

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

June 10, 2003

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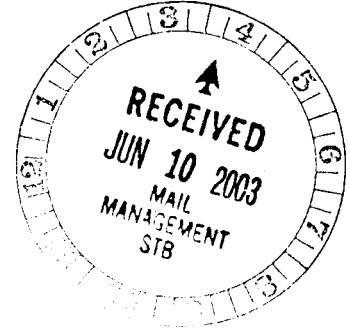
JUN 10 2003

VIA HAND DELIVERY

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street N.W.
Washington, DC 20423

SURFACE
TRANSPORTATION BOARD

Terria McGee
Legal Assistant
202.778.9438
Fax: 202.778.9100
tmcgee@kl.com



Re: Docket No. AB-439 (Sub-No. 1X) - 208027
Dallas Area Rapid Transit
- Abandonment Exemption - In Dallas County, Texas

ENTERED
Office of Proceedings

Docket No. AB-103 (Sub-No. 16X) - 208028
The Kansas City Southern Railroad Company - Discontinuance
Exemption - In Dallas County, Texas

JUN 10 2003

Part of
Public Record

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company - 208029
Discontinuance Exemption - In Dallas County, Texas

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of a **Joint Notice of Exemption** dated June 9, 2003.

Three checks in the amount of \$2,700 each, representing the appropriate filing fees for this transaction, are attached. The original copy of the Environmental/Historic Report accompanying the Notice has been provided directly to the Board's Section of Environmental Analysis. That version of the Report includes color photographs of structures on the subject rail line that are 50 years old or older.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,

Terria McGee
Terria McGee, Legal Assistant
Kirkpatrick & Lockhart LLP

FILED

JUN 10 2003

SURFACE
TRANSPORTATION BOARD

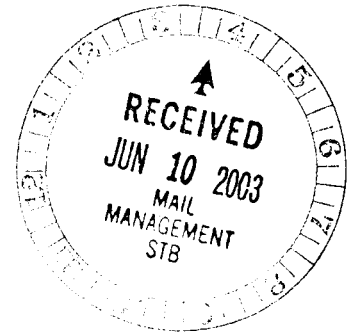
Enclosures

cc: Victoria Rutson, SEA

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-439 (Sub-No. 1X)

DALLAS AREA RAPID TRANSIT
-- ABANDONMENT EXEMPTION --
IN DALLAS COUNTY, TEXAS



DOCKET NO. AB-103 (Sub-No. 16X)

THE KANSAS CITY SOUTHERN RAILWAY COMPANY
-- DISCONTINUANCE EXEMPTION --
IN DALLAS COUNTY, TEXAS

FILED

JUN 10 2003

SURFACE
TRANSPORTATION BOARD

DOCKET NO. AB-585

DALLAS, GARLAND AND NORTHEASTERN RAILROAD
COMPANY -- DISCONTINUANCE EXEMPTION --
IN DALLAS COUNTY, TEXAS

Office of

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JOINT NOTICE OF EXEMPTION

ENTERED
Office of Proceedings

JUN 10 2003

Part of
Public Record

Edward J. Fishman
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue -- 2nd Floor
Washington, DC 20036

**ATTORNEY FOR DALLAS AREA
RAPID TRANSIT**

Gary Laakso
Vice President and Regulatory Counsel
RailAmerica, Inc.
5300 Broken Sound Boulevard, NW
2nd Floor
Boca Raton, FL 33487

**ATTORNEY FOR DALLAS, GARLAND AND
NORTHEASTERN RAILROAD COMPANY**

Thomas J. Healey
Associate General Counsel
The Kansas City Southern Railway Company
427 West 12th Street
Kansas City, MO 64105

**ATTORNEY FOR THE KANSAS CITY
SOUTHERN RAILWAY COMPANY**

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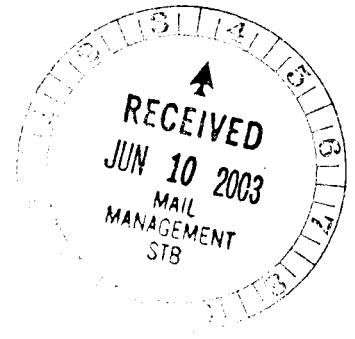
JUN 10 2003

SURFACE
TRANSPORTATION BOARD

Dated: June 9, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-439 (Sub-No. 1X)
DALLAS AREA RAPID TRANSIT
-- ABANDONMENT EXEMPTION --
IN DALLAS COUNTY, TEXAS



DOCKET NO. AB-103 (Sub-No. 16X)
THE KANSAS CITY SOUTHERN RAILWAY COMPANY
-- DISCONTINUANCE EXEMPTION --
IN DALLAS COUNTY, TEXAS

DOCKET NO. AB-585
DALLAS, GARLAND AND NORTHEASTERN RAILROAD
COMPANY -- DISCONTINUANCE EXEMPTION --
IN DALLAS COUNTY, TEXAS

JOINT NOTICE OF EXEMPTION

Dallas Area Rapid Transit ("DART"), The Kansas City Southern Railway Company ("KCS") and Dallas, Garland and Northeastern Railroad Company ("DGNO") hereby file this Joint Notice of Exemption pursuant to 49 C.F.R. § 1152.50 for DART to abandon, and KCS and DGNO to discontinue trackage rights over, an approximately 11.45-mile line of railroad in the City and County of Dallas, Texas. A map indicating the subject rail line is attached hereto as Exhibit A. In accordance with 49 C.F.R. § 1152.50(d)(2), DART, KCS and DGNO submit the following information:

Identification of Applicant: 49 C.F.R. § 1152.22(a)(1)-(2)

DART is a Class III common carrier by rail and a political subdivision of the State of Texas charged with developing and operating a public transit system in the greater Dallas area. DART currently owns approximately 100 route miles of rail line in the greater Dallas area. KCS is a Class I common carrier by rail. KCS operates over approximately 3100 track miles of rail line in Alabama, Arkansas, Illinois, Kansas,

Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas. DGNO is a Class III common carrier by rail. DGNO operates over approximately 185 miles of rail line and trackage rights over various railroads in the State of Texas.

The full names and addresses of the applicants herein are as follows:

Dallas Area Rapid Transit
1401 Pacific Avenue
Dallas, TX 75202

The Kansas City Southern Railway Company
427 West 12th Street
Kansas City, MO 64105

Dallas, Garland and Northeastern Railroad Company
c/o RailAmerica, Inc.
5300 Broken Sound Boulevard, NW
2nd Floor
Boca Raton, FL 33487

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment and discontinuance of service over out-of-service rail lines, codified at 49 C.F.R. § 1152.50(b), DART seeks to abandon a portion of the former Atchison, Topeka and Santa Fe Railway Company railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison (the "Subject Line"). See Dallas Area Rapid Transit – Acquisition and Operation Exemption – Certain Lines of the Atchison, Topeka and Santa Fe Railway Company, Finance Docket No. 32611 (ICC served March 17, 1995). KCS and DGNO seek to discontinue trackage rights over the Subject Line.¹ The total distance of the Subject Line is approximately

¹ It is DART's understanding that at some point prior to DART's acquisition of the Subject Line, Missouri Pacific Railroad Company ("MP") and KCS acquired trackage rights over the Subject Line. MP's trackage rights were assigned to DGNO in 1992. See Dallas, Garland & Northeastern Railroad, Inc. – Trackage Rights Exemption – The Atchison, Topeka and Santa Fe Railway Company and Missouri Pacific Railroad Company, Finance Docket No. 32198 (ICC served December 15, 1992).

11.45 miles, all within the City and County of Dallas, Texas.

Map: 49 C.F.R. § 1152.22(a)(4)

A map showing the location of the Subject Line and its relation to other rail lines, highways, water routes and population centers in the area is attached hereto as Exhibit A.

Applicants' Representatives: 49 C.F.R. § 1152.22(a)(7)

Any questions concerning this application should be sent to DART, KCS and DGNO representatives at the following addresses:

For DART:

Edward J. Fishman
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue – 2nd Floor
Washington, DC 20036

For KCS:

Thomas J. Healey
The Kansas City Southern Railway Company
427 West 12th Street
Kansas City, MO 64105

For DGNO:

Gary Laakso
Dallas, Garland and Northeastern Railroad Company
c/o RailAmerica, Inc.
5300 Broken Sound Boulevard, NW, 2nd Floor
Boca Raton, FL 33487

Zip Codes of the Subject Line: 49 C.F.R. § 1152.22(a)(8)

The Subject Line traverses United States Postal Service ZIP codes 75211, 75212, 75233, 75237 and 75223.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

DART, KCS and DGNO certify that no local or overhead traffic has moved over the Subject Line for at least two years. In addition, no formal complaint filed by a user of rail service on the Subject Line (or a state or local governmental entity acting on

behalf of such user) regarding cessation of service over the Subject Line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years. See Certifications of Janis Seidner (for DART), Gerald Davies (for KCS) and David Eyermann (for DGNO), attached hereto as Exhibits B, C and D, respectively.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

DART intends to consummate abandonment of, and KCS and DGNO intend to discontinue their trackage rights over, the Subject Line soon after this Notice of Exemption becomes effective.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

The right-of-way of the Subject Line may be suitable for alternative public use under 49 U.S.C. § 10905, including future use as part of a public transit corridor or potential use as a recreational trail.

Notice Requirement: 49 C.F.R. § 1152.50(d)(2), 1105.11

A certificate that the agencies designated in 49 C.F.R. § 1152.50(d)(1) have been served with written pre-filing notice of this abandonment is attached hereto as Exhibit E. A certificate that the Environmental/Historic Report accompanying this Notice of Exemption as Exhibit F has been served on the agencies designated in 49 C.F.R. § 1105.7(b) is attached as Appendix R to that Report.

Labor Protection: 49 C.F.R. § 1152.50(d)(2)

The appropriate level of labor protection for the abandonment and discontinuance of service transactions proposed herein is that set forth in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

SUBJECT LINE



Milepost 56.95

Milepost 45.5



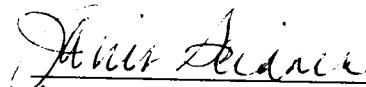
EXHIBIT B

CERTIFICATION

State of Texas)
)
County of Dallas) SS:

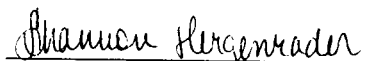
Janis Seidner, being duly sworn, deposes and says that she is the Assistant Vice President of Commuter Rail and Railroad Management for Dallas Area Rapid Transit, and that to the best of her knowledge, information and belief:

No local or overhead freight rail traffic has moved over the portion of the former Atchison, Topeka and Santa Fe Railway Company railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison, (the "Subject Line") within the City and County of Dallas, Texas within the last two (2) years. No formal complaint filed by a user of rail service on the Subject Line (or a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Subject Line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years.



Janis Seidner

SUBSCRIBED AND SWORN to
before me this 21st day
of April, 2003.



Notary Public

My Commission expires: July 9, 2006

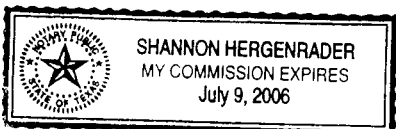


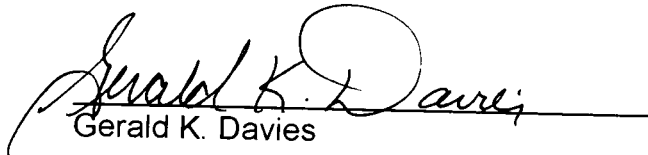
EXHIBIT C

CERTIFICATION

State of Missouri)
) SS:
County of Jackson)

Gerald K. Davies, being duly sworn, deposes and says that he is the Executive Vice President and Chief Operating Officer for The Kansas City Southern Railway Company, and that to the best of his knowledge, information and belief:

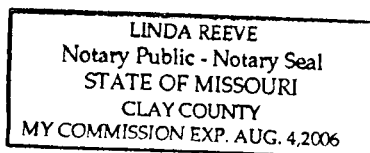
No local or overhead freight rail traffic has moved over the portion of the former Atchison, Topeka and Santa Fe Railway Company railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison, (the "Subject Line") within the City and County of Dallas, Texas within the last two (2) years. No formal complaint filed by a user of rail service on the Subject Line (or a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Subject Line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years.


Gerald K. Davies

SUBSCRIBED AND SWORN to
before me this 13 day
of May, 2003.


Notary Public

My Commission expires:

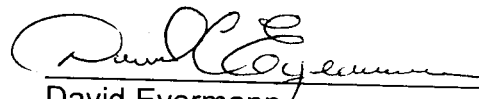


CERTIFICATION

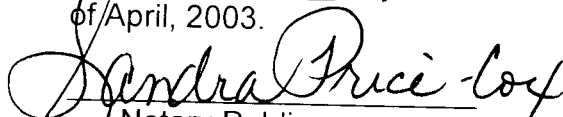
State of Texas)
County of Bexar) SS:

David Eyermann, being duly sworn, deposes and says that he is the Vice President – Lone Star Region of RailAmerica, Inc., and that to the best of his knowledge, information and belief:

No local or overhead freight rail traffic has moved over the portion of the former Atchison, Topeka and Santa Fe Railway Company railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison, (the "Subject Line") within the City and County of Dallas, Texas within the last two (2) years. No formal complaint filed by a user of rail service on the Subject Line (or a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Subject Line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years.


David Eyermann

SUBSCRIBED AND SWORN to
before me this 30th day
of April, 2003.


Notary Public

My Commission expires:

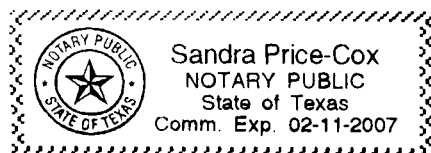


EXHIBIT E

CERTIFICATE OF NOTIFICATION

I hereby certify that on or before June 2, 2003, a written notice containing the information specified in 49 C.F.R. § 1152.50(d)(1) was served by first class mail, postage prepaid, upon the following agencies as designated in that section:

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

Military Traffic Management Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606-2574

Ms. Fran P. Mainella, Division Chief
National Recreation and Conservation Assistance Division
National Park Service
1849 C Street, N.W.
Washington, DC 20240

Mr. Jack Ward Thomas
Chief of the Forest Service
Department of Agriculture
Auditors Building, Fourth Floor N.W.
201 14th Street, S.W.
Washington, DC 20250



Edward J. Fishman

Dated: June 9, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-439 (Sub-No. 1X)

DALLAS AREA RAPID TRANSIT
-- ABANDONMENT EXEMPTION --
IN DALLAS COUNTY, TEXAS

DOCKET NO. AB-103 (Sub-No. 16X)

THE KANSAS CITY SOUTHERN RAILWAY COMPANY
-- DISCONTINUANCE EXEMPTION --
IN DALLAS COUNTY, TEXAS

DOCKET NO. AB-585

DALLAS, GARLAND AND NORTHEASTERN RAILROAD
COMPANY -- DISCONTINUANCE EXEMPTION --
IN DALLAS COUNTY, TEXAS

ENVIRONMENTAL/HISTORIC REPORT

Dallas Area Rapid Transit ("DART"), The Kansas City Southern Railway Company ("KCS") and Dallas, Garland and Northeastern Railroad Company ("DGNO") (collectively, the "Applicants") submit this Environmental/Historic Report (the "Report") in accordance with the reporting requirements of 49 C.F.R. §§ 1105.7 and 1105.8. It is the conclusion of the Report that the proposed abandonment and discontinuance, if implemented, will not significantly affect the quality of the human environment, the conservation of energy resources, or historically significant or archaeological sites. Supporting correspondence and certifications are attached.

Environmental Report - 49 C.F.R. § 1105.7(e)

1. Proposed Action and Alternatives. DART seeks to abandon a portion of the

former Atchison, Topeka and Santa Fe Railway Company railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison ("the Subject Line"). KCS and DGNO seek to discontinue trackage rights over the Subject Line. The total distance of the Subject Line is approximately 11.45 miles, all within the City and County of Dallas, Texas. No freight rail traffic of any kind has moved over the Subject Line for at least the past two (2) years.

No alternatives to the proposed abandonment and discontinuance have been considered. The only alternative is retention of the Subject Line in its current, unused state, which would have no environmental impact.

A map showing the location of the Subject Line is attached hereto as Appendix A.

2. Transportation System. Applicants do not anticipate that existing regional or local transportation systems or patterns will be adversely affected by the proposed abandonment and discontinuance. No freight rail traffic of any kind has moved over the Subject Line for at least the past two (2) years. Applicants have requested comments from the Texas Department of Transportation. See correspondence attached hereto as Appendix B. The Texas Department of Transportation has advised Applicants that no adverse effects are anticipated from the proposed abandonment and discontinuance. See correspondence attached hereto as Appendix B-1. In addition, Applicants have requested comments from the North Central Texas Council of Governments that is responsible for developing and maintaining the Metropolitan Transportation System. See correspondence attached hereto as Appendix C. To date, no response has been forthcoming. Upon receipt of a response, Applicants will forward the response to the Board.

3. Land Use.

(i) Applicants do not foresee any inconsistency with regional and/or local land

use plans but have contacted and requested comments from the Dallas County Director of Public Works and the Dallas County Judge, who are responsible for development/planning functions in Dallas County. See correspondence attached hereto as Appendices D and E. To date, no response has been forthcoming. Upon receipt of a response, Applicants will forward the response to the Board.

(ii) The proposed abandonment and discontinuance will have no adverse impact on prime agricultural land or farmland resources. The Natural Resources Conservation Service (formerly the U.S. Soil Conservation Service) of the United States Department of Agriculture has been advised of the abandonment. See correspondence attached hereto as Appendix F. To date, no response has been forthcoming. Upon receipt of a response, Applicants will forward the response to the Board.

(iii) Not Applicable. The Texas General Land Office has advised Applicants that the proposed project is outside the Texas Coastal Management Program boundary. See correspondence attached hereto as Appendix R-1.

(iv) Portions of the right-of-way underlying the Subject Line may be suitable for alternative public use under 49 U.S.C. § 10905, including future use as part of a public transit corridor or potential use as a recreational trail.

4. Energy.

(i) The proposed abandonment and discontinuance will not have any effect on the transportation of energy resources. No freight rail traffic of any kind has moved over the Subject Line for at least the last two (2) years, and Applicants foresee little possibility that new on-line freight traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by the proposed abandonment and discontinuance of service. No recyclable commodities have moved over the Subject Line for at least the past two (2) years, and Applicants foresee little possibility that any recyclable commodity traffic would develop in the future.

(iii) The proposed abandonment and discontinuance will not result in an increase or decrease in overall energy efficiency. No freight rail traffic of any kind has moved over the Subject Line for at least the past two (2) years.

(iv) Not applicable. The abandonment and discontinuance of service over the Subject Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers. No freight rail traffic of any kind has moved over the Subject Line for at least the past two (2) years.

5. Air.

(i) Not applicable. The proposed abandonment and discontinuance of service will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. While Dallas County is classified as a serious ozone non-attainment area, abandonment and discontinuance of the Subject Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7 (e) (5) (ii) (A), (B) or (C).

(iii) Not applicable. No ozone depleting materials have been transported over the Subject Line for at least the last two (2) years, and no such shipments will be diverted as a result of the proposed abandonment and discontinuance.

The proposed abandonment and discontinuance will not impact air quality standards, significantly increase ozone precursor emissions or require a general conformity analysis. The Texas Natural Resource Conservation Commission and Natural Resources Division of the Office of the Texas Attorney General have been contacted and asked to comment. See correspondence attached hereto as Appendix G and H. In addition, the Texas Natural Resource Conservation Commission was contacted as part of the review process by the State Single Point of Contact and no substantive comments were received. See correspondence attached hereto as Appendix O-1. Upon receipt of additional responses, Applicants will forward the responses to the Board.

6. Noise. Not applicable. None of the thresholds identified in 49 C.F.R. § 1105.7(e) (5) (i) will be exceeded as a result of the proposed abandonment and discontinuance.

7. Safety.

(i) No freight rail operations have occurred on the Subject Line for at least the last two (2) years, and thus the proposed action will have no adverse effect upon public health or safety. During any salvage operations on the Subject Line precautions will be taken to maintain public safety.

(ii) Not applicable. No hazardous materials are expected to be transported as a result of the proposed abandonment and discontinuance of service.

(iii) Applicants are not aware of any hazardous waste sites or sites where there have been hazardous material spills on the right-of-way of the Subject Line. The U.S. Environmental Protection Agency and the Texas Environmental Protection Division have been advised about the proposed abandonment and discontinuance. See correspondence attached hereto as Appendices I and J. Applicants have also advised and requested comments from the Natural Resources Division of the Office of the Texas Attorney General. See correspondence

attached hereto as Appendix H. To date, no response has been forthcoming. Upon receipt of a response, Applicants will forward the response to the Board.

8. Biological Resources.

(i) No critical habitat or other fish or wildlife resources will be destroyed, altered or affected as a result of the proposed abandonment and discontinuance. The Texas Parks and Wildlife Department has indicated that the proposed action will produce minimal impact to fish and wildlife resources. See correspondence attached hereto as Appendix K-1. The United States Fish and Wildlife Service has indicated that the action is not likely to adversely affect federally threatened or endangered species. See correspondence attached hereto as Appendix L-1.

(ii) The Subject Line is located within the Dallas metropolitan area and does not pass through any wildlife sanctuary or refuges or any national or state parks or forests. Accordingly, none will be adversely affected. Applicants have contacted and requested comments from the Texas Parks and Wildlife Department and the National Park Service. See correspondence attached hereto as Appendices K and M. In addition, the Texas Parks and Wildlife Department was contacted as part of the review process by the State Single Point of Contact and no substantive comments were received. See correspondence attached hereto as Appendix O-1. Upon receipt of additional responses, the Applicants will forward the responses to the Board.

9. Water. Any water quality effects from the proposed abandonment and discontinuance should be minimal. No bridges over bodies of water will be removed as part of the proposed action. DART does not anticipate discharge of any materials into navigable waters that would require permits under Section 402 and 404 of the Clean Water Act. The proposed action will not have a significant effect on water quality and will be consistent with applicable Federal, State

and local water quality standards. Comments have been requested from the United States Environmental Protection Agency and the Natural Resources Division of the Office of the Texas Attorney General. See correspondence attached hereto as Appendices H and I. Applicants have also contacted the United States Army Corps of Engineers. See correspondence attached hereto as Appendices N and N-1.

Applicants are unaware of any designated wetlands that would be impacted by the proposed abandonment and discontinuance. DART will not remove or otherwise alter the contour of the roadbed underlying the Subject Line as part of the proposed action, and thus there should be no impact on existing floodplain management. The Texas Natural Resource Conservation Commission has been contacted for comments. See correspondence attached hereto as Appendix G. In addition, the Texas Natural Resource Conservation Commission was contacted as part of the review process by the State Single Point of Contact and no substantive comments were received. See correspondence attached hereto as Appendix O-1.

* * * * *

In addition to the agencies referenced above, Applicants requested comments from the State of Texas Single Point of Contact in the Office of the Governor. The Single Point of Contact indicated that no substantive comments were received on the proposed abandonment and discontinuance. The agencies contacted by the Single Point of Contact included the Texas Historical Commission, the Texas Parks & Wildlife Department and the Texas Natural Resource Conservation Commission. See correspondence attached hereto as Appendix O and O-1

Applicants also requested comments from the National Geodetic Survey ("NGS") of the National Oceanic and Atmospheric Administration. NGS has identified two (2) geodetic station markers in the vicinity of the Subject Line. DART does not intend to disturb any markers

as part of the proposed abandonment and will provide appropriate notification to NGS should any relocation become necessary. See correspondence attached hereto as Appendix P and P-1.

Historic Report - 49 C.F.R. § 1105.8(d)

1. Map. A map of the Subject Line is attached hereto as Appendix A.
2. Description of Line. The line to be abandoned is located within the Dallas metropolitan area and extends between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison. The total distance of the Subject Line is approximately 11.45 miles, all within the City and County of Dallas, Texas. The surrounding land is composed of urban and light industrial areas. The topography of the surrounding area is generally flat.
3. Photographs. Attached as Appendix T are photostatic copies of photographs of one bridge located on the Subject Line, the ATSF Railroad Trestle crossing the Trinity River, that is believed to be fifty (50) years old or older. The original photographs are being submitted to the Texas Historical Commission. Color copies of the photographs will be provided to the Board's Section of Environmental Analysis.
4. Information on Structures. There is one structure on the Subject Line, the ATSF Railroad Trestle crossing the Trinity River, that is believed to be fifty (50) years old or older. The ATSF Railroad Trestle is located at approximately milepost 51.1. To the best of DART's knowledge, the ATSF Railroad Trestle was constructed on or about 1926 and is composed of embankment, wooden trestle and steel truss. The ATSF Railroad Trestle is already subject to a Section 106 Memorandum of Agreement ("Section 106 Agreement") among the Urban Mass Transit Administration (now the Federal Transit Administration), the Texas State Historic Preservation Officer and the Advisory Council on Historic Preservation that was reached in

connection with the construction of DART's South Oak Cliff Light Rail Transit Project. A copy of that agreement is attached hereto as Appendix U. The South Oak Cliff LRT Project was constructed along a portion of the right of way of the Subject Line, including the portion that crosses the Trinity River. Pursuant to the terms of the Section 106 Agreement, DART took all feasible steps to minimize damage to the ATSF Railroad Trestle during construction of its adjacent light rail bridge.

5. History of Operations. DART acquired the Subject Line from the Atchison, Topeka and Santa Fe Railway Company in 1995 for inclusion in DART's planned light rail transit system. Dallas Area Rapid Transit -- Acquisition and Operation Exemption -- Certain Lines of the Atchison, Topeka and Santa Fe Railway Company, Finance Docket No. 32611 (ICC served March 17, 1995). Prior to DART's acquisition, it is DART's understanding that Missouri Pacific Railroad Company ("MP") and KCS acquired trackage rights over the Subject Line. MP's trackage rights were assigned to DGNO in 1992. Dallas, Garland & Northeastern Railroad, Inc. -- Trackage Rights Exemption -- The Atchison, Topeka and Santa Fe Railway Company and Missouri Pacific Railroad Company, Finance Docket No. 32198 (ICC served December 15, 1992).

No freight rail traffic of any kind has moved on the Subject Line for at least the last two (2) years. Therefore, no operational changes are anticipated as a result of the proposed abandonment and discontinuance.

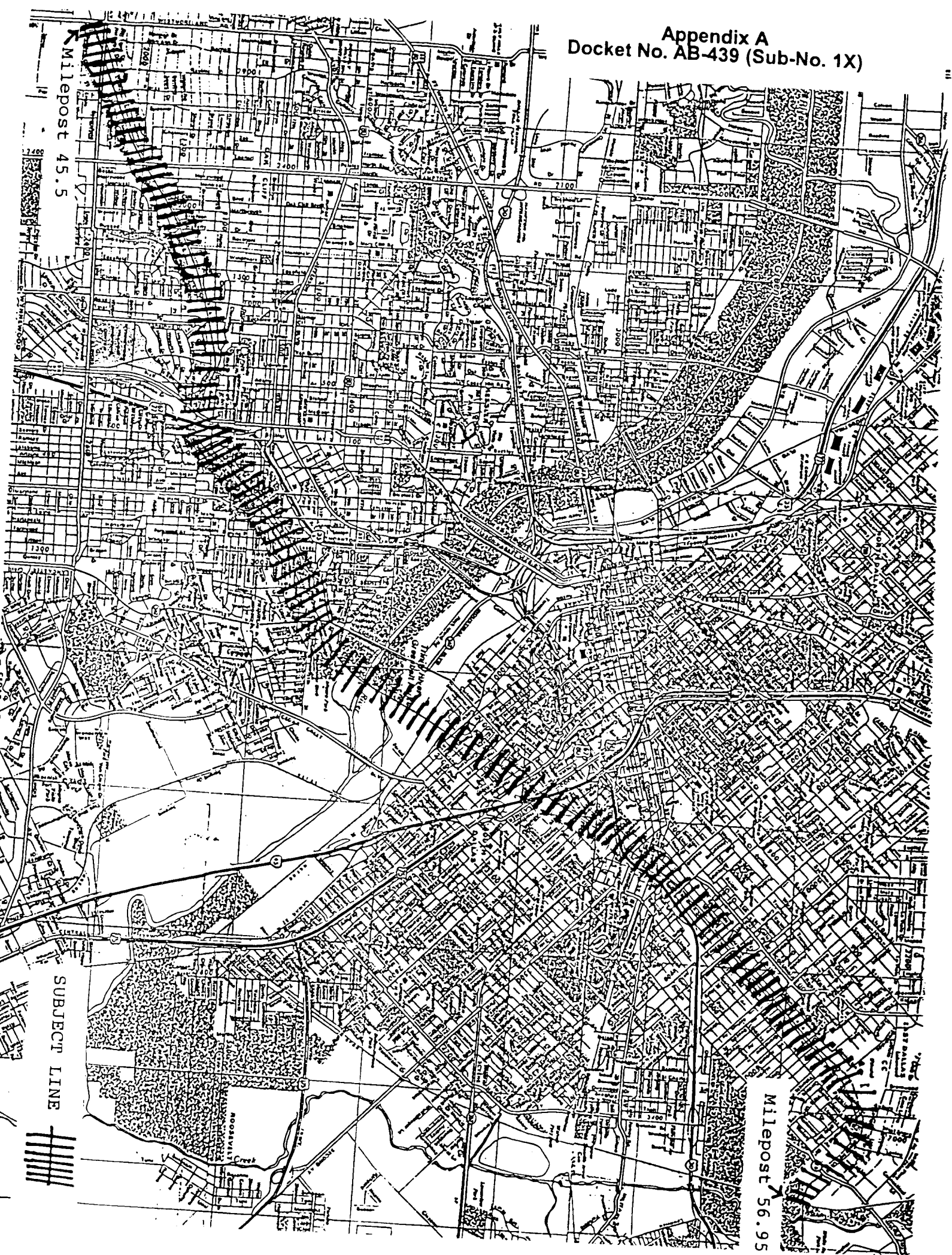
6. Engineering Documents. DART may have engineering drawings in its possession that may be useful in documenting the ATSF Railroad Trestle. As noted above, that structure is already subject to the Section 106 Agreement reached in connection with DART's South Oak Cliff LRT Project.

7. Historic Criteria. Aside from the ATSF Railroad Trestle, the Applicants are not aware of any other structures on the Subject Line that are of unique character or historical significance or meet the criteria for listing in the National Register of Historic Places. Applicants also believe that no culturally significant locations, archaeological sites or unique land forms will be affected by the proposed abandonment. Applicants have contacted and requested comments from the Texas Historical Commission in its capacity as SHPO. See correspondence attached hereto as Appendix Q. In addition, the Texas Historical Commission was contacted as part of the review process by the State Single Point of Contact and no substantive comments were received. See correspondence attached hereto as Appendix O-1.

8. Ground Disturbance. Based on readily available information in its possession, DART believes that substantial subsurface ground disturbance occurred when the Subject Line was constructed. The largely urban and light industrial nature of the area surrounding the Subject Line could adversely affect the archaeological recovery of resources. Access to the Subject Line is good throughout its length.

Certifications - 49 C.F.R. § 1105.7(c)

A certification in accordance with 49 C.F.R. § 1105.7(b) that the foregoing Report has been served on each of the agencies designated in Section 1105.7(b) and that Applicants have consulted with all appropriate agencies in preparing this Report is attached hereto as Appendix V. A certification that, in accordance with 49 C.F.R. § 1105.12, Applicants have published notice of the proposed abandonment in a newspaper of general circulation in each county through which the Subject Line passes is attached hereto as Appendix W.



Milepost 45.5

SUBJECT LINE

Milepost 56.95

Kirkpatrick & Lockhart LLP

April 20, 2001

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

Mr. Charles W. Heald
Executive Director
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701-2483

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

Dear Mr. Heald:

Dallas Area Rapid Transit (“DART”) expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon a portion of the former Santa Fe railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison (“the Subject Line”). The total distance is approximately 11.45 miles, all in the City and County of Dallas, Texas. Simultaneously, Kansas City Southern Railroad Company (“KCS”) and Dallas, Garland and Northeastern Railroad Company (“DGNO”) will file for discontinuance of trackage rights on the Subject Line. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Line is attached for your reference.

In accordance with the Board’s environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Kirkpatrick & Lockhart LLP

Mr. Charles W. Heald

April 20, 2001

Page 2

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed abandonment.

No rail freight operations have occurred on the Subject Line during the last two years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-439 (Sub-No. 1X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty days before DART's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

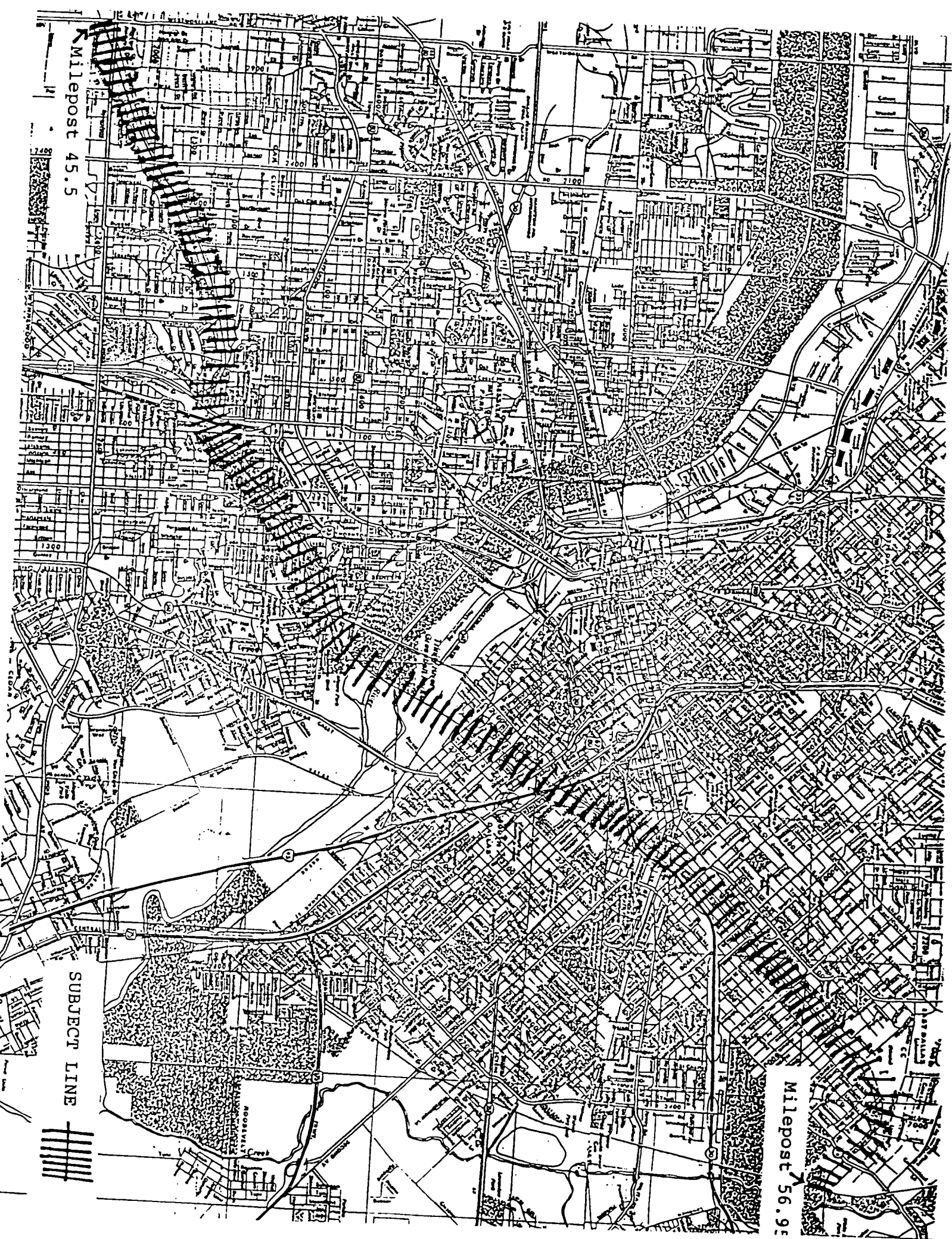
Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

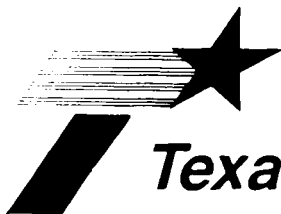
cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

SUBJECT LINE

Milepost 56.95



Texas Department of Transportation

P.O. BOX 133067 • DALLAS, TEXAS 75313-3067 • (214) 320-6100

November 29, 2001

RE: Docket No. AB-439 (Sub-No. 1X) – Abandonment Exemption

Mr. Edward J. Fishman
Attorney for Dallas Area Rapid Transit
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800

Dear Mr. Fishman:

Please reference your April 20, 2001 letter to Mr. Charles W. Heald, P.E. Executive Director of the Texas Department of Transportation (TxDOT) concerning the abandonment of a portion of the former Sante Fe railroad line within Dallas, Texas.

In response to your inquiry, we have concluded that no potential effects and/or permits, per the Clean Water Act and otherwise, are necessary for the proposed abandonment. Thank you for your notification of the abandonment and the opportunity to comment. If additional information is required, please feel free to contact Timothy M. Nesbitt, P.E. at 214-320-6245.

Sincerely,

H. Stan Hall, P.E.
District Advance Project
Development Engineer

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Ms. Julie K.P. Dunbar
Principal Transportation Engineer
North Cental Texas Council of Governments
616 Six Flags Drive
Centerpoint Two
P.O. Box 5888
Arlington, TX 76005-5888

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

Dear Ms. Dunbar:

Dallas Area Rapid Transit (“DART”) expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon a portion of the former Santa Fe railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison (“the Subject Line”). The total distance is approximately 11.45 miles, all in the City and County of Dallas, Texas. Simultaneously, Kansas City Southern Railroad Company (“KCS”) and Dallas, Garland and Northeastern Railroad Company (“DGNO”) will file for discontinuance of trackage rights on the Subject Line. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Line is attached for your reference.

In accordance with the Board’s environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:



Milepost 45.5

Milepost 56.95

SUBJECT LINE



Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. Bud Beene
Director of Public Works
Dallas County
411 Elm Street
Dallas, TX 75202

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

Dear Mr. Beene:

Dallas Area Rapid Transit (“DART”) expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon a portion of the former Santa Fe railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison (“the Subject Line”). The total distance is approximately 11.45 miles, all in the City and County of Dallas, Texas. Simultaneously, Kansas City Southern Railroad Company (“KCS”) and Dallas, Garland and Northeastern Railroad Company (“DGNO”) will file for discontinuance of trackage rights on the Subject Line. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Line is attached for your reference.

In accordance with the Board’s environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Kirkpatrick & Lockhart LLP

Mr. Bud Beene

April 20, 2001

Page 2

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Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed abandonment.

No rail freight operations have occurred on the Subject Line during the last two years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-439 (Sub-No. 1X) and be sent to the undersigned, with a copy to:

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Section of Environmental Analysis
Room 500
1925 K Street, N.W.
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In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty days before DART's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

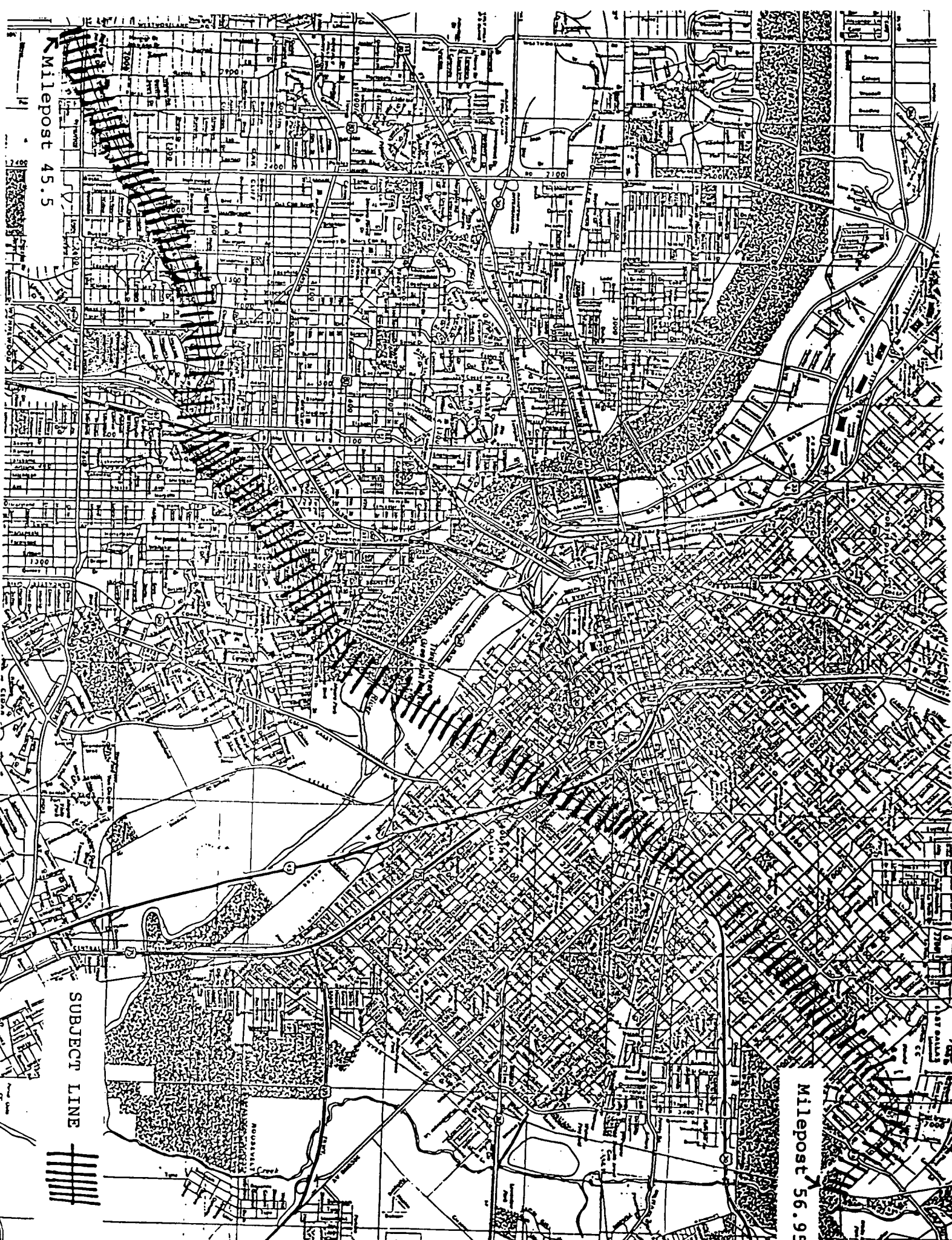
Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

SUBJECT LINE

Milepost 56.95

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Honorable Lee Jackson
Dallas County Judge
411 Elm Street
Dallas, TX 75202

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

Dear Judge Jackson:

Dallas Area Rapid Transit (“DART”) expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon a portion of the former Santa Fe railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison (“the Subject Line”). The total distance is approximately 11.45 miles, all in the City and County of Dallas, Texas. Simultaneously, Kansas City Southern Railroad Company (“KCS”) and Dallas, Garland and Northeastern Railroad Company (“DGNO”) will file for discontinuance of trackage rights on the Subject Line. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Line is attached for your reference.

In accordance with the Board’s environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Kirkpatrick & Lockhart LLP

Honorable Lee Jackson

April 20, 2001

Page 2

1. Regional or local land use plans;
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9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed abandonment.

No rail freight operations have occurred on the Subject Line during the last two years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-439 (Sub-No. 1X) and be sent to the undersigned, with a copy to:

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Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company

Kirkpatrick & Lockhart LLP

Ms. Julie K.P. Dunbar

April 20, 2001

Page 2

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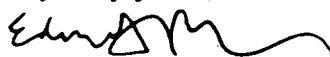
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Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

SUBJECT LINE

Milepost 56.95

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. Harry W. Oneth
State Conservationist
USDA Natural Resources Conservation
Service
101 South Main Street
Temple, TX 76501-7682

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

Dear Mr. Oneth:

Dallas Area Rapid Transit (“DART”) expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon a portion of the former Santa Fe railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison (“the Subject Line”). The total distance is approximately 11.45 miles, all in the City and County of Dallas, Texas. Simultaneously, Kansas City Southern Railroad Company (“KCS”) and Dallas, Garland and Northeastern Railroad Company (“DGNO”) will file for discontinuance of trackage rights on the Subject Line. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Line is attached for your reference.

In accordance with the Board’s environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Kirkpatrick & Lockhart LLP

Mr. Harry W. Oneth

April 20, 2001

Page 2

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9. Existing or potential safety hazards; or
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Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. § § 1342, 1344) are required for the proposed abandonment.

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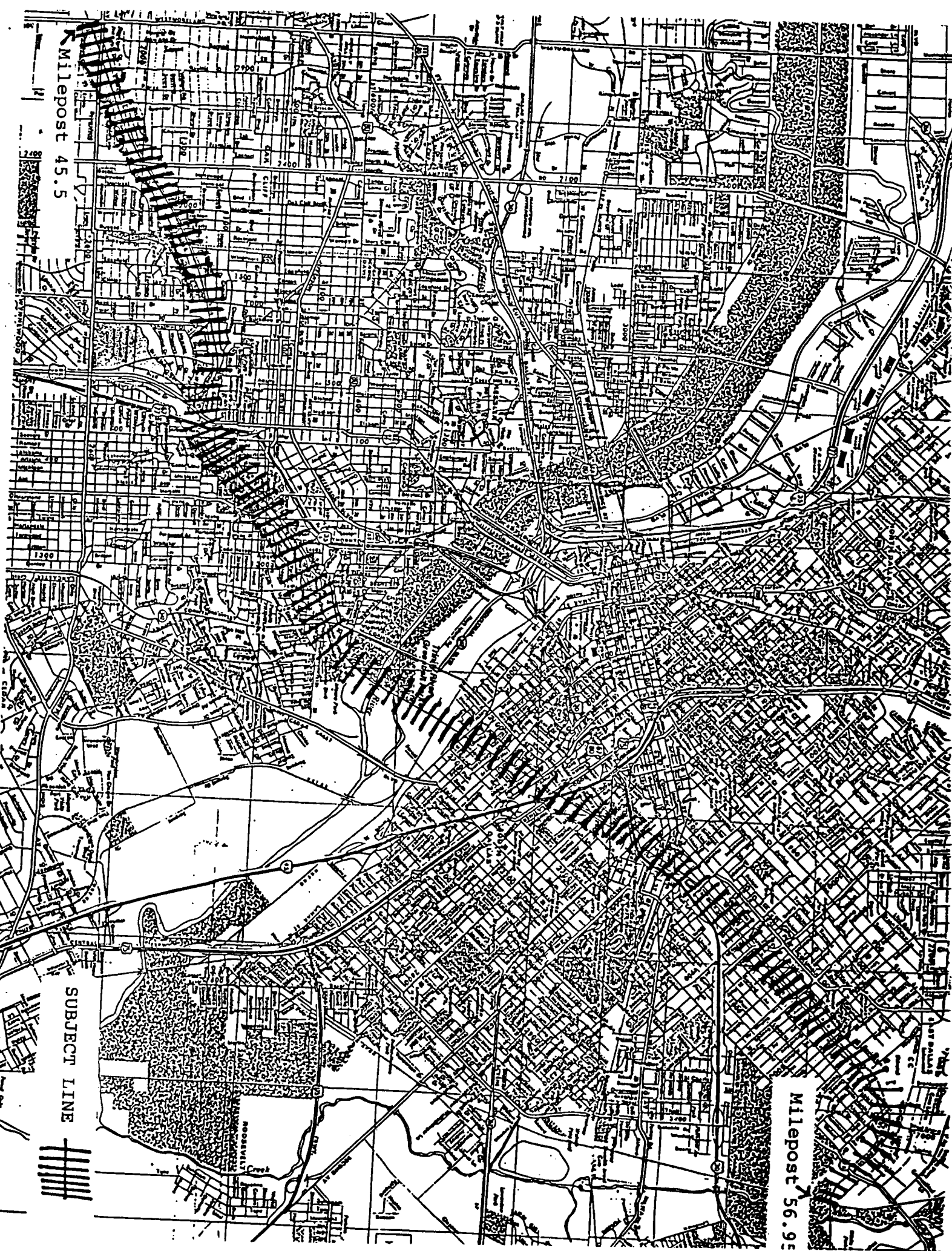
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Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Ms. Sidney Wheeler
Program Administrator
Intergovernmental Relations Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, TX 78711-3087

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

Dear Ms. Wheeler:

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In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Kirkpatrick & Lockhart LLP

Ms. Sidney Wheeler

April 20, 2001

Page 2

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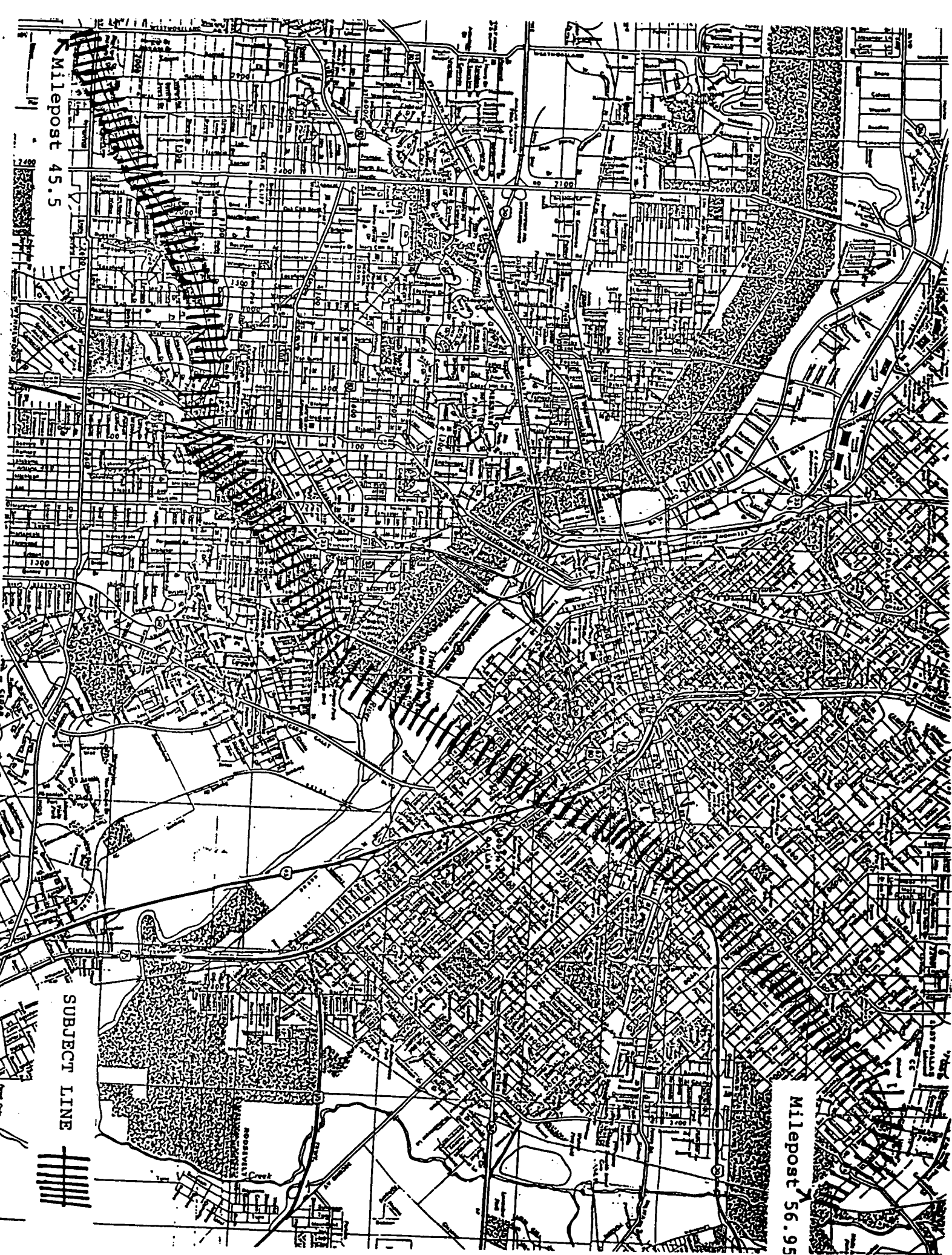
Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

SUBJECT LINE

Milepost 56.95

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. Douglas Fraser
Natural Resources Division
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

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Kirkpatrick & Lockhart LLP

Mr. Douglas Fraser

April 20, 2001

Page 2

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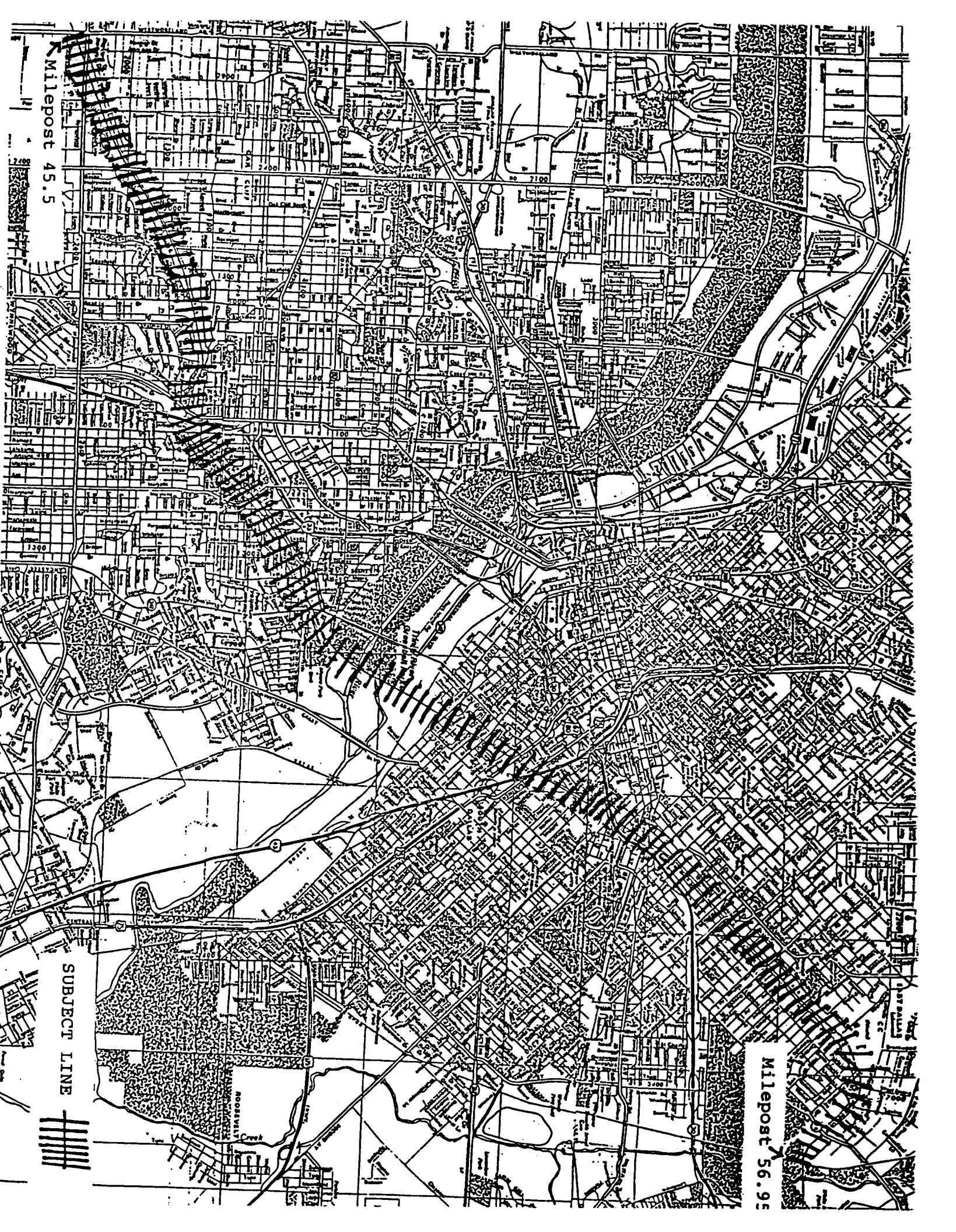
Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

SUBJECT LINE

Milepost 56.95

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. Michael P. Jansky
Regional Environmental Review Coordinator
U.S. Environmental Protection Agency, Region 6
First Interstate Bank Tower
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

Dear Mr. Jansky:

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In accordance with the Board’s environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Kirkpatrick & Lockhart LLP

Mr. Michael P. Jansky

April 20, 2001

Page 2

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed abandonment.

No rail freight operations have occurred on the Subject Line during the last two years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-439 (Sub-No. 1X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty days before DART's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

SUBJECT LINE



Milepost 56.9

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 2, 2001

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

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

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Kirkpatrick & Lockhart LLP

Texas Environmental Protection Division

August 2, 2001

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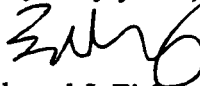
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Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 56.5



SUBJECT LINE

Milepost 45.5

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Ms. Melissa Parker
Habitat Assessment Branch
Resource Protection Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

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Kirkpatrick & Lockhart LLP

Ms. Melissa Parker

April 20, 2001

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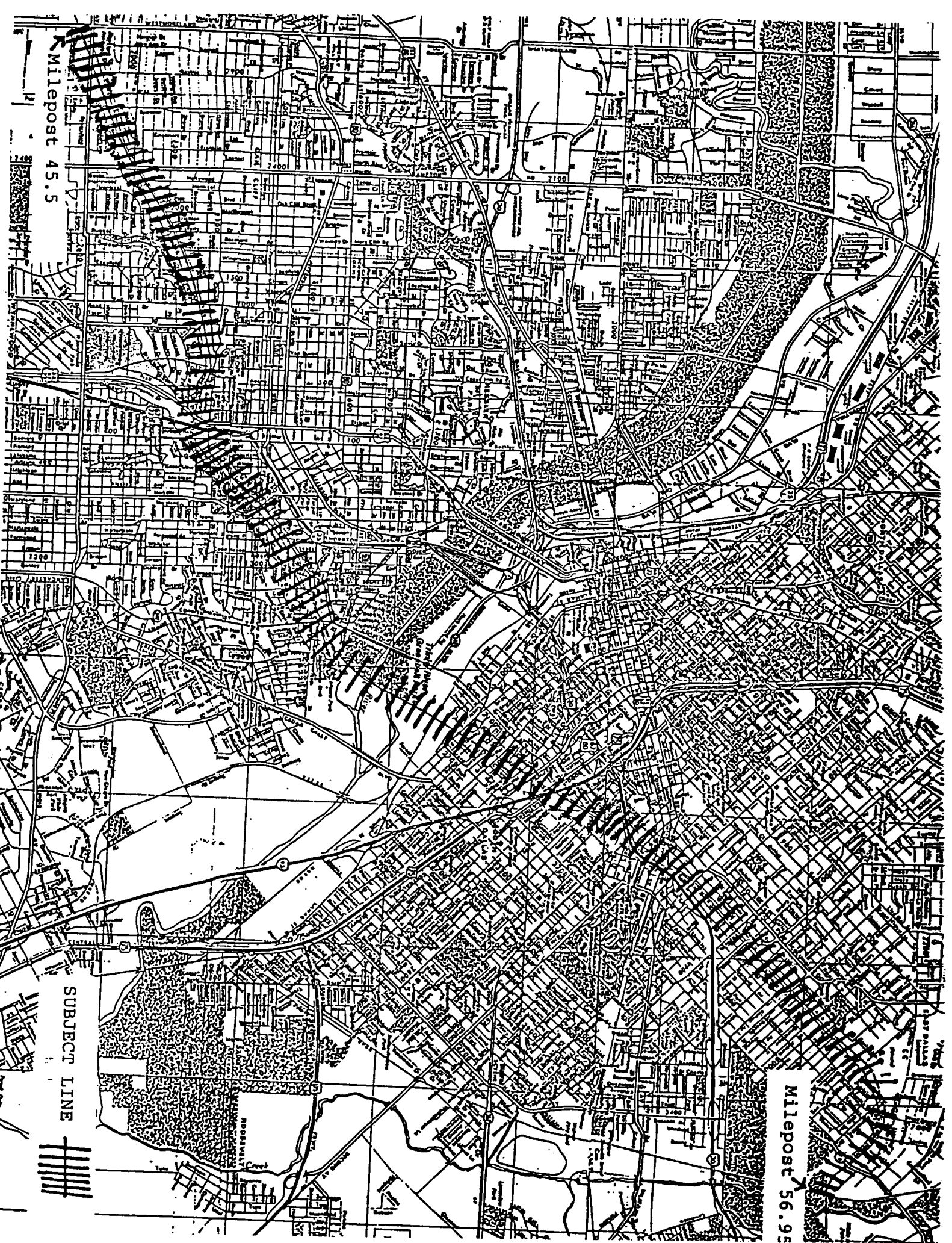
Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

SUBJECT LINE

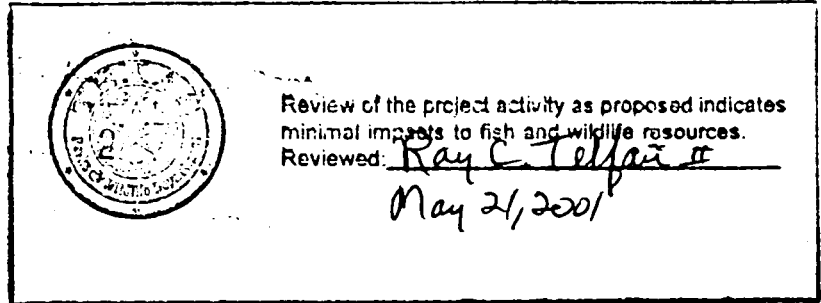
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Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Ms. Melissa Parker
Habitat Assessment Branch
Resource Protection Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744



Re: Docket No. AB-439 (Sub-No. 1X)
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(40)
8563
56 2
7

Kirkpatrick & Lockhart LLP

Ms. Melissa Parker

April 20, 2001

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Attorney for Dallas Area Rapid Transit

Attachment

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Sandy Franger, Dallas, Garland and Northeastern Railroad Company

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. Robert M. Short
Field Supervisor
U.S. Fish and Wildlife Service
711 Stadium Drive East, Suite 252
Arlington, TX 76011

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
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Kirkpatrick & Lockhart LLP

Mr. Robert M. Short

April 20, 2001

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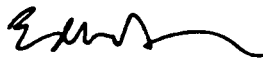
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Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

SUBJECT LINE

Milepost 56.95

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. Robert M. Short
Field Supervisor
U.S. Fish and Wildlife Service
711 Stadium Drive East, Suite 252
Arlington, TX 76011

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
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In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Based on available information, the described
action is not likely to adversely affect
federally threatened or endangered species.

Date April 30, 2001

Consultation # 2-12-01-I-501

Approved by Tom Cloud
Supervisor Thomas J. Cloud, Jr., Field

U.S. FISH & WILDLIFE SERVICE, ARLINGTON, TX

Kirkpatrick & Lockhart LLP

Mr. Robert M. Short

April 20, 2001

Page 2

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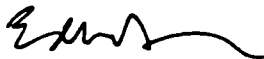
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Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, N.E., Room 540
Washington, DC 20002

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
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Kirkpatrick & Lockhart LLP

Mr. William D. Shaddox

April 20, 2001

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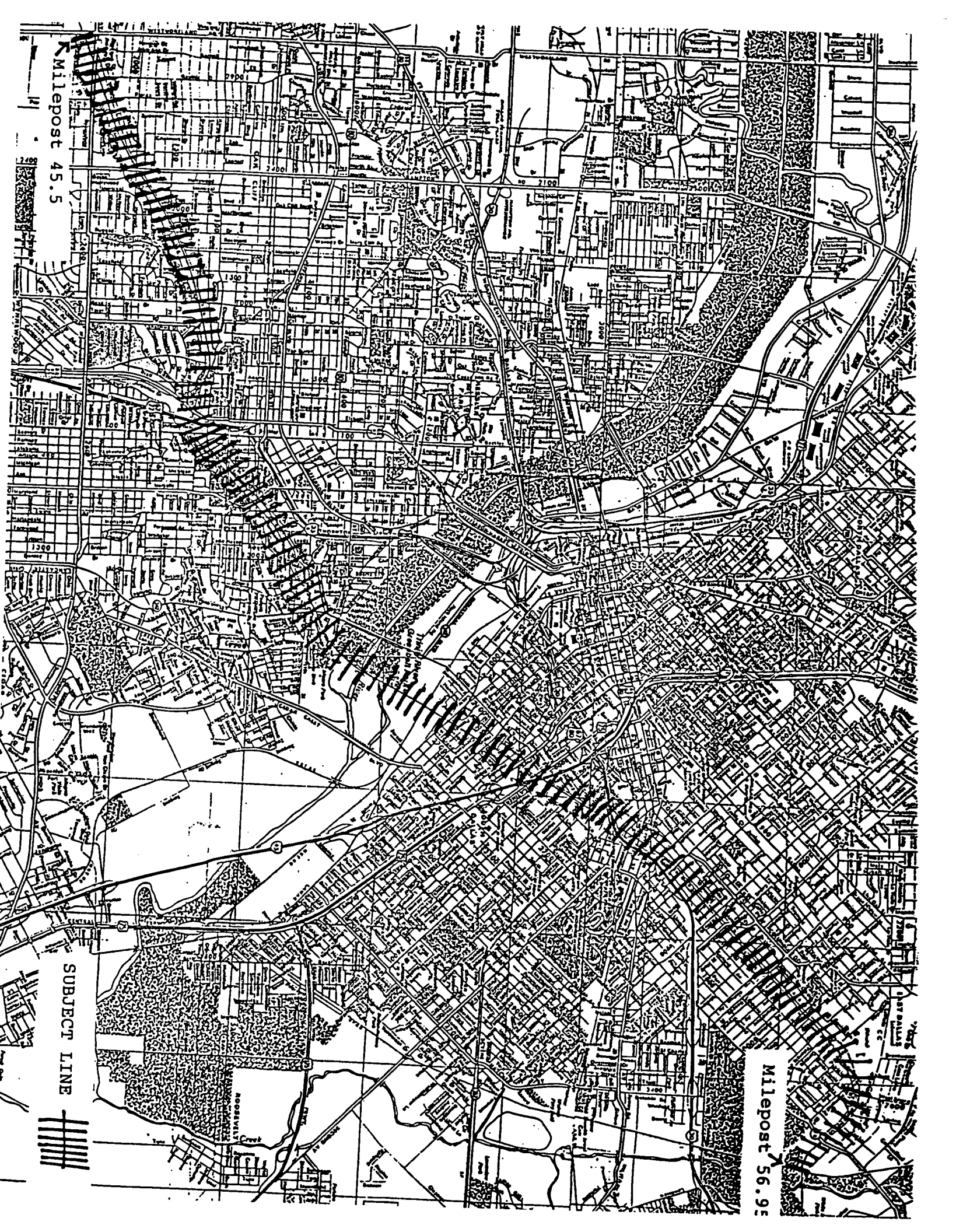
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Edward J. Fishman
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Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
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Milepost 45.5

SUBJECT LINE

Milepost 56.95

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. James Herrington
Chief, Regulatory Branch
CESWF-EV-R
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

Re: Docket No. AB-439 (Sub-No. 1X)
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Kirkpatrick & Lockhart LLP

Mr. James Herrington

April 20, 2001

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Very truly yours,



Edward J. Fishman

Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

SUBJECT LINE

Milepost 56.9



REPLY TO
ATTENTION OF

Appendix N-1
Docket No. AB-439 (Sub-No. 1X)

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

May 9, 2001

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project Number 200100269, SANTA FE RAILROAD LINE ABANDONMENT

Mr. Edward J. Fishman
Attorney for Dallas Area Rapid Transit
Kirkpatrick & Lockhard LLP
1800 Massachusetts Avenue, NW
Washington, District of Columbia 20036-1800

Dear Mr. Fishman:

Thank you for your letter dated April 20, 2001. Your request has been assigned Project Number 200100269.

Mr. Richard Lowe has been assigned as the regulatory project manager for your request and will be evaluating it as expeditiously as possible. However, because of our permit workload it will take a while for us to respond.

You may be contacted for additional information about your request. For your information, we are enclosing guidance on submittals and mitigation that may help you prepare future requests or supplement your current request.

If you have any questions about the evaluation of your request, please contact Mr. Richard Lowe at the address above or telephone (817)978-4624 and refer to your assigned project number. Please note that it is unlawful to start work without a Department of the Army permit if one is required.

Wayne A. Lea
Chief, Regulatory Branch

Enclosures



**US Army Corps
of Engineers**
Fort Worth District

Recommendations for Department of the Army Permit Submittals

April 6, 1998



The following recommendations from the U.S. Army Corps of Engineers (USACE), Fort Worth District, specify information that should be submitted with project proposals for review of permitting requirements under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899:

1. A vicinity map (e.g., county map, USGS quad sheet, etc.) showing the location of the project, including any borrow or disposal site(s) or other outlying features.
2. A delineation and description of wetlands and other waters of the United States in the area that would be affected by the proposed work. Delineations of wetlands must be conducted using the "Corps of Engineers Wetland Delineation Manual", USACE Waterways Experiment Station Wetlands Research Program Technical Report Y-87-1, dated January 1987. The on-line edition of the manual is available on the Internet at <http://www.wes.army.mil/el/wetlands/wlpubs.html>.
3. The purpose of, and need for, the project.
4. Plan, profile, and cross-section views of all work, both permanent and temporary, in or adjacent to waters of the United States, including wetlands. (If a standard individual permit is required, drawings on 8 ½ by 11 inch sheets must be provided.)
5. The type, source, and volume of material proposed to be discharged into and/or excavated from waters of the United States. In cases where the activity may result in a permanent change to pre-construction contours or drainage patterns, provide the reasons why the changes are necessary and a description of the anticipated outcome of the changes.
6. The width and depth of the water body and the waterward distance of any structures from the existing shoreline if located on a navigable water or a USACE lake project.
7. A description of the project's likely temporary and permanent impact on the aquatic environment.
8. A description of actions in project design to avoid and minimize adverse impacts to the aquatic environment and to compensate for unavoidable adverse impacts to the aquatic environment.
9. The project schedule.
10. A statement disclosing whether or not any species listed as threatened or endangered under the Endangered Species Act might be affected by, or found in the vicinity of, the proposed project. Direct coordination with the U.S. Fish and Wildlife Service concerning the potential impact of the entire project on threatened and endangered species is strongly encouraged.
11. Any other relevant information, including available information on cultural resources and hydrology.



US Army Corps
of Engineers
Fort Worth District

Mitigation and the Section 404 Regulatory Program

March 6, 1998



Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. Thus, Department of the Army authorization is normally required for discharges associated with such ground disturbing activities as filling, grading, excavation, and mechanized land clearing when they occur in waters of the United States. When the USACE reviews a project that would require Department of the Army authorization, the evaluation process typically includes a determination of whether the applicant has taken sufficient measures to mitigate the project's likely adverse impacts to the aquatic ecosystem. Mitigation is a three-step sequential process, with the steps employed in the following order:

Avoid: Take all appropriate and practicable measures to avoid those adverse impacts to the aquatic ecosystem that are not absolutely necessary.

Minimize: Take all appropriate and practicable measures to minimize those adverse impacts to the aquatic ecosystem that cannot reasonably be avoided.

Compensate: Implement appropriate and practicable measures to compensate for adverse project impacts to the aquatic ecosystem that cannot reasonably be avoided or minimized. Known as compensatory mitigation.

While this sequential mitigation process is normally applied only during the individual permit process, most nationwide and regional general permits do require that discharges of dredged and fill material into waters of the United States be avoided and minimized to the maximum extent practicable, unless the District Engineer approves a compensation plan that is more beneficial to the environment than minimization or avoidance measures undertaken at the project site. The District Engineer will normally require, on a case-by-case basis, all practicable and appropriate compensation as a condition of Department of the Army authorization.

The purpose of compensatory mitigation is to replace those aquatic ecosystem functions that would be lost or impaired because of an authorized activity. The amount and type of compensatory mitigation required for a particular activity should be commensurate with the nature and extent of the activity's adverse impact on aquatic functions and be practicable in terms of cost, existing technology, and logistics, in light of the overall project purpose. Aquatic functions, which are most simply defined as "the things that aquatic systems do," include sediment trapping and nutrient removal; flood storage and conveyance; erosion control; providing habitat for fish and wildlife, including endangered species; groundwater recharge; water supply; production of food, fiber, and timber; and recreation. The number and extent of these and other aquatic functions vary widely among the myriad aquatic sites found across the Fort Worth District.

Compensatory mitigation may include the restoration, enhancement, creation, or, in exceptional cases, preservation of wetlands and other aquatic resources. **Restoration** is the re-establishment of functions and characteristics that have either ceased to exist or exist in a substantially degraded state; **enhancement** includes activities conducted on, or adjacent to, existing wetlands and other aquatic resources that are intended to enhance one or more aquatic functions such as conversion to a less destructive land use or

In-lieu fee and fee-based mitigation: Mitigation systems that provide a Department of the Army permittee an opportunity to pay a fee in lieu of conducting project-specific compensation activities. Fees are used to fund projects designed to restore, enhance, create, or, in some cases, preserve aquatic ecosystem functions. These projects should reflect both the nature and extent of aquatic functions adversely affected by permitted activities. Typically, in-lieu systems pertain to unspecified future mitigation projects, while fee-based systems involve specific, identified mitigation projects, that are either complete or under development as fees are collected.

Department of the Army permittees are responsible for developing a mitigation plan and submitting it to the USACE. An appropriate real estate arrangement, such as a deed restriction, will normally be required to achieve long-term success of a mitigation plan or to provide sufficient compensation for adverse project impacts. A mitigation plan should generally include at a minimum:

1. A complete description of efforts made to avoid and minimize adverse project impacts to the aquatic ecosystem. Include impacts to local hydrology, upstream and downstream aquatic resources, and wildlife habitat.
2. A thorough description of the proposed compensatory mitigation area, including a vicinity map, site map, aerial and on-site photographs (if available), land use history, soils, local hydrology, and dominant vegetation.
3. A jurisdictional determination, including a wetland delineation (if appropriate) conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual. The jurisdictional determination report should include a site description, field data sheets, summary of findings, and a detailed map of the site indicating the location and extent of all waters of the United States, including wetlands.
4. A detailed description of the nature and location of all proposed ground disturbing activities and structures associated with the compensatory mitigation project. Include information about grading, filling, planting, land clearing, road construction, size and spacing of culverts and bridges, fences, buildings, utility lines, intake and outfall structures, and disposal and borrow area locations. Provide plan and cross-section drawings of all pertinent work and structures and the volume and type of material to be discharged. Include both temporary and permanent activities and structures.
5. For work that would create new aquatic resources or modify existing aquatic resources, provide as appropriate:
 - a. A description of the proposed hydrology showing that it is adequate for the site, sufficient suitable quality water will be available during appropriate seasons, and the site would be correctly graded to provide appropriate hydrology and not cause adverse impacts to the site such as erosion of streams and channels;
 - b. A soil description, including the source and type of substrate to be used, demonstrating it is able to support the proposed plantings and hydrology;
 - c. A planting plan that includes a list of native locally adapted species to be used, density of planting, planting method, planting schedule, and planting survival success criteria.

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. Thomas C. Adams
State of Texas Single Point of Contact
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

Dear Mr. Adams:

Dallas Area Rapid Transit ("DART") expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon a portion of the former Santa Fe railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison ("the Subject Line"). The total distance is approximately 11.45 miles, all in the City and County of Dallas, Texas. Simultaneously, Kansas City Southern Railroad Company ("KCS") and Dallas, Garland and Northeastern Railroad Company ("DGNO") will file for discontinuance of trackage rights on the Subject Line. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Line is attached for your reference.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Kirkpatrick & Lockhart LLP

Mr. Thomas C. Adams

April 20, 2001

Page 2

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed abandonment.

No rail freight operations have occurred on the Subject Line during the last two years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-439 (Sub-No. 1X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty days before DART's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

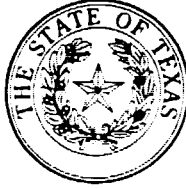
Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

Wednesday, July 11, 2001

Edward J. Fisherman/Attorney for DART
Kirkpatrick & Lockhart
1800 Massachusetts Avenue, NW, 2nd floor
Washington, DC 20036-1800

RE: TX-R-20010514-0003-50

Dallas Area Rapid Transit/Aband. Exemption Docket AB-439 (Sub.-No. 1X)

Dear Mr. Fisherman:

Your application for assistance referenced above has been reviewed. No substantive comments were received.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise S. Francis/mhr".

Denise S. Francis, State Single Point of Contact
DSF/mhr

cc: Surface Transportation Board

Texas Review and Comment System

Review Notification

Applicant/Origination Agency: Kirkpatrick & Lockhart

Contact Name: Edward J. Fisherman/Attorney for DART

Contact Phone: 202/778-9456

Email: www.kl.com

Project Name: Dallas Area Rapid Transit/Aband. Exemption Docket AB-439 (Sub.-No. 1X)

Funding Agency: STB

SAI/EIS#: TX-R-20010514-0003-50

Date Received: 4/26/2001

Date Comments Due BPO:

6/5/2001

Review Participants

Agencies

Cogs

Texas Attorney General's Office
Ms. Karen W. Kornell
Chief, Natural Resources Div.
300 W. 15th Street, 10th Floor
Austin, Texas

North Central Texas Council of Governments
Ms. Lucille Johnson
TRACS Coordinator
P.O. Box 5888
Arlington, TX 76005-5888

Texas Historical Commission
Dr. James Bruseth
Director, Department of Antiquities Protection
1511 Colorado Street
Austin, Texas

Texas Department of Transportation
Mr. Ken Bohuslav
Deputy Director, Environmental Affairs Division
125 E. 11th
Austin, Texas

Texas Parks & Wildlife Department
Mr. Robert W. Spain
Chief, Habitat Assessment Branch
4200 Smith School Road
Austin, Texas

Texas Natural Resource Conservation
Commission
Mr. Dan Burke
Office of Policy & Regulatory Dev. MC205
P. O. Box 13087
Austin, Texas

Texas Coastal Coordination Council
Ms. Diane Garcia
CCC Secretary/TRACS Contact
Room 617, Stephen F. Austin Building
Austin, Texas

Special Notes/Comments:

Summary of application provided by SPOC. Reviewers should contact applicant directly to receive a full copy for review.

☐ No Comment

Review Agency

Signature

Return Comments to:

Denise S. Francis /MFR

Denise S. Francis, State Single Point of Contact
Governor's Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711
(512) 305-9415

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. Edward J. McKay
Chief, Spatial Reference System Division
National Geodetic Survey
National Oceanic and Atmospheric Administration
1315 East West Highway, Room 8813
Silver Spring, MD 20910-3282

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
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In accordance with the Board’s environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Kirkpatrick & Lockhart LLP

Mr. Edward J. McKay

April 20, 2001

Page 2

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
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9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed abandonment.

No rail freight operations have occurred on the Subject Line during the last two years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-439 (Sub-No. 1X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty days before DART's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

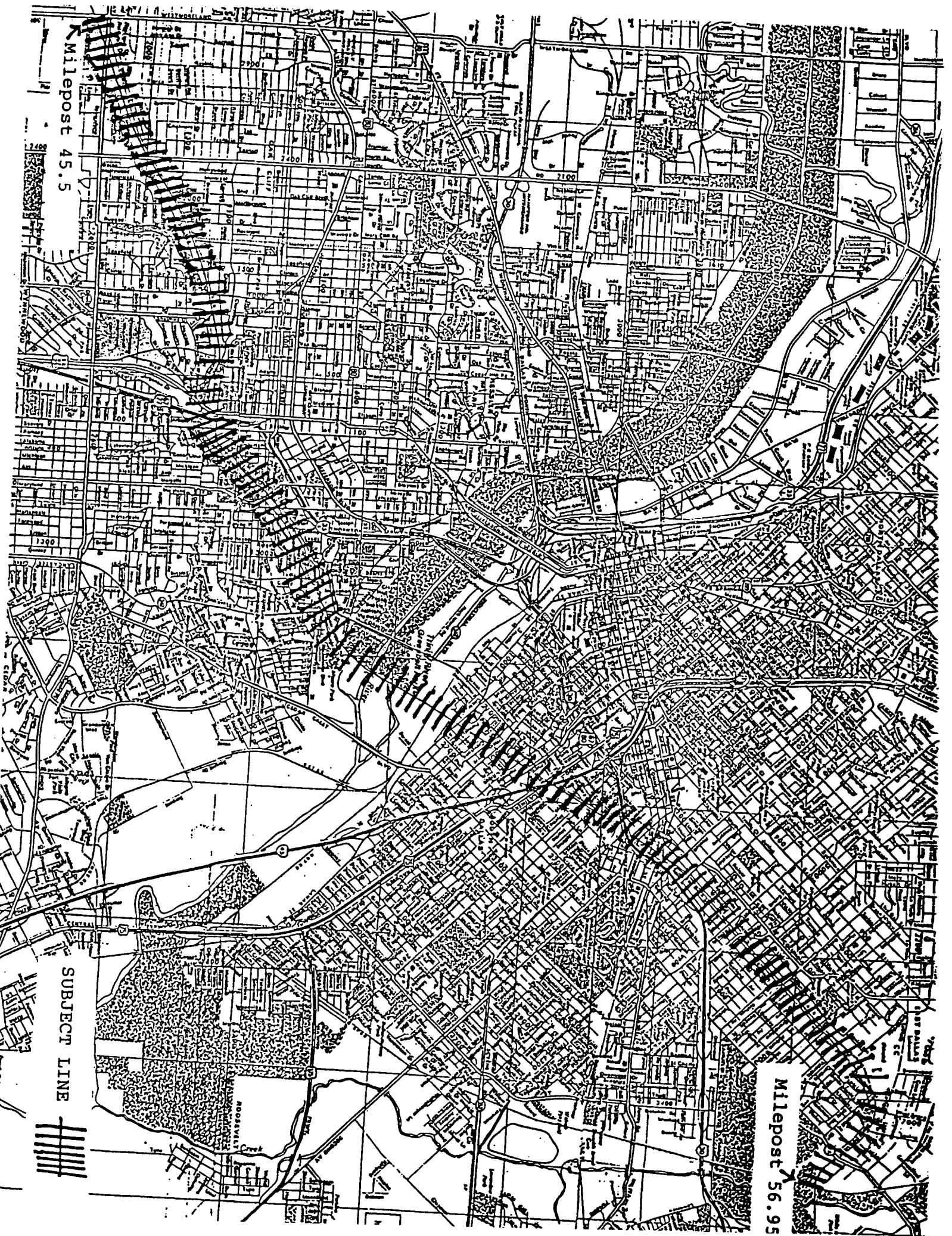
Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

May 2, 2001

Ms. Elaine K. Kaiser
Chief, Section of Environmental
Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Appendix P-1
Docket No. AB-439 (Sub-No. 1X)

Dear Ms. Kaiser:

The area in question on the map that is part of a letter dated April 20, 2001 (enclosed) for the proposed abandonment exemption for 11.45 miles of rail from milepost 45.5 at Westmoreland Road to milepost 56.95 at Tenison, in the City and County of Dallas, Texas, STB Docket No. AB-439 (Sub-No. 1X), Dallas Area Rapid Transit; also involved are AB-103 (Sub-No. 15X) Kansas City Southern Railroad Co. and AB-585 Dallas, Garland, and Northeastern Railroad Co., has been reviewed within the scope of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, two geodetic station markers, H 395 and G 395, have been identified that may be affected by the proposed abandonment; data sheets for these markers are enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days' notification in advance of such activities in order to plan for their relocation.

If further information is needed for these geodetic station markers, my address is NOAA, N/NGS2, Room 8813, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3191, fax: 301-713-4324, e-mail: Ed.McKay@noaa.gov.

Sincerely,

Edward J. McKay
Chief, Spatial Reference
System Division

Enclosures

cc:



Printed on Recycled Paper



Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. Edward J. McKay
Chief, Spatial Reference System Division
National Geodetic Survey
National Oceanic and Atmospheric Administration
1315 East West Highway, Room 8813
Silver Spring, MD 20910-3282

**Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas**

**Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas**

**Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas**

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In accordance with the Board’s environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Kirkpatrick & Lockhart LLP

Mr. Edward J. McKay

April 20, 2001

Page 2

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
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8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

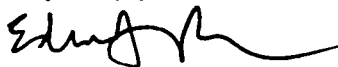
Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. § § 1342, 1344) are required for the proposed abandonment.

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Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty days before DART's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

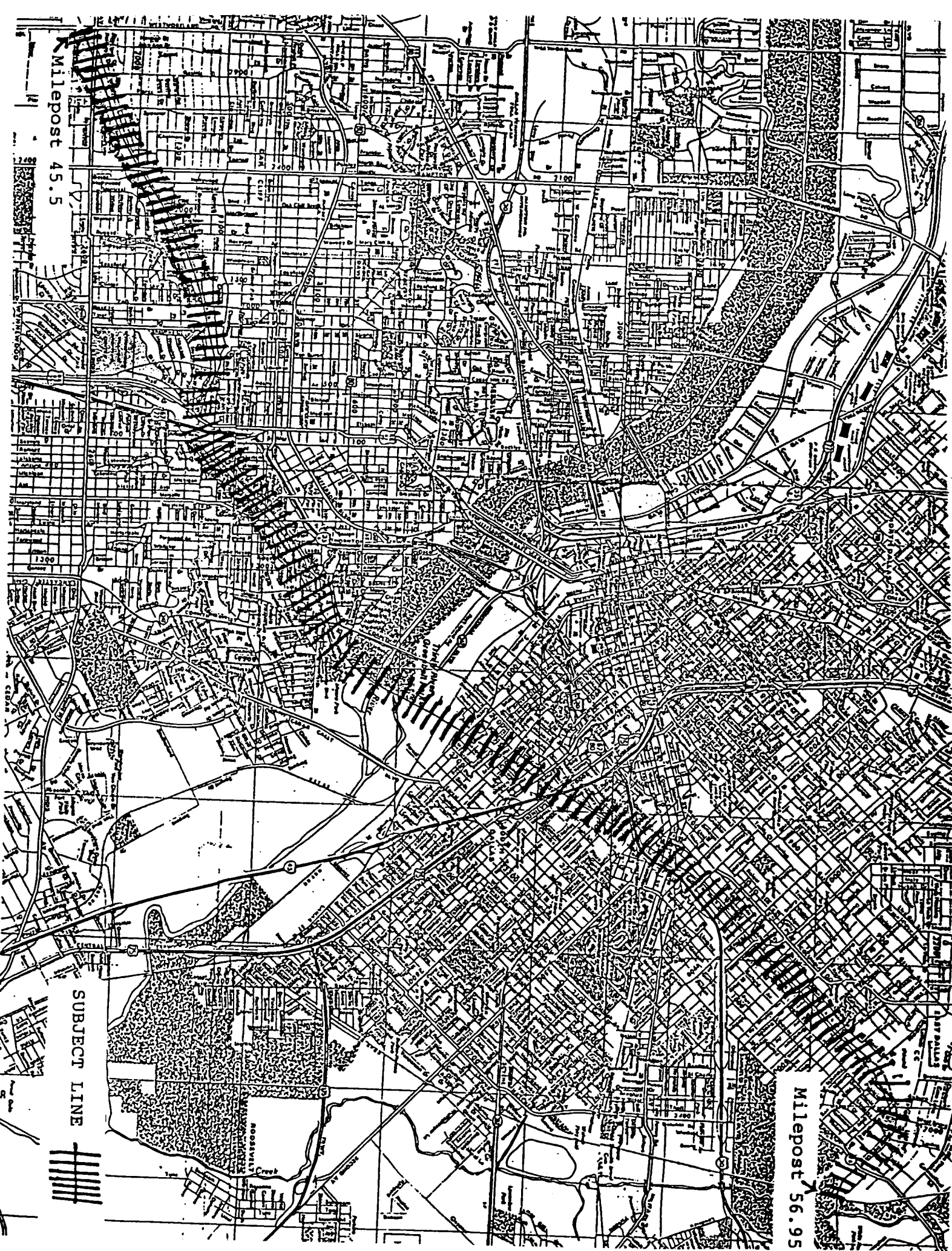
Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

SUBJECT LINE

Milepost 56.95

National Geodetic Survey, Retrieval Date = MAY 1, 2001

DESIGNATION - H 395
PID - CS1049
STATE/COUNTY- TX/DALLAS
USGS QUAD - WHITE ROCK LAKE (1973)

*CURRENT SURVEY CONTROL

NAD 83(1986)-	32 48 14.	(N)	096 43 41.	(W)	SCALED
NAVD 88	-	129.624	(meters)	425.27	(feet) ADJUSTED

GEOID HEIGHT-	-26.14	(meters)			GEOID99
DYNAMIC HT -	129.478	(meters)	424.80	(feet)	COMP
MODELED GRAV-	979,506.7	(mgal)			NAVD 88

VERT ORDER - FIRST CLASS II

The horizontal coordinates were scaled from a topographic map and have an estimated accuracy of +/- 6 seconds.

The orthometric height was determined by differential leveling and adjusted by the National Geodetic Survey in June 1991.

The geoid height was determined by GEOID99.

The dynamic height is computed by dividing the NAVD 88 geopotential number by the normal gravity value computed on the Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45 degrees latitude (g = 980.6199 gals.).

The modeled gravity was interpolated from observed gravity values.

	North	East	Units	Estimated Accuracy
SPC TXNC	- 2,127,510.	765,930.	MT	(+/- 180 meters Scaled)

SUPERSEDED SURVEY CONTROL

NGVD 29	-	129.634	(m)	425.31	(f) ADJ UNCH	1 2
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Superseded values are not recommended for survey control.

NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.

See file dsdata.txt to determine how the superseded data were derived.

MARKER: DD = SURVEY DISK

SETTING: 7 = SET IN TOP OF CONCRETE MONUMENT

STAMPING: H 395 1947 1 N

STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO

STABILITY: SURFACE MOTION

HISTORY	- Date	Condition	Recov. By
HISTORY	- 1947	MONUMENTED	TX1730
HISTORY	- 1947	GOOD	NGS
HISTORY	- 1958	GOOD	NGS
HISTORY	- 1987	GOOD	USPSQD
HISTORY	- 19991120	MARK NOT FOUND	USPSQD

STATION DESCRIPTION

S1049
S1049 DESCRIBED BY NATIONAL GEODETIC SURVEY 1947
S1049 IN DALLAS.
S1049 AT DALLAS, AT THE INTERSECTION OF THE BELT LINE RAILROAD AND THE G.C.
S1049 AND S.F. RAILROAD, 27.8 FEET EAST OF AND ABOUT 1.0 FOOT LOWER THAN THE
S1049 CENTER LINE OF THE BELT LINE RAILROAD, 8.6 FEET SOUTH OF THE CENTER
S1049 LINE OF THE G.C. AND S.F. RAILROAD AND 1.0 FOOT WEST OF THE SOUTH END
S1049 OF THE EAST CONCRETE ABUTEMENT OF THE OVERPASS. A BRONZE DISK SET IN
S1049 THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.

S1049
S1049 STATION RECOVERY (1958)
S1049
S1049 RECOVERY NOTE BY NATIONAL GEODETIC SURVEY 1958
S1049 RECOVERED IN GOOD CONDITION.

S1049
S1049 STATION RECOVERY (1987)
S1049
S1049 RECOVERY NOTE BY US POWER SQUADRON 1987 (RWT)
S1049 RECOVERED IN GOOD CONDITION.

S1049
S1049 STATION RECOVERY (1999)
S1049
S1049 RECOVERY NOTE BY US POWER SQUADRON 1999
S1049 MARK NOT FOUND.

** retrieval complete.

National Geodetic Survey, Retrieval Date = MAY 1, 2001

S1050 *****

S1050 DESIGNATION - G 395
S1050 PID - CS1050
S1050 STATE/COUNTY- TX/DALLAS
S1050 USGS QUAD - WHITE ROCK LAKE (1973)

S1050
S1050 *CURRENT SURVEY CONTROL

S1050*	NAD 83(1986)-	32 48 25.	(N)	096 43 59.	(W)	SCALED
S1050*	NAVD 88	-	143.328 (meters)	470.24	(feet)	ADJUSTED

S1050	GEOID HEIGHT-	-26.15 (meters)	GEOID99
S1050	DYNAMIC HT -	143.166 (meters)	469.70 (feet) COMP
S1050	MODELED GRAV-	979,506.3 (mgal)	NAVD 88

S1050 VERT ORDER - FIRST CLASS II

S1050 The horizontal coordinates were scaled from a topographic map and have
S1050 an estimated accuracy of +/- 6 seconds.

S1050 The orthometric height was determined by differential leveling
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S1050 Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45
S1050 degrees latitude (g = 980.6199 gals.).

S1050 The modeled gravity was interpolated from observed gravity values.

S1050		North	East	Units	Estimated Accuracy
S1050	SPC TXNC	- 2,127,840.	765,460.	MT	(+/- 180 meters Scaled)

S1050
S1050 SUPERSEDED SURVEY CONTROL

S1050	NGVD 29	-	143.338 (m)	470.27 (f)	ADJ UNCH	1 2
-------	---------	---	-------------	------------	----------	-----

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S1050 See file dsdata.txt to determine how the superseded data were derived.

S1050
S1050 MARKER: DD = SURVEY DISK
S1050 SETTING: 7 = SET IN TOP OF CONCRETE MONUMENT
S1050 STAMPING: G 395 1947 1 M
S1050 STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO
S1050 STABILITY: SURFACE MOTION

S1050	HISTORY	- Date	Condition	Recov. By
S1050	HISTORY	- 1947	MONUMENTED	TX1730
S1050	HISTORY	- 1947	GOOD	NGS
S1050	HISTORY	- 1958	GOOD	NGS
S1050	HISTORY	- 1984	MARK NOT FOUND	USPSQD
S1050	HISTORY	- 19991120	MARK NOT FOUND	USPSQD

S1050
S1050 STATION DESCRIPTION

S1050
S1050 DESCRIBED BY NATIONAL GEODETIC SURVEY 1947
S1050 IN DALLAS.
S1050 AT DALLAS, AT THE INTERSECTION OF EAST GRAND AVENUE AND THE G.C. AND
S1050 S.F. RAILROAD, 48.3 FEET EAST OF THE CENTER LINE OF THE TRACK, 36.8
S1050 FEET SOUTHEAST OF AND ABOUT LEVEL WITH THE CENTER LINE OF EAST GRAND
S1050 AVENUE, 14.2 FEET SOUTHEAST OF A FENCE CORNER, 11.1 FEET EAST OF A
S1050 POWER POLE AND 1.0 FOOT SOUTHWEST OF THE RIGHT OF WAY FENCE. A BRONZE
S1050 DISK SET IN THE TOP OF A CONCRETE POST ABOUT 2 INCHES BELOW GROUND.

S1050
S1050 STATION RECOVERY (1958)
S1050

S1050 RECOVERY NOTE BY NATIONAL GEODETIC SURVEY 1958
S1050 RECOVERED IN GOOD CONDITION.

S1050
S1050 STATION RECOVERY (1984)
S1050

S1050 RECOVERY NOTE BY US POWER SQUADRON 1984
S1050 MARK NOT FOUND.

S1050
S1050 STATION RECOVERY (1999)
S1050

S1050 RECOVERY NOTE BY US POWER SQUADRON 1999
S1050 MARK NOT FOUND.

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 20, 2001

Mr. Curtis Tunnell
Executive Director
Texas Historical Commission
P.O. Box 12276, Capital Station
Austin, TX 78711

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

Docket No. AB-585
Dallas, Garland and Northeastern Railroad Company –
Discontinuance Exemption – In Dallas County, Texas

Dear Mr. Tunnell:

Dallas Area Rapid Transit (“DART”) expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon a portion of the former Santa Fe railroad line extending between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison (“the Subject Line”). The total distance is approximately 11.45 miles, all in the City and County of Dallas, Texas. Simultaneously, Kansas City Southern Railroad Company (“KCS”) and Dallas, Garland and Northeastern Railroad Company (“DGNO”) will file for discontinuance of trackage rights on the Subject Line. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Line is attached for your reference.

In accordance with the Board’s environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

Kirkpatrick & Lockhart LLP

Mr. Curtis Tunnell

April 20, 2001

Page 2

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed abandonment.

No rail freight operations have occurred on the Subject Line during the last two years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-439 (Sub-No. 1X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty days before DART's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

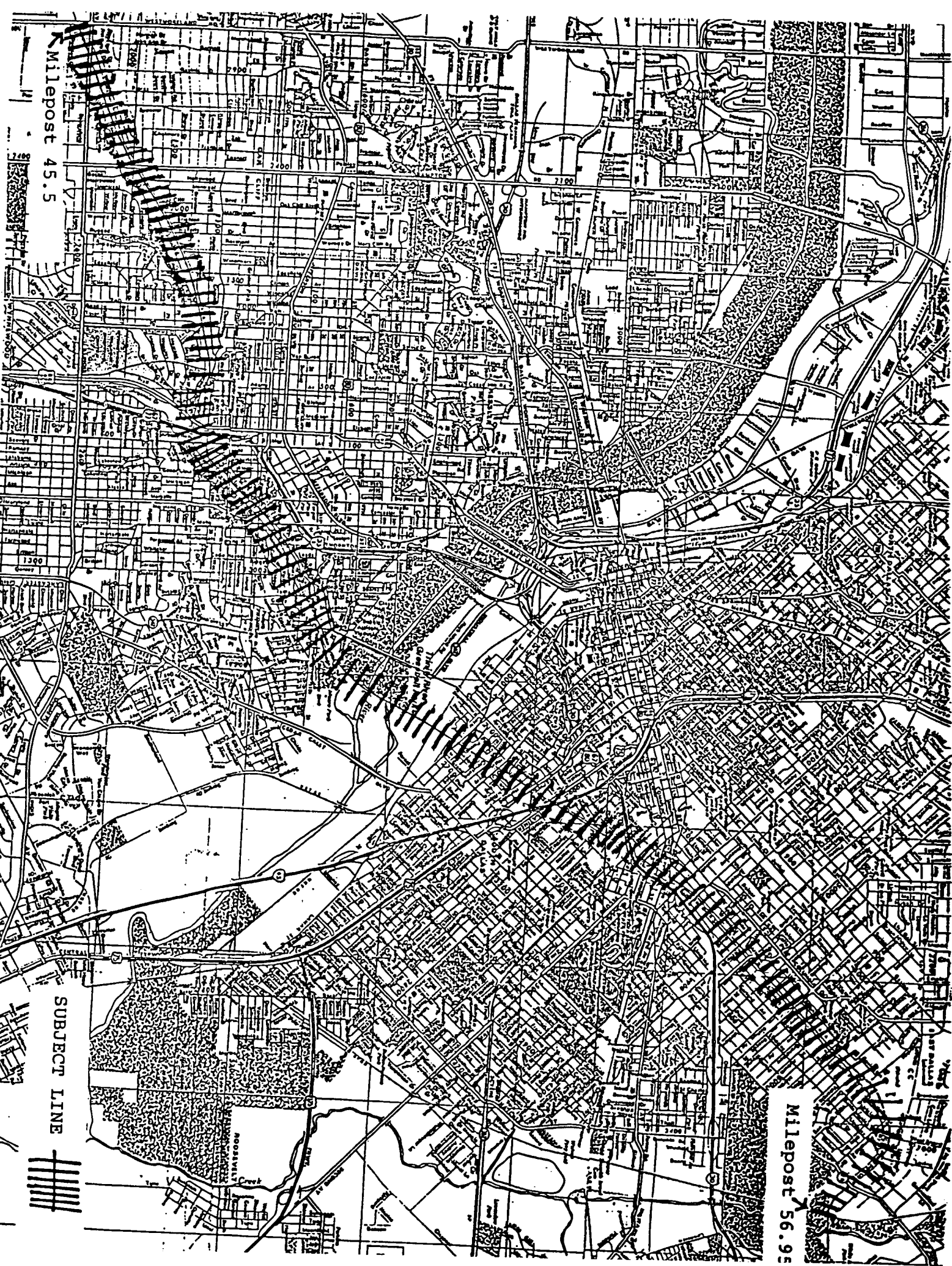
Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company



Milepost 45.5

Milepost 56.95

SUBJECT LINE



Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 2, 2001

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

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
Kansas City Southern Railroad Company – Discontinuance
Exemption – In Dallas County, Texas

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Kirkpatrick & Lockhart LLP

Texas General Land Office

August 2, 2001

Page 2

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
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9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed abandonment.

No rail freight operations have occurred on the Subject Line during the last two years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-439 (Sub-No. 1X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty days before DART's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

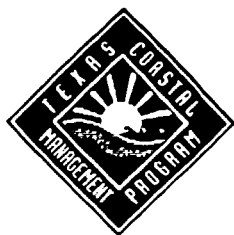
cc: Bob Dreiling, Kansas City Southern Railroad Company
Sandy Franger, Dallas, Garland and Northeastern Railroad Company

Milepost 56.

SUBJECT LINE

Milepost 45.5





Coastal Coordination Council

P.O. Box 12873 • Austin, Texas 78711-2873 • (512) 463-5385 • FAX (512) 475-0680

Chairman

David Dewhurst
Texas Land Commissioner



Members

Michael L. Williams
Railroad Commission of Texas

Dr. William H. Clayton
Coastal Government
Representative

John Barrett
Agriculture Representative

Bob Dunkin
Coastal Business Representative

Jack Hunt
Texas Water Development Board

Robert J. Huston
Texas Natural Resource
Conservation Commission

John W. Johnson
Texas Transportation Commission

Elizabeth A. Nisbet
Coastal Resident Representative

Donald Swann
Texas State Soil & Water
Conservation Board

Mark E. Watson, Jr.
Parks & Wildlife Commission
of Texas



Diane P. Garcia
Council Secretary

Pat Alba, Jr.
Permitting Assistance Coordinator
1-866-894-3578

August 8, 2001

Mr. Edward J. Fishman
1800 Massachusetts Ave., NW
Second Floor
Washington, DC 20036-1221

RE: Docket No. AB-439 (Sub-No. 1X)
Docket No. AB-103 (Sub-No. 15X)
Docket No. AB-585

Dear Mr. Fishman:

It has been determined that the projects referenced above are outside the Texas Coastal Management Program (CMP) boundary. Dallas County, Texas is not within the Texas CMP boundary area.

Therefore, these actions are not subject to consistency review under the Texas CMP.

Sincerely,

A handwritten signature in black ink that reads "Thomas R. Calnan". The signature is fluid and cursive.

Thomas R. Calnan
Consistency Review Coordinator
Texas General Land Office

TRC/dac

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 2, 2001

Texas Coastal Management Division I
1700 North Congress Street
Austin Building
Austin, TX 78701

Re: Docket No. AB-439 (Sub-No. 1X)
Dallas Area Rapid Transit – Abandonment Exemption –
In Dallas County, Texas

Docket No. AB-103 (Sub-No. 15X)
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Kirkpatrick & Lockhart LLP

Texas Coastal Management Division I

August 2, 2001

Page 2

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2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
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8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

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Surface Transportation Board
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1925 K Street, N.W.
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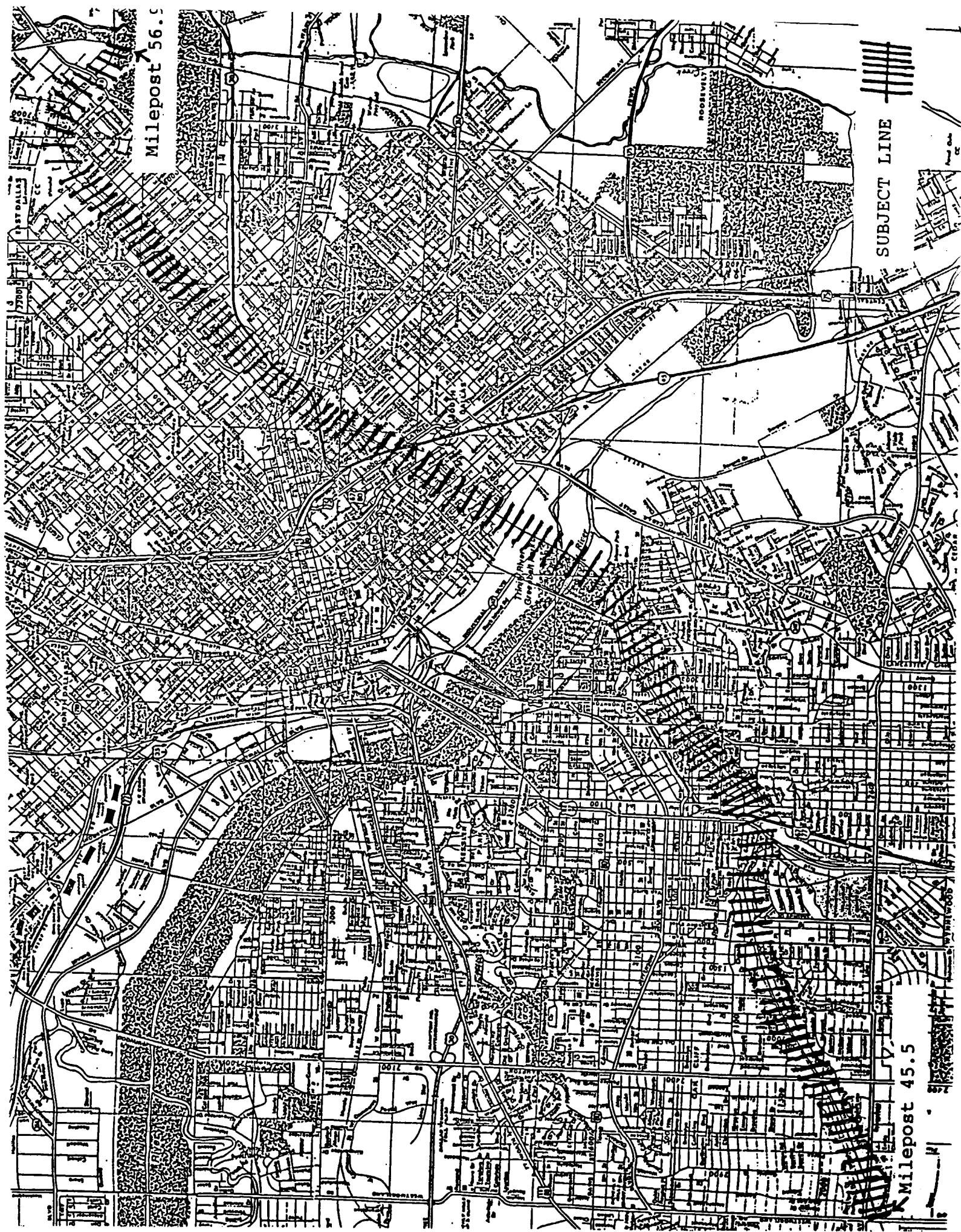
Very truly yours,



Edward J. Fishman
Attorney for Dallas Area Rapid Transit

Attachment

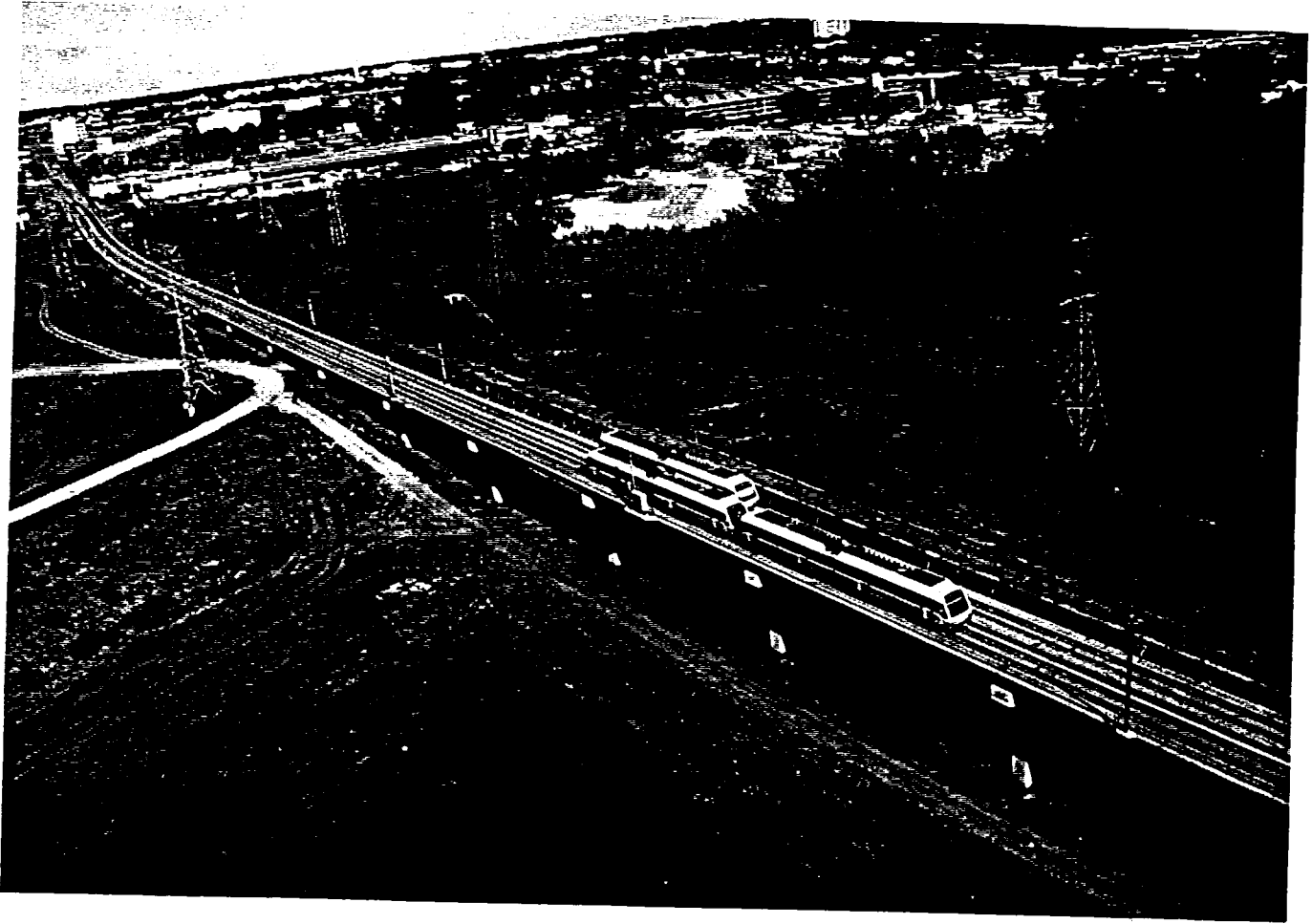
cc: Bob Dreiling, Kansas City Southern Railroad Company
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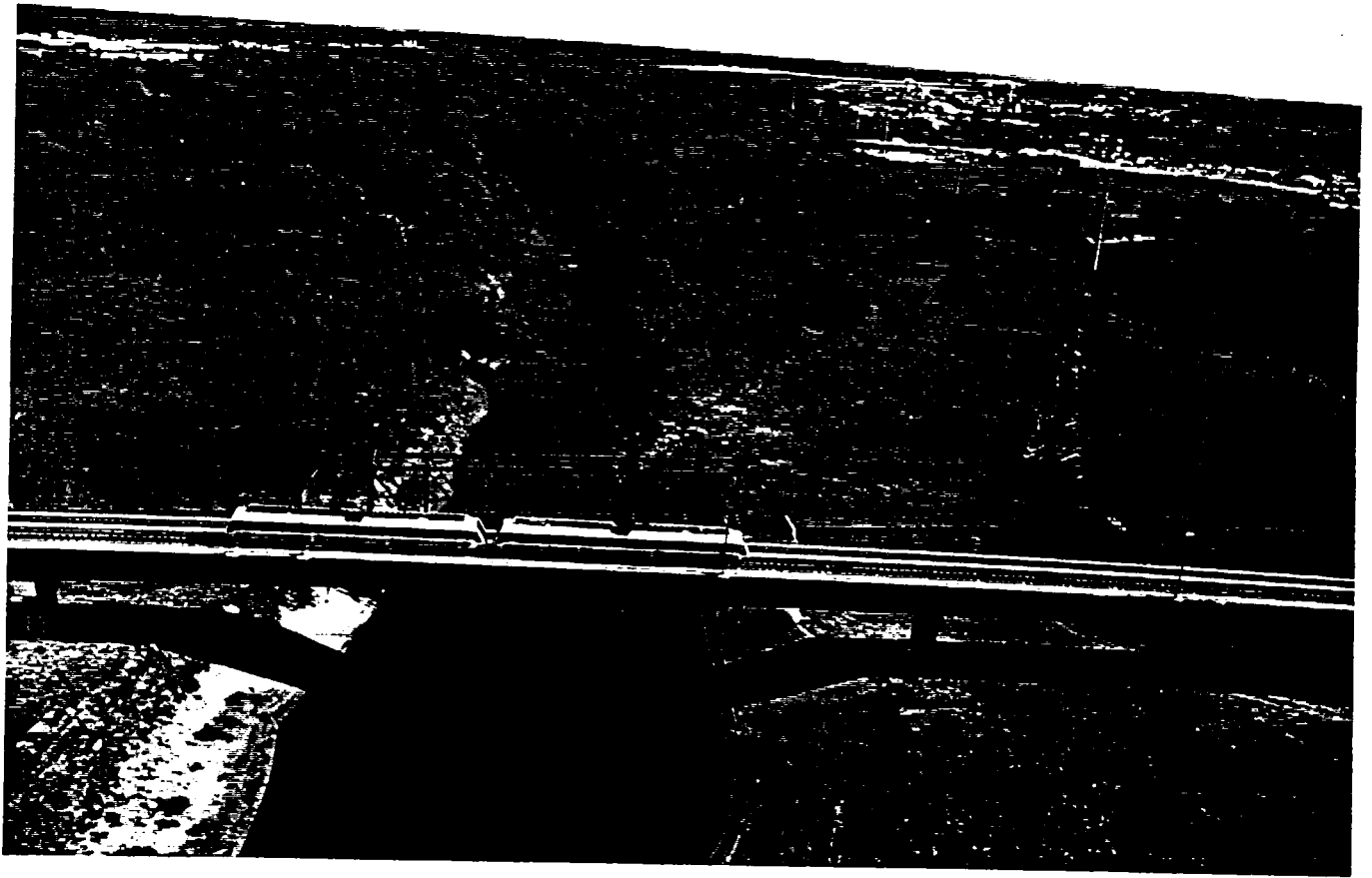


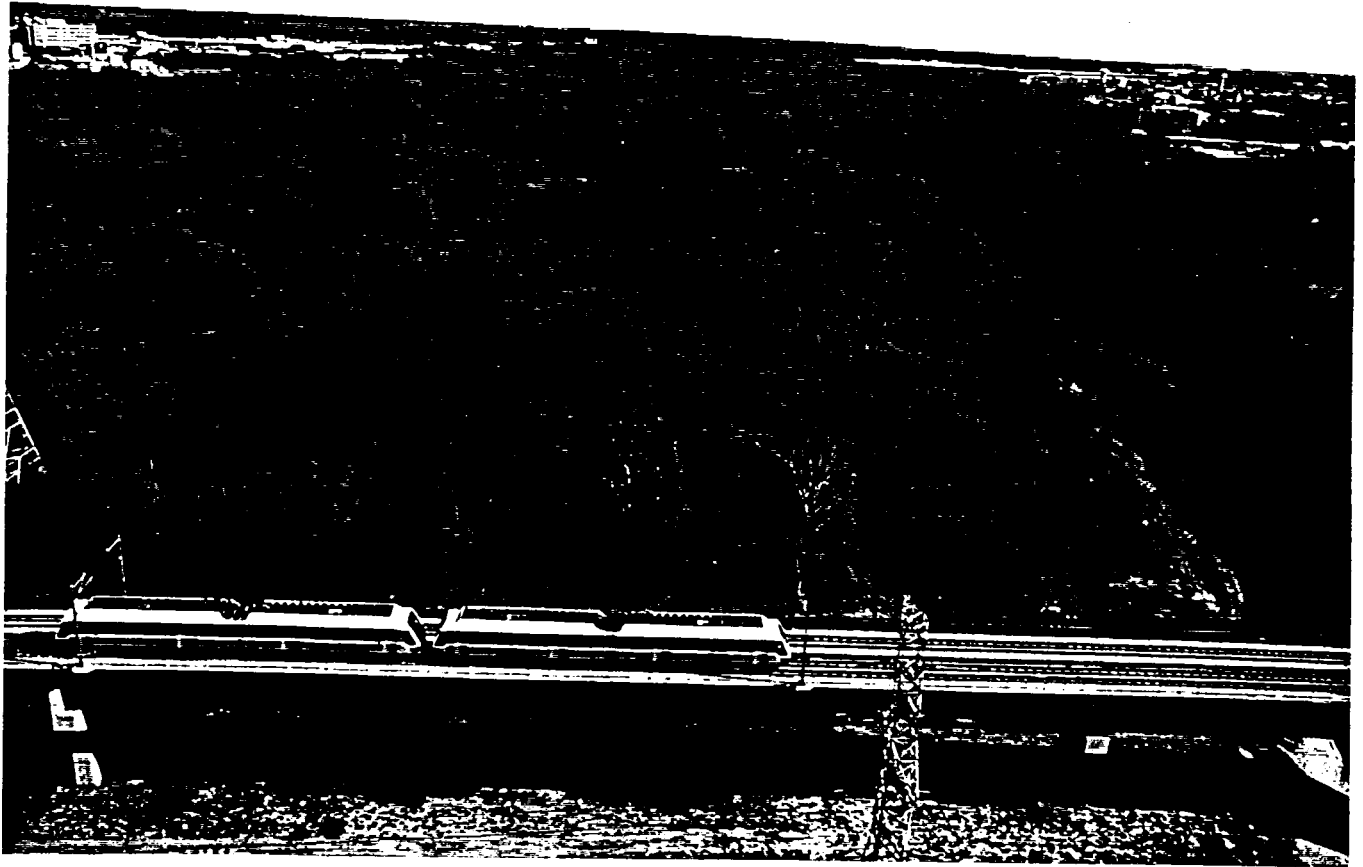
Milepost 56.5

SUBJECT LINE

Milepost 45.5







8.3 MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT
AMONG THE URBAN MASS TRANSPORTATION ADMINISTRATION,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTH OAK CLIFF LIGHT RAIL
TRANSIT PROJECT, DALLAS, TX

WHEREAS, the U.S. Department of Transportation, Urban Mass Transportation Administration (UMTA) has determined that construction of the South Oak Cliff Light Rail Transit Project in Dallas, TX (Project) will have an effect upon properties which are included in or have been determined to be eligible for inclusion in the National Register of Historic Places, and has consulted with the Texas State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S. C. 470f);

WHEREAS, the Project consists of the construction of a two-track, surface, light rail line extending from the tunnel portal associated with the locally-funded North Central Light Rail project near the North Central Expressway and Routh Street in the Dallas Central Business District (CBD) through the CBD as a transit mall then along existing railroad properties to a new bridge crossing the Trinity River near the Santa Fe Railroad trestle along a new transit right-of-way adjacent to a Texas Utilities Electric transmission line in South Oak Cliff to the area of Illinois Avenue then in the median of reconstructed Lancaster Road to a point south of Ledbetter Drive. Future construction will extend the above described undertaking along a new right-of-way to south of Camp Wisdom Road. The Project also includes a West Yard Lead along existing Santa Fe railroad property to a Service and Inspection Facility which will be constructed on the former Santa Fe Railroad freight yard and a Vehicle Assembly Plant which will be located to the south of the Camp Wisdom Road. Alignment plans and profiles for the Project are included as "Attachment A" to this Agreement;

WHEREAS, to the extent feasible the Project will be designed to meet current American Public Transit Association Noise and Vibration Criteria; and

WHEREAS, the City of Dallas through the Dallas Landmark Commission and the Dallas Area Rapid Transit (DART) participated in the consultation, and DART has been invited to concur in the Memorandum of Agreement;

NOW, THEREFORE, UMTA, the SHPO, and the Council agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

Stipulations

UMTA will ensure that the following measures are carried out:

1. DART will incorporate noise and vibration requirements into the trackwork, equipment, vehicle specifications, and official operating rules to minimize the potential of adverse effects to historic properties.

2. UMTA has determined, in consultation with the SHPO and the Council, that the construction of the Project on the alignment set out in "Attachment A" will have no adverse effect on the following historic properties: Roger's Garage, 2310 S. Lancaster Road; Commercial Building, 2101-2105 S. Denley Drive; Dealey Plaza at Main and N. Houston Streets; the South Rock Island/Texas Book Depository Building, 411 Elm Street; the John Deere Addition, 208-214 N. Houston Street; the Kingman-Texas Co. Building, 209-211 N. Record Street; the Parlin-Orrendorff Building, 601 Elm Street; the MKT Freight Station, 303-309 N. Record Street; the MKT Freight Station, 555 Ross Avenue; the Interstate Forwarding Building, 301-307 N. Market Street; the Sanger Bros. Garage, 711 Elm Street; the U.S. Post Office, 400 N. Ervay Street; and the John F. Kennedy Assassination Historic District, pending designation as a National Historic Landmark.

3. UMTA has determined, in consultation with the SHPO and the Council, that the construction of the Project on the alignment set out in "Attachment A" will have no adverse effect on historic properties provided that certain conditions outlined below are fulfilled:

a. The Dallas Veterans Administration Hospital, Building 1, 4500 South Lancaster Road: The adjacent transit station will be located in the median of Lancaster Road south of Mentor Avenue. The design of this station will be developed by DART in consultation with the SHPO and provided to the SHPO for review and comment pursuant to Stipulation 5. below. Lighting for the station will be compatible with the historic character of Building #1 and will not adversely affect the view corridor from Lancaster Road to this building. Additionally, DART will provide the Department of Veterans Affairs (VA) with the opportunity to assist in the development of the station design and to review and comment on the proposed design. DART shall consider any comments provided by the VA and take steps to accommodate any concerns raised by these comments.

b. The Texas Electrical Railway/Monroe Shops, 2020 S. Denley Drive: DART will acquire this historic property for Project purposes. DART will take all reasonable steps to stabilize the Monroe Shops from further deterioration as soon as practicable after the acquisition, and will fund a rehabilitation report which will examine adaptive reuse opportunities for the structure. The design for the new transit station to be located to the west of the Monroe Shops; the design of the Project-related parking lot to the north; the proposed actions to stabilize the building from further deterioration; and the rehabilitation report, including its scope of work, will be developed by DART in consultation with the SHPO and provided to the SHPO for review and comment pursuant to Stipulation 5. below. After the completion of the rehabilitation report, DART will take steps to market the property for adaptive reuse according to the provisions set out in Stipulations 6. to 8. below.

c. The Interurban Railway Bridge at the ATSF Railway: DART will take all feasible steps to minimize damage to the bridge that may be caused during the construction of light rail tracks and retaining walls in the vicinity of the Interurban Railway Bridge.

d. The ATSF Railroad Trestle at the Trinity River: DART will take all feasible steps to minimize damage to the bridge that may be caused by its use

of this property during the construction of a new bridge to cross the Trinity River. If DART determines to acquire the trestle, DART will maintain and protect it from damage until title has been transferred to a third party. DART will take steps to market the property according to the provisions set out in Stipulations 6. to 8. below, and agrees to take all reasonable steps to transfer or sell this structure to an appropriate third party for a period of 10 years from the date of this Agreement. If, at the end of this ten-year time period, DART is unsuccessful in efforts to transfer or sell this structure, UMTA and DART will reinitiate consultation with the SHPO and the Council. DART will review the status of its marketing efforts with the SHPO on an annual basis.

e. The South Control Tower #18, located in the 800 block of Memorial Drive: If negotiations between DART and the owner of this property result in DART's purchase of the tower, DART will reuse it as a communications facility for the Project. DART will provide the SHPO with the opportunity to review and comment on any plans for the rehabilitation and adaptive reuse of this structure according to the provisions set out in Stipulation 5. below.

f. The Union Terminal, 401 S. Houston Street: The Project will necessitate the development of a transit station at Union Terminal. This will require the introduction of station platforms and canopies and will necessitate modifications to the existing track configuration. The design of these additions and modifications will be developed by DART in consultation with the SHPO and provided to the SHPO for review and comment pursuant to Stipulation 5. below.

g. The Railroad Switch Control Tower #17, located near Pacific Avenue at the MKT Railroad: DART will occupy and maintain this structure as a communications facility for the Project. Any plans for this use will be developed by DART in consultation with the SHPO and provided to the SHPO for review and comment pursuant to Stipulation 5. below.

h. The Union Terminal Company Underpass (Triple Underpass), located over the intersection of Main, Elm, and Commerce Streets: DART will utilize space formerly used for the two most eastern railroad tracks on the underpass for light rail use. DART will use catenary wire across the underpass to eliminate the need for poles on the underpass. The necessary poles at the ends of the underpass will be located so as to minimize changes to this structure. DART will provide a sidewalk between the easternmost track and the east facade of the underpass so visitors to Dealey Plaza can view it from the underpass. The design of these modifications will be developed by DART in consultation with the SHPO and provided to the SHPO for review and comment pursuant to Stipulation 5. below. Additionally, DART will provide the National Park Service (NPS) with the opportunity to review and comment on these modifications to this contributing feature of the proposed National Historic Landmark District. DART shall consider any comments provided by NPS and take steps to accommodate any concerns raised by these comments.

i. Dallas High School, 2214 Bryan Street: DART proposes to locate a center platform transit station in the center of Bryan Street to the west of this historic property. The design of this station will be developed by DART in

consultation with the SHPO and provided to the SHPO for review and comment pursuant to Stipulation 5. below.

j. The West End Historic District: DART proposes to construct a transit station on Pacific between Market and Lamar Streets and provide various amenities in conjunction with the light rail as it passes through the West End Historic District including a transit mall on Pacific between Houston and Lamar Street. The design of these features will be developed by DART in consultation with the SHPO and provided to the SHPO for review and comment pursuant to Stipulation 5. below.

4. UMTA has determined, in consultation with the SHPO and the Council, that the construction of the Project on the alignment set out in "Attachment A" will have an adverse effect on 1334 Lynn Haven Avenue; the Roger Q. Mills Elementary School, 1515 Lynn Haven Avenue; and the ATSF RR Control Tower #19 on the ATSF Railway Line at the MKT Line. The parties have developed the following measures to reduce or mitigate the identified adverse effects of the Project:

a. DART will minimize the audible effects of the warning devices at the Lynn Haven Avenue grade crossing by limiting their operation to the shortest period of time possible during gate arm raising and lowering. This grade crossing is approximately 75 feet west of residence located at 1334 Lynn Avenue and approximately 200 feet east of the Mills Elementary School. The warning devices will not be sounded while the gate arms are fixed in the lowered position. DART has agreed to operate trains through this crossing at no more than 45 mph to avoid exceeding the American Public Transit Association Noise Criteria for this land use. If it is determined after the Project is operational that the DART operating speeds exceed 45 mph at the Lynn Haven Avenue grade-crossing, DART will construct noise barrier walls to mitigate the unacceptable noise levels. The design of any such noise barrier walls will be developed by DART in consultation with the SHPO and provided to the SHPO for review and comment pursuant to Stipulation 5. below.

b. The light rail line will be elevated in the vicinity of Control Tower #19 in order to cross over the mainline tracks of the Union Pacific. As this necessitates the removal of the structure from its original location, DART proposes to relocate the tower for transit-related purposes as a communications facility. Plans for the relocation of this structure as well as plans for its rehabilitation will be developed by DART in consultation with the SHPO and provided to the SHPO for review and comment pursuant to Stipulation 5. below. If reuse by DART is not feasible, DART will fund relocation costs and will take steps to market the property according to the provisions set out in Stipulations 6. to 8. below. DART shall complete documentary recordation of Control Tower #19 prior to its relocation pursuant to Stipulation 9. below. DART shall notify the SHPO within 90 days after the tower has been relocated and will reevaluate it on the new site in consultation with the SHPO to determine its National Register eligibility.

5. DART will make every effort to ensure that the design of light rail structures, including station platforms, canopies, artworks, tracks and overhead traction power systems, traction power substations, and communications bungalows, which may have an effect on historic properties will be designed to be compatible

with the affected historic property and conform to the guidance contained in the Secretary of the Interior's Standards and Guidelines for Rehabilitation Historic Buildings (U.S. Department of the Interior, National Park Service, 1983 amended 1990). DART will use directional lighting fixtures in those areas adjacent to historic properties so that light and glare from DART facilities will not extend beyond the functional use of the facility. DART will provide the SHPO with the opportunity to review and comment on the proposed design at the 30%, 65%, and 95% design stages. DART shall provide the SHPO with the opportunity to review and comment on the Scope-of-Work, Interim Draft, and if needed, Final Draft of any report required by this Agreement.

6. DART shall prepare and implement a marketing plan for each historic property which will be relocated and/or sold according to the terms of this Agreement in consultation with the SHPO. This plan will, at a minimum, include the following information about the property:

- a. photographs of the property, a parcel map and information on the property's historic significance;
- b. information on each property's purchase price, if any; a good faith estimate of the cost of properly moving the structure; and a statement regarding which party will be responsible for the various costs associated with this move;
- c. information on possible financial assistance and Federal, state, or local tax benefits for the rehabilitation of historic properties;
- d. notification that the recipient will be required to move the structure in accordance with the recommended approaches to moving in the Department of the Interior's Moving Historic Buildings utilizing the services of a professional mover who has the capability to move historic structures properly;
- e. notification that the recipient(s) will be required to rehabilitate and maintain the property in accordance with the recommended approaches in the Standards; and
- f. notification of the requirement for the inclusion of a preservation covenant or easement in the transfer documents that will be recorded in the County's official property records. This restriction will be similar to the covenant included in "Attachment B" to this Agreement and is intended to restrict development; require maintenance of those aspects of the property that make it eligible for inclusion in the National Register; designate a monitoring party; and be in perpetuity. If the historic property will be relocated, DART will ensure that the covenant is recorded as soon as practicable after the improvement is permanently situated on its new site.

7. Prior to the acceptance of any offer, DART shall review all offers in consultation with the SHPO and shall identify a preferred offer for each property. The SHPO shall be afforded thirty days to review and comment on each preferred offer and the new site proposed for the relocation of the property.

8. If DART receives no offer conforming to the requirements cited in Stipulation 6. above for moving, relocating, rehabilitating, and maintaining a historic property, DART, with the written concurrence of the SHPO, may transfer a property subject to other requirements or lesser restrictions.

9. Prior to the alteration or relocation of Control Tower #19, DART shall contact the Rocky Mountain Regional Office of the National Park Service, HABS/HAER to determine the level and kind of recordation required for the property. Unless otherwise agreed to by the National Park Service, the Service shall ensure that all required recordation measures for the affected property are completed and accepted by the National Park Service prior to its alteration or relocation, and that copies of this documentation are made available to the SHPO and any appropriate local archives designated by the SHPO.

10. DART shall provide the City of Dallas, Dallas Landmark Commission with the opportunity to review and comment on all aspects of the Project that may affect a locally designated landmark through the process set out in the City of Dallas Development Code, 51A-3.103 (Landmarks Commission).

11. DART has completed approximately 80% of the intensive survey program for archeological historic properties within the corridor of the Locally Preferred Alternative design. This survey will be completed as soon as reasonably possible after DART has acquired unconditional access to all tracts of land within the corridor. When the intensive survey is complete, DART will provide the SHPO with a copy of the final report documenting the research and findings. Additionally DART will conduct further archival research on the Brady farmstead located to the south of the proposed Camp Wisdom Station and the late 19th Century farmhouse site located in the proposed Ledbetter Station area. Although it has been determined that these properties are not eligible for inclusion under National Register Criterion D, DART and the SHPO have determined that this archival research should be conducted to determine if the property may be eligible under National Register Criteria A and B.

12. DART shall consult with the SHPO if archeological properties are discovered during the completion of the intensive survey program to determine if any such property may be eligible for inclusion in the National Register. DART shall notify the SHPO as soon as practicable after such a property has been identified, and the SHPO shall review the assessment of eligibility and all supporting documentation within 21 calendar days of DART's notice. If the property is determined to be eligible for inclusion in the National Register, DART shall consult with the SHPO to identify project alternatives that may allow the site to be preserved in place. If preservation in place is not feasible, DART will consult further with the SHPO to develop a data recovery plan for the recovery of archeological data from the property. This plan will be prepared by a professional archeologist who meets the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9). The plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 FR 44734-37) and take into account the Council's publication Treatment of Archeological Properties and any relevant SHPO guidance. The plan shall be submitted to the SHPO and the Council for 30 days review, and unless the SHPO or Council objects within 30 days after receipt of the plan it shall be implemented as proposed. The data recovery plan shall specify, at a minimum:

- a. the property or properties on which data recovery will be carried out;
- b. the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
- c. the methods to be used, with an explanation of their relevance to the research questions;
- d. the treatment of any human remains that may be encountered during data recovery; and
- e. a plan for dissemination of results of the work and curation of recovered material consistent with 36 CFR Part 79.

13. In the event that the Project will affect a previously unidentified property that may be eligible for inclusion in the National Register or affect a known historic property in an unanticipated manner, DART shall require work in the area of the discovery to cease until actions that will take into account the effects of the undertaking on the property can be implemented. DART shall immediately notify UMTA of the discovery and provide UMTA with the information required to request the SHPO's and Council's comments pursuant to 36 CFR 800.11(b)(2)(ii).

14. Should the SHPO or Council object within 30 days to any reports, plans, specifications, or other documentation provided for review pursuant to this Agreement, DART shall consult further with the objecting party to resolve the objection. If DART determines that the objection cannot be resolved, DART shall notify UMTA which may forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either: 1) provide UMTA with recommendations, which UMTA will take into account in reaching a final decision regarding the dispute; or 2) notify UMTA that it will comment pursuant to 36 CFR 800.6(b) and proceed to comment. Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute, and UMTA's responsibility to ensure the completion of all actions required under this Agreement that are not the subject of the dispute will remain unchanged.

15. At any time during the implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised by a member of the public, UMTA shall take the objection into account and consult as needed with the objecting party, the SHPO, or the Council to resolve the objection.

16. UMTA shall immediately notify the SHPO and Council of any substantial changes to the Project as described in Final Environmental Impact Statement. UMTA will provide the SHPO and Council with copies of any reports developed pursuant to this Agreement. UMTA will also provide these reports to interested parties upon request.

17. Any party to this Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR 800.5(e)(5) to consider such amendment.

18. If UMTA cannot carry out the terms of the Agreement, it shall not take or sanction any actions or make any irreversible commitment that would result in an adverse effect to a historic property or would foreclose the Council's consideration of modifications or alternatives to the Project that could avoid or mitigate the adverse effect until UMTA has again requested the Council's comments in accordance with 36 CFR Part 800.

EXECUTION OF THIS MEMORANDUM OF AGREEMENT and implementation of its terms evidences that the Urban Mass Transportation Administration has afforded the Council an opportunity to comment on the South Oak Cliff Light Rail Transit Project and the effect of this undertaking on historic properties, and that the Urban Mass Transportation Administration has taken into account the effect of the undertaking on historic properties.

URBAN MASS TRANSPORTATION ADMINISTRATION

By: _____/s/_____ Date: 7/31/91
Lee Waddleton
Midwestern Area Director

TEXAS STATE HISTORIC PRESERVATION OFFICER

By: _____/s/_____ Date: 7/29/91
Curtis Tunnell
Executive Director, Texas Historical Commission and
State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____/s/_____ Date: 8/8/91
Dr. Robert Bush
Executive Director

CONCUR:
DALLAS AREA RAPID TRANSIT

By: _____/s/_____ Date: 7/24/91
Charles S. Anderson
Executive Director

176.93' - B.O. T-Roll on "H" Piling

ATION MATCH MARK

2698+593 - End of Steel Span

TRINITY

1985' - O.D. thru Pratt Truss

2700+58 - End of Steel Span

5047' - O.D. thru Truss

2705+640 & Firewall

2696 + 63.82 Back
2696 + 81.43 Ahead

EQUATION

2697 + 99.71 = P.T.

NO. 1

2700

RIVER

AT&T Monterey River Bridge
@ M. P. 51.1

CERTIFICATE OF SERVICE

I hereby certify that Dallas Area Rapid Transit ("DART") has consulted with all appropriate agencies in preparing the foregoing Environmental/Historic Report and that on March 14, 2003, a copy of the foregoing report was served by first class mail, postage prepaid, upon each of the following agencies as designated in 49 C.F.R. § 1105(b):

Mr. Thomas C. Adams
State of Texas Single Point of Contact
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

Mr. Charles W. Heald
Executive Director
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701-2483

Mr. Douglas Fraser
Natural Resources Division
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

Mr. James Herrington
Chief, Regulatory Branch
CESWF-EV-R
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

Mr. Robert M. Short
Field Supervisor
U.S. Fish and Wildlife Service
711 Stadium Drive East, Suite 252
Arlington, TX 76011

Mr. Michael P. Jansky
Regional Environmental Review Coordinator
U.S. Environmental Protection Agency, Region 6
First Interstate Bank Tower
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Mr. William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, N.E., Room 540
Washington, DC 20002

Honorable Lee Jackson
Dallas County Judge
411 Elm Street
Dallas, TX 75202

Mr. Bud Beene
Director of Public Works
Dallas County
411 Elm Street
Dallas, TX 75202

Ms. Melissa Parker
Habitat Assessment Branch
Resource Protection Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

Ms. Sidney Wheeler
Program Administrator
Intergovernmental Relations Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, TX 78711-3087

Texas Environmental Protection Division
P.O. Box 12548
Austin, TX 78711-2548

Mr. Edward J. McKay
Chief, Spatial Reference System Division
National Geodetic Survey
National Oceanic and Atmospheric Administration
1315 East West highway, Room 8813
Silver Spring, MD 20910-3282

Ms. Julie K.P. Dunbar
Principal Transportation Engineer
North Central Texas Council of Governments
616 Six Flags Drive
Centerpoint Two
P.O. Box 5888
Arlington, TX 76005-5888

Mr. Curtis Tunnell
Executive Director
Texas Historical Commission
P.O. Box 12276, Capital Station
Austin, TX 78711

Mr. Harry W. Oneth
State Conservationist
USDA Natural Resources Conservation
Service
101 South Main Street
Temple, TX 76501-7682

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

Texas Coastal Management Division I
1700 North Congress Street
Austin Building
Austin, TX 78701

A handwritten signature in black ink, appearing to read 'Edward J. Fishman', with a long horizontal line extending to the right.

Edward J. Fishman

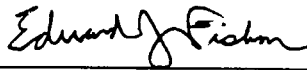
CERTIFICATION OF PUBLICATION
PURSUANT TO
49 C.F.R. § 1105.12

I, Edward J. Fishman, hereby certify as follows:

1. I have contacted the newspaper of general circulation for the county in which the rail line to be abandoned in this proceeding is located and arranged for the publication of a Notice of Intent to Abandon pursuant to 49 C.F.R. § 1105.12:

The Dallas Morning News
P.O. Box 655237
Dallas TX 75265-5237

Proof of publication from The Dallas Morning News is attached.



Edward J. Fishman

Dated: 3/14/03

Notice of
Abandonment

Dallas Area Rapid Transit gives notice that it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. 1152 Subpart F-Exempt Abandonments permitting the abandonment of the former Santa Fe railroad line between approximately milepost 45.3 at Westmoreland Road and approximately milepost 56.95 at Tenison (the "Subject Line"). Simultaneously, Kansas City Southern Railroad Company ("KCS") and Dallas, Garland and Northeastern Railroad Company ("DGNO") will file for discontinuance of trackage rights on the Subject Line. The total distance of the Subject Line is approximately 11.45 miles, all in the City and County of Dallas Texas. The Subject Line traverses United States Postal Service ZIP Codes 75211, 75212, 75214, 75237, and 75223. The abandonment proceeding will be docketed as AB-439 (Sub-No.1X). The discontinuance abandonment proceeding will be docketed as AB-403 (Sub-No. 15X) for KCS and AB-385 for DGNO.

The Board's Section of Environmental Analysis (SEA) will generally prepare an 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 202-927-4211.

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, 1725 K Street, N.W., Washington, DC 20423, and one copy must be served on applicant's representative. 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 202-545-1572. Copies of any comments or requests for conditions should be served on the applicant's representative: Edward J. Fishman, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue, N.W., 2nd Floor, Washington DC 20036-1800, (202) 778-9000.

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF DALLAS

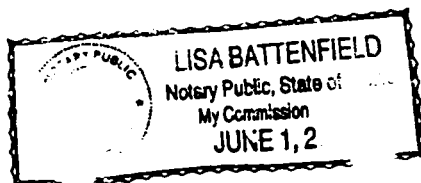
Before me, a Notary Public in and for Dallas County, this day personally appeared Beverly Johnson, Telephone Sales Supervisor for the DALLAS MORNING NEWS, being duly sworn by oath, states the attached advertisement of:

KIRKPATRICK & LOCKHART, LLP

as published in THE DALLAS MORNING NEWS on: April 26, 2001

Beverly Johnson
(Beverly Johnson)

Sworn to and subscribed before me this MAY 4, 2001 A.D.

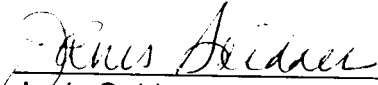


Lisa Battenfield
(Lisa Battenfield)

VERIFICATION

State of Texas)
) SS:
County of Dallas)

Janis Seidner, being duly sworn, deposes and says that she is the Assistant Vice President of Commuter Rail and Railroad Management for Dallas Area Rapid Transit, that she has read the foregoing Notice of Exemption and knows the facts asserted therein, and that the same are true as stated, to the best of her knowledge, information and belief.



Janis Seidner

SUBSCRIBED AND SWORN to
before me this 24th day of April, 2003.



Notary Public

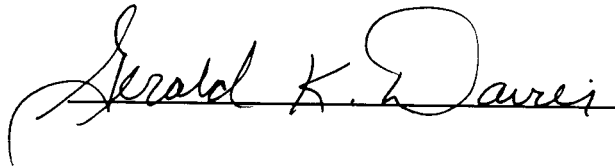
My Commission expires: July 9, 2006



VERIFICATION

State of Missouri)
County of Jackson) SS:
)

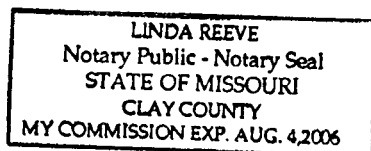
Gerald K. Davies, being duly sworn, deposes and says that he is the Executive Vice President and Chief Operating Officer for The Kansas City Southern Railway Company, that he has read the foregoing Notice of Exemption and knows the facts asserted therein, and that the same are true as stated, to the best of his knowledge, information and belief.



SUBSCRIBED AND SWORN to
before me this 13 day of May, 2003.


Notary Public

My Commission expires:



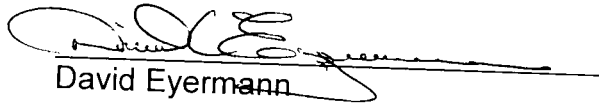
VERIFICATION

State of Texas

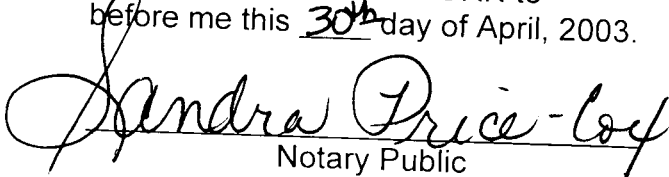
County of Bexar

)
) SS:
)

David Eyermann, being duly sworn, deposes and says that he is the Vice President – Lone Star Region for RailAmerica, Inc., that he has read the foregoing Notice of Exemption and knows the facts asserted therein, and that the same are true as stated, to the best of his knowledge, information and belief.


David Eyermann

SUBSCRIBED AND SWORN to
before me this 30th day of April, 2003.


Notary Public

My Commission expires:

