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ORIGINAL

August 12, 2003

VIA HAND DELIVERY - RETURN COPY

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

FILED

AUG 20 2003



Dear Secretary Williams:

Enclosed for filing in each of STB Dockets Nos. AB-838, East St. Louis Junction Railroad Company-Adverse Abandonment-In St. Clair County, IL, and AB-33 (Sub-No. 199), Union Pacific Railroad Company-Adverse Discontinuance-In St. Clair County, IL, are the original and ten copies of the Adverse Abandonment and Discontinuance Application of the Illinois Department of Transportation. 208735 208736

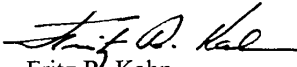
A diskette with the text of the Application and certain of the attachment in WordPerfect format is enclosed.

Pursuant to 49 C.F.R. 1002.2(e)(1), no filing fee is required.

Additional copies of this letter and of the Application are enclosed for you to stamp to acknowledge your receipt of them and to return to me via the enclosed stamped and self-addressed envelope.

If you have any question concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz R. Kahn

enc.
cc: Mr. Earl Lazerson
Mack H. Shumate, Jr., Esq.

Office of Proceedings

AUG 20 2003

FILING FEE WAIVED

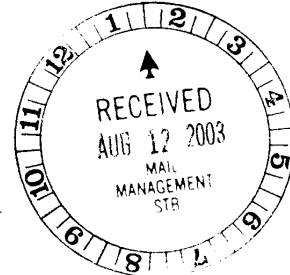
ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

208735

STB Docket No. AB-No. 838

EAST ST. LOUIS JUNCTION RAILROAD COMPANY
-- ADVERSE ABANDONMENT --
IN ST. CLAIR COUNTY, IL



208736

STB Docket No. AB-33 (Sub-No. 199)

UNION PACIFIC RAILROAD COMPANY
-- ADVERSE DISCONTINUANCE --
IN ST. CLAIR COUNTY, IL

Office of the Secretary

AUG 20 2003

Part of
Delivered

ADVERSE ABANDONMENT AND DISCONTINUANCE APPLICATION
OF
ILLINOIS DEPARTMENT OF TRANSPORTATION

FILED

AUG 20 2003

OFFICE OF

RECORDS & COMMUNICATIONS

Samuel W. Ach
Chief Counsel
Illinois Department of Transportation
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Springfield, IL 62764
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Special Assistant Attorney General
STATE OF ILLINOIS

Dated: August 12, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.



STB Docket No. AB-No. 838

EAST ST. LOUIS JUNCTION RAILROAD COMPANY
-- ADVERSE ABANDONMENT --
IN ST. CLAIR COUNTY, IL

STB Docket No. AB-33 (Sub-No. 199)

UNION PACIFIC RAILROAD COMPANY
-- ADVERSE DISCONTINUANCE --
IN ST. CLAIR COUNTY, IL

ADVERSE ABANDONMENT AND DISCONTINUANCE APPLICATION
OF
ILLINOIS DEPARTMENT OF TRANSPORTATION

Applicant, the Illinois Department of Transportation ("IDOT"), pursuant to 49 U.S.C. 10903 and 49 C.F.R. 1152.1, et seq.,¹ asks the Board to find that the public convenience and necessity require or permit the abandonment of the entire East St. Louis Junction Railroad Company ("ESLJ"), consisting of a line of railroad between Milepost 0.0 and Milepost 1.16, plus 6.40 miles of switch track and .34 miles of spur track, and the discontinuance of service by the railroad's lessee, Union Pacific Railroad Company ("UP"), in National Stock Yards 62071, a total

¹ By its Decision, served June 30, 2003, the Board waived certain of its discontinuance and abandonment rules and granted exemptions from certain provisions of Subtitle IV of Title 49 of the U.S. Code.

of 7.90 miles es in St. Clair County, Illinois, and in support thereof IDOT states, as follows;

A. General.

1. The exact name of the applicant is the Illinois Department of Transportation.

Its address is 2300 South Dirksen Parkway, Springfield, IL 62764.

2. IDOT is not a railroad subject to the provisions of Subtitle IV of Title 49 of the U.S. Code. UP, whose address is 1416 Dodge Street, Omaha, NE 68179, and ESLJ, whose address is 122 Forest Grove Drive, Glen Carbon IL 62034, however, are railroads regulated by the Board.

3. IDOT seeks the abandonment by ESLJ of its line of railroad between Milepost 0.0 and the end of the line at Milepost 1.16, plus 6.40 miles of switch track and .34 miles of spur track, in National Stock Yards 62071, a total of 7.90 miles in St. Clair County, Illinois, and the discontinuance of service by the railroad's lessee, UP.² The line traverses U.S. Postal Service Zip Code 62071 and no other, The station affected by the proposed discontinuance and abandonment is National Stock Yards and no other station.

4. A schematic map of the subject lines is attached, as Attachment A.

5. As noted in the attached Verified Statement of Vic Modeer, Director, Division of Highways, of IDOT, Attachment B, Illinois Route 3 is a heavily traveled north-south roadway paralleling the Mississippi River through southern Illinois and the East St. Louis metropolitan area. As the route approaches East St. Louis, Illinois, from both the north and the south, Illinois

² The line of ESLJ was leased to the Chicago and Northwestern Transportation Company, a predecessor in interest of UP, pursuant to the Decision of the Interstate Commerce Commission in Finance Docket No. 27786, Chicago and Northwestern Transportation Company--Lease of Tracks and Operation of--East St. Louis Junction Railroad Company in St. Clair County, Illinois, served February 13, 1975.

Route 3 expands from two to four lanes; however, a 6.1-mile segment of the highway is constricted to only two lanes and contains several at-grade crossings with the lines of the railroads serving the St. Louis gateway from the east.

IDOT is addressing these deficiencies by upgrading and relocating Illinois Route 3 with a 5.5-mile four-lane, limited-access highway between Venice and Sauget, which in part will be elevated, thereby providing for grade-separated crossings of all of the railroad lines, except one spur serving an existing shipper, enhancing the safety of the railroad operations.

The relocation of Illinois Route 3 is presently being designed and is a part of a larger highway project required for the construction of a New Mississippi Bridge, part of Interstate Highway I-70, in the St. Louis core area. At present, traffic from three Interstate Highways, I-55, I-70 and I-64, squeezes through a single Mississippi River crossing, the Poplar Street Bridge, connecting Illinois and Missouri. The New Mississippi River Bridge and relocated Interstate Highway I-70 are the focal points of a group of major transportation improvements which will reduce congestions and enhance safety for those traveling through the St. Louis region.

The existing Poplar Street bridge is severely overburdened, and its capacity is inadequate to meet the needs of motorists who experience severe congestion, creating delays that will last for three hours with an average delay of 55 minutes by the year 2020. These unacceptable levels of congestion will stifle the core region's development and may lead to an exodus of existing businesses, leaving the core area in decline. The proposed New Mississippi River Bridge and relocated Interstate Highway I-70 are fundamental to sustain the kinds of growth envisioned in the core area, and the relocation of Illinois Route 3 is an integral part of that undertaking.

The relocation of Illinois Route 3 and the construction of the connection from Interstate

Highway I-64 to the proposed to the proposed New Mississippi River Bridge and relocated Interstate Highway I-70 will necessitate the taking of appreciable portions of the land in National Stock Yards on which the ESLJ has been located.

Three shippers are situated on the ESLJ, Darling International, a renderer of animal fats and vegetable oils, Sperry Rail Service, a provider of track testing equipment to railroads, and St. Louis Auto Shredding, Inc., a dealer and recycler of ferrous and nonferrous metals. Each will continue to receive railroad service from the UP or its agent following the abandonment of the ESLJ, and, in the case of Sperry Rail Service and St. Louis Auto Shredding, Inc., from Norfolk Southern Railway Company ("NS"). To the extent that additional spurs or industrial tracks need to be installed to safeguard continued service by these railroads, the cost will be borne by IDOT. The shippers, accordingly, need experience no change in their reliance upon railroad service to meet their transportation needs. Darling International heretofore on average has received approximately ten carloads of freight and tendered approximately 175 carloads annually. Sperry Rail Service ships no freight but it has received about ten of its test cars and has tendered about ten of its test cars annually, and St. Louis Auto Shredding, Inc., on average has received approximately 2,400 carloads of freight and tendered approximately 600 carloads annually. The shippers can expect no disruption in the railroad service they have received and should have no ground for opposing the proposed abandonment and discontinuance of service. A letter from Sperry Rail Service is attached as Attachment C.

6. The name, title and address of IDOT's representative to whom correspondence should be addressed is Fritz R. Kahn, Fritz R. Kahn, P.C., 1920 N Street, NW (8th fl.), Washington, DC 20036. His telephone number is (202) 263-4152.

7. The line proposed for abandonment traverses United States Postal Zip Code 62071.

B. Rural and community impact.

National Stock Yards, where the tracks of the ESLJ are located, is the site of a former public livestock market, which long has ceased its operations. The area includes no residences and only a few businesses. It consists mostly of vacant lots.

Three shippers currently receive service from UP over the subject line: Darling International, 2 Exchange Avenue; Sperry Rail Service, 320 Evans Road; and St. Louis Auto Shredding, Inc., 1200 N. 1st Street. The shippers will not lose railroad service, however. Following their abandonment, if authorized by the Board, the tracks serving the shippers will become spur or industrial tracks, to afford connections with the lines of the UP or its agent and, in the case of Sperry Rail Service and St. Louis Auto Shredding, Inc., NS. To the extent that additional spur or industrial tracks need to be installed by these railroads to safeguard their ability to continue to serve the three shippers, the cost will be borne by IDOT. No change in the nature of the traffic or its volume tendered for railroad transportation or received by the shippers, accordingly, can be expected to occur.

The right-of-way of the ESLJ is not suitable for other public purposes.

C. Employee protection

The interests of UP's employees will be protected by the conditions of Oregon Short Line R. Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979); those of ESLJ, however, will not receive such protection as all of the railroad's line is to be abandoned, and it is not a part of a railroad system which would benefit from the proposed abandonment. See, STB Docket No. AB-246

(Sub-No. 2), Yreka Western Railroad Company--Abandonment Exemption--In Siskiyou County CA, served May 4, 1999.

D. Environmental effects

The relocation of Illinois Route 3 and the construction of the connection between Interstate Highway I-64 and the proposed New Mississippi River Bridge and relocated Interstate Highway I-70 have been the subject of long and thorough environmental review processes, with the Federal Highway Administration of the U.S. Department of Transportation and IDOT serving as the lead agencies and U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the Illinois Department of Natural Resources serving as cooperating agencies. The Final Environmental Impact Statement for the Illinois Route 3 relocation was approved June 25, 2001, and the Final Environmental Impact Statement for the Interstate Highway I-64 connector was approved March 26, 2001. Upon request, both will be made available for inspection by the Board's Section of Environmental Analysis.

Moreover, as already noted, the shippers on the affected line will not lose railroad service. The tracks serving their facilities will be retained as spur or industrial tracks, and the industries will continue to be served by UP or its agent and, as the case may be, by NS. Accordingly, it is not expected that there will be any variance in the consist or volume of railroad traffic. The proposed adverse discontinuance and abandonment, therefore, comes within the provisions of 49 C.F.R. 1105.6(b)(7)(2), requiring no environmental documentation in any action that does not result in significant changes in carrier operations, that is, changes that do not exceed the thresholds established in 49 C.F.R. 1105.7(e)(4) or (5). Nevertheless, attached as Attachment D is IDOT's Environmental Report.

E. Conditions

The Board already has granted exemptions and waivers of the financial assistance provisions, 49 U.S.C. 10904 and 49 C.F.R. 1152.27, and public use provisions, 49 U.S.C. 10905 and 49 C.F.R. 1152.28. To make the abandoned-right-of-way available for recreational uses under the National Trails System Act would defeat the very purpose of this filing, namely, to make a substantial portion of the land underlying the tracks of the ESLJ available for the relocation of Illinois Highway 3 and construction of the Interstate Highway I-64 connector. Therefore, IDOT respectfully requests that no trail condition be imposed, pursuant to 49 C.F.R. 1152.29.

F. Certifications

1. IDOT, by its attorneys, certifies that, in preparing the Environmental Report, Attachment D, it sought the views on the consequences of the proposed abandonment and discontinuance of service on the programs administered by each of the Federal and State of Illinois agencies identified in 49 C.F.R. 1105.7(b).
2. IDOT, by its attorneys, certifies that notices of the proposed abandonment and discontinuance, couched in the wording of 49 C.F.R. 1105.12, modified pursuant to the Board's Decision, served June 30, 2003, were published three consecutive week in the Belleville News-Democrat, a newspaper of general circulation in St. Clair County, IL, on July 25 and 30 and August 4, 2003. See Attachment E.
3. IDOT, by its attorneys, certifies that timely notice of the proposed abandonment and discontinuance was served with the Board on July 22, 2003, and mailed to each of the agencies or other persons identified in 49 C.F.R. 1152.20(a)(2)(i) and (v) through (xiii) .

4. IDOT, by its attorneys, certifies that, based on information in IDOT's possession, the line proposed for abandonment and discontinuance of service does not contain Federally granted rights-of-way. Any documentation in IDOT's possession will be made available promptly to those requesting it.

5. IDOT, by its attorneys, certifies that copies its Environmental Report, Attachment D, on July 22, 2003, were served by mailing copies thereof, by letters couched in the wording of 49 C.F.R. 1105.11, sent by prepaid first-class mail, to each of the Federal and State of Illinois agencies identified in 49 C.F.R. 1105.7(b), and to Mr. Bob Delaney, St. Clair County Clerk, 10 Public Square (2d fl.), Belleville, IL 62221.

6. IDOT, by its attorneys, certifies that copies of this Application this day were served upon the persons identified in 49 C.F.R. 1152.24(c) by mailing them copies by prepaid first-class mail.

WHEREFORE, the Illinois Department of Transportation asks the Board to find that the public convenience and necessity require or permit the discontinuance of service by the Union Pacific Railroad Company on, and the abandonment by, the East St Louis Junction Railroad Company of, its railroad line in National Stock Yards, St. Clair County, Illinois.

Respectfully submitted,

ILLINOIS DEPARTMENT OF TRANSPORTATION

By its attorneys,

Samuel W. Ach
Chief Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764
Tel.: (217) 782-0691


Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Special Assistant Attorney General
STATE OF ILLINOIS

Dated: August 12, 2003

VERIFICATION

I, Victor A. Modeer, Director, Division of Highways, of the Illinois Department of Transportation, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Adverse Abandonment and Discontinuance Application of the Illinois Department of Transportation and its attachments, that he has knowledge of the facts and matters relied upon in the Application and its attachments and that their assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of the Illinois Department of Transportation.

I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Springfield, Illinois, this 12 day of August 2003.

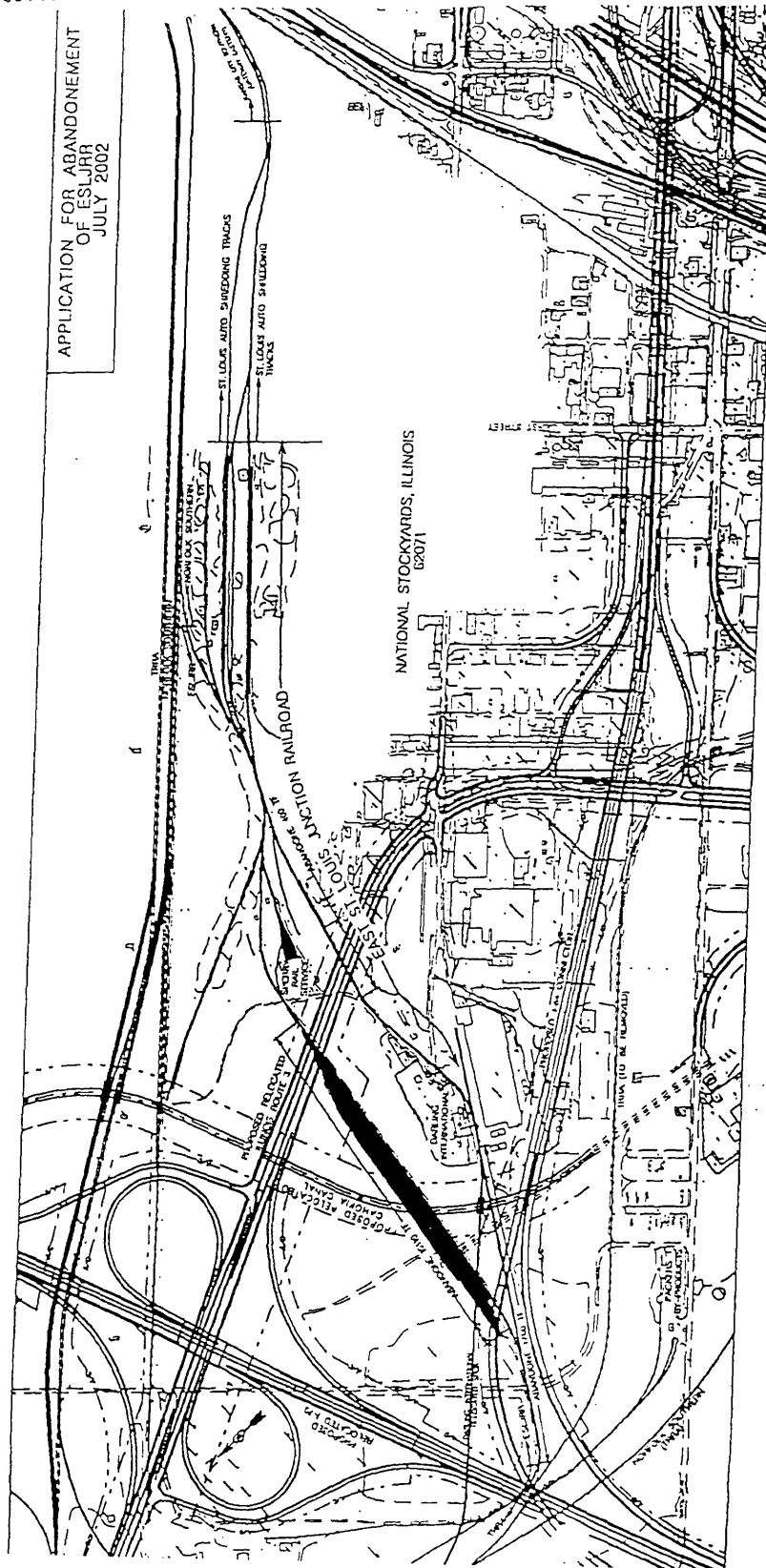


Victor A. Modeer

-10-

ATTACHMENT A





ATTACHMENT B

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

STB Docket No. AB-838

EAST ST. LOUIS JUNCTION RAILROAD COMPANY
– ADVERSE ABANDONMENT –
IN ST. CLAIR COUNTY, IL

STB Docket No. AB-33 (Sub-No. 199)

UNION PACIFIC RAILROAD COMPANY
– ADVERSE DISCONTINUANCE –
IN ST. CLAIR COUNTY, IL

VERIFIED STATEMENT
OF
VICTOR A. MODEER

My name is Victor A. Modeer, and I am the Director, Division of Highways, of the Illinois Department of Transportation (IDOT), with offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764. I graduated with a BS in Civil Engineering from LSU and an MS in Civil Engineering from Purdue. Prior to being named Director of the Division of Highways in May, 2003 I served as District Engineer in Collinsville from 1/2003 to 5/2003, District Engineer in Springfield from 1998 to 2002 and District Engineer in Effingham from 1997 to 1998. I worked in various positions in the Collinsville District from 1985 to 1997 and worked for the private sector prior to IDOT. Among my responsibilities is the supervision of the projects

involving the relocation of Illinois Route 3 between Venice and Sauget in St. Clair County and the construction of a new Interstate Highway I-64 connector affording access to a proposed New Mississippi River Bridge.

Illinois Route 3 is a heavily traveled north-south roadway paralleling the Mississippi River through southern Illinois. As the route approaches the East St. Louis metropolitan area from the north at Alton and from the south at Waterloo, Illinois Route 3 expands from two to four lanes. A 6.1-mile segment of the highway between Venice and Sauget, however, remains a circuitous, two lane road that is inadequate to accommodate existing and future traffic demand. This section of Illinois Route 3 is further complicated by numerous intersections and at-grade railroad crossings with the lines of the railroads serving the St. Louis gateway from the east. Posted speed limits are 25 to 35 miles per hour, with several stop sign controlled intersections.

IDOT is addressing these deficiencies by upgrading and relocating existing Illinois Route 3 with a more direct 5.5-mile four-lane, limited- access highway between Venice and Sauget, thereby providing a continuous four-lane north-south highway between Alton and Waterloo. The project will remove Illinois Route 3 from local streets and the interstate system. The project will provide more efficient access to existing and potential development in the depressed communities within the project corridor. Adjacent land uses also will benefit from the new roadway through improved access to the regional roadway system. The project moreover will improve safety by providing for grade-separated crossings of all of the railroad lines, except one rail spur serving an existing shipper..

The relocation of Illinois Route 3 is presently being designed and is a part of a larger highway project required for the construction of a new Interstate 70 Mississippi River Bridge in

the St. Louis core area. At present, traffic from three interstates (I-55, I-70 and I-64) squeezes through a single Mississippi River crossing (the Poplar Street Bridge), connecting Illinois and Missouri. The new I-70 Mississippi River Bridge is the focal point of a group of major transportation improvements that will reduce congestion and enhance safety for those traveling through the St. Louis region.

The existing Poplar Street bridge is severely overburdened, and its capacity is inadequate to meet the needs of motorists who experience severe congestion. Without the proposed action, congestion will double, lasting for three hours, and the average delay will stretch from ten minutes per vehicle today to 55 minutes by the year 2020. These unacceptable levels of congestion will stifle the core region's development and may lead to an exodus of existing businesses, leaving the core in decline. The proposed new I-70 Mississippi River Bridge is fundamental to sustain the kinds of growth envisioned in the core area, and the relocation of Illinois Route 3 is an integral part of that undertaking.

The proposed actions will provide needed traffic capacity and travel efficiency, improve system linkages and community access, reduce traffic crashes, avoid grade crossing accidents, increase user benefits, including reducing travel times, and they will help to prevent economic stagnation in the area.

The relocation of Illinois Route 3 and the connection from Interstate Highway I-64 to the proposed I-70 Mississippi River Bridge will necessitate the taking of appreciable portions of the land in National Stock Yards 62071 on which the tracks of the East St. Louis Junction Railroad ("ESLJ") are located. The highway projects and the relocation of railroad lines which they require were the subject of a long and thorough environmental review process, with the Federal

Highway Administration of the U.S. Department of Transportation and IDOT serving as the lead agencies and several Federal, State and local agencies serving as cooperating agencies. The Final Environmental Impact Statement for the Illinois Route 3 relocation was approved June 25, 2001, and the final Environmental Impact Statement for the I-64 connector was approved March 26, 2001.

Three shippers are located on the ESLJ, Darling International, Sperry Rail Service and St. Louis Auto Shredding, Inc. Each will continue to be served by the lessee of the ESLJ, Union Pacific Railroad Company ("UP") or its agent and, in the case of Sperry Rail Service and St. Louis Auto Shredding, Inc., by Norfolk Southern Railway Company ("NS"), as they heretofore have been. In other words, no shipper will suffer a loss of rail service as a result of the proposed adverse abandonment and discontinuance of service. To the extent that additional spurs or industry tracks will need to be installed by UP or NS to safeguard no interruption in the railroads' service to these three shippers the cost will be borne by IDOT.

St. Louis Auto Shredding, Inc., has made extensive use of the ESLJ's tracks for the storage of railroad cars pending their dismemberment and salvage for the ferrous or nonferrous metals they contain. The proposed abandonment of the ESLJ will not necessarily change that arrangement. ESLJ will continue to own the tracks, and, upon its agreeing to pay the storage charges, St. Louis Auto Shredding, Inc., will continue to be able to store cars on the ESLJ's tracks. Alternatively, St. Louis Auto Shredding will be able to negotiate with ESLJ for the lease of the tracks or their purchase.

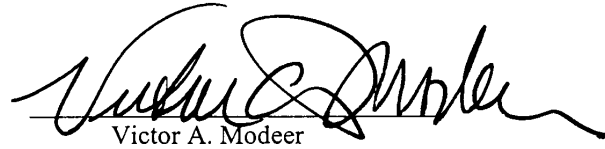
In the view of IDOT, there is no practicable alternative to the ESLJ's abandonment and the discontinuance of service over its lines by UP, the authorization for which IDOT seeks.

VERIFICATION

I, Victor A. Modeer, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Statement and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of the Illinois Department of Transportation.

I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Springfield, Illinois, this 4th day of August 2003.


Victor A. Modeer

ATTACHMENT C

Reuben Fairchild

Director Maintenance & Production

Phone – 203-791-4533

Fax – 203-791-4541

Sperry

Rail Service

46 Shelter Rock Road
Danbury CT. 06810



A Rockwood Company

Sperry Rail Service
320 Evans Road
National Stock Yards, IL 62071

July 29, 2003

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

Dear Secretary Williams:

This company is a Railroad Service Industry with facilities located at the National Stock Yards in St. Clair County, Illinois.

We rely upon railroad service in conducting our business. We are served by the Union Pacific Railroad Company, lessee of the tracks of the East St. Louis Junction Railroad Company [as well as by Norfolk Southern Railway Company]. Our facility is used as a maintenance and repair shop for our rail inspection vehicles. We estimate that ordinarily we will move ten to fifteen of our vehicles in and out of this facility yearly.

We have been apprized that much of the land underlying the East St. Louis Junction Railroad Company is needed for the relocation of Illinois Route 3, a project which we support, and that, accordingly, the railroad's lines will need to be abandoned. We have been assured, however, that whatever tracks are necessary will be installed at no expense to the railroads, so as to permit the Union Pacific, or its agent, [as well as by Norfolk Southern] to continue to serve our facility.

In the circumstances, we do not anticipate any change in our use of railroad service and see no reason to oppose the proposed abandonment.

Sincerely yours;
Reuben Fairchild
Director Maintenance / Production

cc: Mary Lamie, P.E. IDOT D8 Engineer
Keith Hinkebein, P.E., HNTB

ATTACHMENT D

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB Docket No. AB-838

EAST ST. LOUIS JUNCTION RAILROAD COMPANY.
-- ADVERSE ABANDONMENT --
IN ST. CLAIR COUNTY, IL

STB Docket No. AB-33 (Sub-No. 199)

UNION PACIFIC RAILROAD COMPANY
- ADVERSE DISCONTINUANCE -
IN ST. CLAIR COUNTY, IL

ENVIRONMENTAL REPORT
OF
ILLINOIS DEPARTMENT OF TRANSPORTATION.

Applicant, Illinois Department of Transportation ("IDOT"), pursuant to 49 C.F.R. 1105.7, submits this Environmental Report in support of its Application seeking the adverse abandonment of the entire East St. Louis Junction Railroad Company ("ESLJ"), consisting of a line of railroad between Milepost 0.0 and Milepost 1.16, plus 6.40 miles of switch track and .34 miles of spur track, and the adverse discontinuance of service by the railroad's lessee, Union Pacific Railroad Company ("UP"), in National Stock Yards 66071, St. Clair County, Illinois.

1. Proposed action and alternatives. Illinois Route 3 is a heavily traveled roadway

paralleling the Mississippi River through East St. Louis, IL, and the communities situated to the north and south of it. Currently, a two-lane road, with speed limits of 25 to 35 miles per hour, Illinois Route 3 contains several at-grade crossings with the lines of the railroads serving the St. Louis gateway from the east.

IDOT is in the process of replacing existing Illinois Route 3 with a four-lane, limited-access highway between Venice and Sauget, which in part will be elevated, thereby providing for grade-separated crossings of most of the railroad lines, with the attendant improvement in the safety of the railroad operations .

The replacement of Illinois Route 3 is an initial phase of the highway relocations which will be required for the New Mississippi Bridge, as well as affording improved access to the existing bridges. At present, the traffic borne by Interstate Highways I-55, I-70 and I-64 funnels unto the Poplar Street Bridge, connecting East St. Louis, IL, with downtown St. Louis, MO. The New Mississippi River Bridge is to be built a few miles to the north and is expected to carry the preponderance of the relocated Interstate Highways I-55, I-70 and I-64 traffic.

The Poplar Street bridge is heavily overburdened, causing massive backups and creating intolerable delays. Over the next twenty years' time, the rush hour congestion is expected to become far worse and to increase to an estimated three hours. The economic future of the urban core on both sides of the Mississippi River depends on the efficient movement of goods and rendition of services and on the ability of people simply to get to work. The New Mississippi River Bridge is intended to provide the means for attaining those goals, and the relocation of Illinois Route 3 is an integral part of that undertaking.

The rebuilding of Illinois Route 3 and the construction of a connection from Interstate

Highway I-64 to the proposed New Mississippi River Bridge will necessitate the taking of appreciable portions of the land in National Stock Yards on which the tracks of the ESLJ are located. The highway projects and the relocation of railroad lines which they necessitated were the subject of a long and thorough environmental review process, with the Federal Highway Administration of the U.S. Department of Transportation and IDOT serving as the lead agencies and the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the Illinois Department of Natural Resources serving as cooperating agencies. The Final Environmental Impact Statement for the Illinois Route 3 relocation was approved June 25, 2001, and the final Environmental Impact Statement for the relocated I-70 and I-64 connector was approved March 26, 2001.

The affected railroad line is situated in U.S. Postal Service Zip Code 62071; it traverses no other U.S. Postal Service Zip Codes. The station to be affected by the proposed abandonment and discontinuances is National Stock Yards in St. Clair County, IL.

Three shippers are located on the ESLJ, Darling International, Sperry Rail Service and St. Louis Auto Shredding, Inc. Each will continue to be served by UP or its agent and, in the case of Sperry Rail Service and St. Louis Auto Shredding, Inc., by Norfolk Southern Railway Company ("NS"), as they heretofore have been. In other words, no shipper will suffer a loss of rail service as a result of the proposed adverse abandonment and discontinuance.

In the view of IDOT, there is no practicable alternative to the ESLJ's abandonment and the discontinuance of service over its lines by UP, the authorization for which IDOT seeks. The Illinois Single Point of Contact, by letters from IDOT's representative, dated March 19, 2003, a copy of which were mailed to Victoria J. Rutson, Esq., Chief of the Board's Section of

Environmental Analysis, was notified of IDOT's proposed actions, and IDOT's representative made follow-up telephone calls on July 1 and 18, 2003. On July 21, 2003, a representative of the agency returned the telephone call and said that, since no grant was involved, the agency would take no action.

2. Transportation systems. Three shippers are situated on the railroad line proposed for abandonment and discontinuance of service, Darling International, Sperry Rail Service and St. Louis Auto Shredding, Inc. They will continue to be served by UP or its agent and, in the case of the latter two, by NS, as they heretofore were served by the railroads. By letter dated March 19, 2003, with copy to Ms. Rutson, the Illinois Single Point of Contact was notified of the proposed abandonment, and follow-up telephone calls were made by IDOT's representative on July 1 and 18, 2003. On July 21, 2003, a representative of the agency returned the telephone call and said that, since no grant was involved, the agency would take no action.

3. Land use. The proposed abandonment and discontinuance of service would affect no presently pending land use plans for St. Clair County, Illinois, of which IDOT is aware. By letter dated March 19, 2003, IDOT's representative wrote to the State Conservationist of the U. S. Department of Agriculture's Natural Resources Conservation Service, with copy to Ms. Rutson, to apprise the office of the proposed action of IDOT. In the absence of a response, follow-up telephone calls were placed by IDOT's representative on July 1 and 18, 2003. On July 18, 2003, Mr. James Johnson stated that the Service would have no comment on the proposed abandonment and discontinuance.

4. Energy. The three shippers on ESLJ's line proposed for abandonment and discontinuance of service by the line's lessee, UP, will sustain no loss of railroad service. They

will continue to be served by UP or its agent and, as the case may be, by NS. The abandonment and discontinuance assuredly will affect far fewer than an average of 50 carloads per mile per year, and, therefore, the Application, if granted, will have no material effect on energy consumption. Neither are recyclable commodities affected by the proposed abandonment and discontinuance of service. By letters, dated March 19, 2003, the representative of IDOT notified the regional office of the U. S. Environmental Protection Agency and the Illinois Environmental Protection Agency, with copies to Ms. Rutson, of the proposed abandonment and discontinuance of service. In the absence of a response from either agency, IDOT's representative placed telephone calls to them on July 1, 2003. On July 7, 2002, Mr. Newton Ellins of the U.S. Environmental Protection Agency returned the telephone call and advised that the agency had no concerns about the proposed abandonment and discontinuance. IDOT's representative placed a further follow-up call to the Illinois Environmental Protection Agency on July 18, 2003, and on July 21, 2003, the Secretary to Deputy Director B. Killian telephoned to say that he adhered to his March 5, 2001, letter that the agency had no comments on, or objections to, the project.

5. Air. No diversion of traffic from rail to truck transportation is likely to occur as a result of the proposed abandonment and discontinuance of service, since the three shippers situated on the ESLJ will continue to receive railroad service from the UP or its agent and, as the case may be, NS. Accordingly, no increase in emissions will follow if the Application were approved. By letters dated March 19, 2003, IDOT's representative wrote to the regional office of the U. S. Environmental Protection Agency and the Illinois Environmental Protection Agency, with copies to Ms. Rutson, to advise them of the proposed abandonment. Not having heard from either agency, IDOT's representative telephoned them on July 1, 2003. On July 7, 2003, Mr.

Newton Ellins of the U. S. Environmental Protection Agency returned the call and advised that the agency had no concerns about the proposed abandonment and discontinuance of service. A further follow-up telephone call to the Illinois Environmental Protection Agency was placed by IDOT's representative on July 18, 2003, and on July 21, 2003, the Secretary to Deputy Director B. Killian telephoned to say that he adhered to his March 5, 2001, letter that the agency had no comments on, or objections to, the project.

6. Noise. Since no diversion of traffic from rail to truck transportation can be expected to occur as a result of the proposed abandonment and discontinuance of service, there will not be an increase of truck traffic of more than ten percent of the average daily traffic or fifty vehicles a day on any affected road segment, and, therefore, no significant increase in noise will result if IDOT's Application were approved. As already noted, the representative of IDOT, by letters dated March 19, 2003, with copies to Ms. Rutson, alerted the regional office of the U. S. Environmental Protection Agency and the Illinois Environmental Protection Agency to the abandonment and discontinuance proposals. In the absence of responses from either agency, IDOT's representative telephoned them on July 1, 2003. On July 7, 2003, Mr. Newton Ellins of the U.S. Environmental Protection Agency returned the IDOT's representative's call and advised that the agency had no concerns about the proposed abandonment and discontinuance. A further follow-up telephone call to the Illinois Environmental Protection Agency was placed by IDOT's representative on July 18, 2003., and on July 21, 2003, the secretary to Deputy Director B. Killian telephoned to say that he adhered to his March 5, 2001, letter that the agency had no comments on, or objections to, the project.

7. Safety. The proposed abandonment of the ESLJ and the discontinuance of service by

its lessee, UP, will result in no increase in highway traffic and , therefore, will not jeopardize the safety of the traveling public. Nevertheless, in accordance with the Board's rules, by letter dated March 19, 2003, with copies to Ms. Rutson, the Illinois Single Point of Contact was notified of the abandonment and discontinuance proposals and follow-up telephone calls were placed by IDOT's representative on July 1 and 18, 2003. On July 21, 2003, a representative of the agency returned the telephone call and said that, since no grant was involved, the agency would take no action. The abandonment and discontinuance of service , moreover, will affect neither the transportation nor the dumping of hazardous materials or substances.

8. Biological resources. The proposed abandonment of ESLJ's line and the discontinuance of service by its lessee, UP, are not likely to adversely affect endangered or threatened species or areas designated as critical habitat, as far as IDOT is aware. By letters dated March 19, 2003, with copies to Ms. Rutson, the representative of IDOT's representative notified the Regional Office of the U. S. Fish and Wildlife Service, the Illinois Environmental Protection Agency and the regional office of the U. S. Environmental Protection Agency of the proposed abandonment. Not having received responses from the agencies, IDOT's representative placed follow-up telephone calls to them on July 1, 2003. The U.S. Fish and Wildlife service responded with a letter from Ms. Liz Hanna, dated July 2, 2003, a copy of which is attached, and a telephone call from Mr. Lynnwood Maclean, both indicating that these were "no action" projects. On July 7, 2003, Mr. Newton Ellins of the U.S. Environmental Protection Agency telephoned IDOT's representative and advised that the agency had no concerns about the proposed abandonment and discontinuance of service. On July 18, 2003, IDOT's representative placed a further follow-up telephone call to the Illinois Environmental Protection Agency., and on

July 21, 2003, the secretary to Deputy Director B. Killian returned the telephone call and said that Deputy Director B. Killian adhered to his March 5, 2001, letter and that the agency had no comments on, or objections to, the project.

9. Water. The proposed abandonment of ESLJ's line and the discontinuance of service by its lessee, UP, will have no significant effect upon Federal, State or local water quality standards of which IDOT is aware. The representative of IDOT, by letter dated March 19, 2003, a copy of which was provided Ms Rutson, advised the District Office of the U. S. Army Corps of Engineers of the proposed actions, and a copy of the agency's "no action" response letter from Mr. Keith A. McMullen, dated August 1, 2003, is attached.

10. Geodetic station markers. By letter dated March 19, 2003, with copy to Ms. Rutson, IDOT's representative apprized the National Geodetic Survey of the U.S. Department of Commerce of the proposed abandonment of the ESJL and the discontinuance of service by its lessee, UP. Having received no reply, IDOT's representative placed follow-up telephone calls to the agency on July 1 and 18, 2003, leaving his name and telephone number. Additionally, on July 18, 2003, IDOT's representative sent a fax to Mr. Rick Yorczyk, identified as the person in charge of identifying markers.. On July 24, 2003, IDOT's representative received a telephone call from Mr. Frank Maid, who said that there were no endangered markers on the rights-of-way of the ESLJ.

11. Mitigation. Since IDOT is unaware of any significant adverse environmental impact that the proposed abandonment and discontinuance of service would occasion, it perceives of no need for mitigating measures. Nevertheless, in accordance with the Board's regulations, in addition to the Federal and State of Illinois agencies previously identified, the representative of

IDOT, by letters dated March 19, 2003, with copies to Ms. Rutson, wrote to the Recreational Resources Assistance Division, National Park Service of the U.S. Department of Interior and the Chief of the National Forest System of the U.S. Department of Agriculture to advise them of the abandonment and discontinuance proposals, but to date none has responded to express any concerns about it.

Historical Effects.

1. Map. A map of the ESLJ which is proposed for abandonment is attached.
2. Description. The ESLJ consists of a line of railroad between Milepost 0.0 and Milepost 1.16, plus 6.40 miles of switch track and .34 miles of spur track, in National Stock Yards 66071, St. Clair County, Illinois.
3. Photographs. There is no structure along the line proposed for abandonment which is 50 years old or older.
4. Dates. There is no structure along the line proposed for abandonment which is 50 years old or older.
5. History. The line proposed for abandonment formerly was that of the St. Louis National Stockyard Company. The stockyards were operated as a public livestock market beginning in 1873 and at one time owned and operated 28.87 miles of railroad.
6. Documents. IDOT has no documents in its possession that confirm the dates of construction of the line. Such documents are likely to be in the possession of ESLJ, whose predecessors opened the line in 1873.
7. Opinion. IDOT believes that there is no structures on the railroad line proposed for

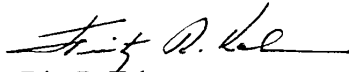
abandonment which warrants being listed in the Register of Historic Places. Similarly, IDOT is unaware of any archeological resources or any other previously unknown historic properties in the area. Notices of the proposed abandonment and discontinuance were given the Illinois Single Point of Contact and the Illinois Historic Preservation Agency by letters dated March 19, 2003, with copies to Ms. Rutson, and follow-up telephone calls were placed by IDOT's representative on July 1 and 18, 2003; however, although IDOT's representative left his name and telephone number, no response has been received.

Respectfully submitted,

ILLINOIS DEPARTMENT OF TRANSPORTATION

By its attorneys,

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Tel.: (217) 782-0691


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Tel.: (202) 263-4152

Special Assistant Attorney General
State of Illinois

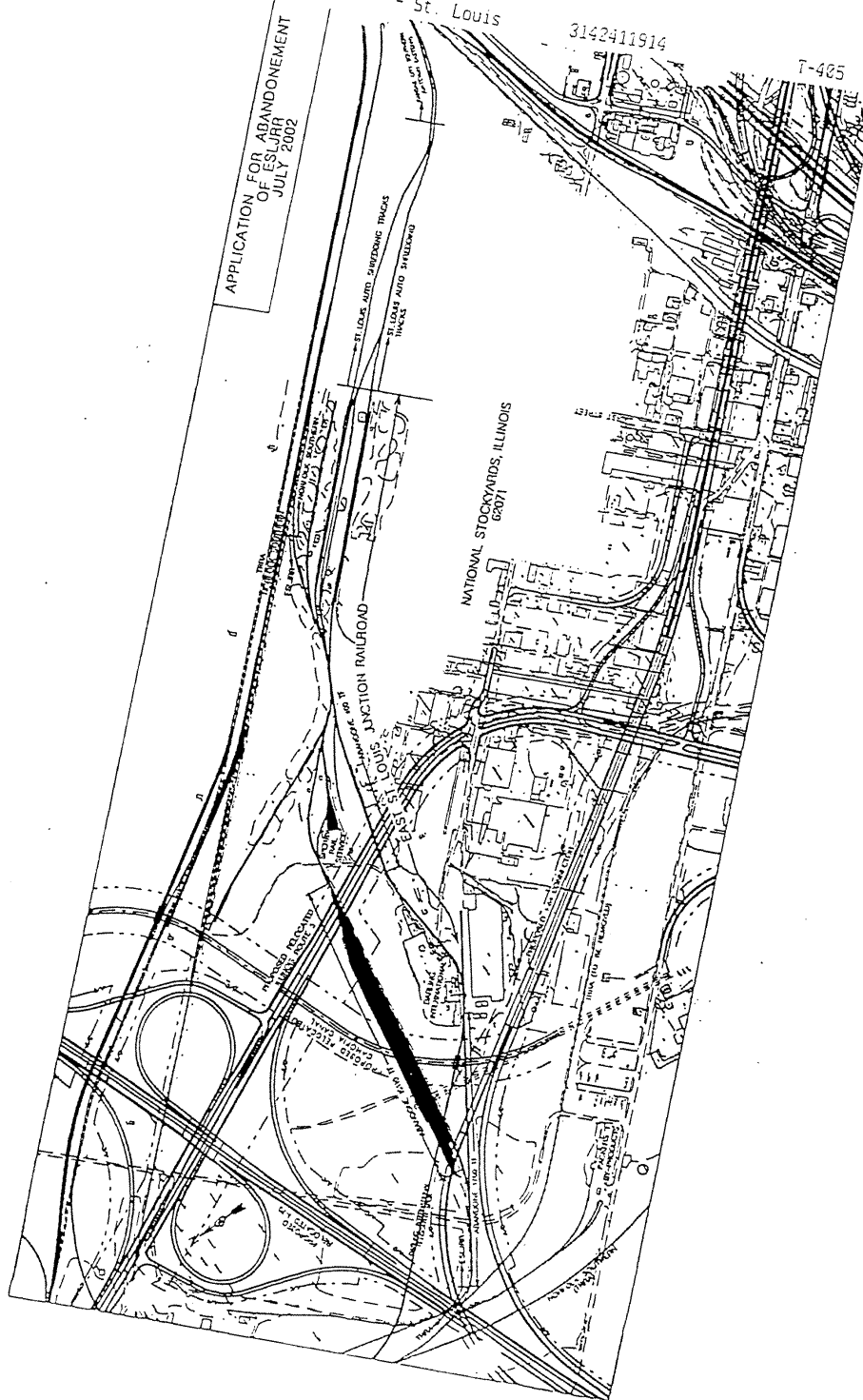
Dated: August 12, 2003

07-16-'02 09:32 FROM: - St. Louis

3142411914

T-405 P02/02 U-782

APPLICATION FOR ABANDONEMENT
OF ESJ
JULY 2002





IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

FWS/NWRS-RE - General
Railroad Abandonments

July 2, 2003

Mr. Fritz R. Kahn, P.C.
Law Offices
Eighth Floor
1920 N. Street, N.W.
Washington, D.C. 20036-1601

Dear Mr. Kahn:

Thank you for the opportunity to comment on the proposed abandonment of the East St. Louis Junction Railroad Company and the adverse discontinuance of services by the Union Pacific Railroad Company in National Stock Yards 62071, a distance of 7.56 miles, in St. Clair County, Illinois.

We have researched our ownership in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonment. We do not have any concerns regarding real estate matters in the abandonment.

Sincerely,

Liz Hanna
Acting Senior Realty Officer
Division of Realty



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

August 1, 2003

Regulatory Branch
File Number: 200301901

Mr. Fritz R. Kahn, P.C.
Eighth Floor
1920 North Street, Northwest
Washington D.C. 20036-1601

Dear Mr. Kahn:

We have reviewed the information you submitted concerning the proposed abandonments of several segments of the following railways in St. Clair County, Illinois. The areas of concern are located within the watershed of the Mississippi River.

The lines of the East St. Louis Junction Railroad Company is to be discontinued by it's lessee, Union Pacific Railroad Company, over a line of railroad between Milepost 0.0 and Milepost 1.16, plus 6.40 miles of switch track and .34 miles of spur track for a total of 7.90 miles within the National Stock Yards, in St. Clair County, Illinois. The abandonments are necessary as part of the Illinois Department of Transportations relocation of Illinois Route 3 and the ramps for Interstate 64 and 70, which are under separate Section 404 permit review.

Section 404 of the Clean Water Act assigns responsibility to the Secretary of the Army to administer a permit program to regulate the placement of dredged or fill material into waters of the United States. The placement of any dredged or fill material into waters of the United States below ordinary high water elevation, or in wetlands adjacent to these waters, must be authorized by a Section 404 permit.

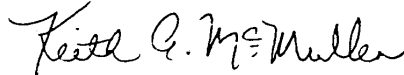
Based upon a review of the U.S. Geological Survey 7.5-minute topographical map, soil survey and National Wetland Inventory maps, we determined that no wetlands or waters of the United States would be impacted by your project. As a result of this determination, a Department of the Army, Section 404 permit **is not required** for this project. This verification is valid for **five** years from the date of this letter.

This determination is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other Federal, state or local approvals before beginning work.

You are reminded that although your proposal does not need a Section 404 permit, based on your submitted plans, any revisions to your proposal may be subject to Section 404 and require subsequent authorization from this office.

If you have any questions please contact me at (314) 331-8582. Please refer to file number 200301901.

Sincerely,



Keith A. McMullen
Assistant Chief
Regulatory Branch

Copies Furnished:

Dalton, IDNR
Allison, IEPA

ATTACHMENT E

AUG 11 2023 12:55

**PUBLIC NOTICE
BEFORE THE SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423
STB Docket No. AB-438**

**EAST ST. LOUIS JUNCTION RAILROAD COMPANY-
ADVERSE ABANDONMENT-IN ST. CLAIR COUNTY, IL
STB Docket No. AB-33 (Sub-No. 199)**

**UNION PACIFIC RAILROAD COMPANY
ADVERSE DISCONTINUANCE
IN ST. CLAIR COUNTY, IL**

**NOTICE OF ADVERSE DISCONTINUANCE AND ABANDONMENT
OF ILLINOIS DEPARTMENT OF TRANSPORTATION**

The Illinois Department of Transportation ("IDOT") gives notice that on or about August 1, 2003, it intends to file with the Surface Transportation Board, Washington, DC 20423, an application seeking the adverse abandonment of the entire East St. Louis Junction Railroad Company ("ESLJ"), consisting of a line of railroad between Milepost 0.0 and Milepost 1.16, plus 6.40 miles of switch track and .34 miles of spur track, and the adverse discontinuance of service by the railroad's lessee, Union Pacific Railroad Company ("UP"), in National Stock Yards 6607 L, St. Clair County, Illinois.

Appreciable portions of the land underlying the ESLJ's line is required in the relocation of Illinois Route 3, a heavily traveled roadway paralleling the Mississippi River, and the construction of a connection from Interstate 64 in Illinois to a proposed I-70 Mississippi River Bridge, connecting Missouri and Illinois. The affected railroad line is situated in U.S. Postal Service Zip Code 62071; it traverses no other U.S. Postal Service Zip Codes. The only station to be affected by the proposed discontinuance and abandonment is National Stock Yards.

The current shippers, Darling International, Sperry Rail Service and St. Louis Auto Shredding, Inc., will continue to receive railroad service from UP, which heretofore has served them over the line of the ESLJ, or its agent, as well as, where applicable, from the Norfolk and Southern Railway Company.

The application can be viewed following its filing on the Board's web page, www.stb.dot.gov, or a copy can be secured from IDOT's counsel, whose name and address appear below.

Appreciable portions of the land underlying the railroad line proposed for abandonment and discontinuance of service is required for the construction of relocated Illinois Route 3 and construction of a connection from Interstate 64 in Illinois to a proposed I-70 Mississippi River Bridge. This abandonment will permit the grade separation of all state highways and the railroad lines in this area. Based on information in IDOT's possession, the lines do not contain Federally granted rights-of-way. Any documentation in IDOT's possession will be made available promptly to those requesting it.

The interests of the UP's employees will be protected by the conditions of Oregon Short Line R. Co.—Abandonment—Goshen, 340 I.C.C. 191 (1979); those of ESLJ, however, will not receive such protection as all of the railroad's line is to be abandoned and ESLJ is not part of a system which will benefit from the abandonment. See, STB Docket No. AB-246 (Sub-No. 2X), Yreka Western Railroad Company—Abandonment—Exemption—in Siskiyou County, CA, served May 4, 1999.

The application will include IDOT's entire case for discontinuance and abandonment. Any interested person, after the application is filed on or about August 1, 2003, may file with the Surface Transportation Board its protest of, or written comments concerning, the proposed discontinuance and abandonment identifying them by the proceedings' docket numbers. These filings are due 45 days from the date of filing of the application and should detail: (1) the person's name, address and business; (2) the person's interest in the proceeding; (3) the person's reasons for protesting or commenting on the proposed discontinuance and abandonment; and (4) any responses to the material submitted in the application. Protests or comments need to be notarized or verified; and an unbound original and ten copies are required to be filed with the Secretary of the Board, at 1925 K Street, NW, Washington, DC 20423-0001, together with a certificate of service attesting that copies of the comments or protests have been served on IDOT's counsel, Fritz R. Kahn, Fritz R. Kahn, P.C., 1920 N Street, NW, (8th Fl.), Washington, DC 20036. Protests and comments will be considered by the Board in determining what disposition to make of the application.

Offers of financial assistance, 49 C.F.R. 1152.27, and public use conditions, 49 C.F.R. 1152.28, are not available in these proceedings. Persons seeking further information concerning discontinuance and abandonment procedures may contact the Board's Office of Public Service at (202) 545-1392 or refer to the text of the discontinuance and abandonment regulations at 49 C.F.R. 1152.11 through 1152.28, which can be viewed at www.stb.gov/part49.

An environmental assessment (EA) for environmental impact statement (EIS), if necessary, prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other person who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EA's in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

U-11053800 (July 25, 30, Aug. 1)

**CERTIFICATE OF
PUBLICATION**

STATE OF ILLINOIS)
COUNTY OF ST. CLAIR) ss.

This is to certify that the undersigned GARY BERKLEY is the president and publisher of the NEWS-DEMOCRAT a public and English secular newspaper of general circulation, which has been regularly published daily in the City of Belleville, County of St. Clair and State of Illinois, for at least one year prior to the first publication of the notice hereinafter mentioned, and that a notice of which the annexed is a true printed copy, has been regularly published in said newspaper three times, ~~once each~~ once each week for three successive weeks, the first publication thereof having been made in the issue of said newspaper, published on

July 15 20 03
and (the) last publication thereof having been made in the issue of said newspaper, published on

August 4 20 03
and that the face of the type in which each publication of said notice was made was the same as the body type used in the classified advertising in the issue of said newspaper in which publication was made.

GARY BERKLEY
President and Publisher

By

Melinda Lehman
His Authorized Agent

Printer's fee

\$ 1,370.25

