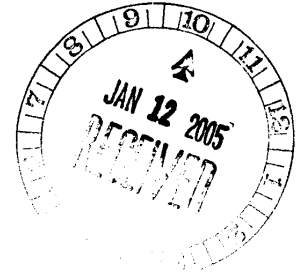


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LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND



January 11, 2005

By UPS overnight mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. AB-792X, *Railroad Switching Service of Missouri, Inc. --
Abandonment Exemption -- Entire Rail Line in St. Louis, St. Louis County, MO*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Petition for Exemption From 49 U.S.C.
§ 10903, for filing with the Board in the above referenced matter.

Also enclosed is a check for \$5,000 for the filing fee.

ENTERED
Office of Proceedings

JAN 12 2005

Part of
Public Record

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Petitioner

FILED

JAN 12 2005

SURFACE
TRANSPORTATION BOARD

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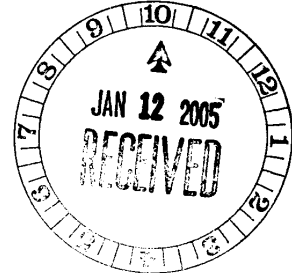
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SURFACE
TRANSPORTATION BOARD

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ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

RAILROAD SWITCHING SERVICE OF)
MISSOURI, INC. -- ABANDONMENT) DOCKET NO. AB-792X
EXEMPTION -- ENTIRE RAIL LINE IN)
ST. LOUIS, ST. LOUIS COUNTY, MO)



PETITION FOR EXEMPTION FROM 49 U.S.C. 10903

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SURFACE
TRANSPORTATION BOARD

RAILROAD SWITCHING SERVICE
OF MISSOURI, INC.
P.O. Box 99
O'Fallon, IL 62269

Petitioner

FEE RECEIVED

JAN 12 2005

THOMAS F. McFARLAND SURFACE
TRANSPORTATION BOARD
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Petitioner

DATE FILED: January 12, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD



RAILROAD SWITCHING SERVICE OF)
MISSOURI, INC. -- ABANDONMENT)
EXEMPTION -- ENTIRE RAIL LINE IN) DOCKET NO. AB-792X
ST. LOUIS, ST. LOUIS COUNTY, MO)

PETITION FOR EXEMPTION FROM 49 U.S.C. 10903

Pursuant to 49 U.S.C. § 10502(a) and 49 C.F.R. § 1152.60, RAILROAD SWITCHING SERVICE OF MISSOURI, INC. ("RSSM"), a Class III rail carrier, hereby petitions for an exemption from 49 U.S.C. § 10903 for abandonment of its entire line of railroad. RSSM's rail line is 1.89 miles in length in the City of St. Louis, Missouri.^{1/} The rail line extends from point of connection with Norfolk Southern Railway Company (NS) at or near Broad Street (Milepost 0) to terminus at the publishing facility of the St. Louis Post-Dispatch ("the Post-Dispatch"), a daily St. Louis newspaper, at 900 North Tucker Boulevard (Milepost 1.89), all in St. Louis, MO.

MAP

Pursuant to 49 C.F.R. § 1152.60(b), two maps of RSSM's rail line are attached to this Petition as Appendix 1, pages 1 and 2. The map on page 1 shows RSSM's rail line in yellow in relation to other rail lines in the City of St. Louis. The map on page 2 shows RSSM's rail line in more detail. As shown on page 2, RSSM's rail line connects with NS near the upper right corner of the map. As reflected in photographs that appear as Appendix 10 of the Draft Environmental and Historic Report (attached to this Petition as Appendix 3), the rail line is situated on a steel

^{1/} The rail line is located in St. Louis County, Missouri

girder bridge over Interstate Highway 70 and a number of city streets for a distance of approximately 4,400 feet. After exiting the bridge across I-70, the rail line is located in the middle of Hadley Street for several blocks. For approximately 300 feet at its terminus, the rail line is located underground in a tunnel. The unusual configuration of the rail line and its urban setting make the line difficult and expensive to operate.

RAIL USE OF THE LINE

RSSM leased the rail line from the City of St. Louis in 1989. *See Railroad Switching Service of Missouri, Inc. -- Lease and Operation Exemption -- Norfolk and Western Railway Company*, ICC Finance Docket No. 31426 (Sub-No. 1), notice of exemption served June 23, 1989 (not printed). The City of St. Louis had acquired the line from a predecessor of NS and immediately leased the line to RSSM. RSSM purchased the line from the City of St. Louis ten years later, in 1999.

The Post-Dispatch has been the sole user of the rail line throughout RSSM's 15 years of operation of the line. The Post-Dispatch used the line to receive newsprint paper. In June, 2004, the Post-Dispatch notified RSSM that it would no longer use the rail line. There has been no traffic over the line since June, 2004. Attached to this Petition as Appendix 2 is a copy of a letter from Mr. John Dennen, Vice President - Production of the Post-Dispatch, to Mr. Greg Cundiff, President of RSSM's affiliate, Ironhorse Resources, Inc., dated November 15, 2004, stating that the Post-Dispatch will no longer use the rail line, and that the Post-Dispatch gives its permission to RSSM to file for abandonment of the rail line.

There is no reasonable prospect of any other user or users of the rail line. During RSSM's 15 years of operation of the rail line, RSSM made diligent efforts to attract users to the

rail line, but no such users materialized. In light of that experience, it is very unlikely that any other user would locate on the rail line in the foreseeable future.

AN EXEMPTION IS WARRANTED

Abandonment of a rail line requires Board approval under 49 U.S.C. § 10903. However, on petition, the Board is to exempt a proposed abandonment from the requirement of such approval if the Board finds under 49 U.S.C. § 10502(a) that application of 49 U.S.C. § 10903 to the proposed abandonment is not required to carry out the rail transportation policy of 49 U.S.C. § 10101, and either that the proposed abandonment is of limited scope, or that application of 49 U.S.C. § 10903 to the proposed abandonment is not necessary to protect shippers from abuse of market power.

In regard to the first standard of 49 U.S.C. § 10502(a), the need for regulation is to be tested against the provision(s) of the rail transportation policy that is (are) implicated by the statute from which an exemption is sought. As to abandonment under 49 U.S.C. § 10903, the rail policy most directly implicated is 49 U.S.C. § 10101(4) in favor of continuation of a sound rail transportation system to meet the needs of the public and the national defense. The issue is whether a conventional abandonment application is required to determine whether the abandonment should be approved or whether it is so apparent that continued operation of the line is not required for an adequate rail transportation system that abandonment can be authorized by exemption without the need for such an application.

There is an established body of case law in resolution of that issue. An exemption for abandonment is to be denied where affected shippers contest abandonment and it is not shown that the revenues from their traffic are clearly marginal compared to the cost of operating the

involved rail line. *Gauley River Railroad, LLC -- Aband. & Discon. of Serv. Exempt. -- in Webster and Nicholas Counties, WV*, 1999 STB LEXIS 345 at *14 (STB Docket No. AB-559 [Sub-No. 1X], decision served June 16, 1999 at 5); *Central Railroad Co. of Indiana -- Aband. Exempt. -- in Dearborn, Decatur, Franklin, Ripley and Shelby Counties, IN*, 1998 STB LEXIS 121 at * 10 (STB Docket No. AB-459 [Sub-No. 2X], decision served May 4, 1998 at 9-10).

However, an exemption is appropriate where the Petition for Exemption is unopposed, or where it is apparent that the rail carrier would operate at a substantial loss, regardless of whether shippers oppose the exemption. *Minnesota Northern Railroad, Inc. -- Aband. Exempt. -- between Redland Jct. and Fertile, in Polk County, MN*, 1997 STB LEXIS 294 at * 25 (STB Docket No. AB-497 [Sub-No. 2X], decision served Nov. 14, 1997 at 11-12).

It is evident that the case at hand fits into the latter category. This proposed abandonment is not opposed by any user of the rail line. The sole historical user of the rail line -- the Post-Dispatch -- is on record that it will no longer use the rail line, and that abandonment of the line has its blessing. There is no reasonable prospect for any other user of the rail line in the foreseeable future. In a word, the rail line is unused and unneeded. That being the case, compliance with the abandonment application procedure of 49 U.S.C. § 10903 is not necessary to carry out the policy of 49 U.S.C. § 10101(4) in favor of a sound rail transportation system to meet the needs of the public and the national defense.

In addition, it is evident that revenues from operating the line are insufficient compared to the cost of operating the line. As of the Post-Dispatch's discontinuance of use of the line in June, 2004, there have been no rail line revenues at all. Costs for maintenance of the bridge across I-70 and of the trackage in city streets will continue for safety reasons regardless of the absence of

traffic and revenues. Consequently, there would be continuing operating losses for RSSM unless the rail line were to be abandoned. In addition, RSSM would incur opportunity costs if the rail line were to continue in place. RSSM would be likely to realize significant sums from sale of the track materials for scrap and for interim trail use of the right-of-way if the rail line were to be abandoned. Denial of abandonment would unjustifiably deprive RSSM of that return on value.

Because there are no present or prospective shippers using the line, application of 49 U.S.C. § 10903 to the proposed abandonment is not necessary to protect shippers from an abuse of market power. *Minnesota Northern Railroad, Inc. -- Aband. Exempt. -- between Redland Jct. and Fertile, in Polk County, MN, supra*, 1997 STB LEXIS 294 at *24. In light of that finding, the Board need not determine whether the proposed transaction is of limited scope. However, the proposed 1.89-mile abandonment is clearly limited in scope.

Inasmuch as the evidence warrants all of the findings required by 49 U.S.C. § 10502(a), the Board should grant the proposed exemption.

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

A draft Environmental and Historic Report is attached to this Petition as Appendix 3-A. That Report forms the basis for a finding that the proposed abandonment would not have a significant adverse effect on the quality of the human environment nor on the preservation of historic resources. Any comments on the Draft Report received by RSSM are included in Appendix 3-B. Appendix 4 attached to this Petition is a copy of a letter providing notice of the proposed abandonment to agencies specified in 49 C.F.R. § 1152.50(d)(1).

DRAFT FEDERAL REGISTER NOTICE

Pursuant to 49 C.F.R. § 1152.60(c), attached to this Petition as Appendix 5 is a draft Federal Register notice of the proposed abandonment in the form required by that regulation.

EMPLOYEE PROTECTION

Board policy is not to impose protective conditions in entire line abandonments except where the applicant has a corporate parent that would benefit from the abandonment, and who could be made responsible for the cost of labor protection. *Wellsville, Addison & Galetton R. Corp. - Abandonment*, 354 I.C.C. 744, 745-746 (1978). Here, RSSM has a corporate parent, Ironhorse Resources, Inc., a noncarrier, but it is unlikely that Ironhorse Resources would benefit materially from the proposed abandonment. Consequently, labor protective conditions should not be imposed. If labor protective conditions are imposed, the conditions imposed in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979), should be imposed in the present case.

FEDERALLY-GRANTED RIGHT-OF-WAY

No information in the possession of RSSM indicates that the rail line contains federally granted rights-of-way. Consequently, there is no documentation in petitioner's possession that could be made available to those requesting it.

NEWSPAPER NOTICE

Petitioner has arranged for publication of notice of the proposed abandonment in a newspaper of general circulation in St. Louis County, MO, i.e., the St. Louis Post-Dispatch. Petitioner will file proof of such publication when received.

VERIFICATION

Attached to this Petition as Appendix 6 is a copy of the verification of Mr. Gregory B. Cundiff, President of RSSM, attesting to the truth of the facts stated in this Petition.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should grant an exemption for (1) RSSM's abandonment of its entire rail line, i.e., 1.89 miles of rail line in St. Louis, St. Louis County, Missouri, between connection with NS at or near Broad Street and terminus at the publishing facility of the St. Louis Post-Dispatch at 900 North Tucker Boulevard.

Respectfully submitted,

RAILROAD SWITCHING SERVICE
OF MISSOURI, INC.
P.O. Box 99
O'Fallon, IL 62269

Petitioner

Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Petitioner

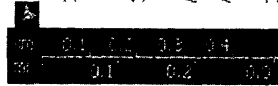
DATE FILED: January 12, 2005

Appendix 1

This is a detailed black and white map of the St. Louis area, showing the Mississippi River, major highways, and rail lines. The map includes labels for Missouri (MO) and Illinois (IL). Key locations marked include St. Louis, East St. Louis, and various industrial and commercial sites like the Gateway Yards and the Gateway Arch. A scale bar and a north arrow are located in the bottom left corner.



©2004 MicroScale Corp. ©2003 NAVTEQ, and FORD, Inc.



Legend



SOUTH

Appendix 2

ST. LOUIS POST-DISPATCH

LLC of PULITZER INC.

NOV 12 RECD

November 15, 2004

Mr. Greg Cundiff
President
Ironhorse Resources, Inc.
P. O. Box 99
O'Fallon, IL 62269

Dear Mr. Cundiff:

This letter is to inform you that the St. Louis Post-Dispatch LLC will no longer use your rail line named Railroad Switching Services of Missouri, Inc. located in St. Louis, MO to ship or receive any product. We will not use this railroad again to move any of our product.

You have our permission to file for abandonment with the Surface Transportation Board.

Sincerely,



John Dennon
Vice President - Production

Appendix 3-A

BEFORE THE
SURFACE TRANSPORTATION BOARD

RAILROAD SWITCHING SERVICE OF)
MISSOURI, INC. -- ABANDONMENT) DOCKET NO. AB-792X
EXEMPTION -- ENTIRE RAIL LINE IN)
ST. LOUIS, ST. LOUIS COUNTY, MO)

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

RAILROAD SWITCHING SERVICE
OF MISSOURI, INC.
P.O. Box 99
O'Fallon, IL 62269

Petitioner

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Petitioner

DATED: December 22, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

RAILROAD SWITCHING SERVICE OF)
MISSOURI, INC. -- ABANDONMENT)
EXEMPTION -- ENTIRE RAIL LINE IN) DOCKET NO. AB-792X
ST. LOUIS, ST. LOUIS COUNTY, MO)

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to 49 C.F.R. § 1105.7 and § 1105.8, RAILROAD SWITCHING SERVICE OF MISSOURI, INC. (RSSM) hereby files this Draft Environmental and Historic Report (Report). There is no information in the files of RSSM to indicate that the rail line covered by this Report contains federally granted right-of-way. See 49 C.F.R. § 1152.60(d).

I.

DRAFT ENVIRONMENTAL REPORT

RSSM hereby submits the following information required by 49 C.F.R. § 1105.7(e):

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

The proposed action is abandonment by RSSM of its entire rail line. That rail line is approximately 1.89 miles in length. It extends from a point of connection to Norfolk Southern Railway Company (NS) at or near Branch Street in St. Louis, MO (Milepost 0.) to terminus at the publishing facility of the St. Louis Post-Dispatch (a daily St. Louis newspaper) at 800 North Tucker Blvd. in St. Louis, MO (Milepost 1.89). RSSM has operated that rail line since 1989.

Initially, RSSM leased the line from the City of St. Louis. *See Railroad Switching Service of Missouri, Inc. -- Lease and Operation Exemption -- Norfolk and Western Railway Company*, ICC Finance Docket No. 31426 (Sub-No. 1), notice of exemption served June 23, 1989 (not printed).^{2/} RSSM purchased the line from the City in 1999.

RSSM used the rail line solely to provide rail service to the St. Louis Post-Dispatch. The St. Louis Post-Dispatch recently informed RSSM that it will no longer use that rail line, and that RSSM has the permission of the St. Louis Post-Dispatch to file with the Board for abandonment of the line. A copy of the St. Louis Post-Dispatch's letter to that effect dated November 15, 2004, is attached to this Report as Appendix 1.

There are no reasonable prospects for use of the rail line by entities other than the St. Louis Post-Dispatch. RSSM operated the rail line for over 15 years without being able to convince any entity in addition to the St. Louis Post-Dispatch to use the rail line. In view of that absence of demand, and in light of discontinuance of rail use by the St. Louis Post-Dispatch, RSSM has decided to seek an exemption for its abandonment of the rail line. RSSM intends to file a Petition with the Board for exemption of abandonment of the rail line no earlier than 20 days after issuance of this Report. *See* 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1152.60.

The principal commodity transported over the rail line has been newsprint paper.

RSSM intends to dispose of the track materials in the rail line by removal and sale for scrap. RSSM intends to dispose of the land in the rail line right-of-way by sale for railbanking and interim recreational trail use, or by piecemeal sale for nonrail use.

^{2/} The caption of the notice of exemption refers to NS because the City of St. Louis acquired the rail line from NS and immediately leased the line to RSSM.

If the Petition for Exemption of abandonment of the rail line were to be granted, current rail operations and track maintenance practices would cease.

In RSSM's opinion, there is no reasonable alternative to the proposed action because the rail line is unlikely to generate any revenues in the future that could be used to offset continuing costs of rail line inspection and grade crossing maintenance.

Attached to this Report as Appendix 2 is a map of the rail line.

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

RSSM believes that the proposed abandonment will have a minimal effect on regional and local transportation systems and patterns. Rail shipments over the line have already ceased as a result of discontinuance of use of the rail line by the St. Louis Post-Dispatch. Thus, formal abandonment will not have an effect on rail or truck traffic volume.

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

RSSM believes that the proposed abandonment will not be inconsistent with local or regional land use plans. As noted above, use of the rail line has already ceased. Thus, formal abandonment will not have a practical effect on traffic volume or land use.

In accordance with the requirements of this regulation, RSSM is consulting by letter with planning agencies for the City of St. Louis and St. Louis County. Copies of letters to those agencies are attached to this Report as Appendix 3. Responses received from those agencies will be furnished to the Board's Section of Environmental Analysis (SEA).

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RSSM does not believe that the proposed abandonment and discontinuance will have any effect on prime agricultural land. The rail line is not located adjacent to any agricultural land. Removal of trackage from the rail line thus should not have any effect on prime agricultural land. In accordance with this regulation, RSSM is consulting by letter with the Natural Resource Conservation Service, formerly known as the U.S. Soil Conservation Service (Appendix 4). Any response to that letter will be furnished to SEA.

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

Not applicable. The rail line is not located in a designated coastal zone.

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

The rail line may be suitable for alternative public use as a recreational trail because of the assembled nature of the right-of-way corridor. It is doubtful that the rail line would be suitable for highway use in light of existing highways and streets in the area.

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

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

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

The proposed action will have no effect on recyclable commodities.

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

The proposed action will not result in an increase or decrease in overall energy efficiency because the rail line is not being used for rail transportation.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy

consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.

Not applicable.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

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

The proposed action will have no effect on public health and safety because the rail line is not currently being used.

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

Not applicable.

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

RSSM does not believe that it is likely that the proposed action would adversely affect endangered or threatened species or areas designated as critical habitat. In accordance with this regulation, RSSM is consulting by letter with the U.S. Fish and Wildlife Service (Appendix 5). Any response to that letter will be furnished to SEA.

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

RSSM does not believe that the proposed exemption would affect wildlife sanctuaries or refuges, nor National or State parks or forests.

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

RSSM believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. In accordance with this regulation, RSSM is consulting by

letter with Missouri water quality officials (Appendix 6). Any response to that letter will be furnished to SEA.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RSSM believes that permits under section 404 of the Clean Water Act are not required for the proposed exemption. RSSM does not believe that the proposed action will affect any designated wetlands or 100-year flood plains. In accordance with this regulation, RSSM is consulting by letter with the U.S. Army Corps of Engineers (Appendix 7). Any response to that letter will be furnished to SEA.

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

RSSM believes that permits under section 402 of the Clean Water Act are not required for the proposed action. In accordance with this regulation, RSSM is consulting by letter with the U.S. Environmental Protection Agency (Appendix 8). Any response to that letter will be furnished to SEA.

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

Not applicable.

II.

HISTORIC REPORT

RSSM hereby submits the following information required by 49 C.F.R. § 1105.8(d):

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

An equivalent map is attached to this Report as Appendix 9.

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

The right-of-way to be abandoned is of varying widths, averaging 45 feet wide. The line is 1.89 miles in length. It extends generally through an industrial urban area. Approximately 4,400 feet of the rail line consists of trackage located on a steel girder bridge over Interstate Highway 70 and other streets in the area. Approximately 300 feet of the rail line consists of trackage located underground in a tunnel at and near the end of the rail line at the facility of the St. Louis Post-Dispatch.

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

Attached to this Report as Appendix 10 are photographs of the steel girder bridge on the rail line that is 50 years old or older.

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

The date of construction of the steel girder bridge pictured in Appendix 10 is not known, but the bridge is thought to be 75 years old or more.

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

The line proposed to be abandoned was originally owned by a predecessor of Norfolk Southern Railway Company (NS). The City of St. Louis acquired the rail line from NS in 1989 and immediately leased the line to RSSM. RSSM purchased the line from the City in 1999. RSSM has operated that line since 1989.

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

No such documents are in RSSM's possession.

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

It is the opinion of RSSM that the bridge pictured in Appendix 10 does not meet the criteria for listing on the National Register of Historical Places, and that there is no likelihood of archeological resources or any other previously unknown historic properties in the project area. In accordance with this regulation, RSSM is consulting by letter with the Missouri Historic Preservation Office (Appendix 11). Any response to that letter will be furnished to SEA.

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

RSSM has no knowledge of any prior sub-surface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

Respectfully submitted,

RAILROAD SWITCHING SERVICE
OF MISSOURI, INC.
P.O. Box 99
O'Fallon, IL 62269

Petitioner

Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Petitioners

DATED: December 22, 2004

ST. LOUIS POST-DISPATCH

LLC of PULITZER INC.

NOV 12 REC'D

November 15, 2004

Mr. Greg Cundiff
President
Ironhorse Resources, Inc.
P. O. Box 99
O'Fallon, IL 62269

Dear Mr. Cundiff:

This letter is to inform you that the St. Louis Post-Dispatch LLC will no longer use your rail line named Railroad Switching Services of Missouri, Inc. located in St. Louis, MO to ship or receive any product. We will not use this railroad again to move any of our product.

You have our permission to file for abandonment with the Surface Transportation Board.

Sincerely,



John Dennon
Vice President - Production

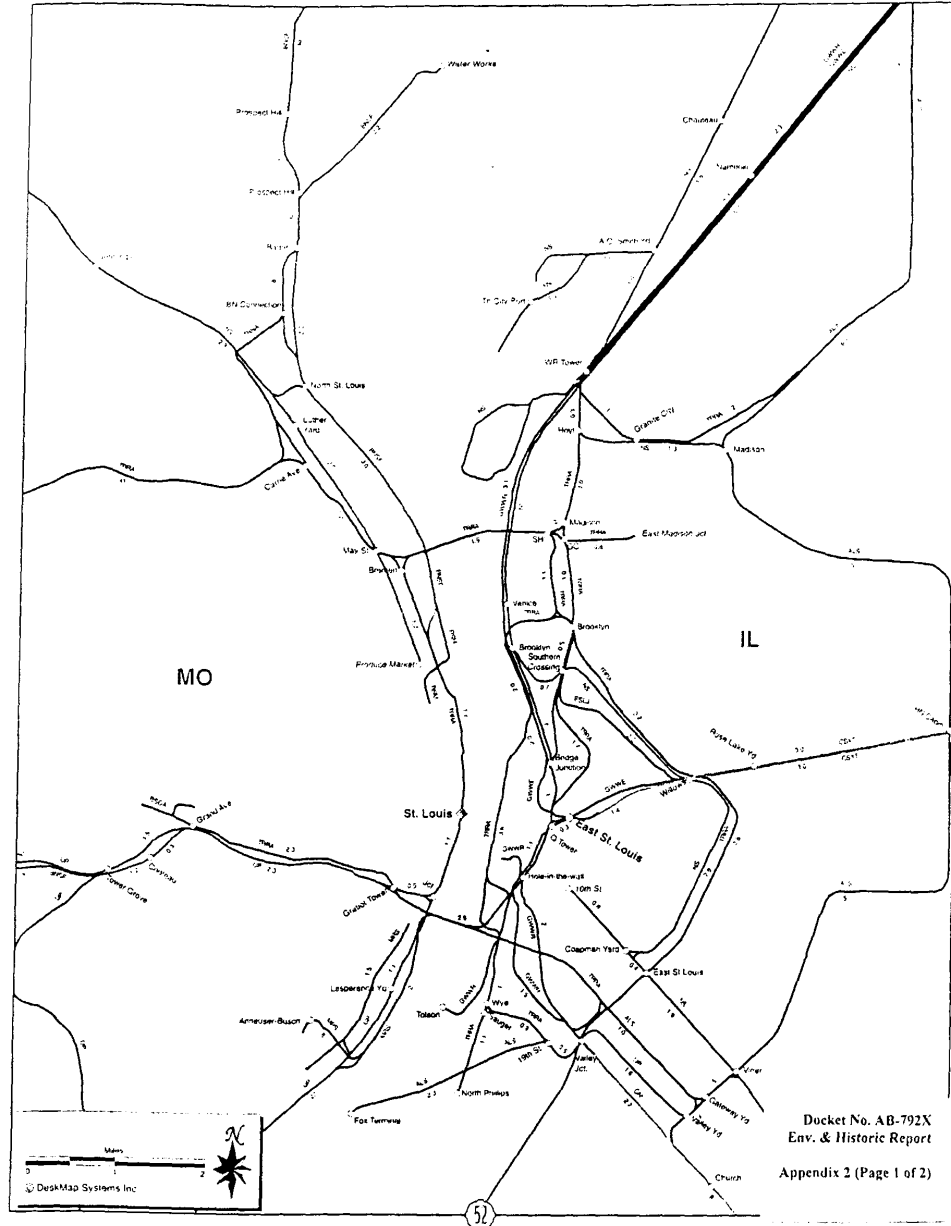
Docket No. AB-792X
Env. & Historic Report

Appendix I

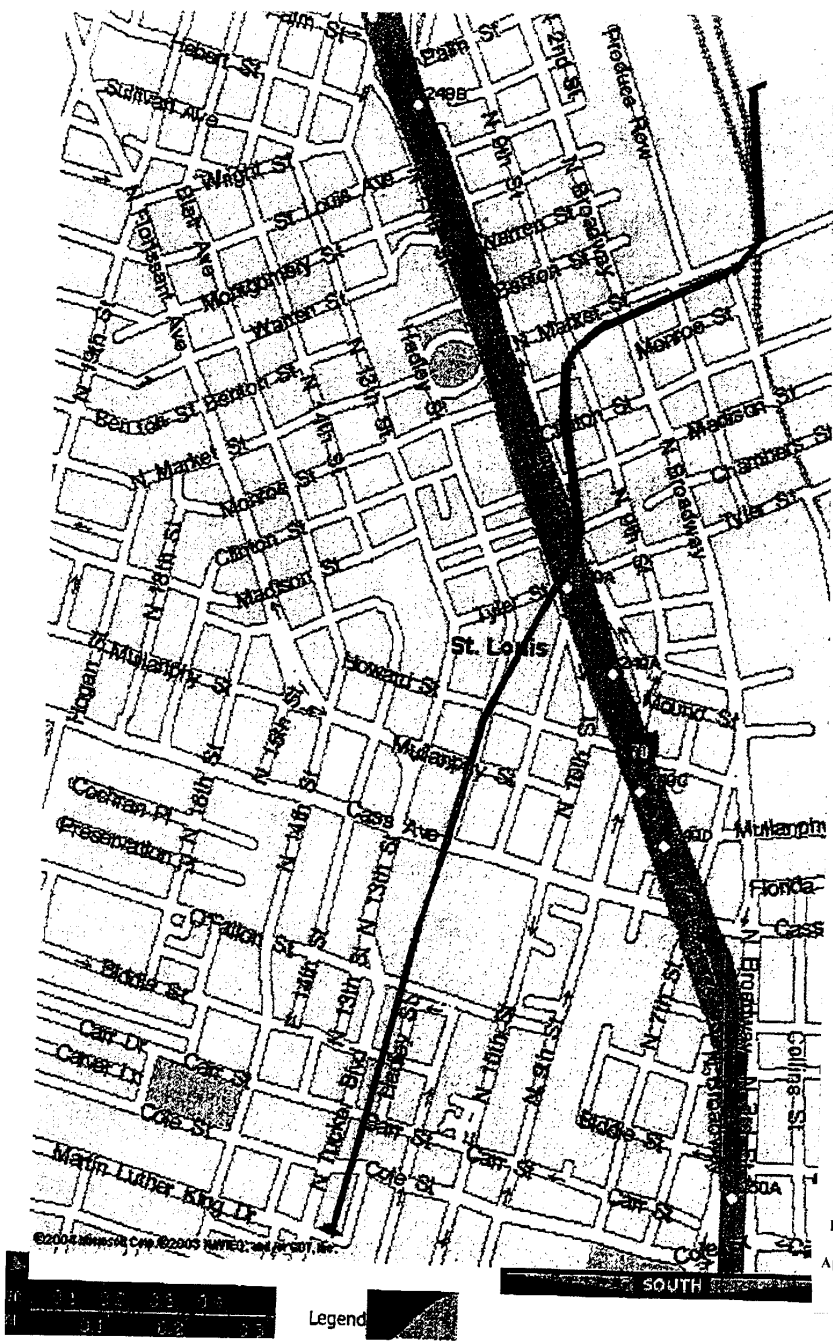
900 N. TUCKER BLVD. > ST. LOUIS, MO 63101-1099 > PHONE 314-340-8000

♻️ Printed on recycled paper

MISSOURI • St. Louis



Docket No. AB-792X
Env. & Historic Report
Appendix 2 (Page 1 of 2)



Docket No. AB-792X
Env. & Historic Report
Appendix 2 (Page 2 of 2)

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

December 22, 2004

City of St. Louis, MS
Planning Department
1200 Market Street
St. Louis, MO 63103

County of St. Louis, MO
Planning Department
41 S. Central Avenue, 5th fl.
Clayton, MO 63105

Re: STB Docket No. AB-792X, *Railroad Switching Service of Missouri, Inc. --
Abandonment Exemption -- Entire Rail Line in St. Louis, St. Louis County, MO*

Gentlemen:

On or about January 11, 2005, I expect to file a petition with the Surface Transportation Board (STB) in behalf of Railroad Switching Service of Missouri, Inc. (RSSM) for an exemption for abandonment of its entire rail line between Milepost 0.0 at or near Branch Street and Milepost 1.89 at the publishing facility of the St. Louis Post-Dispatch, in the City of St. Louis, St. Louis County, Missouri (the entire RSSM rail line). The petition would be captioned as above. All rail service would cease and trackage would be removed between the identified mileposts.

Enclosed is a draft Environmental and Historic Report that I have prepared to describe the proposed action and its environmental and historic effects. The action is described in Item 1 of the Environmental Report. A map of the area appears as Appendix 2 attached to the Report.

Pursuant to STB regulations, RSSM is required to consult with your agencies regarding the effect of the proposed action on local and regional land use plans (see Item 3(i) of the Environmental Report).

You are entitled to comment on the draft of statements that I have made. Any comments that you submit will be considered by the STB in evaluating the environmental and historic impacts of the proposed abandonment.

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 3 (Page 1 of 2)

Planning Department
December 22, 2004
Page 2

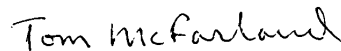
Your comments should be directed to:

Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

You should send a copy of your comments to me at the address shown on this letterhead. Because the applicable statutes and regulations impose stringent deadlines for processing exemptions for abandonment, any comments that you submit should be sent within 3 weeks of your receipt of this letter.

Should you have any questions, you can contact the STB's Section of Environmental Analysis at (202) 565-1552 or the undersigned at (312) 236-0204.

Very truly yours,



Thomas F. McFarland
*Attorney for Railroad Switching
Service of Missouri, Inc.*

TMcF:kl:enc:wp8.0\1069\ltrplandep1

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 3 (Page 2 of 2)

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

December 22, 2004

USDA Natural Resource Conservation Service
Parkade Center
Suite 250
601 Business Loop 70 West
Columbia, MO 65203-2546

Re: STB Docket No. AB-792X, *Railroad Switching Service of Missouri, Inc. --
Abandonment Exemption -- Entire Rail Line in St. Louis, St. Louis County, MO*

Dear Sir or Madam:

On or about January 11, 2005, I expect to file a petition with the Surface Transportation Board (STB) in behalf of Railroad Switching Service of Missouri, Inc. (RSSM) for an exemption for abandonment of its entire rail line between Milepost 0.0 at or near Branch Street and Milepost 1.89 at the publishing facility of the St. Louis Post-Dispatch, in the City of St. Louis, St. Louis County, Missouri (the entire RSSM rail line). The petition would be captioned as above. All rail service would cease and trackage would be removed between the identified mileposts.

Enclosed is a draft Environmental and Historic Report that I have prepared to describe the proposed action and its environmental and historic effects. The action is described in Item 1 of the Environmental Report. A map of the area appears as Appendix 2 attached to the Report.

Pursuant to STB regulations, RSSM is required to consult with your agencies regarding the effect of the proposed action on local and regional land use plans (see Item 3(ii) of the Environmental Report).

You are entitled to comment on the draft of statements that I have made. Any comments that you submit will be considered by the STB in evaluating the environmental and historic impacts of the proposed abandonment.

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 4 (Page 1 of 2)

USDA Natural Resource Conservation Service
December 22, 2004
Page 2

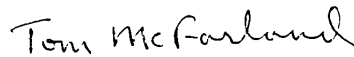
Your comments should be directed to:

Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

You should send a copy of your comments to me at the address shown on this letterhead. Because the applicable statutes and regulations impose stringent deadlines for processing exemptions for abandonment, any comments that you submit should be sent within 3 weeks of your receipt of this letter.

Should you have any questions, you can contact the STB's Section of Environmental Analysis at (202) 565-1552 or the undersigned at (312) 236-0204.

Very truly yours,



Thomas F. McFarland
*Attorney for Railroad Switching
Service of Missouri, Inc.*

TMcF:kl:enc:wp8.0\1069\lrusdal

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 4 (Page 2 of 2)

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

December 22, 2004

U.S. Fish & Wildlife Service
Great Lakes - Big River Region
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

Re: STB Docket No. AB-792X, *Railroad Switching Service of Missouri, Inc. --
Abandonment Exemption -- Entire Rail Line in St. Louis, St. Louis County, MO*

Dear Sir or Madam:

On or about January 11, 2005, I expect to file a petition with the Surface Transportation Board (STB) in behalf of Railroad Switching Service of Missouri, Inc. (RSSM) for an exemption for abandonment of its entire rail line between Milepost 0.0 at or near Branch Street and Milepost 1.89 at the publishing facility of the St. Louis Post-Dispatch, in the City of St. Louis, St. Louis County, Missouri (the entire RSSM rail line). The petition would be captioned as above. All rail service would cease and trackage would be removed between the identified mileposts.

Enclosed is a draft Environmental and Historic Report that I have prepared to describe the proposed action and its environmental and historic effects. The action is described in Item 1 of the Environmental Report. A map of the area appears as Appendix 2 attached to the Report.

Pursuant to STB regulations, RSSM is required to consult with your agencies regarding the effect of the proposed action on local and regional land use plans (see Item 8 of the Environmental Report).

You are entitled to comment on the draft of statements that I have made. Any comments that you submit will be considered by the STB in evaluating the environmental and historic impacts of the proposed abandonment.

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 5 (Page 1 of 2)

U.S. Fish & Wildlife Service
December 22, 2004
Page 2

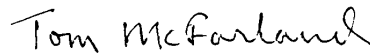
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Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

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Should you have any questions, you can contact the STB's Section of Environmental Analysis at (202) 565-1552 or the undersigned at (312) 236-0204.

Very truly yours,



Thomas F. McFarland
*Attorney for Railroad Switching
Service of Missouri, Inc.*

TMcF:kl:enc:wp8.0\1069\lrusfw1

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 5 (Page 2 of 2)

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

December 22, 2004

Missouri Environmental Protection Agency
Department of Environmental Quality
P.O. Box 176
Jefferson City, MO 65102

Re: STB Docket No. AB-792X, *Railroad Switching Service of Missouri, Inc. --
Abandonment Exemption -- Entire Rail Line in St. Louis, St. Louis County, MO*

Dear Sir or Madam:

On or about January 11, 2005, I expect to file a petition with the Surface Transportation Board (STB) in behalf of Railroad Switching Service of Missouri, Inc. (RSSM) for an exemption for abandonment of its entire rail line between Milepost 0.0 at or near Branch Street and Milepost 1.89 at the publishing facility of the St. Louis Post-Dispatch, in the City of St. Louis, St. Louis County, Missouri (the entire RSSM rail line). The petition would be captioned as above. All rail service would cease and trackage would be removed between the identified mileposts.

Enclosed is a draft Environmental and Historic Report that I have prepared to describe the proposed action and its environmental and historic effects. The action is described in Item 1 of the Environmental Report. A map of the area appears as Appendix 2 attached to the Report.

Pursuant to STB regulations, RSSM is required to consult with your agencies regarding the effect of the proposed action on local and regional land use plans (see Item 9(i) of the Environmental Report).

You are entitled to comment on the draft of statements that I have made. Any comments that you submit will be considered by the STB in evaluating the environmental and historic impacts of the proposed abandonment.

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 6 (Page 1 of 2)

Missouri Environmental Protection Agency
December 22, 2004
Page 2

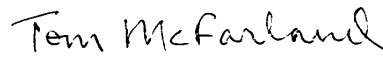
Your comments should be directed to:

Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

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Should you have any questions, you can contact the STB's Section of Environmental Analysis at (202) 565-1552 or the undersigned at (312) 236-0204.

Very truly yours,



Thomas F. McFarland
*Attorney for Railroad Switching
Service of Missouri, Inc.*

TMcF:kl:enc:wp8.0\1069\lrmoepl

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 6 (Page 2 of 2)

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

December 22, 2004

U.S. Army Corps of Engineers
1222 Spruce Street
St. Louis, MO 63103

Re: STB Docket No. AB-792X, *Railroad Switching Service of Missouri, Inc. --
Abandonment Exemption -- Entire Rail Line in St. Louis, St. Louis County, MO*

Dear Sir or Madam:

On or about January 11, 2005, I expect to file a petition with the Surface Transportation Board (STB) in behalf of Railroad Switching Service of Missouri, Inc. (RSSM) for an exemption for abandonment of its entire rail line between Milepost 0.0 at or near Branch Street and Milepost 1.89 at the publishing facility of the St. Louis Post-Dispatch, in the City of St. Louis, St. Louis County, Missouri (the entire RSSM rail line). The petition would be captioned as above. All rail service would cease and trackage would be removed between the identified mileposts.

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Docket No. AB-792X
Draft Env. & Historic Report

Appendix 7 (Page 1 of 2)

U.S. Army Corps of Engineers
December 22, 2004
Page 2

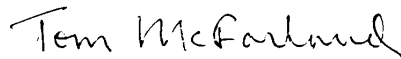
Your comments should be directed to:

Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

You should send a copy of your comments to me at the address shown on this letterhead. Because the applicable statutes and regulations impose stringent deadlines for processing exemptions for abandonment, any comments that you submit should be sent within 3 weeks of your receipt of this letter.

Should you have any questions, you can contact the STB's Section of Environmental Analysis at (202) 565-1552 or the undersigned at (312) 236-0204.

Very truly yours,



Thomas F. McFarland
*Attorney for Railroad Switching
Service of Missouri, Inc.*

TMcF:kl:enc:wp8.0\1069\ltruace1

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 7 (Page 2 of 2)

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

December 22, 2004

U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

Re: STB Docket No. AB-792X, *Railroad Switching Service of Missouri, Inc. --
Abandonment Exemption -- Entire Rail Line in St. Louis, St. Louis County, MO*

Dear Sir or Madam:

On or about January 11, 2005, I expect to file a petition with the Surface Transportation Board (STB) in behalf of Railroad Switching Service of Missouri, Inc. (RSSM) for an exemption for abandonment of its entire rail line between Milepost 0.0 at or near Branch Street and Milepost 1.89 at the publishing facility of the St. Louis Post-Dispatch, in the City of St. Louis, St. Louis County, Missouri (the entire RSSM rail line). The petition would be captioned as above. All rail service would cease and trackage would be removed between the identified mileposts.

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Docket No. AB-792X
Draft Env. & Historic Report

Appendix 8 (Page 1 of 2)

U.S. Environmental Protection Agency
December 22, 2004
Page 2

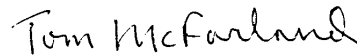
Your comments should be directed to:

Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

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Should you have any questions, you can contact the STB's Section of Environmental Analysis at (202) 565-1552 or the undersigned at (312) 236-0204.

Very truly yours,



Thomas F. McFarland
*Attorney for Railroad Switching
Service of Missouri, Inc.*

TMCF:kl:enc:wp8.0\1069\trusepa1

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 8 (Page 2 of 2)



Docket No. AB-792X
Env. & Historic Report
Appendix 9



RSM overhead I-70 overpass to NS interchange



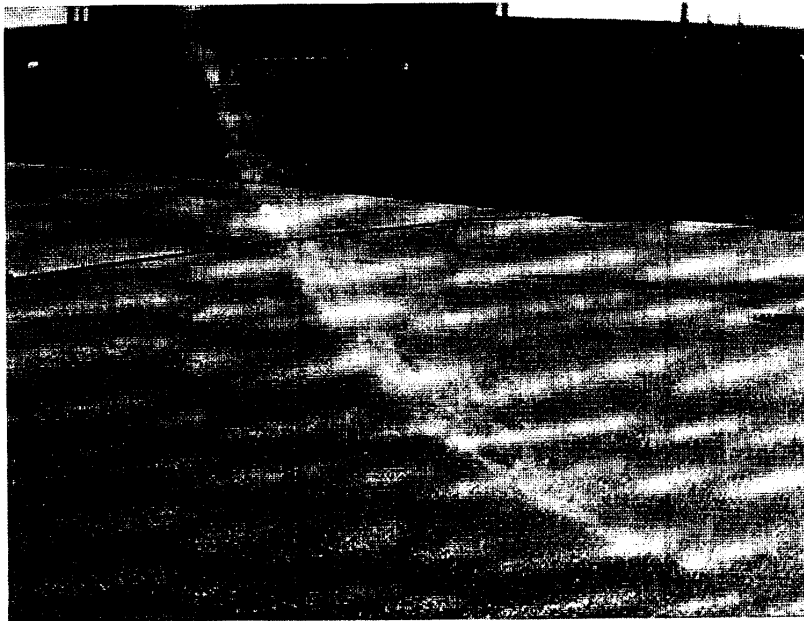
RSM I-70 overpass, looking south



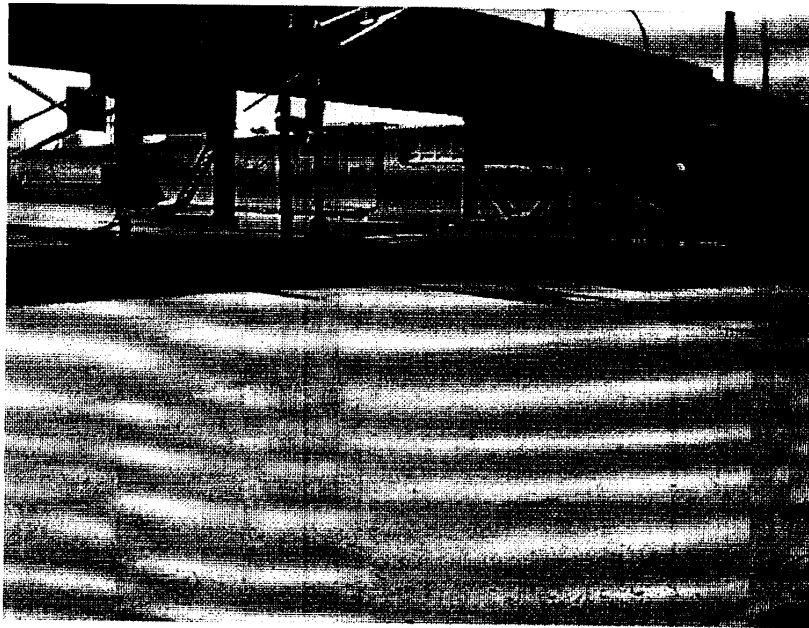
RSM Madison to Chambers Sts, looking west



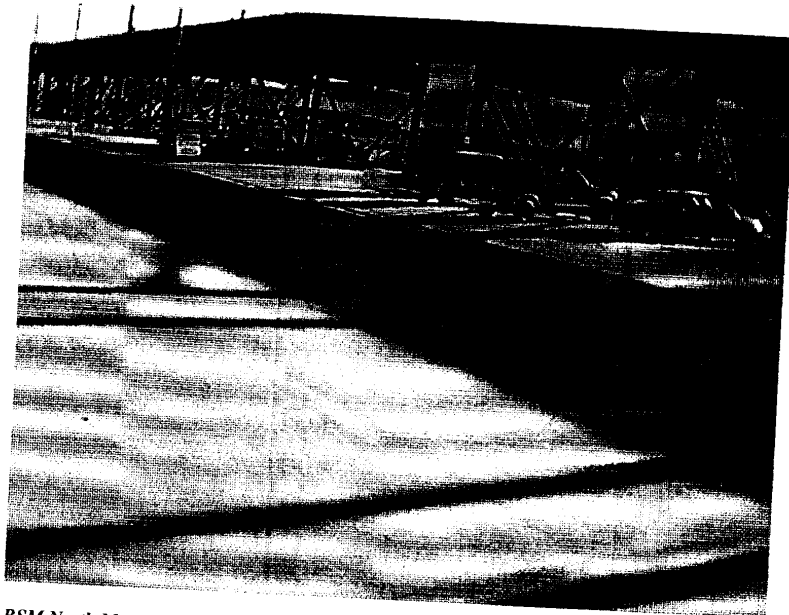
RSM Chambers to 9th Sts, looking northwest



RSM 9th to Broadway Sts, looking southeast



RSM Broadway St overpass, looking south



RSM North Market St, looking east (1)

Docket No. AB-792X
Env. & Historic Report
Appendix 10 (Page 7 of 9)



RSM North Market St, looking east (2)

Docket No. AB-792X
Env. & Historic Report

Appendix 10 (Page 8 of 9)



RSM North Market to NS interchange, looking north

Docket No. AB-792X
Env. & Historic Report

Appendix 10 (Page 9 of 9)

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

December 22, 2004

Missouri Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

Re: STB Docket No. AB-792X, *Railroad Switching Service of Missouri, Inc. --
Abandonment Exemption -- Entire Rail Line in St. Louis, St. Louis County, MO*

Dear Sir or Madam:

On or about January 11, 2005, I expect to file a petition with the Surface Transportation Board (STB) in behalf of Railroad Switching Service of Missouri, Inc. (RSSM) for an exemption for abandonment of its entire rail line between Milepost 0.0 at or near Branch Street and Milepost 1.89 at the publishing facility of the St. Louis Post-Dispatch, in the City of St. Louis, St. Louis County, Missouri (the entire RSSM rail line). The petition would be captioned as above. All rail service would cease and trackage would be removed between the identified mileposts.

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Docket No. AB-792X
Draft Env. & Historic Report

Appendix 11 (Page 1 of 2)

Missouri Historic Preservation Office
December 22, 2004
Page 2

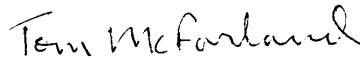
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Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

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Very truly yours,



Thomas F. McFarland
*Attorney for Railroad Switching
Service of Missouri, Inc.*

TMcF:kl:enc:wp8.0\1069\lrmhpo1

Docket No. AB-792X
Draft Env. & Historic Report

Appendix 11 (Page 2 of 2)

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2004, I served the foregoing document, Draft
Environmental And Historic Report, by first-class, U.S. mail, postage prepaid, on the following:

Missouri State Clearinghouse
Federal Assistance Clearinghouse
Office of Administration
P.O. Box 809
Jefferson City, MO 65102

Missouri Environmental Protection Agency
Department of Environmental Quality
P.O. Box 176
Jefferson City, MO 65102

National Geodetic Survey
NOAA, N/NGS12
SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

U.S. Army Corps of Engineers
1222 Spruce Street
St. Louis, MO 63103

U.S. Fish & Wildlife Service
Great Lakes - Big River Region
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

St. Louis County, MO
41 S. Central Avenue, 5th fl.
Clayton, MO 63105

City of St. Louis, MO
1200 Market Street
St. Louis, MO 63103

The National Park Service
100 Alabama Street, S.W.
Atlanta, GA 30303

Thomas F. McFarland

Thomas F. McFarland

Appendix 3-B

Subj: STB Docket No. AB-792X, Railroad Switching Service of Missouri -Abandonment Exemption
Date: 12/30/2004 2:56:25 PM Eastern Standard Time
From: Cothern.Joe@epamail.epa.gov
To: mcfarland@aol.com
File: St. LouisRailAbandon.gif
Sent from the Internet ([Details](#))

Dear Mr. McFarland,

This e-mail responds to your December 22, 2004 consultation request regarding the proposed rail line abandonment from Milepost 0.0 (Branch Street) to Milepost 1.89 (Post-Dispatch) in the City of St. Louis, Missouri.

In evaluating this action, I referred to the following internet resource for spatial relationships of environmentally regulated facilities and remediation sites. In this evaluation, no regulatory or remedial activity was found to be within the rail line's alignment that would influence the abandonment proposal.

<http://www.epa.gov/enviro/html/em/index.html>

(See attached file: St. LouisRailAbandon.gif)

Thank you for including EPA in your coordination efforts.

Sincerely,

Joseph E. Cothern
NEPA Team Leader
U.S. Environmental Protection Agency
Region 7 - Kansas City
(913) 551-7148
cothern.joe@epa.gov

Appendix 4

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

December 23, 2004

Missouri Department of Transportation
105 West Capitol Avenue
P.O. Box 270
Jefferson City, MO 65102

United States Department of Agriculture
Chief of the Forest Service (Dale Bosworth)
P.O. Box 96090
Washington, DC 20090-6090

United States Department of Defense
Military Traffic Management Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

The National Park Service
Recreation Resources Assistance Division
100 Alabama Street, S.W.
Atlanta, GA 30303

Re: Surface Transportation Board Docket No. 792X, *Railroad Switching Service of Missouri, Inc. -- Abandonment Exemption -- Entire Line of Railroad in St. Louis, St. Louis County, MO*

Dear Agency or Department Representative:

On or about January 11, 2005, I will file a Petition for Exemption with the United States Department of Transportation, Surface Transportation Board (STB) as captioned above. The petition will seek an exemption from 49 U.S.C. § 10903 for Railroad Switching Service of Missouri, Inc. (RSSM) to abandon its entire line of railroad, which is approximately 1.89 mile in length, in St. Louis, St. Louis County, Missouri. The proposed abandonment would affect a portion of St. Louis, Missouri having a U.S. Postal Service zip code of 63101.

This notice is being sent to you pursuant to the requirements of 49 C.F.R. § 1152.50(d), made applicable by 49 C.F.R. § 1152.60(d).

Based on information in the possession of RSSM, the rail line does not contain federally granted right-of-way. Any documentation in the possession of RSSM will be made available promptly to those requesting it.

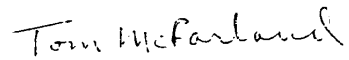
THOMAS F. MCFARLAND

December 23, 2004

Page 2

You may direct any questions about the proposed abandonment to the undersigned as representative of RSSM.

Very truly yours,

A handwritten signature in cursive script that reads "Tom McFarland".

Thomas F. McFarland
*Attorney for Railroad Switching
Service of Missouri, Inc.*

TMcF:kl:wp8.0\1069\ltragencies1

DRAFT FEDERAL REGISTER NOTICE PER 49 C.F.R. 1152.60(c)

STB No. AB-792X, *Railroad Switching Service of Missouri, Inc. -- Abandonment Exemption -- Entire Rail Line In St. Louis, St. Louis County, MO*

Notice of Petition for Exemption to Abandon Service

On January 12, 2005, RAILROAD SWITCHING SERVICE OF MISSOURI, INC. (Railroad) filed with the Surface Transportation Board, Washington, DC, a Petition for Exemption from 49 U.S.C. 10903 for abandonment of a line of railroad extending between a point of connection with Norfolk Southern Railway Company (NS) at or near Broad Street (Milepost 0) to terminus at the publishing facility of the St. Louis Post-Dispatch ("the Post-Dispatch"), a daily St. Louis newspaper, at 900 North Tucker Boulevard (Milepost 1.89), all in St. Louis, MO.

The rail line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees would be protected by imposition of conditions to approval of abandonment imposed in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or 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 persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Appendix 6

Docket No. AB-792X

VERIFICATION

STATE OF ILLINOIS)
COUNTY OF ST. CLAIR)

GREGORY B. CUNDIFF, being duly sworn on oath, deposes and states that he has read the foregoing statement, that he knows the contents thereof, and that the facts therein stated are true and correct.

G. B. Cundiff

GREGORY B. CUNDIFF

SUBSCRIBED AND SWORN to
before me this 7th day
of January, 2005.

Connie J. DeCourcy
Notary Public

My Commission Expires: 10/06/08



CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2005, I served the foregoing document, Petition For Exemption From 49 U.S.C. § 10903, by first-class, U.S. mail, postage prepaid, on the following:

Missouri Department of Transportation
105 West Capitol Avenue
P.O. Box 270
Jefferson City, MO 65102

United States Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Bldg.
14th Street & Independence Ave., S.W.
Washington, DC 20250

United States Department of Defense
Military Traffic Management Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

The National Park Service
Recreation Resources Assistance Division
100 Alabama Street, S.W.
Atlanta, GA 30303

Mr. John Dennen
St. Louis Post-Dispatch
900 North Tucker Blvd.
St. Louis, MO 63101-1099

Thomas F. McFarland

Thomas F. McFarland