

BALL JANIK LLP

A T T O R N E Y S

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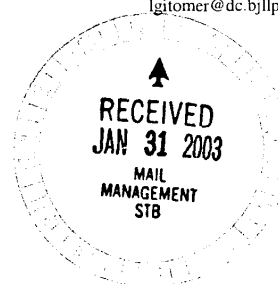
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January 31, 2003

LOUIS E. GITOMER
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(202) 466-6532

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207151

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

RE: Docket No. AB-364 (Sub-No. 7X), *Texas Northeastern Division, Mid-Michigan Railroad, Inc.--Discontinuance Exemption--In Grayson County, TX*

Dear Secretary Williams:

Enclosed are the original and 10 copies of (1) a Publisher's Affidavit and (2) environmental comments from the United States Department of Agriculture. Please time and date stamp the additional copy of this letter and return it with our messenger. Thank you for your assistance.

If you have any questions, please call or email me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "L. Gitomer".

Louis E. Gitomer
Attorney for The Texas Northeastern
Division, Mid-Michigan Railroad, Inc.

Enclosures

ENTERED
Office of Proceedings

FEB 03 2003

Part of
Public Record

ORIGINAL

Publisher's Affidavit

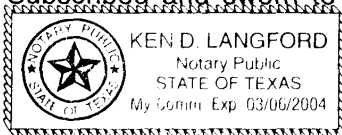
THE STATE OF TEXAS

County of Grayson

Personally appeared before the undersigned authority DIANNE HARP,
OFFICE MANAGER who being sworn says that the attached RAIL AMERICA
THE TEXAS NORTHEASTERN DIVISION, MID-MICHIGAN RAILROAD, INC. ("TNER")
GIVES NOTICE THAT ON OR ABOUT JANUARY 9, 2003, IT INTENDS TO FILE A
NOTICE OF EXEMPTION UNDER 49 CFR 1152 SUBPART F--. was published in
the Herald Democrat on the following dates to wit: JANUARY 5, 2003.

Dianne Harp

Subscribed and sworn to before me this 7th. day of January, A.D., 2003



Ken D. Langford

Notary Public, Grayson County, Texas

The Texas Northeastern Division, Mid-Michigan Railroad, Inc. ("TNER") gives notice that on or about January 9, 2003, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting TNER to discontinue service over a 10.51-mile rail line between Denison, milepost 662.54, and Sherman, milepost 673.05, all in Grayson County, TX, which traverses through United States Postal Service ZIP Codes 75020, 75021, 75090, 75091 and 75092. The proceeding will be docketed as No. AB-364 (Sub No. 5X).

The Board's Section of Environmental Analysis will generally prepare and Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, NW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representatives: 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 Jenik LLP, 1465 F St., N.W., Suite 225, Washington, DC 20005, (202) 638-3507.

Run it 'til it SELLS

Call for details

HERALD DEMOCRAT SUNDAY, JANUARY 5, 2003

D1



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

101 South Main
Temple, Texas
76501-7602

Subject: LNU-Farmland Protection-
Texas Northeastern Railroad (AB-364)
Grason County, Texas

January 13, 2003

Ball Janik LLP,
1455F Street, N.W., Suite 225
Washington, DC 20005

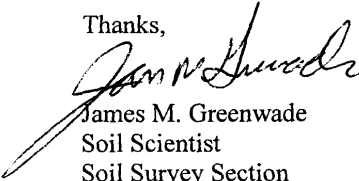
Attention: Louis E. Gitomer, Attorney for Texas Northeastern Railroad

We have reviewed the information provided concerning the proposed discontinuance of 10.51 miles of Texas Northeastern railroad in Grayson County, Texas as outlined in your letter of December 20, 2002. This is part of NEPA evaluation for Surface Transportation Board. We have evaluated the proposed Project as required by the Farmland Protection Policy Act (FPPA).

The proposed project not subject to the Farmland Protection Policy Act, which strives to protect Important Farmland. This project would be exempt from the FPPA because the site is already converted to urban land. The FPPA states, "Farmland does not include land already in or committed to urban development or water storage", 7CFR Part 658.2 (a). We have completed an AD-1006 form showing the site is not classified as Important Farmland. No additional consideration will be needed for this project and no additional sites will need to be evaluated.

We have attached an AD-1006 (Farmland Conversion Impact Rating) form for this project indicating the approval status of this proposed project. Thanks for the resource materials you submitted to evaluate this project. If you have any questions please call James Greenwade at (254)-742-9960 or Sam Brown at (254)-742-9854, Fax (254)-742-9859.

Thanks,


James M. Greenwade
Soil Scientist
Soil Survey Section
USDA-NRCS, Temple, Texas

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 12-20-2002	
Name of Project Northeastern RR Abandonment		Federal Agency Involved Surface Transportation Board	
Proposed Land Use Abandonment RR		County and State Grayson County, Texas	
PART II (To be completed by NRCS)		Date Request Received By NRCS 12-25-2002	Person Completing Form: James Greenwade
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES ☐ NO ☒	Acres Irrigated Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %	
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS	
PART III (To be completed by Federal Agency)		Alternative Site Rating	
A. Total Acres To Be Converted Directly		Site A	Site B Site C Site D
B. Total Acres To Be Converted Indirectly			
C. Total Acres In Site			
PART IV (To be completed by NRCS) Land Evaluation Information			
A. Total Acres Prime And Unique Farmland			
B. Total Acres Statewide Important or Local Important Farmland			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value			
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)			
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A Site B Site C Site D
1. Area In Non-urban Use		(15)	
2. Perimeter In Non-urban Use		(10)	
3. Percent Of Site Being Farmed		(20)	
4. Protection Provided By State and Local Government		(20)	
5. Distance From Urban Built-up Area		(15)	
6. Distance To Urban Support Services		(15)	
7. Size Of Present Farm Unit Compared To Average		(10)	
8. Creation Of Non-farmable Farmland		(10)	
9. Availability Of Farm Support Services		(5)	
10. On-Farm Investments		(20)	
11. Effects Of Conversion On Farm Support Services		(10)	
12. Compatibility With Existing Agricultural Use		(10)	
TOTAL SITE ASSESSMENT POINTS		160	
PART VII (To be completed by Federal Agency)			
Relative Value Of Farmland (From Part V)		100	
Total Site Assessment (From Part VI above or local site assessment)		160	
TOTAL POINTS (Total of above 2 lines)		260	
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐	
Reason For Selection:			
Name of Federal agency representative completing this form: (See instructions on reverse side)			
Date:			