.O. Box 12873
Austin, TX 78711-2873

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

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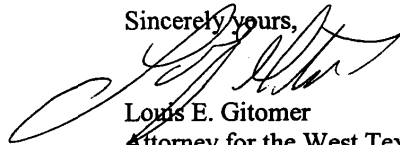
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Texas General Land Office
June 7, 2002
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Sincerely yours,



Louis E. Gitomer
Attorney for the West Texas & Lubbock
Railroad Company, Inc.

Enclosure

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-473 (Sub-No. 1X) was mailed via first class mail on June 7 and 27, 2002, to the following parties:

State Clearinghouse
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

Environmental Protection Division
P.O. Box 13087
Austin, TX 78711-3087

Texas General Land Office
P.O. Box 12873
Austin, TX 78711-2873

County Judge
The Honorable Tom Head
904 Broadway
Lubbock, TX 79401

Honorable Windy Sitton
Mayor, City of Lubbock
Municipal Building
1625 13th Street
Lubbock, TX 79457

State Conservationist
U.S.D.A. Natural Resources Conservation Service
Lubbock Field Office
6113 43rd Street, Suite A
Lubbock TX 79407-3748

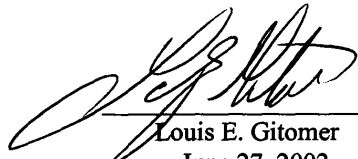
United States Environmental Protection Agency
Region 6
First Interstate Bank Tower at Fountain Plaza
1445 Ross Avenue
12th Floor, Suite 1200
Dallas, TX 75202

U.S. Fish and Wildlife Service
Region 2
P.O. Box 1306
Albuquerque, NM 87103-1306

U.S. Army Engineer District, Fort Worth
P.O. Box 17300
Fort Worth, TX 76102-0300

National Park Service
Recreation Resources Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

The National Geodetic Survey
Department of Commerce/NOAA
SSMC3
Station 9356
1315 E. West Highway
Silver Spring, MD 20910



Louis E. Gitomer
June 27, 2002

EXHIBIT E

HISTORIC REPORT
(49 C.F.R. 1105.8)
Docket No. AB-473 (Sub-No. 1X)
WEST TEXAS & LUBBOCK RAILROAD COMPANY, INC.
--ABANDONMENT EXEMPTION--
IN LUBBOCK, LUBBOCK COUNTY, TX

Dated: June 27, 2002

The Historic Report should contain the information required by 1105.7(e)(1) of the Environmental Report. The following is excerpted from the Environmental Report prepared for the proposed abandonment:

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

The West Texas & Lubbock Railroad Company, Inc. ("WTLR") proposes to abandon a 1.1-mile rail line in the City of Lubbock, TX from milepost 1.1, at University Avenue, eastward to milepost 0.0, at the interchange with The Burlington Northern and Santa Fe Railway Company near North Avenue U, in Lubbock County, TX (the "Line"). Upon receipt of abandonment authority, WTLR intends to salvage the rail, crossties, and other track material, and divest the right-of-way.

There has been no traffic moving over the Line in local service for over two years. Overhead traffic on the Line can be rerouted to other lines.

The only alternative to abandonment would be not to abandon the Line. No local service has been provided on the Line for over two years and the Line is no longer required to move overhead traffic. WTLR believes that there is not a sufficient volume of traffic available on the Line to justify the costs of maintaining and operating the Line. Making a capital investment in

the Line would not be a prudent use of carrier resources. With little or no potential traffic, WTLR has decided to seek abandonment of the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or 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;

U.S. Geological Survey Maps have been supplied to the Texas Historical Commission ("TXHC").

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 Line has a uniform corridor width of 100 feet along the entire 1.1-mile right-of way. The Line runs through the City of Lubbock, TX through industrial areas, State office buildings and park land. The Line is relatively flat and straight.

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

There are no railroad structures on the Line that are 50 years old or older. Therefore, no photographs are enclosed.

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;

To the best of WTLR's knowledge, there are no structures on the Line that are 50 years or older. Because of the topography of the Line, it was unnecessary to construct any structures.

WTLR contacted TXHC. See Exhibit 2. No response has been received. A copy of this Report has been mailed to TXHC.

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;

WTLR acquired the Line from the Seagraves, Whiteface and Lubbock Railroad Company in 1995. WTLR continued to operate overhead service on the Line until April 4, 2002. At that time, as part of a public highway improvement project in the City of Lubbock, WTLR altered its operations as a result of a joint relocation project with the Burlington Northern and Santa Fe Railway Company, and rerouted the overhead traffic.

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;

WTLR possesses the valuation maps of the Line, but is not aware of any other documentation in its possession.

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

WTLR believes that neither the structures on the Line nor the Line itself are unusual or noteworthy for inclusion on the National Register of Historic Places. It is also WTLR's opinion that there are no archeological resources or other railroad related historic properties in the project area.

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 waste), and the surrounding terrain.

WTLR believes that there are no existing records as to the nature of any known subsurface ground disturbance or fill, or environmental condition that might affect the

archeological recovery of any potential 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).

WTLR does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line abandonment other than that information previously submitted. But, if any additional information is requested, WTLR will promptly supply the necessary information.

EXHIBIT 1

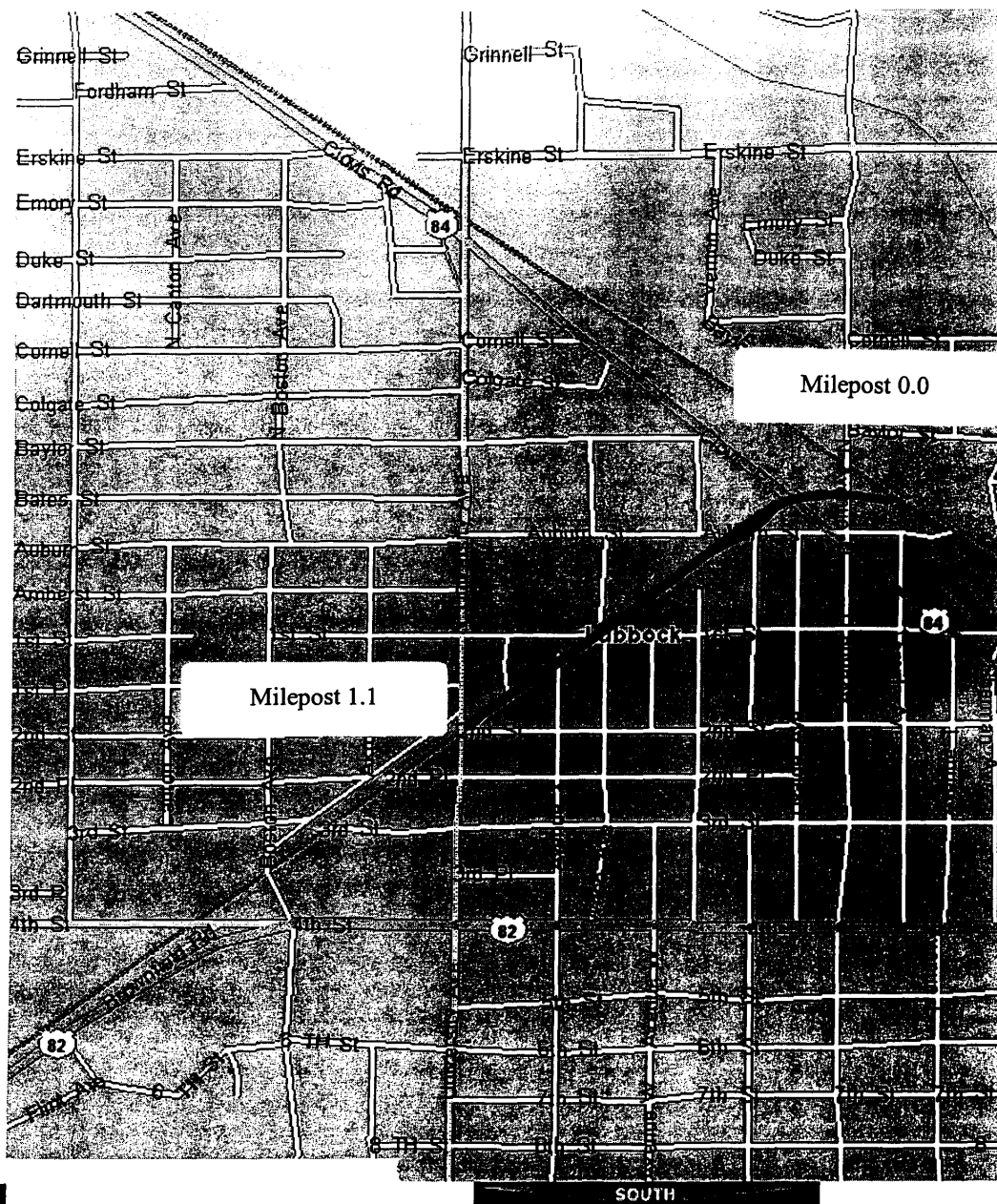


EXHIBIT 2

WEST TEXAS & LUBBOCK

5300 BROKEN SOUND BLVD., N.W. 2ND FLOOR
BOCA RATON, FL 33487
OFFICE (561) 994-6015
FAX (561) 994-4629

June 7, 2002

Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, TX 78711

RE: Docket No. AB-473 (Sub-No. 1X), *West Texas & Lubbock Railroad Company, Inc.--Abandonment Exemption--In Lubbock, Lubbock County, TX*

Dear Madam/Sir:

On or about June 27, 2002, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority to abandon West Texas & Lubbock Railroad Company, Inc.'s 1.1-mile rail line in the City of Lubbock, TX from milepost 1.1, at University Avenue, eastward to milepost 0.0, at the interchange with The Burlington Northern and Santa Fe Railway Company near North Avenue U, in Lubbock County, TX.

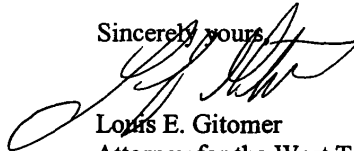
Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone 202-565-1538 and refer to the above Docket No. AB-473 (Sub-No. 1X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action.

Texas Historical Commission
June 7, 2002
Page 2

If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-638-3307, by email at lgitomer@dc.billp.com, or mail at Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Sincerely yours,



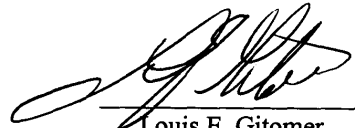
Louis E. Gitomer
Attorney for the West Texas & Lubbock
Railroad Company, Inc.

Enclosure

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-473 (Sub-No. 1X) was mailed via first class mail on June 7 and 27, 2002, to the following party:

Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, TX 78711



Louis E. Gitomer
June 27, 2002