

LAW OFFICES OF
LOUIS E. GITOMER

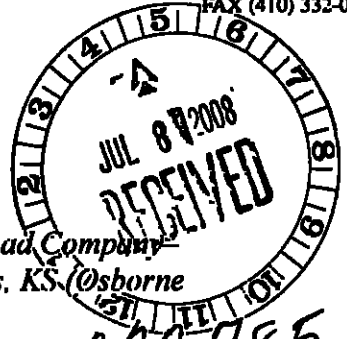
LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

July 8, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—
Discontinuance Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*



Dear Acting Secretary Quinlan:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment and discontinuance of service in the above-entitled proceedings, a Payment Form from the Union Pacific Railroad Company and a check from Kyle Railroad Company, each for the filing fee of \$3,200. Also enclosed is a computer diskette in WORD and PDF format containing the Notice. Maps and other color exhibits are included in Exhibit F at the end of the Notice.

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

If you have any questions please call or email me.

Sincerely yours

Louis E. Gitomer
Attorney for. Kyle Railroad Company

Enclosures

FEE RECEIVED
JUL 8 - 2008
SURFACE
TRANSPORTATION BOARD

FILED
JUL 8 - 2008
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTITLED
Office of Proceedings

JUL - 9 2008

Part of
Public Record

Docket No. AB-33 (Sub-No. 269X)

222783

UNION PACIFIC RAILROAD COMPANY-ABANDONMENT EXEMPTION-
IN OSBORNE AND ROOKS COUNTIES, KS (OSBORNE TO STOCKTON)

Docket No. AB-486 (Sub-No. 4X)

222785

KYLE RAILROAD COMPANY-DISCONTINUANCE OF SERVICE EXEMPTION-
IN OSBORNE AND ROOKS COUNTIES, KS (OSBORNE TO STOCKTON)

VERIFIED NOTICE OF EXEMPTION

FEE RECEIVED
JUL 8 - 2008
**SURFACE
TRANSPORTATION BOARD**

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Attorney for Kyle Railroad Company

Mack H. Shumate, Jr.
Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, IL 60606
(312) 777-2055
(312) 777-2065 (Fax)
mackshumate@up.com

Attorney for Union Pacific Railroad
Company

Dated: July 8, 2008

FILED
JUL 8 - 2008
**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 269X)

**UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN OSBORNE AND ROOKS COUNTIES, KS (OSBORNE TO STOCKTON)**

Docket No. AB-486 (Sub-No. 4X)

**KYLE RAILROAD COMPANY—DISCONTINUANCE OF SERVICE EXEMPTION—
IN OSBORNE AND ROOKS COUNTIES, KS (OSBORNE TO STOCKTON)**

VERIFIED NOTICE OF EXEMPTION

Union Pacific Railroad Company (“UP”) and Kyle Railroad Company (“Kyle”) file this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for UP to abandon and Kyle to discontinue service over a 30.13-mile rail line known as a portion of the Solomon Branch Line between west of Osborne, KS, milepost 550.5, and west of Stockton, KS, at the end of the line, milepost 580.63, in Osborne and Rooks Counties, KS (the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead rail traffic can be rerouted over other rail lines.

Based on information in the possession of UP and Kyle, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

There are no local shippers on the Line. The last shipment on the Line occurred in May 2005. There have been no rail shipments in 2006, 2007, or 2008 to date. There has been no complaint concerning the lack of service since the embargo was imposed.

1. Proposed consummation date The proposed abandonment and discontinuance date is August 27, 2008.

2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicants. Union Pacific Railroad Company and Kyle Railroad Company.

(2) Whether applicants are common carriers by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. UP and Kyle are common carriers by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. UP and Kyle seek to use the class exemption at 49 C.F.R. § 1152.50 to abandon and discontinue service over, respectively, a 30.13-mile rail line known as a portion of the Solomon Branch Line between west of Osborne, KS, milepost 550.5, and west of Stockton, KS, at the end of the line, milepost 580.63, in Osborne and Rooks Counties, KS.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. For UP, Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, IL 60606, phone (312) 777-2055, fax

(312) 777-2065, and email mackshumate@up.com. For Kyle, Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (202) 466-6532.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses ZIP Codes 67473, 67474, 67623, 67675, and 67669.

(c) Rural and community impact.

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

UP and Kyle do not believe that the properties proposed for abandonment and discontinuance of service are suitable for other public purposes.

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

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

6. Combined Environmental and Historic Report. The Combined Environmental and Historic Report is attached as Exhibit D

Respectfully submitted,

**Louis E. Gitomer, Esq.
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600 Baltimore Avenue
Suite 301
Towson, MD 21204
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Lou_Gitomer@verizon.net**

Attorney for Kyle Railroad Company

**Mack H. Shumate, Jr.
Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, IL 60606
(312) 777-2055
(312) 777-2065 (Fax)
mackshumate@up.com**

**Attorney for Union Pacific Railroad
Company**

Dated: July 8, 2008

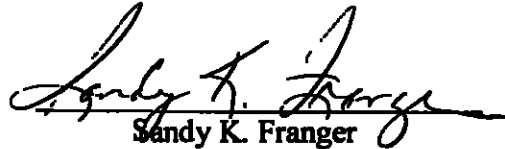
EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF TEXAS)
)
COUNTY OF BEXAR) ss.

I, Sandy K. Franger being duly sworn depose and state that I am a Vice President of RailAmerica, Inc., and Vice-President of its subsidiary, Kyle Railroad Company ("Kyle"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has moved over the 30.13-mile rail line operated by Kyle under a lease from UP known as a portion of the Solomon Branch Line between west of Osborne, KS, milepost 550.5, and west of Stockton, KS, at the end of the line, milepost 580.63, in Osborne and Rooks Counties, KS, for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of Kyle and UP by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.


Sandy K. Franger

SUBSCRIBED AND SWORN TO before me this 2nd day of July 2008.

My Commission Expires: April 30, 2010


Notary Public

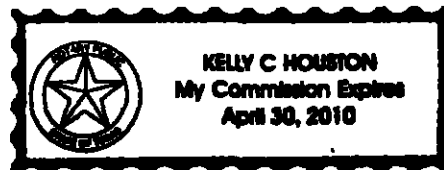
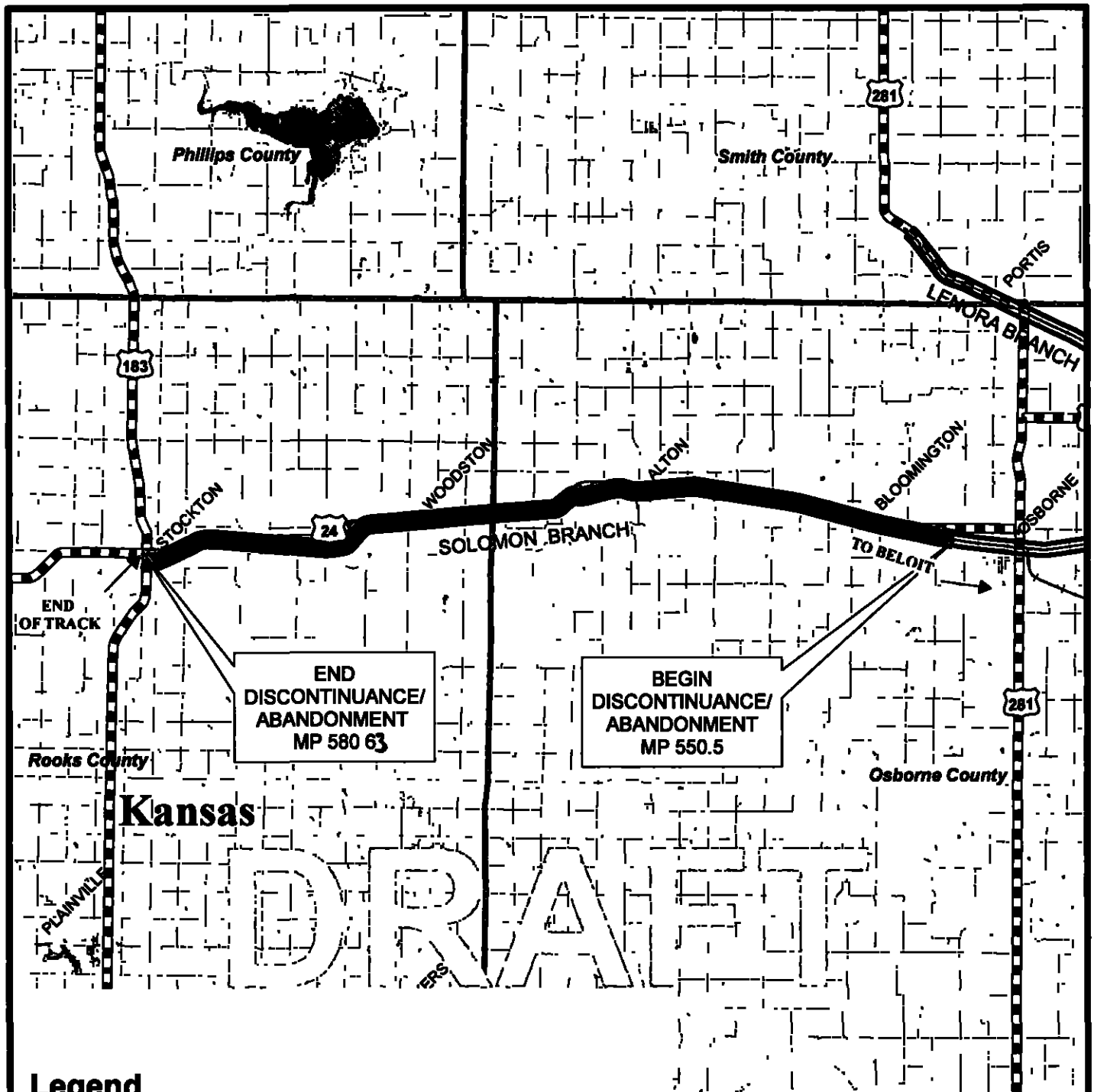
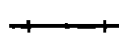


EXHIBIT B—MAP OF LINE



Legend

-  UPRR/KYLE LINES TO BE DISCONTINUED/ABANDONED
-  OTHER KYLE LEASE LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50 + YEAR OLD STRUCTURES

SOLOMON BRANCH

MP 550.5 TO MP 580.6
17.2 MILES IN SMITH COUNTY
12.9 MILES IN ROOKS COUNTY
TOTAL OF 30.1 MILES
IN KANSAS

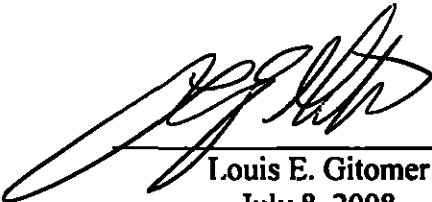
UNION PACIFIC RAILROAD CO.
KYLE RAILROAD COMPANY, LESSEE
SOLOMON BRANCH
KANSAS

INCLUDING 50+ YEAR OLD STRUCTURES



EXHIBIT C—CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment and discontinuance of service in Docket No. AB-33 (Sub-No. 269X) and No. AB-486 (Sub-No. 4X), respectively, was mailed via first class mail on June 25, 2008, to the following parties: Kansas Department of Transportation; MTMCTEA, Railroads for National Defense; Rivers, Trails and Conservation Assistance Program National Park Service; U.S. Department of Interior, National Park Service, National Center for Recreation and Conservation; and U.S. Department of Agriculture, Chief of the Forest Service.



Louis E. Gitomer
July 8, 2008

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment and discontinuance of service in Docket No. AB-33 (Sub-No. 269X) and No. AB-486 (Sub-No. 4X), respectively, was advertised on July 3, 2008 in the Downs News and Times, a newspaper of general circulation in Osborne County, KS, and on July 3, 2008 in the Plainville Times, a newspaper of general circulation in Rooks County, KS, as required by 49 C.F.R. § 1105.12.



Louis F. Gitomer
July 8, 2008

EXHIBIT D

**COMBINED ENVIRONMENTAL AND HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 269X) and No. AB-486 (Sub-No. 4X), was mailed via first class mail on June 4, 2008, to the following parties:

U.S. National Geodetic Survey
NGS.InfoCenter@noaa.gov

Kansas Department of Transportation
Room 860 South
Docking State Office Building
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

Kansas State Historical Society
6425 SW 6th Avenuc
Topeka, KS 66615

Kansas Department of Health and Environment
1000 SW Jackson Street
Suite 540
Topeka, KS 66612-1368

United States Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, KS 66101

U.S. Army Corps of Engineers
Kansas City District
601 E. 12th Street
Kansas City, MO 64106

First District Commissioner Gary Doane
Osborne County
423 W. Main
Osborne, KS 67473-0160

Second District Commissioner Bryan Byrd
Osborne County
423 W. Main
Osborne, KS 67473-0160

Third District Commissioner Betty Pruter
Osborne County
423 W. Main
Osborne, KS 67473-0160

Robert Schamel, Chairman
Rooks County Commission
210 S. Oak
Stockton, KS 67669

Natural Resources Conservation Service
United States Department of Agriculture
760 South Broadway
Salina, KS 67401

U.S. Fish and Wildlife Service
Region 6
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226



Louis E. Gitomer
July 8, 2008

COMBINED ENVIRONMENTAL AND HISTORIC REPORT
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-33 (Sub-No. 269X)

**UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
OSBORNE AND ROOKS COUNTIES, KS (OSBORNE TO STOCKTON)**

Docket No. AB-486 (Sub-No. 4X)

**KYLE RAILROAD COMPANY—DISCONTINUANCE EXEMPTION—IN OSBORNE AND
ROOKS COUNTIES, KS (OSBORNE TO STOCKTON)**

Dated: June 4, 2008
Revised: July 8, 2008

ENVIRONMENTAL REPORT

(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 Union Pacific Railroad Company (“UP”) proposes to abandon and the Kyle Railroad Company (“Kyle”) proposes to discontinue service over the 30.13-mile rail line known as a portion of the Solomon Branch Line between west of Osborne, KS, milepost 550.5, and west of Stockton, KS, at the end of the line, milepost 580.63, in Osborne and Rooks Counties, KS (the “Line”). Upon receipt of discontinuance of service authority, Kyle will terminate its common carrier obligation to operate over the Line and the owner of the track and materials, UP, will

salvage them. Kyle leased the Line from the Missouri Pacific Railroad Company ("MP") and UP.¹ UP will be responsible for the disposition of the underlying real estate.

The only alternative to abandonment and discontinuance of service would be to continue to operate the Line. No traffic has moved over the Line since May 24, 2005, at which time the Line was embargoed due to track condition. Even before the embargo, the level of traffic on the Line did not justify the cost of maintaining or operating the Line. Making a capital investment in the Line would not be a prudent use of carrier resources.

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

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

There has been no passenger service over the Line in decades, so passengers will not be diverted to other modes as a result of the proposed abandonment and discontinuance of service. There has been no freight service on the Line since May 24, 2005; therefore, Kyle does not expect any traffic to be diverted to truck.

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

¹ *Kyle Railroad Company—Lease and Trackage Rights—Missouri Pacific Railroad Company and Union Pacific Railroad Company Northern Kansas Rail Lines*, ICC Finance Docket No. 31754 (ICC served April 5, 1991).

(i) UP and Kyle consider the proposed abandonment and discontinuance of service to be consistent with existing land use plans. The land adjoining the Line is mainly rural in character. UP and Kyle contacted Osborne and Rooks Counties, KS by letter dated June 4, 2008. See Exhibit 2. No response has been received as of this date. A copy of this Environmental Report has been mailed to the appropriate local and state agencies for their information and further comment

(ii) UP and Kyle notified the United States Department of Agriculture ("USDA") Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment and discontinuance of service by letter dated June 4, 2008, and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. USDA has no questions concerning the proposed abandonment and discontinuance of service. A copy of the USDA response is included in Exhibit 5.

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

(iv) The real estate underlying the Line is owned by UP. UP and Kyle do not believe that the right-of-way is suitable for public use. There is little or no likelihood that the rail corridor is needed for a transit or highway corridor. The right-of-way could be used for a recreational trail.

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

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

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

(iii) The proposed abandonment and discontinuance of service will have no effect on overall energy efficiency.

(iv) The proposed abandonment and discontinuance of service will not cause the diversion more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the Line of rail traffic to motor carriage.

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

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

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

(iii) The proposed abandonment and discontinuance of service will not affect the transportation of ozone depleting materials.

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

Not applicable.

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

(i) The proposed abandonment and discontinuance of service will have no detrimental effects on public health and safety. The proposed abandonment and discontinuance of service will eliminate 44 public crossings and 48 private crossings.

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

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

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

(i) UP and Kyle do not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. UP and Kyle notified the U.S. Fish and Wildlife Service ("USF&WS") of the proposed abandonment by letter dated June 4, 2008, and requested assistance in determining whether the proposed abandonment and discontinuance of service will adversely affect endangered or threatened species or areas designated as a critical habitat. *See Exhibit 2.* A copy of this Report has been supplied to the USF&WS for its information and further comment.

(ii) UP and Kyle believe that there are no wildlife sanctuaries or refuges, National or State parks or forests that will be affected by the proposed abandonment and discontinuance of service. UP and Kyle notified the National Parks Service of the proposed abandonment and discontinuance of service by letter dated June 4, 2008, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See Exhibit 2.* To date, no response to this request has been received. A copy of this Report has been supplied to the National Park Service for its information and comment.

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

(i) UP and Kyle are confident that the proposed abandonment and discontinuance of service will be consistent with applicable water quality standards. UP and Kyle contacted the Kansas Department of Health and Environment ("KSEPA") and the United States Environmental Protection Agency ("USEPA") by letters dated June 4, 2008. *See Exhibit 2.* USEPA responded

to the request and concluded that “no regulatory or remedial activity was found to be within the rail line’s alignment that should influence the abandonment proposal.” A copy of the USEPA response is included in Exhibit 5. As suggested by USEPA, a copy of this report has been supplied to KSEPA. To date, no response to this request has been received from KSEPA.

(ii) UP and Kyle believe that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and discontinuance of service and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment and discontinuance of service. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access, along with existing public and private crossings. No new access roads are contemplated. UP does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. Crossties and debris will be transported away from the Line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. UP and Kyle contacted the U.S. Army Corps of Engineers by letter dated June 4, 2008 and have received no response to date. *See* Exhibit 2. A copy of this Report has been supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) UP and Kyle believe that no permit under section 402 of the Clean Water Act would be required for the abandonment and discontinuance of service. UP and Kyle contacted the KSEPA and the USEPA by letter dated June 4, 2008. *See* Exhibit 2. USEPA responded to the

request and concluded that “no regulatory or remedial activity was found to be within the rail line’s alignment that should influence the abandonment proposal.” A copy of the USEPA response is included in Exhibit 5. As suggested by USEPA, a copy of this report has been supplied to KSEPA. To date, no response to this request has been received from KSEPA.

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

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

HISTORIC REPORT

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

U.S. Geological Survey Maps have been supplied to the Kansas State Historical Society (“KSHS”). See Exhibit 3.

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 30.13-mile right-of-way is generally 100 feet wide, with some variance in towns and villages

The Line begins at milepost 550.5, west of Osborne, KS, at an elevation of about 1,555 feet. The Line travels west across gently rising to the town of Bloomington, where the elevation reaches about 1,600 feet. Continuing in a west northwesterly direction, the Line runs parallel and south of U.S. Highway 24, continuing to rise. Prior to Alton, KS, the Line crosses Crooked

Creek and then enters Alton at an altitude of about 1,645 feet. From Alton, the Line travels west to the north of the South Fork of the Solomon River.

The Line continues west and to the south of U.S. 24 and north of the South Fork, rising to an elevation of 1,783 feet. The Line passes gravel pits to the south just before it enters Stockton from the east and terminates on the west side of Stockton just beyond Cedar Street.

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;

Photographs of the bridges on the Line that are 50 years old or older and a detailed description of the bridges are attached as Exhibit 4.

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;

See Exhibit 4.

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 original portion of the Solomon Branch from milepost 550.5 to approximately 562 0, the former Missouri Pacific Concordia Branch, was constructed in 1880 by the Atchison, Solomon Valley & Denver Railway. The balance of the line to Stockton was constructed in 1885 by the Rooks County Railroad. The line is currently comprised of 90 pound jointed rail put down in 1950.

Kyle leased the Line from UP in 1991 and continued to operate the Line until it was embargoed in 2005.

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;

UP possesses the valuation maps of the Line, but is not aware of any other documentation

in its possession.

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

UP and Kyle believe that the bridges and structures on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also the opinion of UP and Kyle that there are no archeological resources or other railroad related historic properties in the project area.

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

UP and Kyle believe that there are no known existing subsurface ground disturbances or fills, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

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

UP and Kyle contacted KSHS. *See* Exhibit 2. KSHS rerquests that any historic trestles on the Line remain standing. UP and Kyle will comply with this request. A copy of the KSHS responsc is included in Exhibit 5.

EXHIBIT 1–MAP

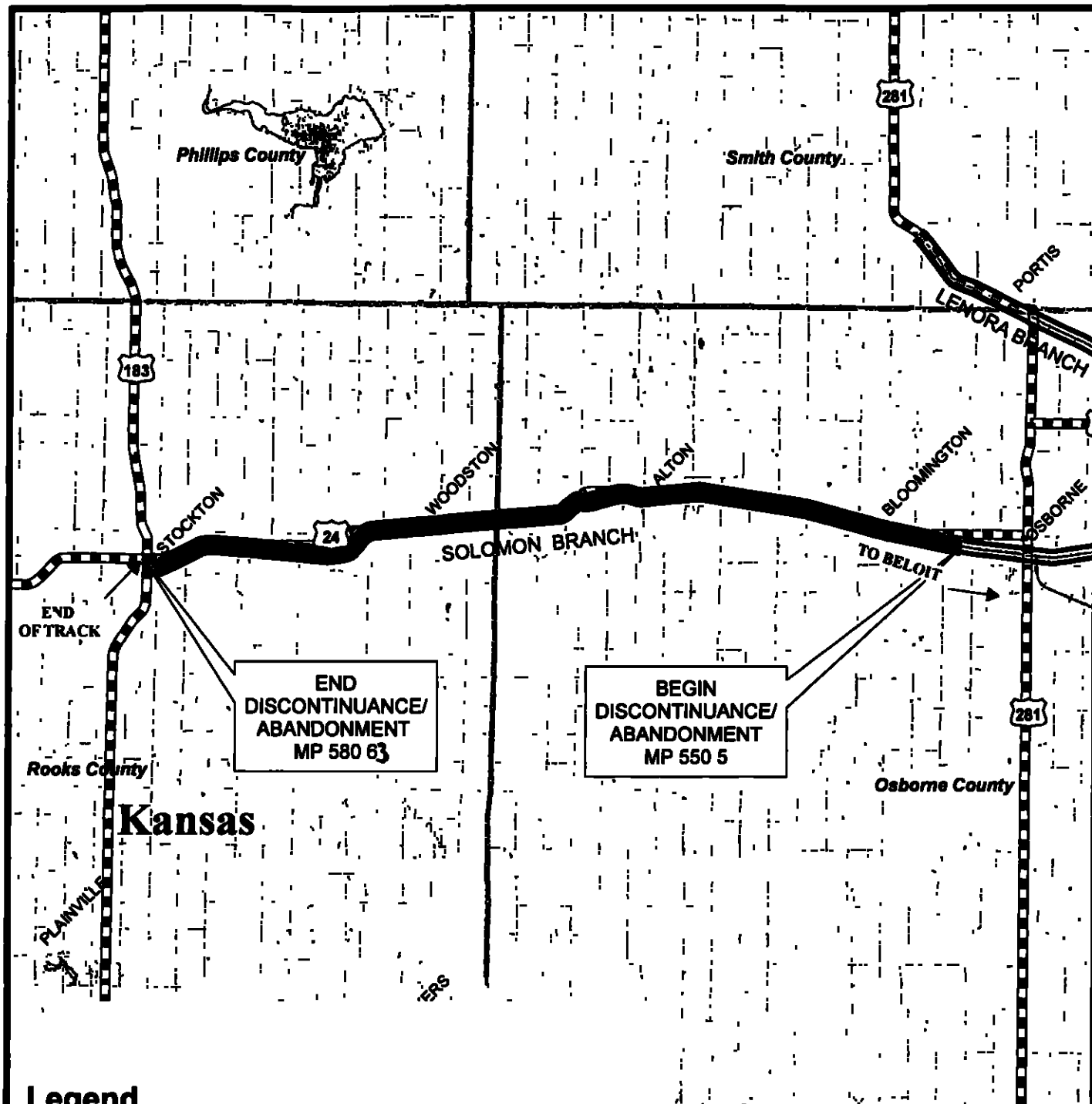


EXHIBIT 2—CONSULTATION LETTERS

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—
Discontinuance Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*

Dear Madam/Sir:

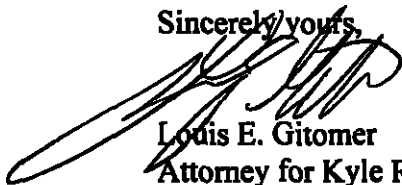
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Kansas Corporation Commission
June 4, 2008
Page 2

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Sincerely yours,

A handwritten signature in black ink, appearing to read "Louis E. Gitomer", is written over the typed name.

Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Kansas Department of Transportation
Room 860 South
Docking State Office Building
Topeka, KS 66612

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
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Discontinuance Exemption—in Osborne and Rooks Counties, KS (Osborne
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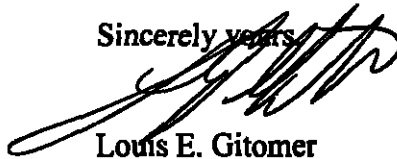
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Kansas Department of Transportation
June 4, 2008
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Sincerely yours,

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

Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Kansas Department of Health and Environmental
1000 SW Jackson Street
Suite 540
Topeka, KS 66612-1368

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
 Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—
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Dear Madam/Sir:

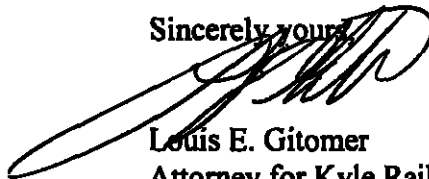
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Kansas Department of Health and Environmental
June 4, 2008
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Sincerely yours,

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

Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Kansas State Historical Society
6425 SW 6th Avenue
Topeka, KS 66615

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
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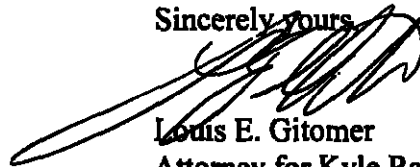
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Kansas State Historical Society
June 4, 2008
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Sincerely yours

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Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

U.S. Army Corps of Engineers
Kansas City District
601 E 12th Street
Kansas City, MO 64106

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
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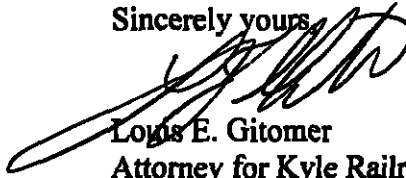
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U.S. Army Corps of Engineers
June 4, 2008
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Sincerely yours,

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Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

United States Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, KS 66101

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
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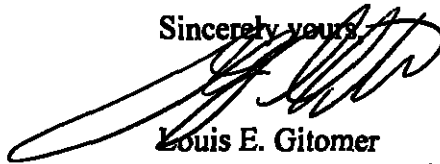
United States Environmental Protection Agency

June 4, 2008

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Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOL_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

U.S. Fish and Wildlife Service
Region 6
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company-
Abandonment Exemption-in Osborne and Rooks Counties, KS (Osborne
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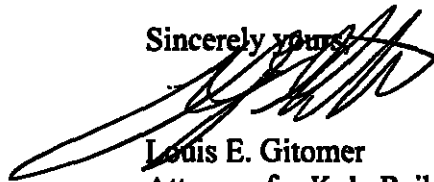
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U.S. Fish and Wildlife Service
June 4, 2008
Page 2

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Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

U.S. National Geodetic Survey
NGS.InfoCenter@noaa.gov

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
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 Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—
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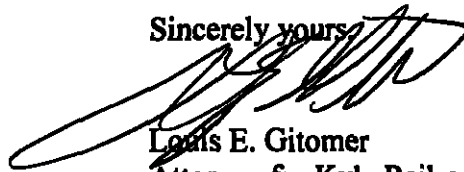
U.S. National Geodetic Survey

June 4, 2008

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Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
 Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—
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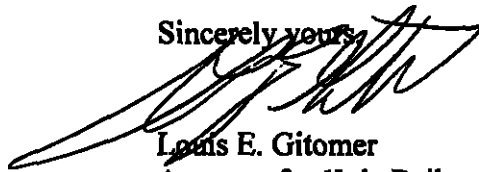
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National Park Service
June 4, 2008
Page 2

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Louis E. Gitomer
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TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Natural Resources Conservation Service
United States Department of Agriculture
760 South Broadway
Salina, KS 67401

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
 Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—
Discontinuance Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*

Dear Madam/Sir:

On or about June 24, 2008, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Union Pacific Railroad Company to abandon and Kyle Railroad Company to discontinue service over, the 30.13-mile rail line known as a portion of the Solomon Branch Line between west of Osborne, KS, milepost 550.5, and west of Stockton, KS, at the end of the line, milepost 580.63, in Osborne and Rooks Counties, KS (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket Nos. AB-33 (Sub-No. 269X) and AB-486 (Sub-No. 4X).

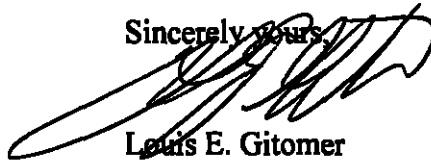
Natural Resources Conservation Service

June 4, 2008

Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 410-296-2250, email at Lou_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

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

Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

First District Commissioner Gary Doane
Osborne County
423 W. Main
Osborne, Kansas 67473-0160

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company–
Abandonment Exemption–in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
 Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company–
Discontinuance Exemption–in Osborne and Rooks Counties, KS (Osborne
to Stockton)*

Dear Commissioner Doane:

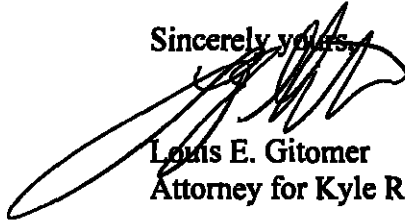
On or about June 24, 2008, we expect to be filing with the Surface Transportation Board (“STB”) a notice of exemption seeking authority for Union Pacific Railroad Company to abandon and Kyle Railroad Company to discontinue service over, the 30.13-mile rail line known as a portion of the Solomon Branch Line between west of Osborne, KS, milepost 550.5, and west of Stockton, KS, at the end of the line, milepost 580.63, in Osborne and Rooks Counties, KS (the “Line”).

Attached is a *Combined Environmental and Historic Report* describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB’s independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB’s environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket Nos. AB-33 (Sub-No. 269X) and AB-486 (Sub-No. 4X).

Commissioner Gary Doane
June 4, 2008
Page 2

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Sincerely yours,

A handwritten signature in black ink, appearing to read "Louis E. Gitomer", is written over the typed name and title.

Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Second District Commissioner Bryan Byrd
Osborne County
423 W. Main
Osborne, Kansas 67473-0160

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
 Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—
Discontinuance Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*

Dear Commissioner Byrd:

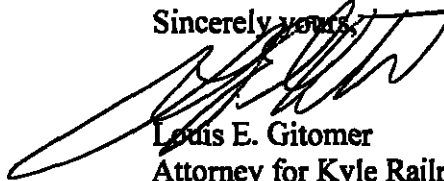
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Commissioner Bryan Byrd
June 4, 2008
Page 2

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Sincerely yours,

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

Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Third District Commissioner Betty Pruter
Osborne County
423 W. Main
Osborne, Kansas 67473-0160

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
 Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—
Discontinuance Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*

Dear Commissioner Pruter:

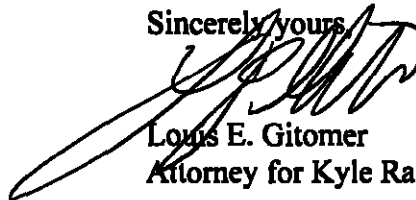
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Commissioner Betty Pruter
June 4, 2008
Page 2

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Sincerely yours

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

Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

June 4, 2008

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Robert Schamel, Chairman
Rooks County Commission
210 S. Oak
Stockton, KS 67669

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne to Stockton)*
Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—Discontinuance Exemption—in Osborne and Rooks Counties, KS (Osborne to Stockton)*

Dear Chairman Schamel:

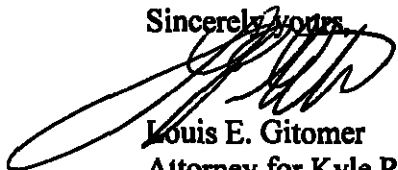
On or about June 24, 2008, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Union Pacific Railroad Company to abandon and Kyle Railroad Company to discontinue service over, the 30.13-mile rail line known as a portion of the Solomon Branch Line between west of Osborne, KS, milepost 550.5, and west of Stockton, KS, at the end of the line, milepost 580.63, in Osborne and Rooks Counties, KS (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket Nos. AB-33 (Sub-No. 269X) and AB-486 (Sub-No. 4X).

Robert Schamel, Chairman
June 4, 2008
Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 410-296-2250, email at Lou_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

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

Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

EXHIBIT 3 – USGS MAPS

SEE EXHIBIT 3 IN EXHIBIT E

**EXHIBIT 4 – BRIDGE
PHOTOGRAPHS AND DESCRIPTIONS**

SEE EXHIBIT 4 IN EXHIBIT E

EXHIBIT 5 – RESPONSES



Natural Resources Conservation Service
760 South Broadway
Salina, Kansas 67401-4604

Phone 785-823-4500
FAX 785-823-4540
www.ks.nrcs.usda.gov

June 23, 2008

Mr. Louis E. Gitomer
Attorney at Law
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, Maryland 21204-4022

Dear Mr. Gitomer:

The Kansas Natural Resources Conservation Service (NRCS) has reviewed Docket No. AB-33 (Sub-No. 289X), Union Pacific Railroad Company-Abandonment Exemption-in Osborne and Rooks Counties, KS (Osborne to Stockton) and Docket No. AB-486 (Sub-No. 4X), Kyle Railroad Company-Discontinuance Exemption-in Osborne and Rooks Counties, KS (Osborne to Stockton).

As requested, NRCS finds no information misleading, incorrect, or missing and NRCS does not have questions related to this proposal.

If you need further information, contact Terry M. Conway, State Resource Conservationist, at 785-823-4547 or by e-mail at terry.conway@ks.usda.gov

Sincerely,

A handwritten signature in black ink that reads "Eric B. Banks".

ERIC B. BANKS
State Conservationist

cc

Terry M. Conway, State Resource Conservationist, NRCS, Salina, Kansas
Kenneth A. Kuiper, State Biologist, NRCS, Salina, Kansas
Daniel H. Meyerhoff, Assistant State Conservationist, NRCS, Hays, Kansas
Stephen M. Sprick, Supervisory District Conservationist, NRCS, Osborne, Kansas



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

17 JUN 2008

Louis E. Gitomer
The Adams Building, Suite 301
600 Baltimore Ave
Towson, Maryland 21204-6522

Dear Mr. Gitomer:

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—Abandonment Exemption – In Osborne & Rooks Counties, KS*
Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company-Discontinuance Exemption- In Osborne & Rooks Counties, KS*

This correspondence responds to your inquiry of June 4, 2008, requesting the U.S. Environmental Protection Agency's comments on this proposed abandonment and discontinuance. In evaluating this action, I referred to EPA Region 7's Geographic Information Systems 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 should influence the abandonment proposal (enclosure). EPA does caution, however, that environmental legacies of railway operations can include (but may not be limited to) product spills, maintenance activities-- where waste fuels and lubricants may have been discarded, wood preservative applications to ties and trestles, and rights-of-way maintenance with herbicides. EPA would recommend that these potential avenues for contamination be evaluated as the deconstruction of the line is occurring. If such contamination is identified then reporting, removal and cleanup plans may be warranted.

Although the document discusses Clean Water Act Section 402 applicability, closure on this issue with the appropriate jurisdiction has not been concluded. Please be advised that (with the exception of Tribal Reservation property) all EPA Region 7 states (Nebraska, Kansas, Iowa, and Missouri) have gained primacy for this program, and should be consulted for permit requirements whenever rail removal is specified. The appropriate office at the Kansas Department of Health and Environment may be reached at (785) 296-6804.

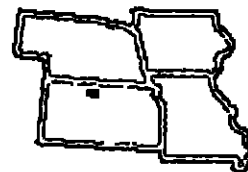
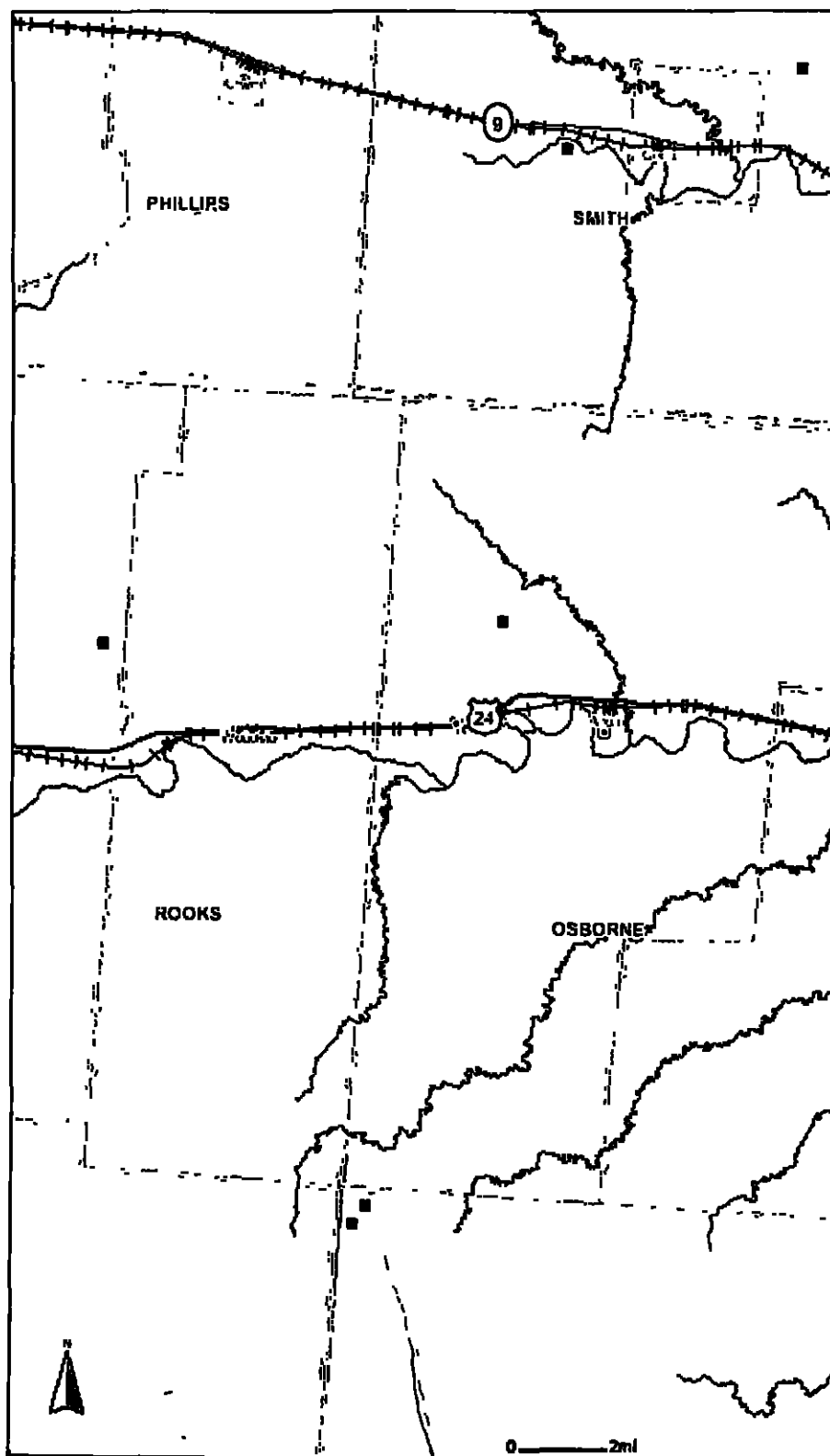
For future abandonment proposals, if EPA can be of assistance within its jurisdiction or technical capabilities, please contact Mr. Joseph Cothorn, NEPA Team Leader, at (913) 551-7148, or cothorn.joe@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Amber Tucker". The script is cursive and fluid.

Amber Tucker
NEPA Reviewer
EPA R7 Environmental Services Division

Union Pacific/Kyle RR Abandonment



- AFS - Major
- AFS - Minor
- RCRA TSD
- ✦ RCRA LQG
- ▨ R7 Superfund Polygons
- Superfund NPL
- Superfund
- △ TRIS
- NPDES - Major
- NPDES - Minor
- PWS Wells
- PWS Intakes
- ▨ HQ NPL Polygons
- Interstate Highways
- US Highways
- State Highways and County Roads
- Railroads
- 10' to 100' Streams

NOTE The Environmental Protection Agency does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any loss or injury resulting from reliance upon the information shown



REGION 7
ENSV Division

KANSAS

KSR&C No. 08-06-127

Kansas State Historical Society
Jennie Chinn, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

June 12, 2008

Louis Gitomer
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, MD 21204-4022

Re Union Pacific Railroad Company Abandonment Exemption and Kyle Railroad Company Discontinuance
Exemption of Osborne to Stockton Line - Osborne and Rooks Counties

Dear Mr. Gitomer:

We have reviewed the materials received June 9, 2008 regarding the above-referenced project in accordance with 36 CFR Part 800. The role of the State Historic Preservation Officer (SHPO) in reviews of this nature is to comment on whether or not an undertaking involving the use of federal funds will have an adverse effect on a historic property or a property eligible for listing in the National Register of Historic Places. The SHPO has determined that the rail line and associated track is not eligible for listing in the National Register, and as far as this office is concerned, the project may proceed. However, it is the understanding of this office that the historic trestles will remain standing. Additional review will be required if any historic trestles are to be removed or altered.

Thank you for giving us the opportunity to comment on this proposal. Please refer to the Kansas State Review & Compliance number (KSR&C#) listed above on any future correspondence. Please submit any comments or questions regarding this review to Kim Norton at 785-272-8681, ext. 225.

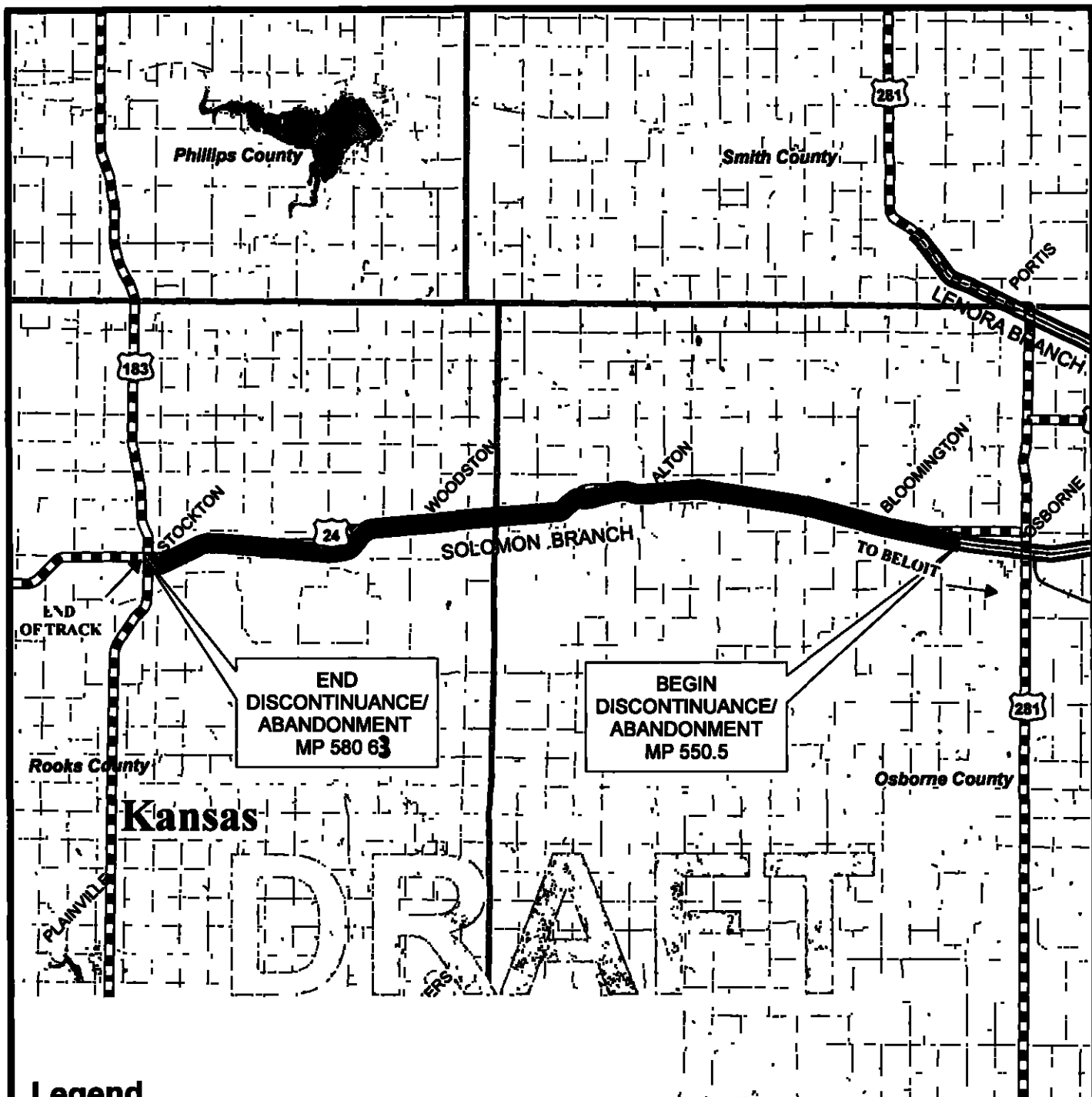
Sincerely,
Jennie Chinn
State Historic Preservation Officer



Patrick Zollner
Director, Cultural Resources Division
Deputy State Historic Preservation Officer

EXHIBIT E – COLOR EXHIBITS

EXHIBIT 1–MAP



Legend

- UPRR/KYLE LINES TO BE DISCONTINUED/ABANDONED
- OTHER KYLE LEASE LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50 + YEAR OLD STRUCTURES

SOLOMON BRANCH

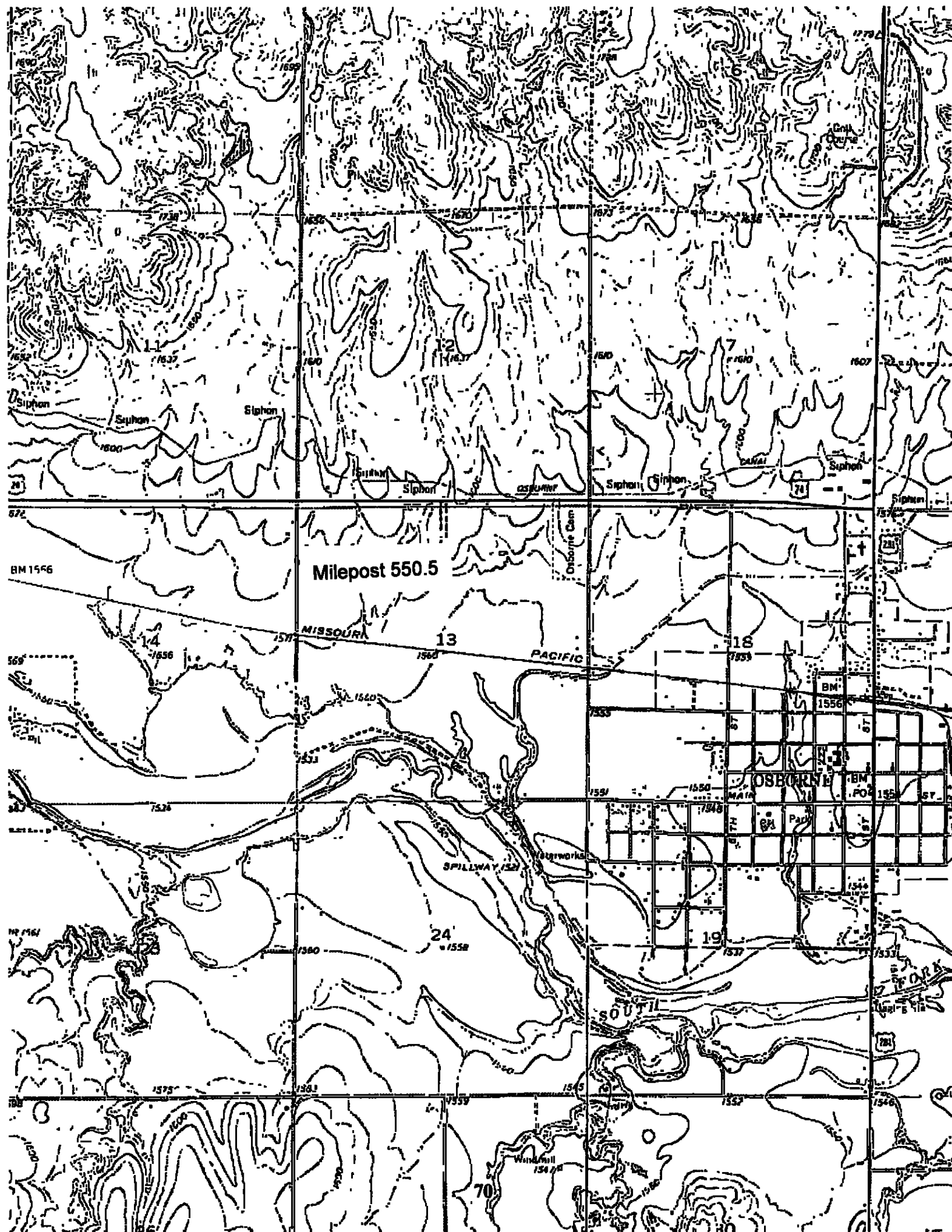
MP 550.5 TO MP 580.5
17.2 MILES IN SMITH COUNTY
12.9 MILES IN ROCKS COUNTY
TOTAL OF 30.1 MILES
IN KANSAS

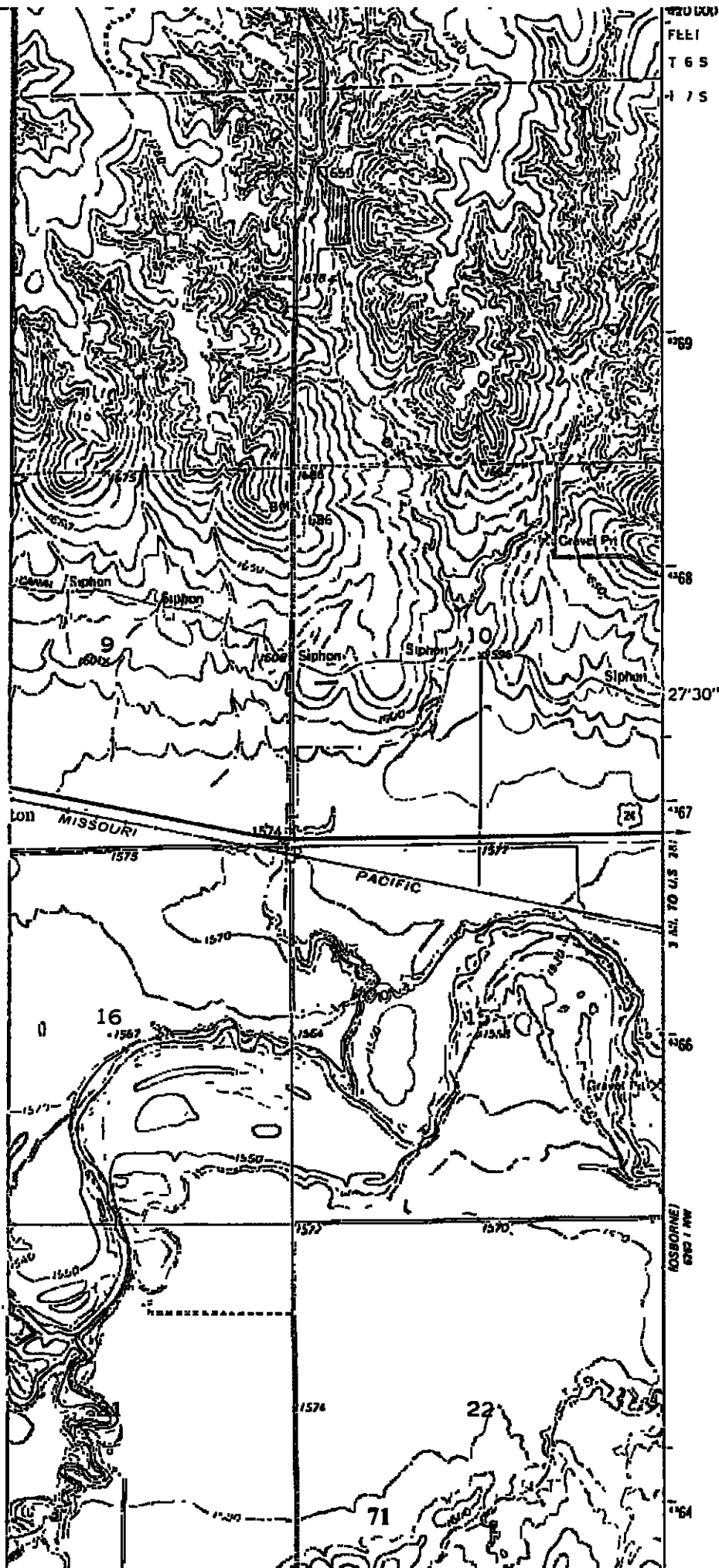
UNION PACIFIC RAILROAD CO.
KYLE RAILROAD COMPANY, LESSEE
SOLOMON BRANCH
KANSAS

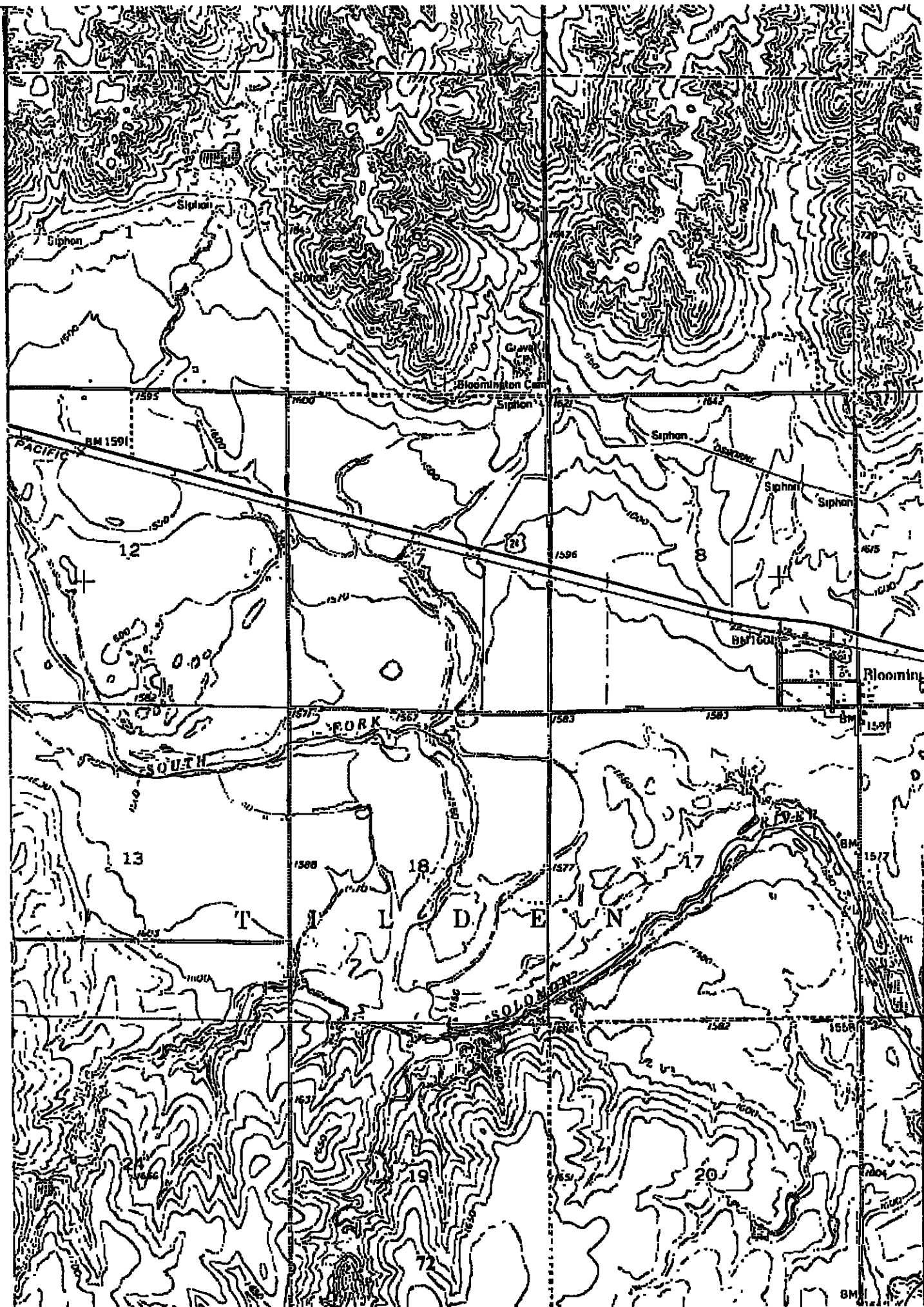
INCLUDING 50+ YEAR OLD STRUCTURES

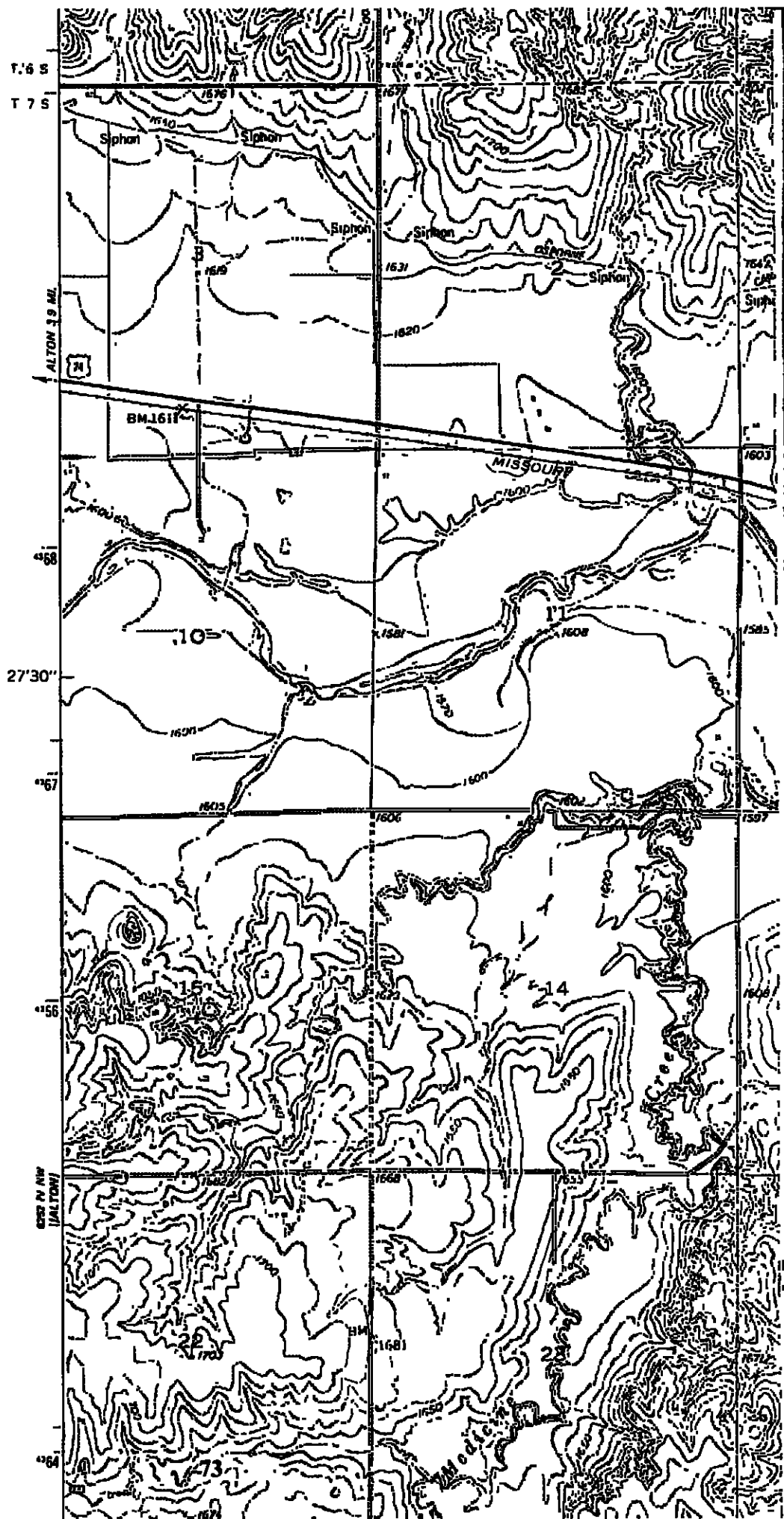


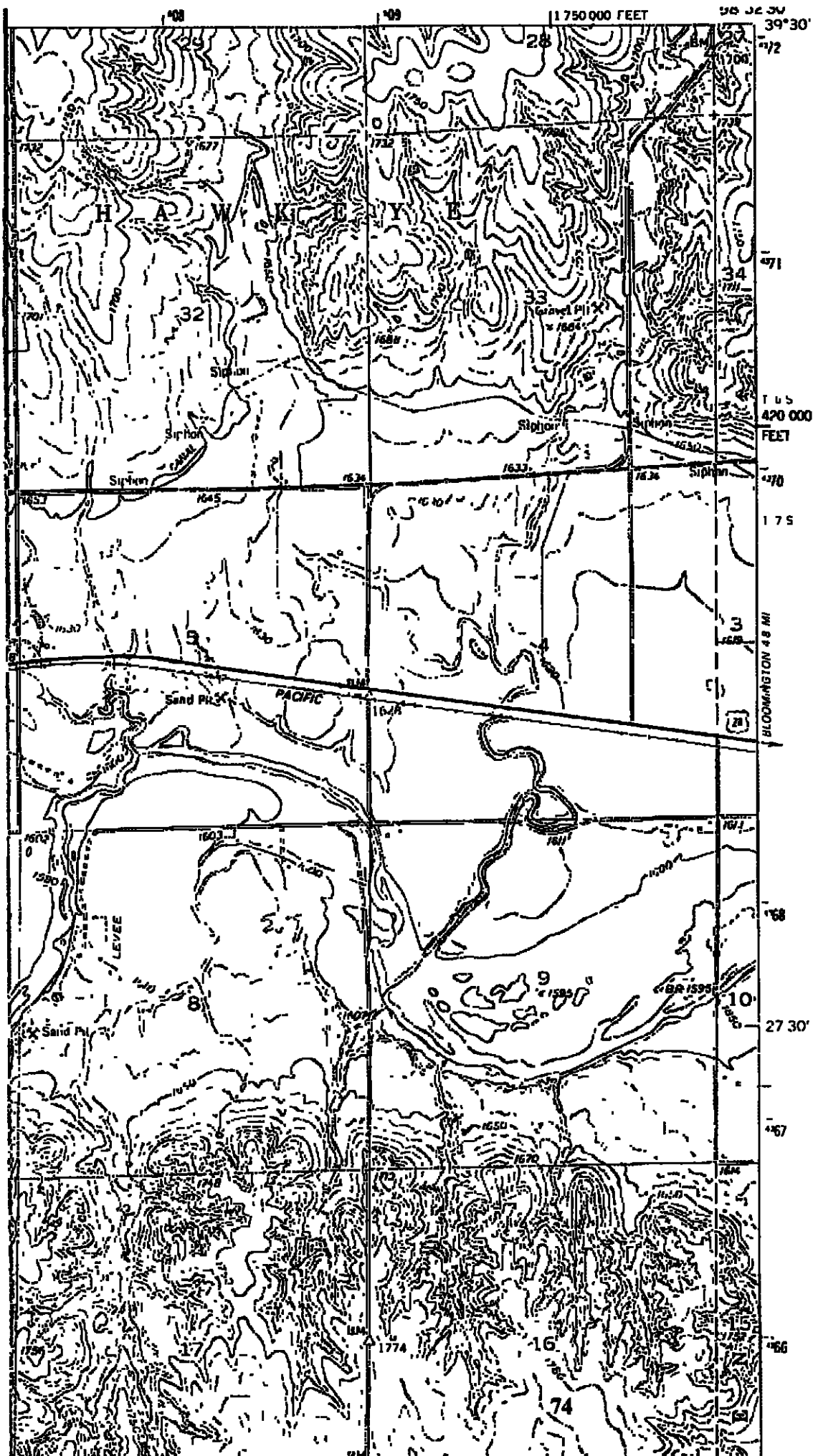
EXHIBIT 3 – USGS MAPS

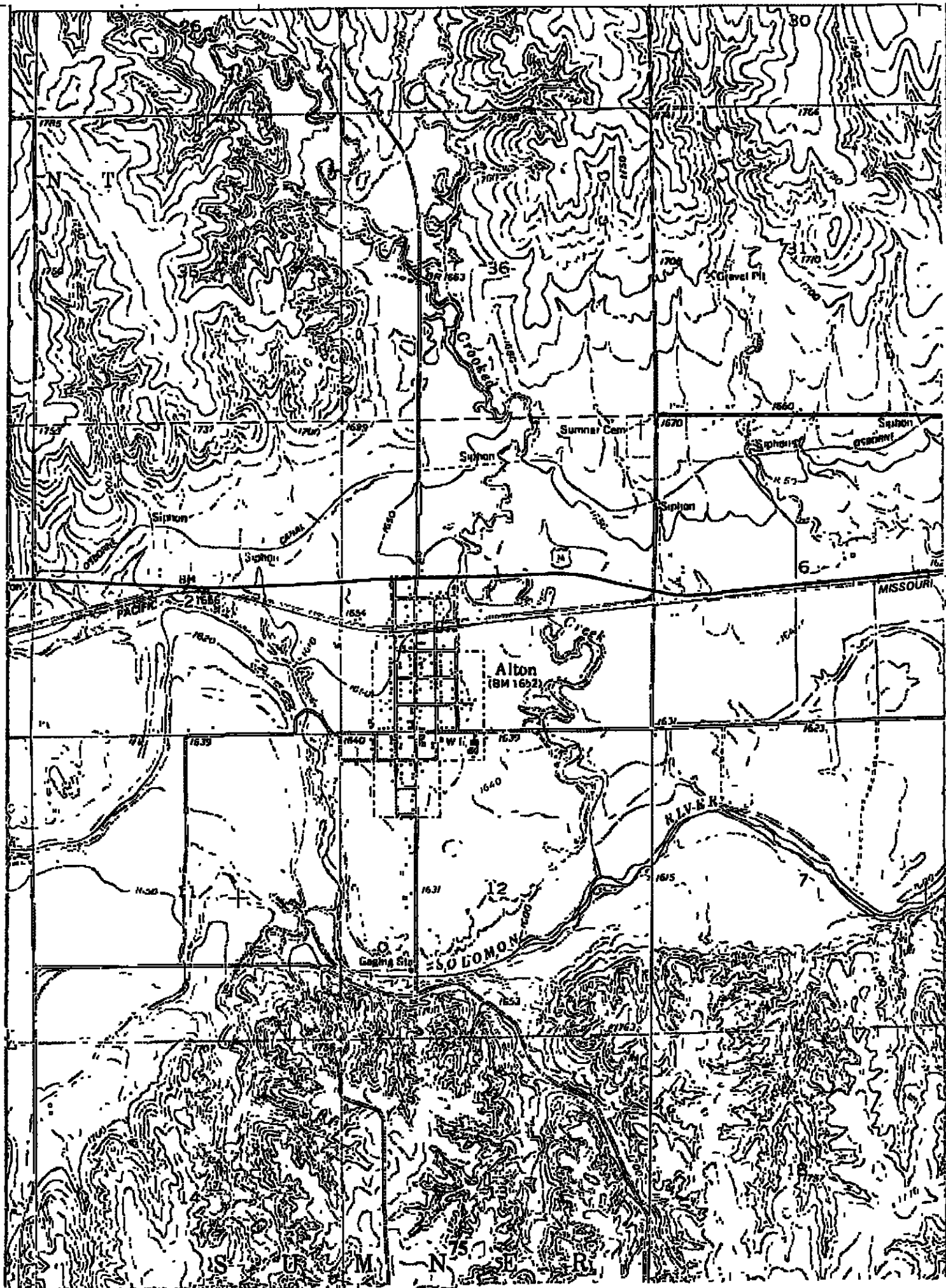




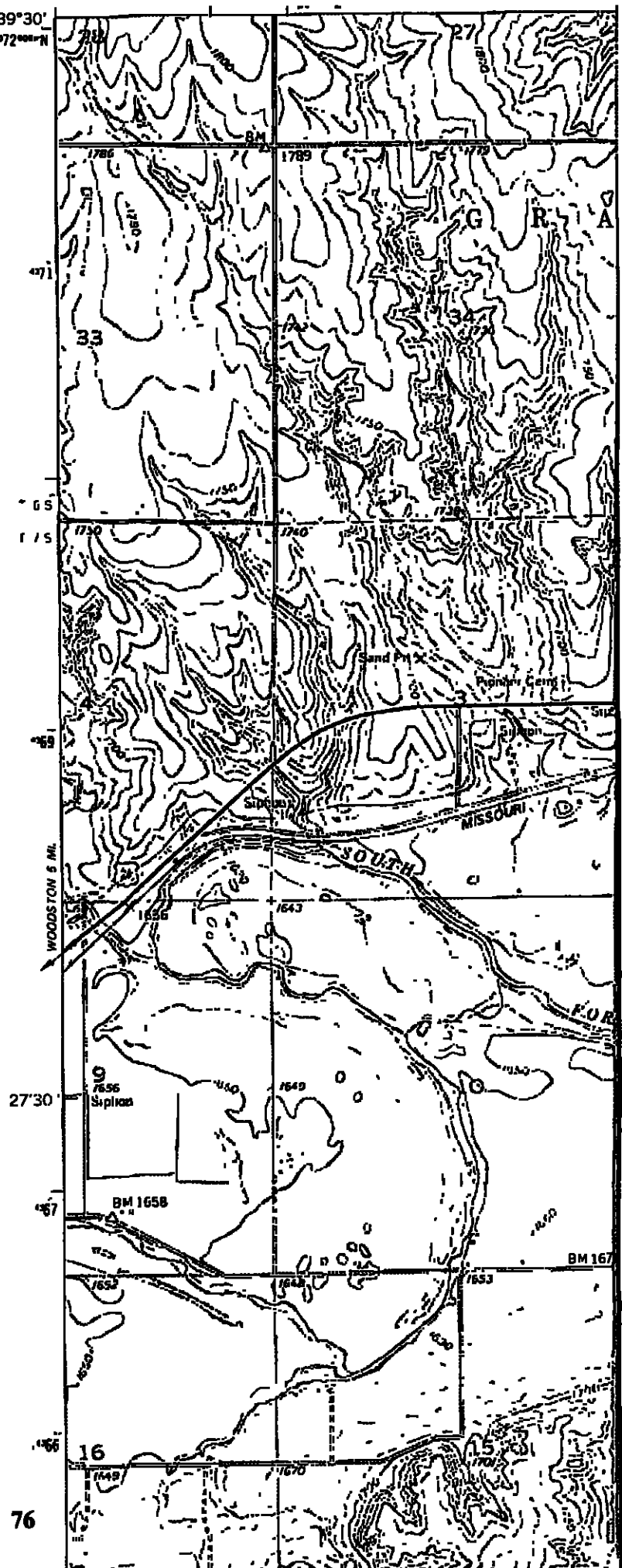


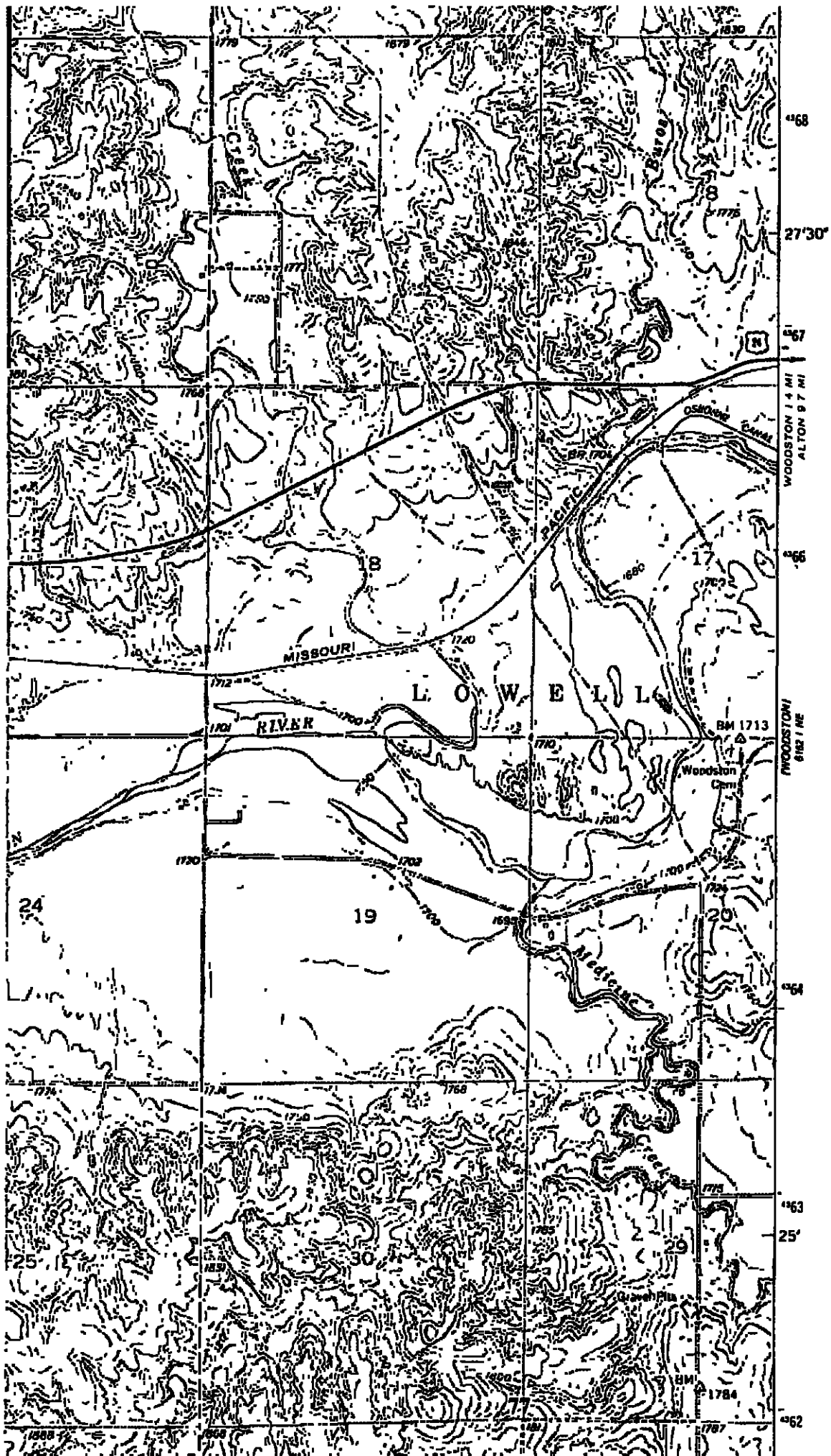


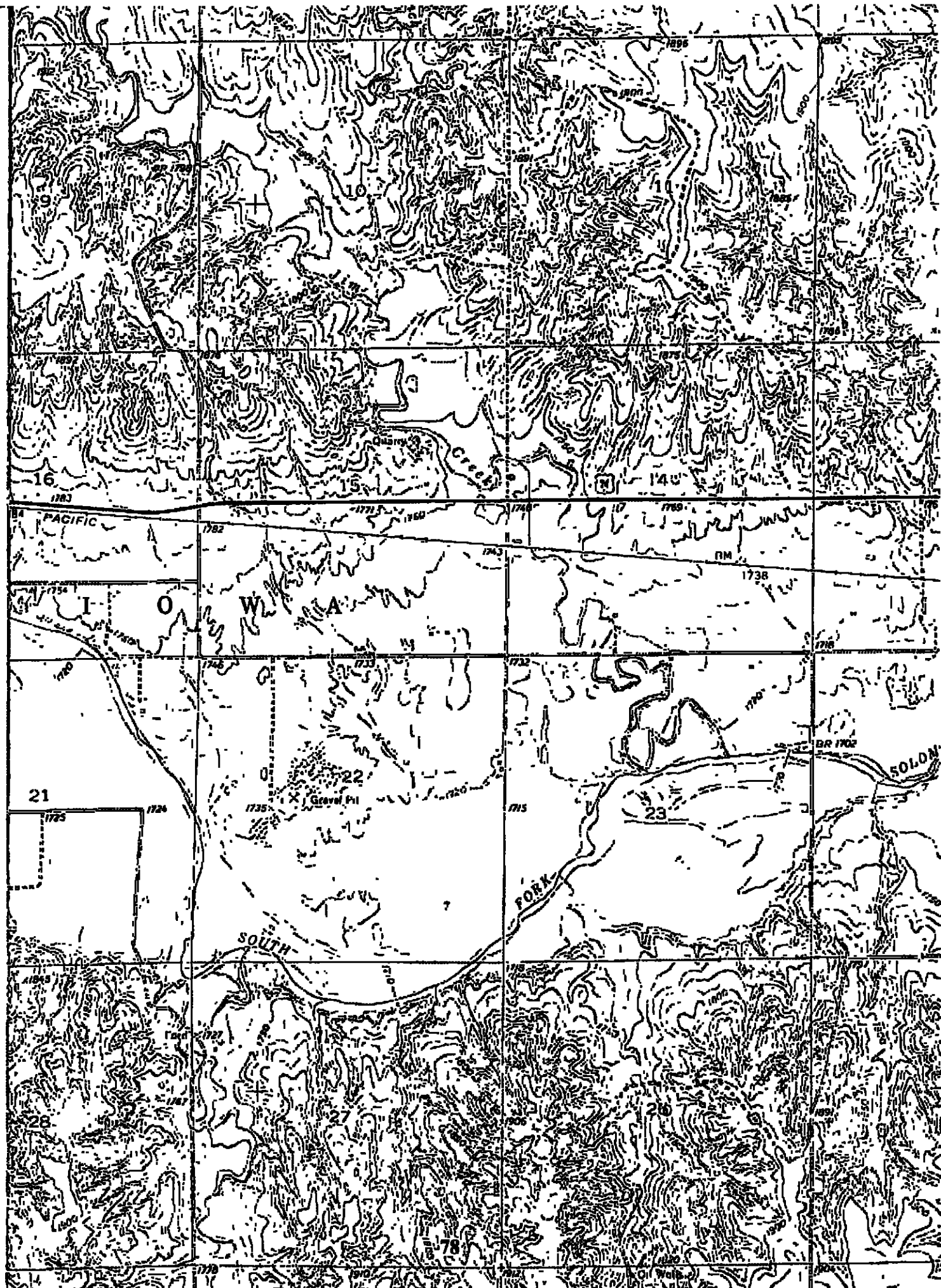


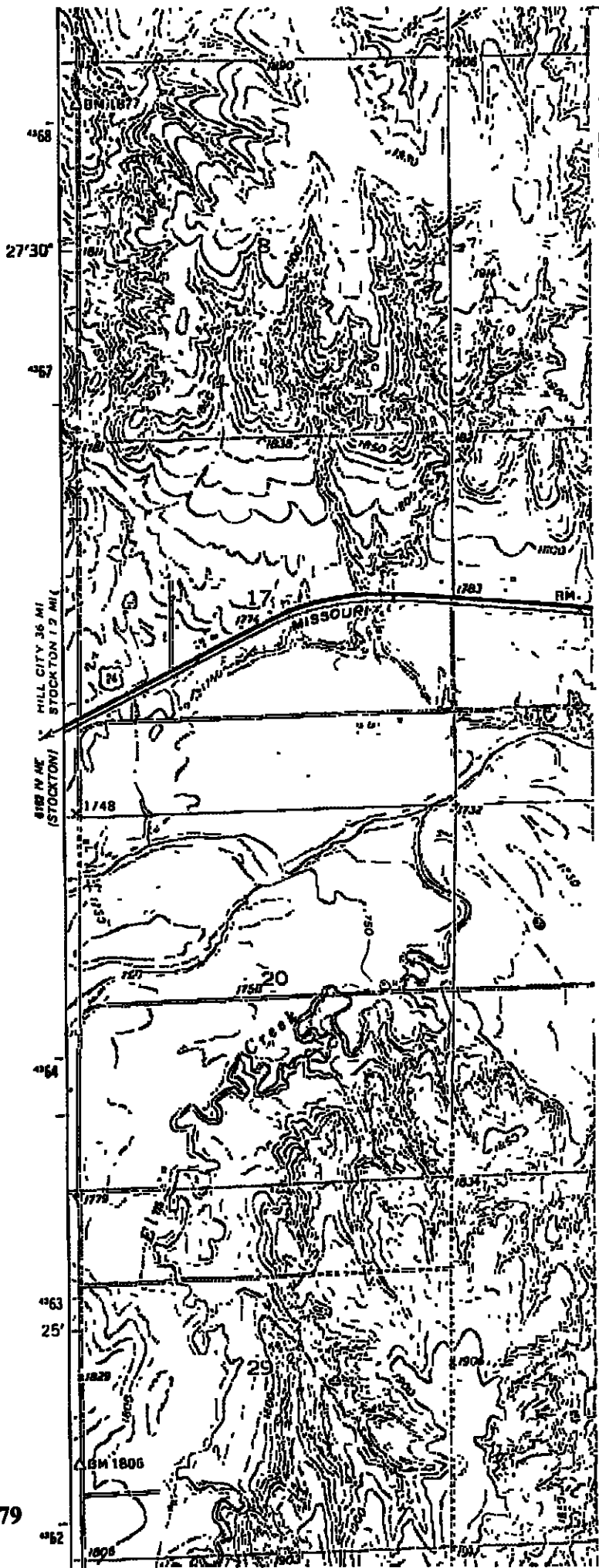


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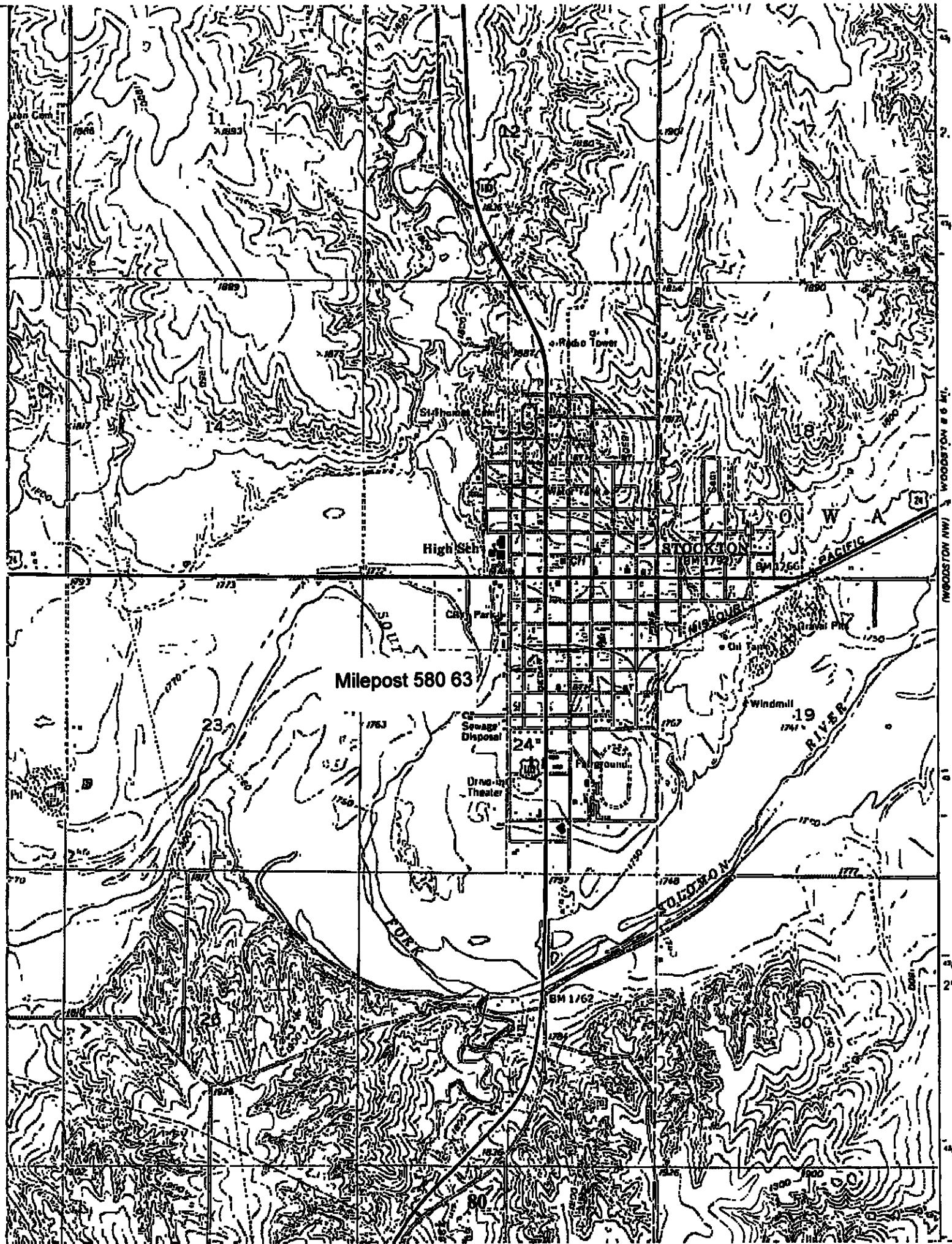
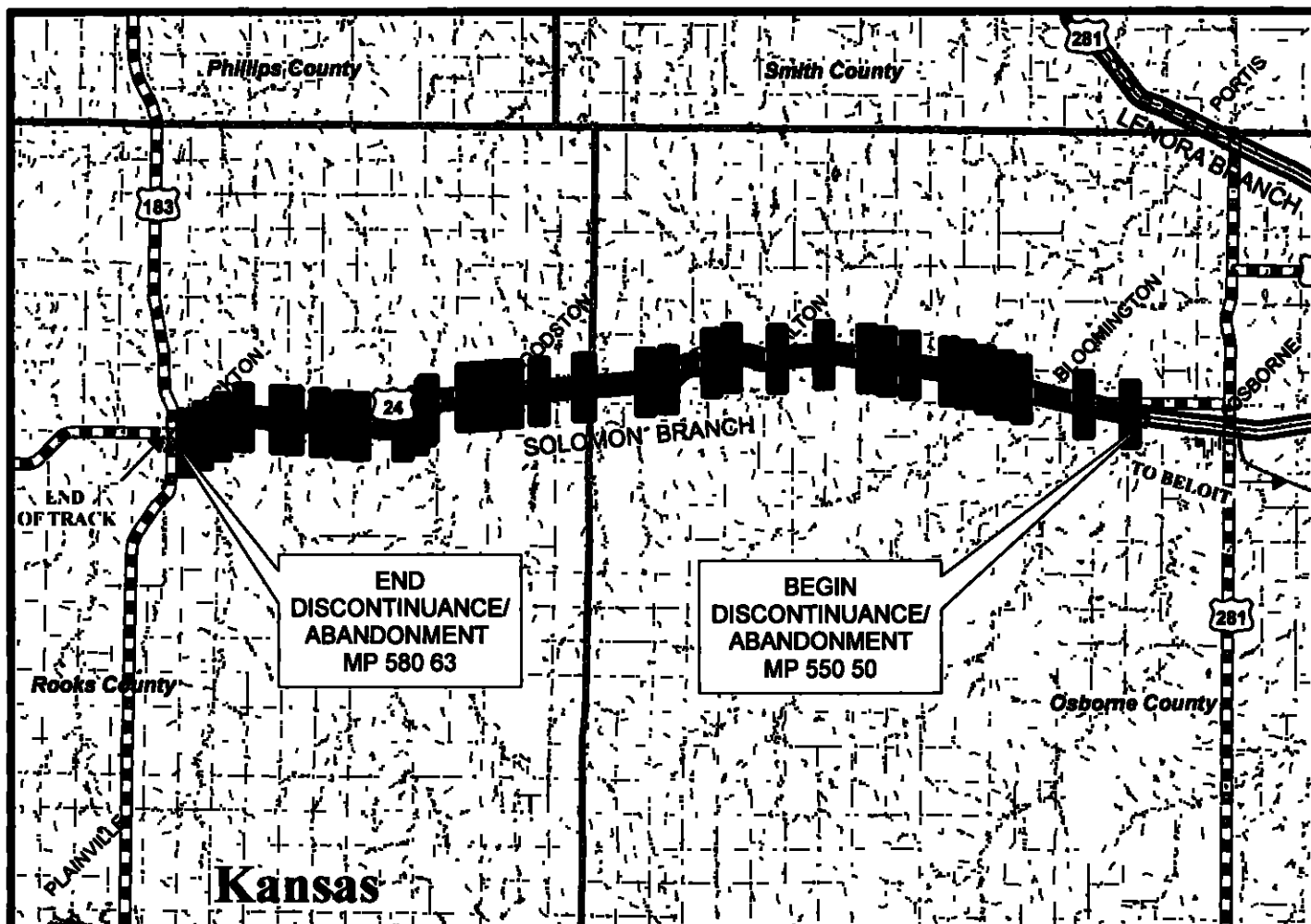


EXHIBIT 4 – BRIDGE PHOTOGRAPHS AND DESCRIPTIONS



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE	BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
551 1	4 - SPAN TIMBER PILE TRESTLE - OPEN DECK	57'	1953	567 8	3 - SPAN TIMBER PILE TRESTLE - OPEN DECK	43'	1953
552 5	4 - SPAN TIMBER PILE TRESTLE - OPEN DECK	55'	1921	569 1	3 - SPAN TIMBER PILE TRESTLE - OPEN DECK	43'	1954
554 4	4 - SPAN TIMBER PILE TRESTLE - OPEN DECK	57'	1953	569 9	2 - SPAN TIMBER PILE TRESTLE - OPEN DECK	29'	1951
554 9	5 - SPAN TIMBER PILE TRESTLE - OPEN DECK	71'	1947	570 4	2 - SPAN TIMBER PILE TRESTLE - OPEN DECK	29'	1954
555 5	5 - SPAN TIMBER PILE TRESTLE - OPEN DECK	68'	1921	570 9	4 - SPAN TIMBER PILE TRESTLE - OPEN DECK	57'	1945
556 1	3 - SPAN TIMBER PILE TRESTLE - OPEN DECK	40'	1951	571 3	2 - SPAN TIMBER PILE TRESTLE - OPEN DECK	28'	1938
556 6	7 - SPAN TIMBER PILE TRESTLE - OPEN DECK	141'	1948	572 5	8 - SPAN TIMBER PILE TRESTLE - OPEN DECK	106'	1938
557 8	4 - SPAN TIMBER PILE TRESTLE - OPEN DECK	57'	1953	572 6	7 - SPAN TIMBER PILE TRESTLE - OPEN DECK	96'	1922
558 5	2 - SPAN TIMBER PILE TRESTLE - OPEN DECK	29'	1953	572 9	2 - SPAN TIMBER PILE TRESTLE - OPEN DECK	28'	1944
559 1	6 - SPAN TIMBER PILE TRESTLE - OPEN DECK	83'	1951	573 4	11 - SPAN TIMBER PILE TRESTLE - OPEN DECK	154'	1939
560 4	5 - SPAN TIMBER PILE TRESTLE - OPEN DECK	67'	1948	574 7	4 - SPAN TIMBER PILE TRESTLE - OPEN DECK	57'	1954
561 8	7 - SPAN TIMBER PILE TRESTLE - OPEN DECK	97'	1936	575 2	2 - SPAN TIMBER PILE TRESTLE - OPEN DECK	28'	1940
563 2	7 - SPAN TIMBER PILE TRESTLE - OPEN DECK	97'	1945	575 9	9 - SPAN TIMBER PILE TRESTLE - OPEN DECK	118'	1951
563 8	4 - SPAN TIMBER PILE TRESTLE - OPEN DECK	57'	1950	576 7	3 - SPAN TIMBER PILE TRESTLE - OPEN DECK	43'	1949
565 2	6 - SPAN TIMBER PILE TRESTLE - OPEN DECK	121'	1950	577 1	3 - SPAN TIMBER PILE TRESTLE - OPEN DECK	43'	1949
565 9	2 - SPAN TIMBER PILE TRESTLE - OPEN DECK	27'	1951	578 9	5 - SPAN TIMBER PILE TRESTLE - OPEN DECK	69'	1950
578 2	6 - SPAN TIMBER PILE TRESTLE - OPEN DECK	121'	1950	579 5	3 - SPAN TIMBER PILE TRESTLE - OPEN DECK	42'	1944
587 7	6 - SPAN TIMBER PILE TRESTLE - OPEN DECK	121'	1951	580	4 - SPAN TIMBER PILE TRESTLE - OPEN DECK	57'	1945

Legend

- UPRR/KYLE LINES TO BE DISCONTINUED/ABANDONED
- OTHER KYLE LEASE LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50 + YEAR OLD STRUCTURES

SOLOMON BRANCH

MP 550.50 TO MP 580.63
17.20 MILES IN OSBORNE COUNTY
12.83 MILES IN ROOKS COUNTY
TOTAL OF 30.13 MILES
IN KANSAS

UNION PACIFIC RAILROAD CO.
KYLE RAILROAD COMPANY, LESSEE
SOLOMON BRANCH
KANSAS

INCLUDING 50+ YEAR OLD STRUCTURES





Mile 548.5



Mile 548.6



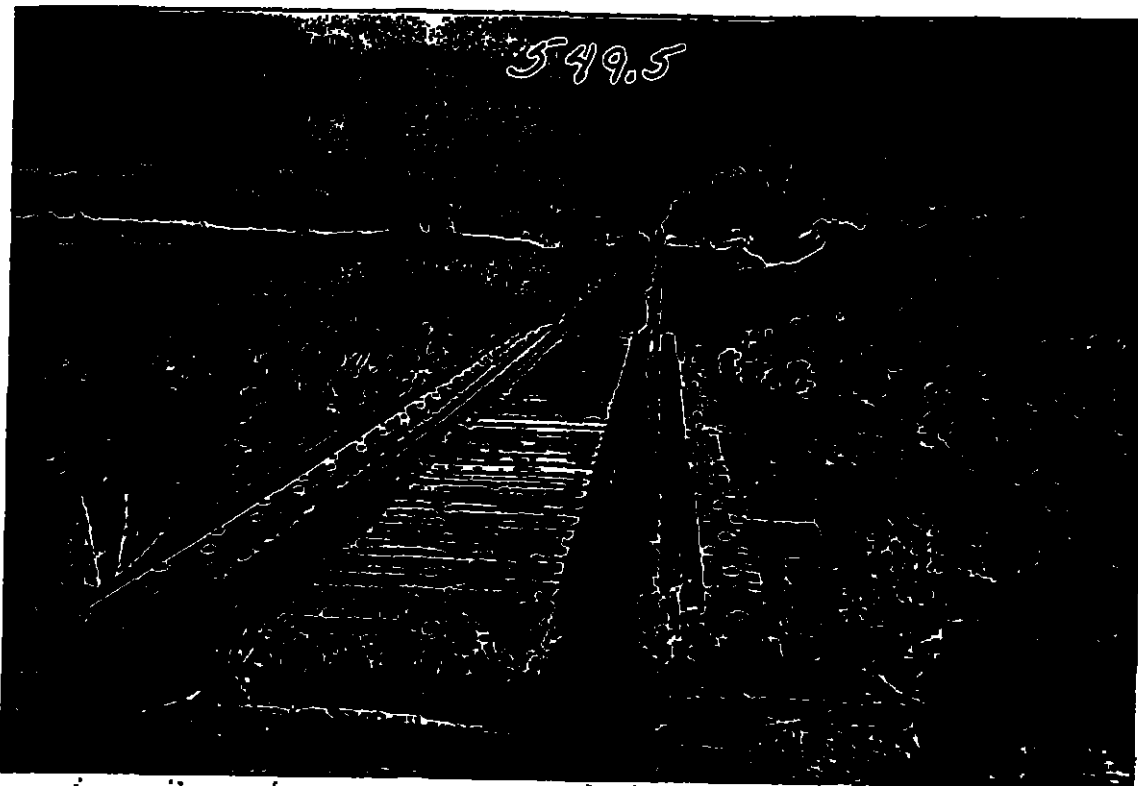
Mile 548.8





Mile 549.2





Mile 549.5





Mile 549.9





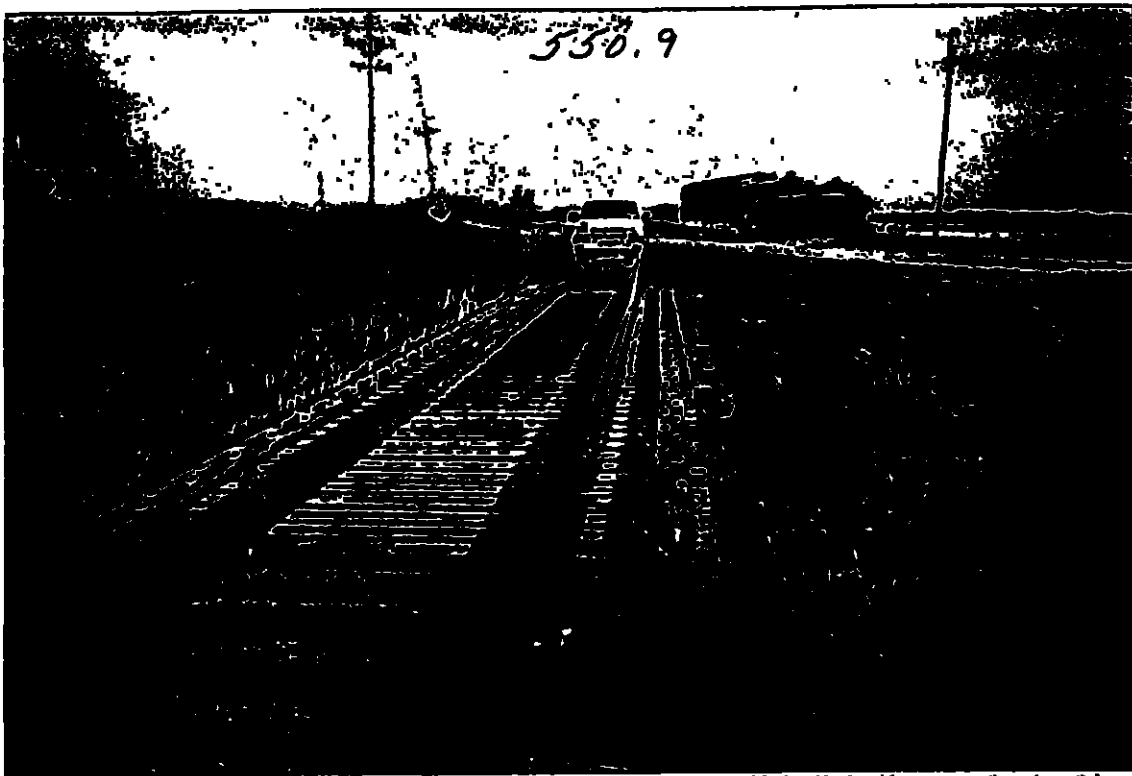
Mile 550.2





Mile 550.4



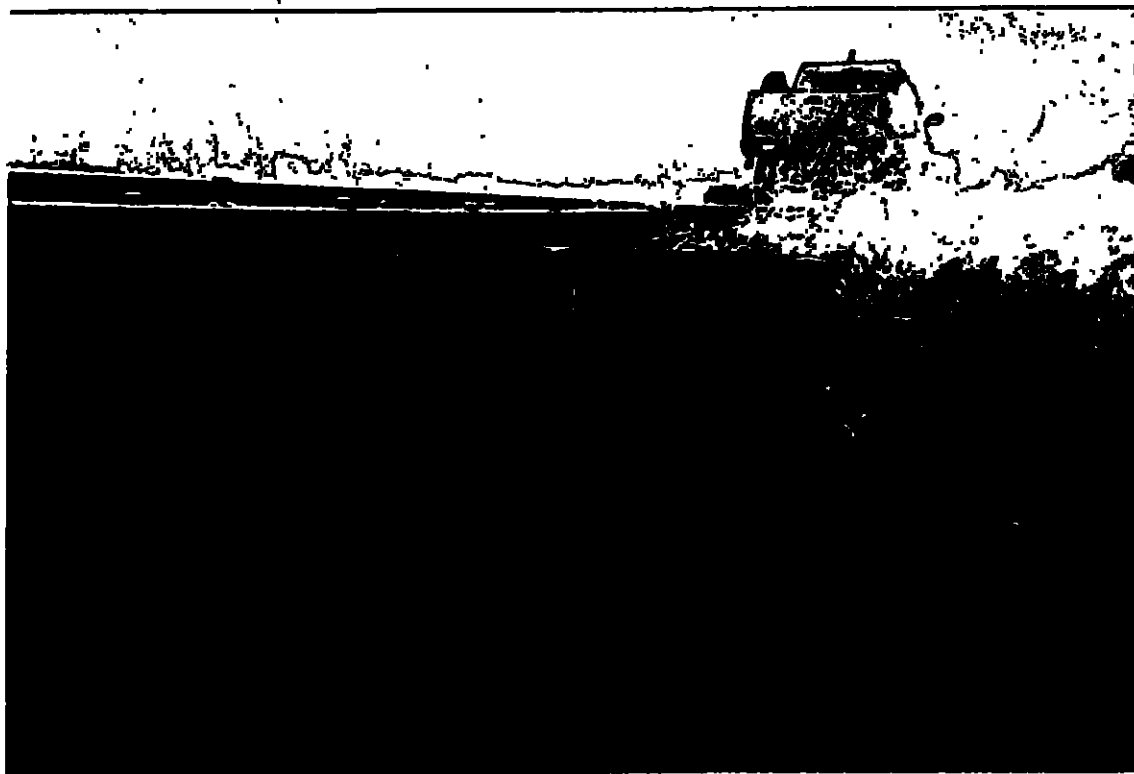


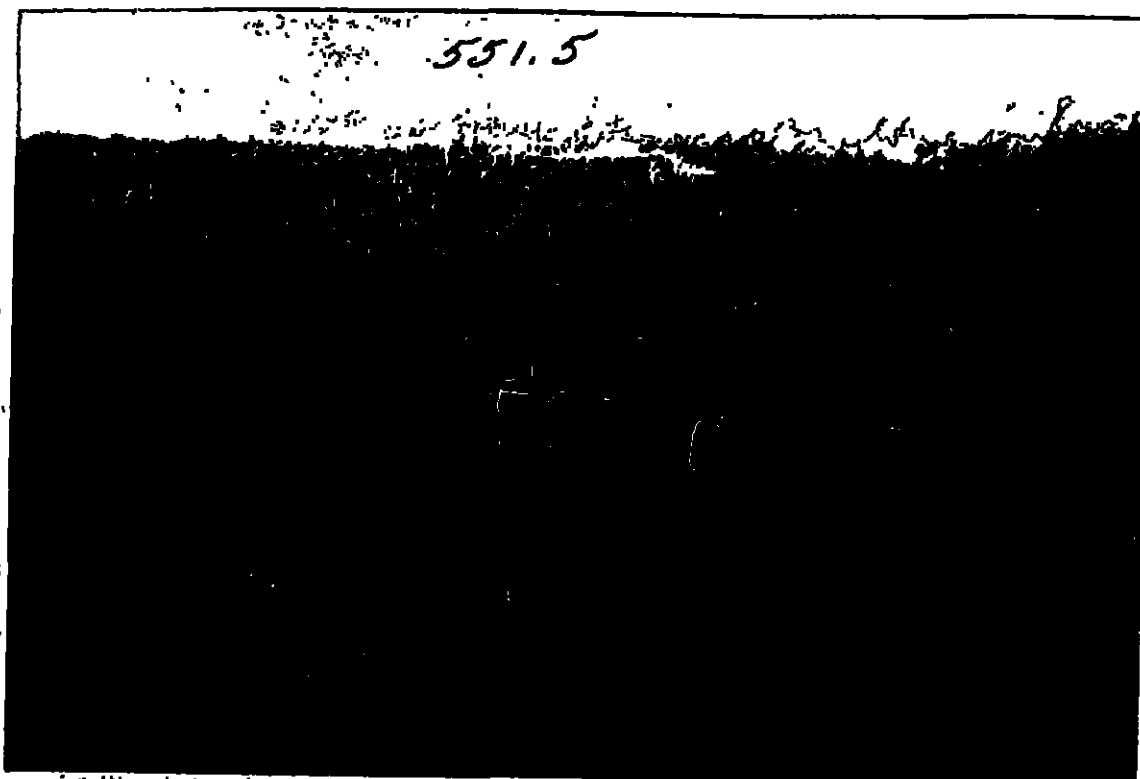
Mile 550.9



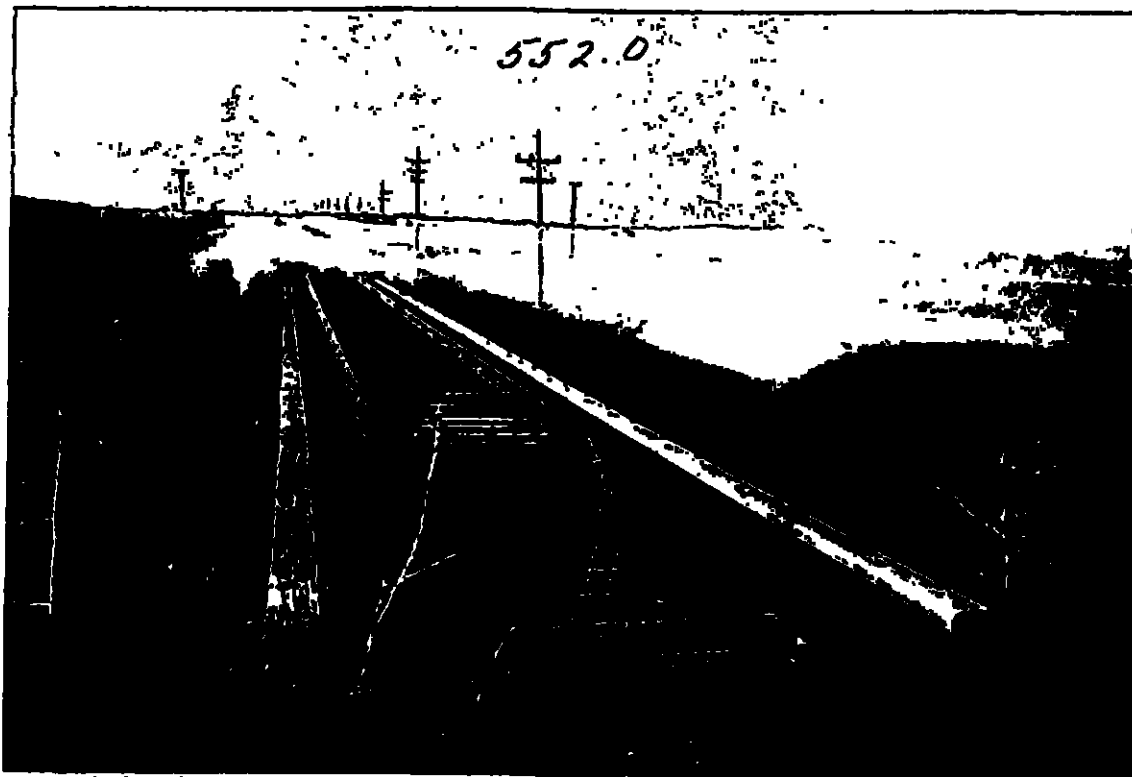


Mile 551.1



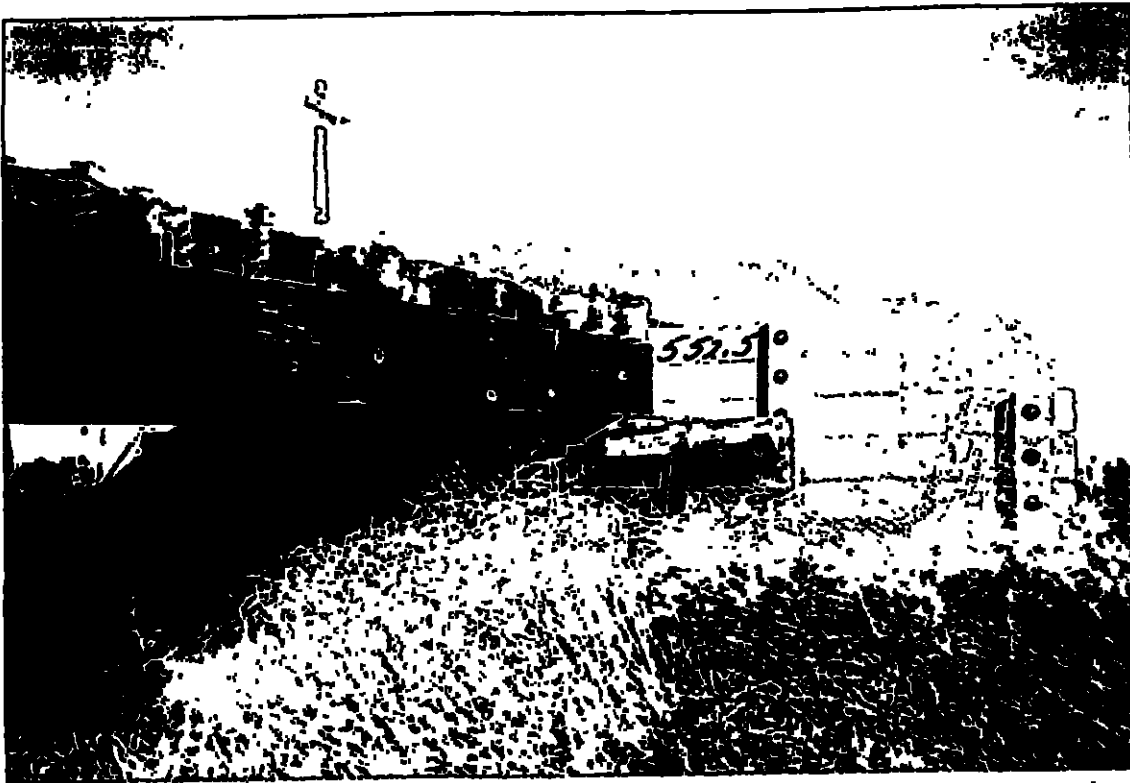


MILE 551.5

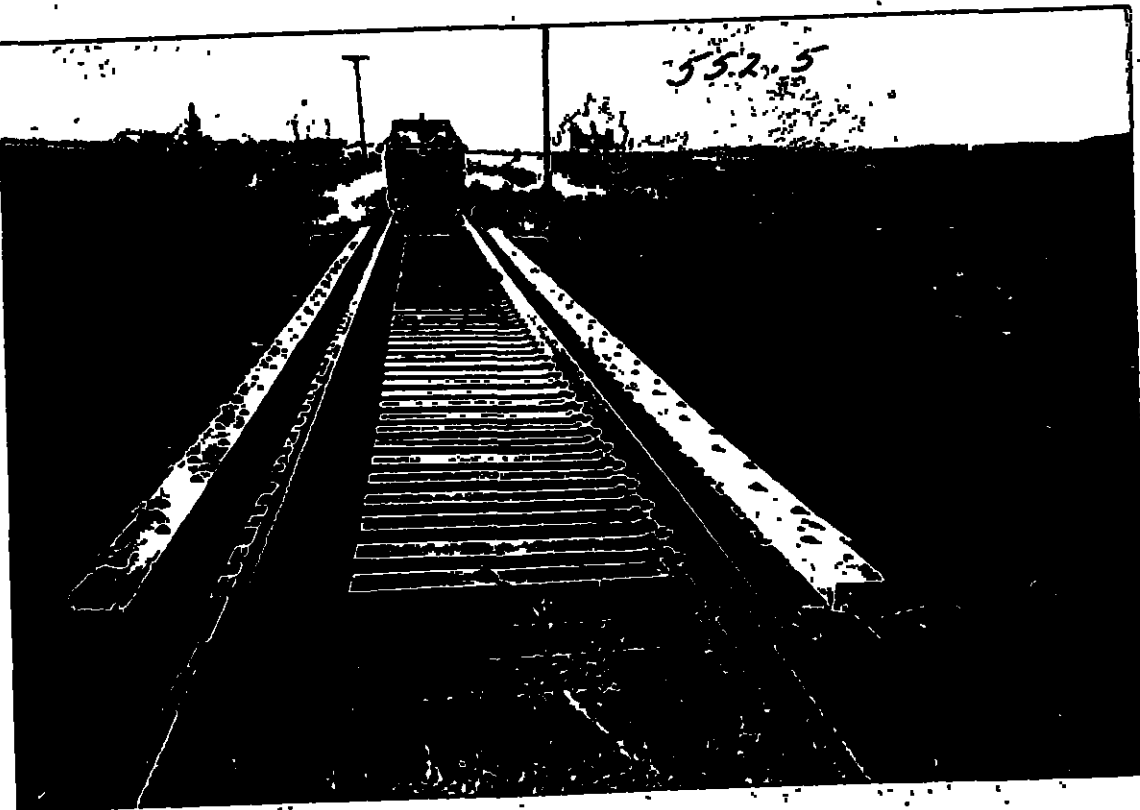


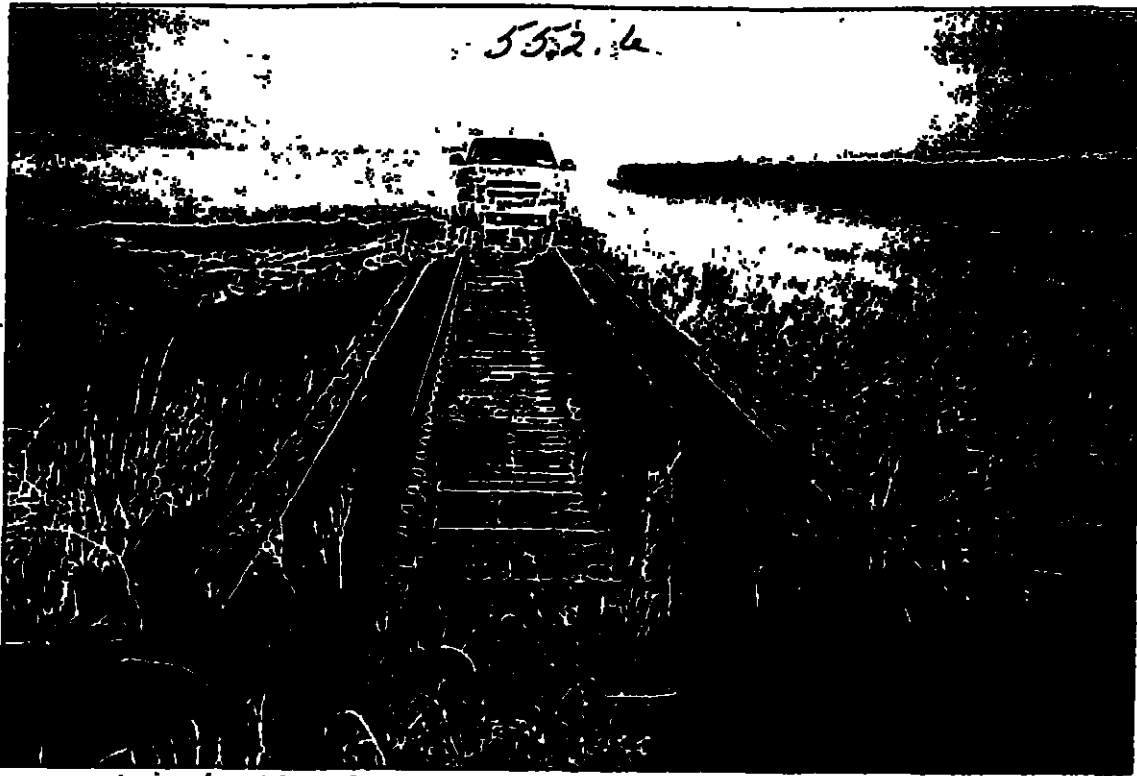
Mile 552.0





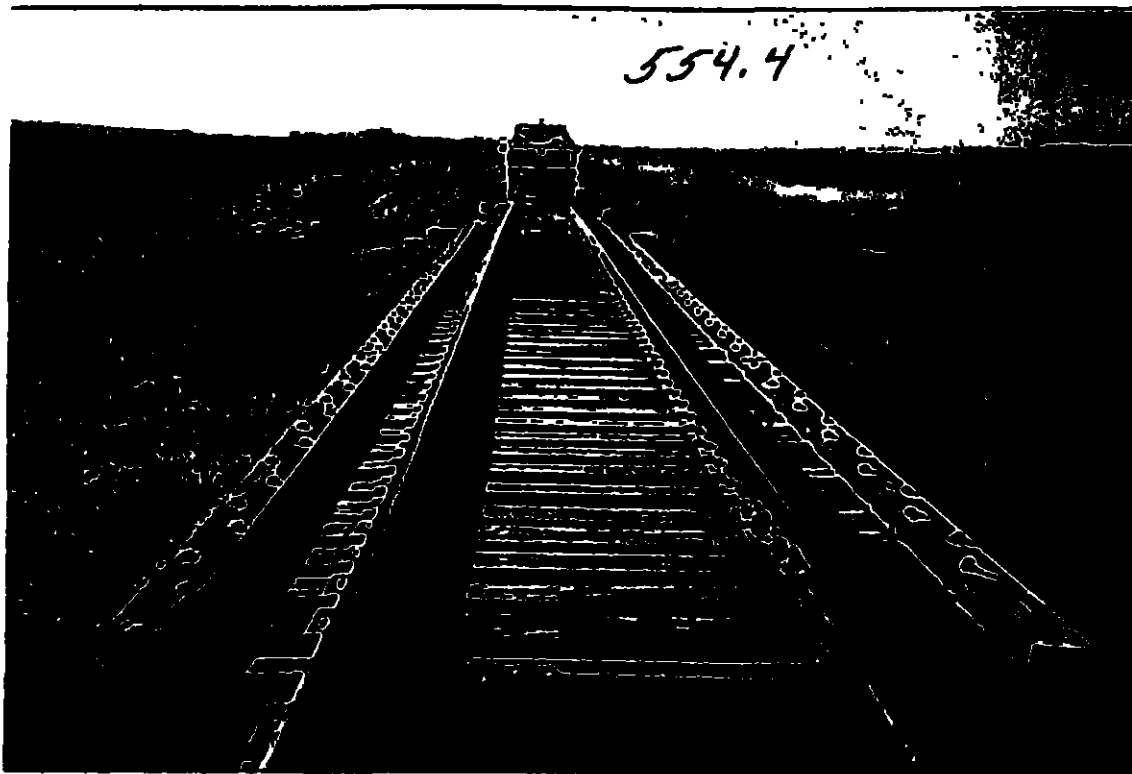
Mile 552.5





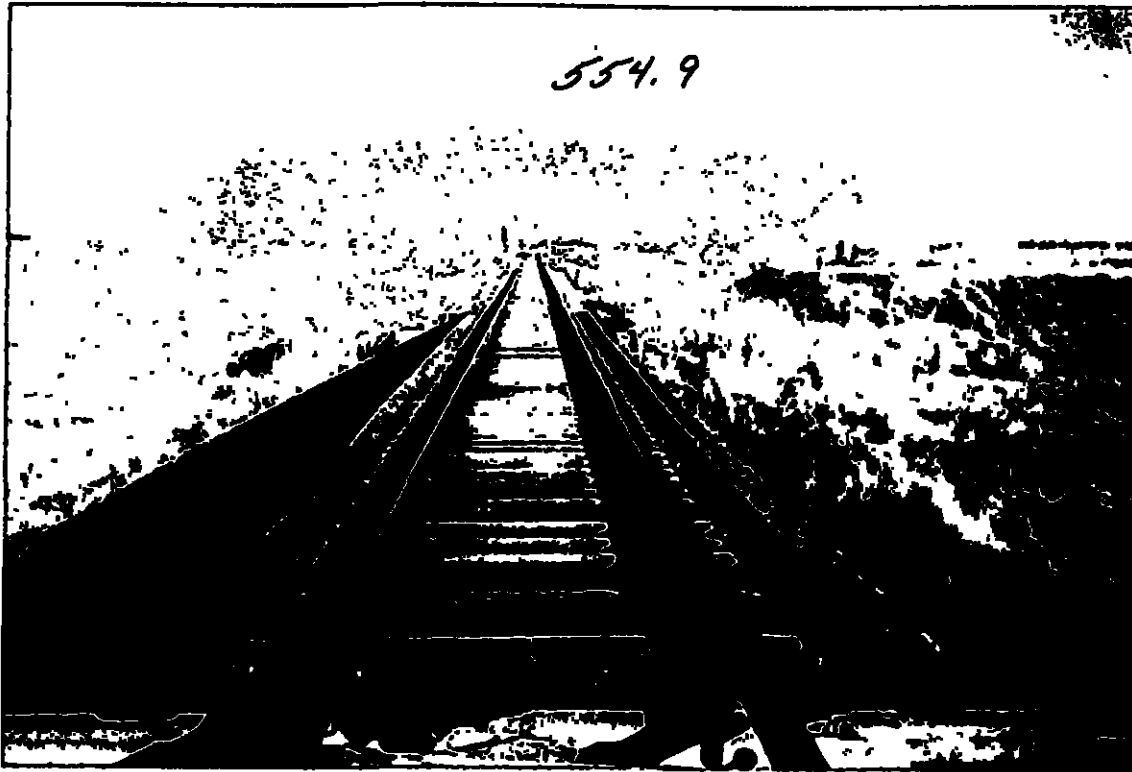
Mile 552.6





Mile 554.4



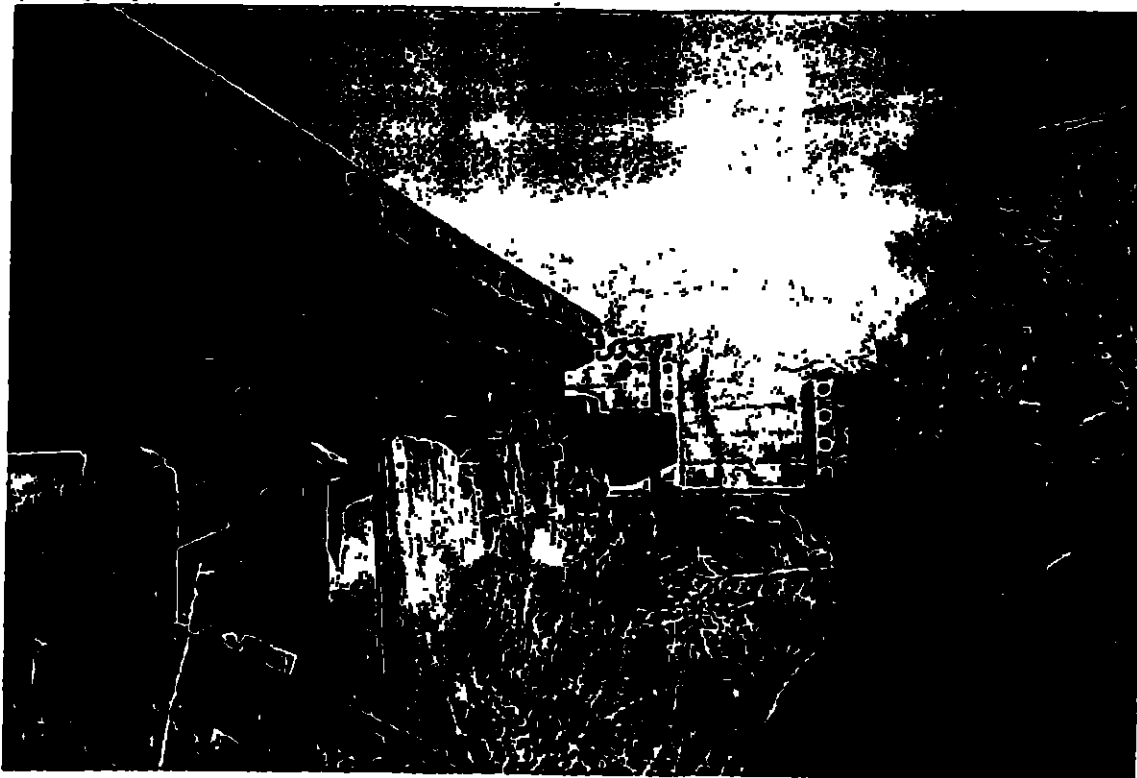


Mile 554.9

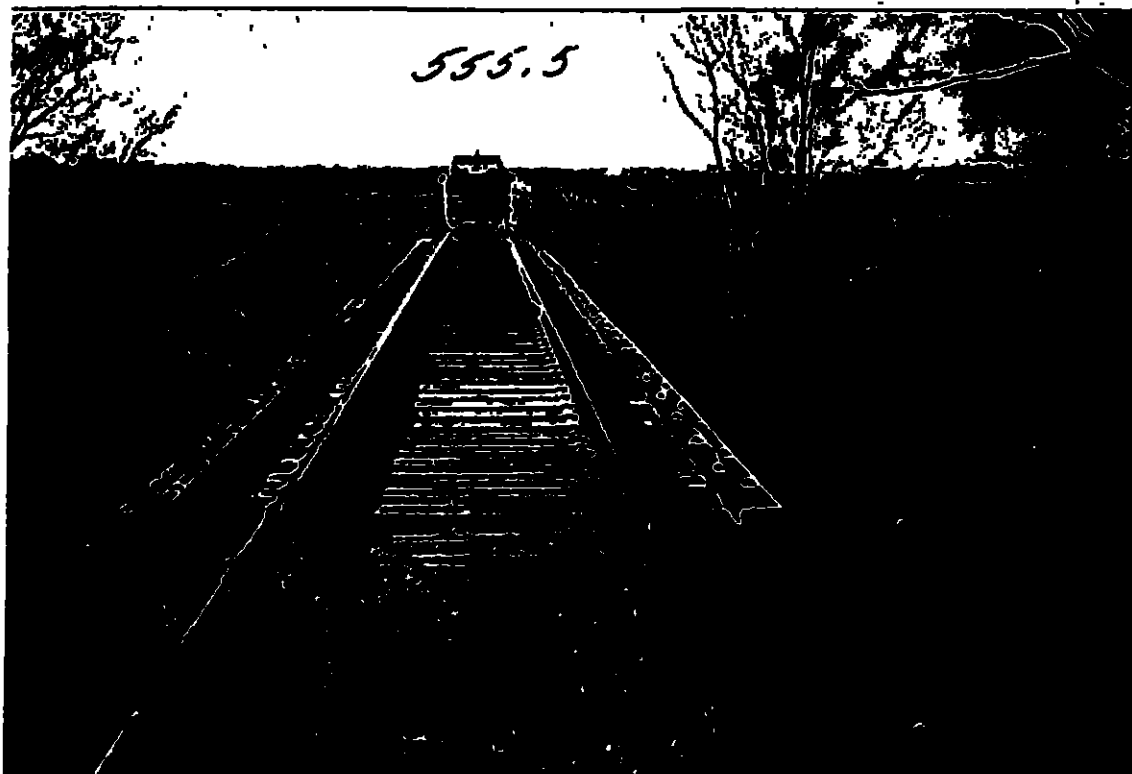




Mile 555.2



Mile 555.5





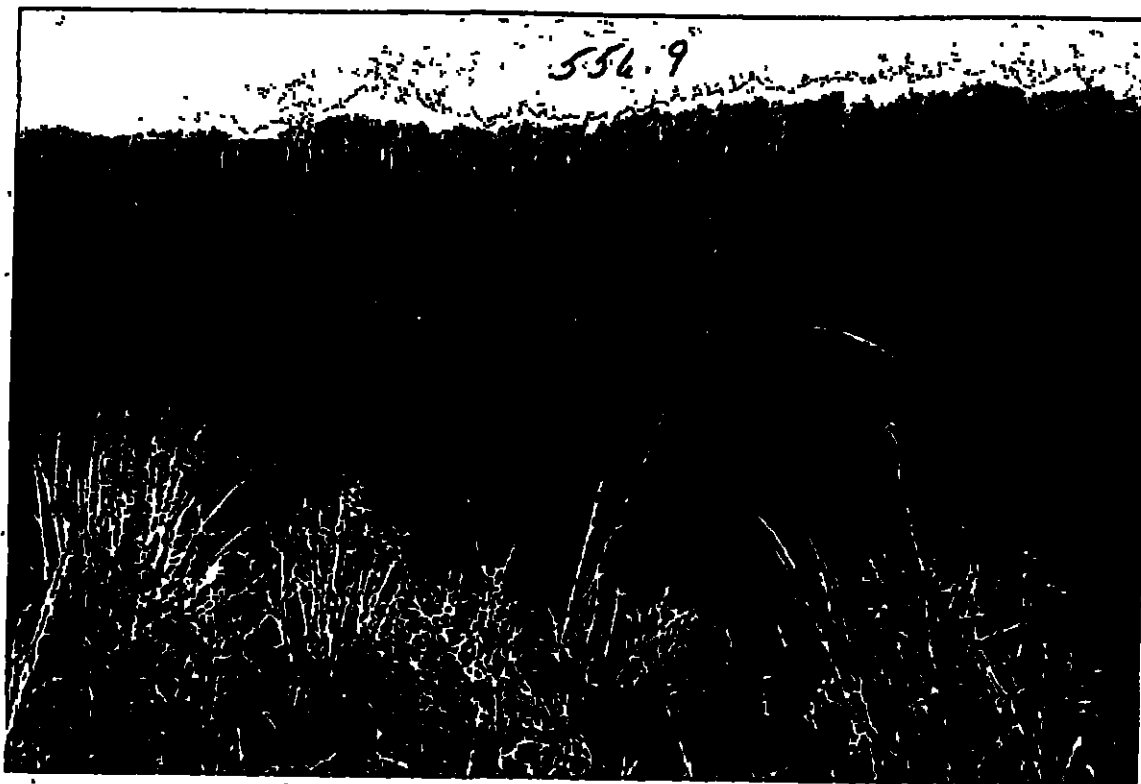
Mile 556.1



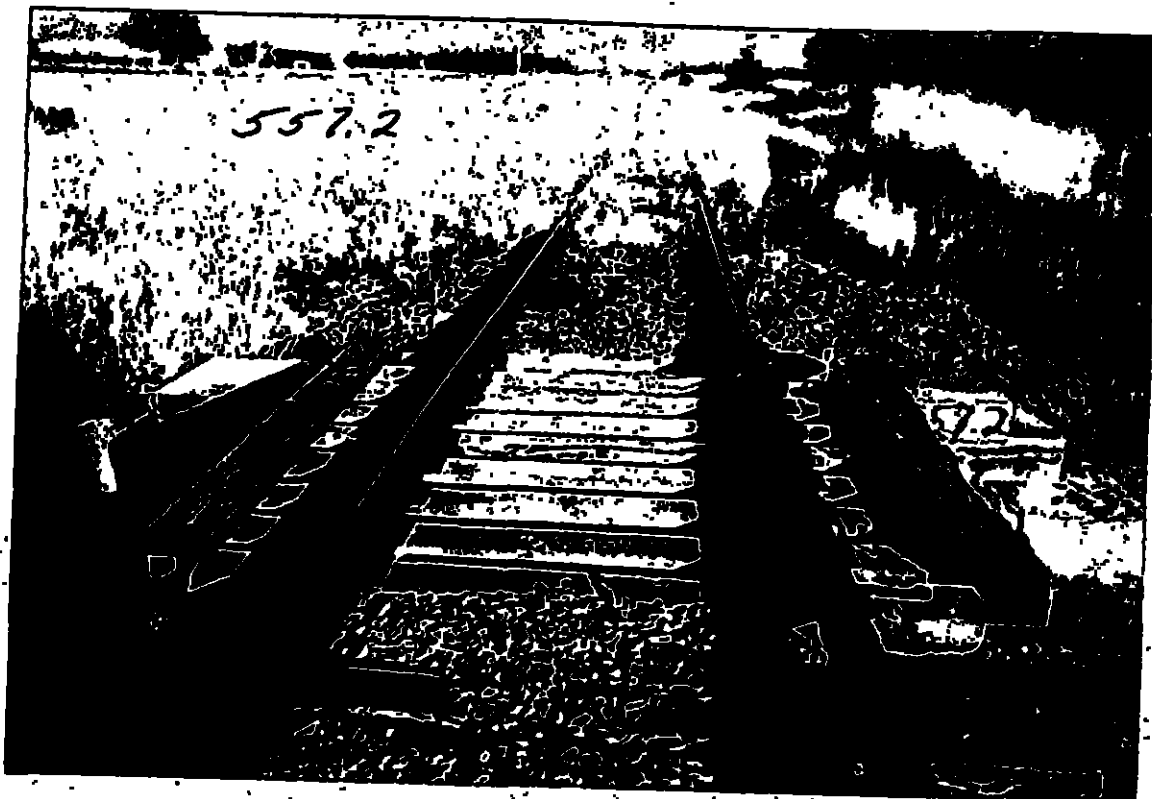


Mile 556.6

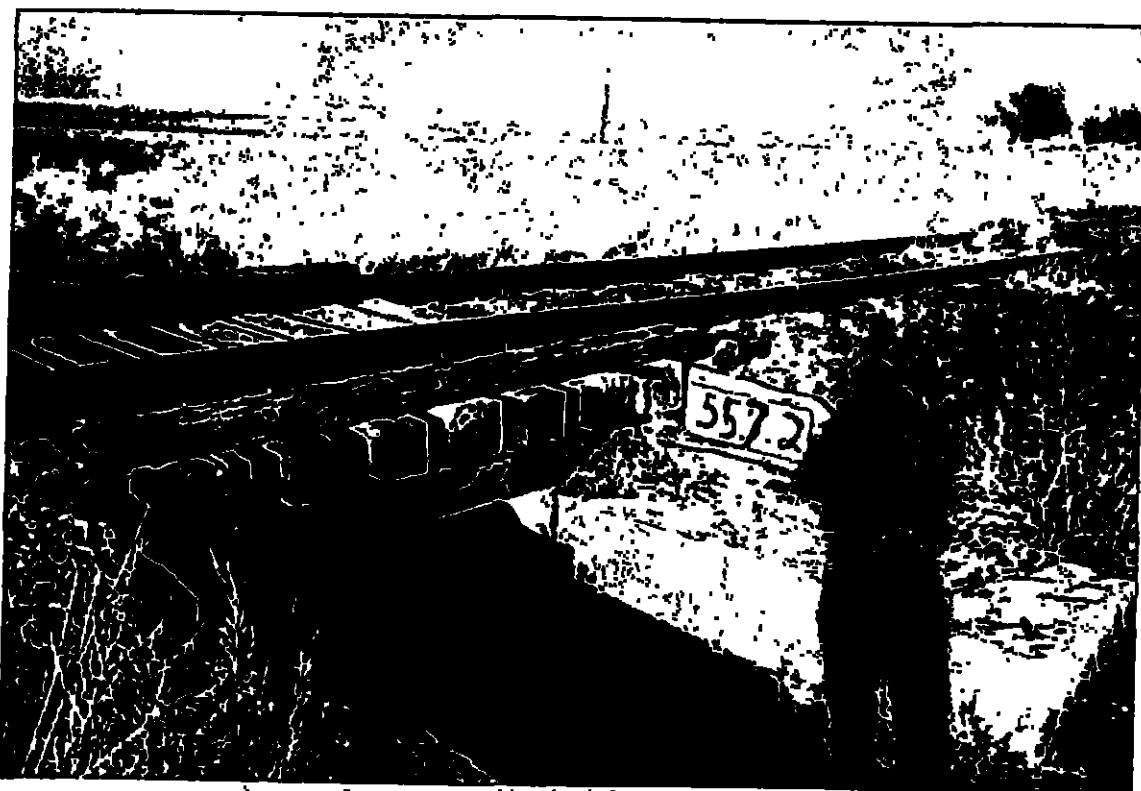


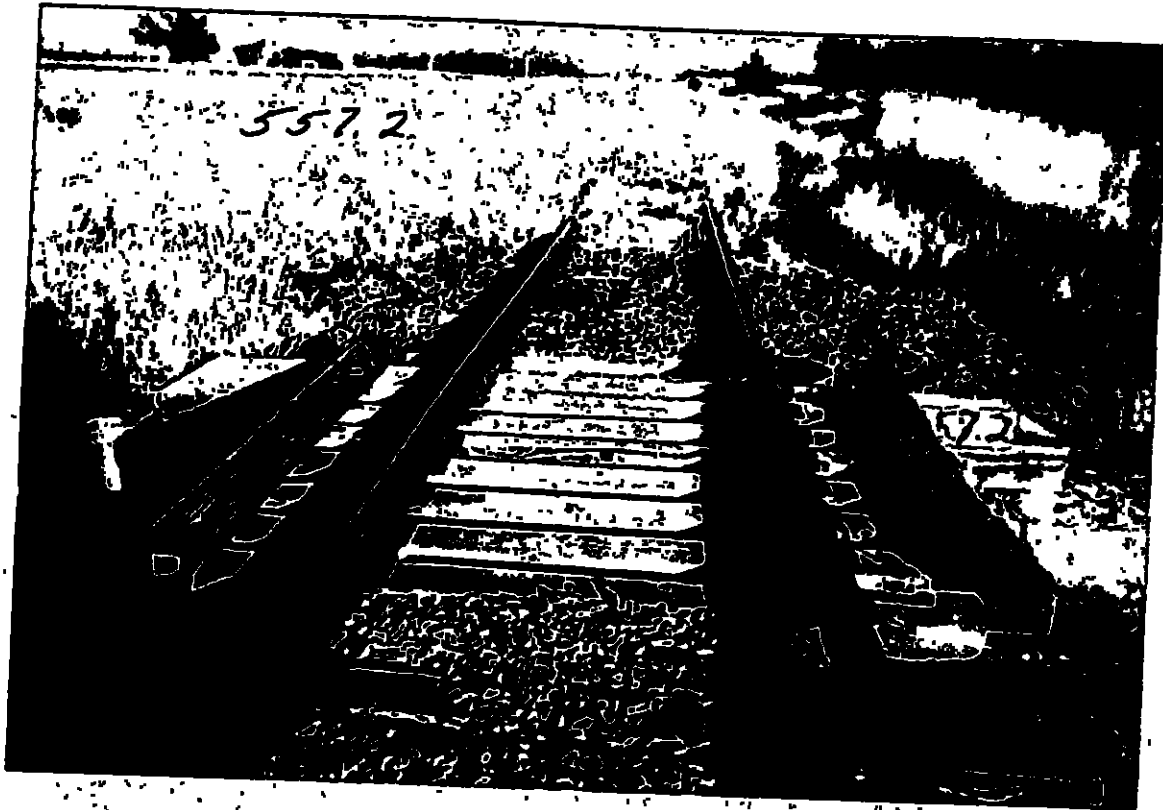


Mile 556.9



Mile 557.2





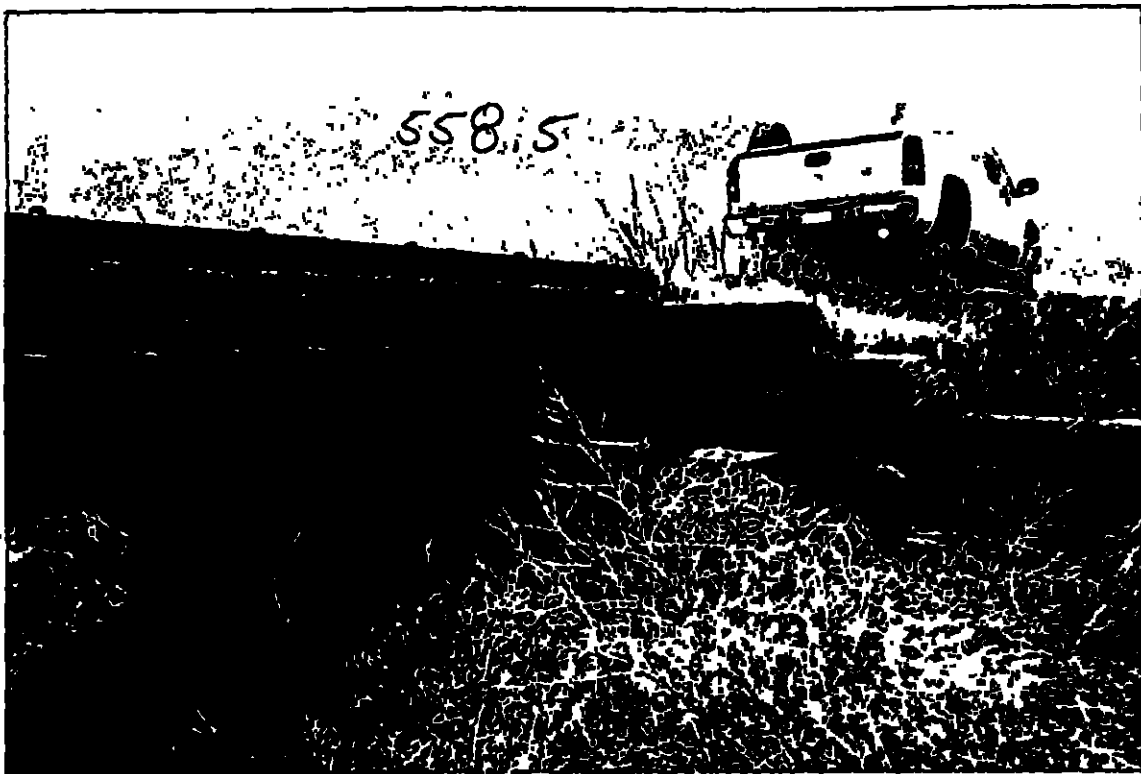
Mile 557.2



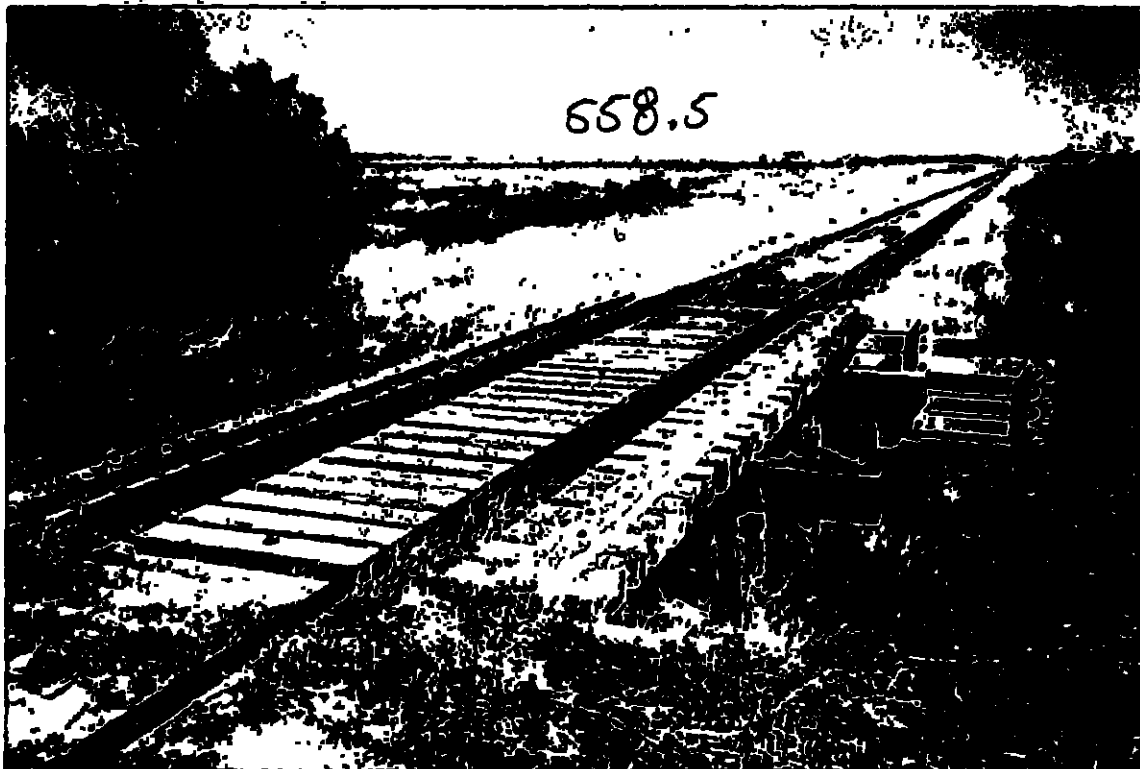


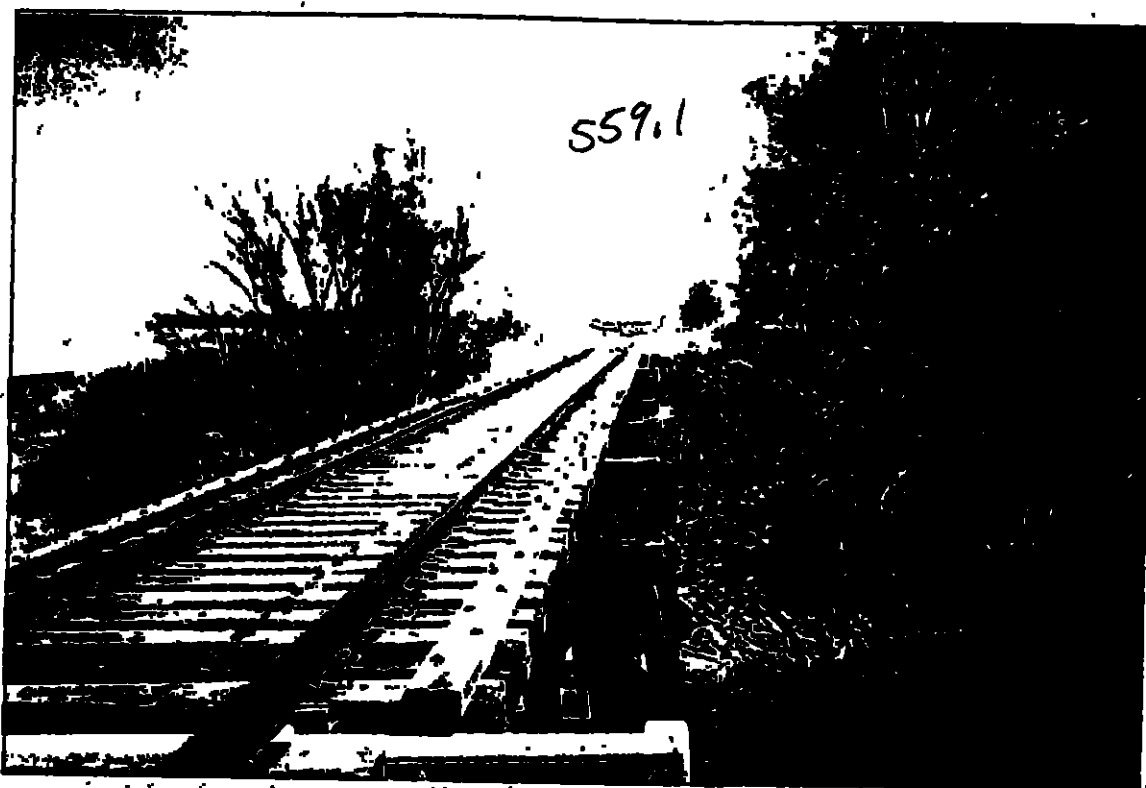
Mile 557.8



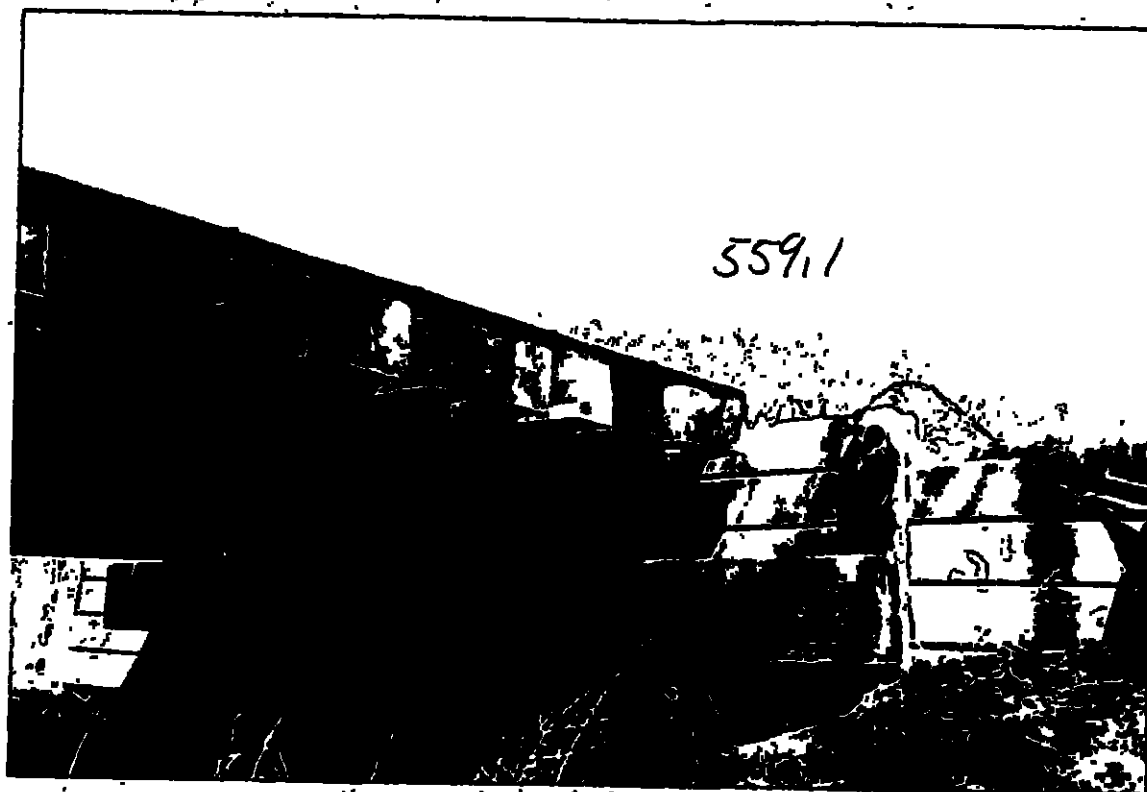


Mile 558.5





Mile 559.1





Mile 559.9

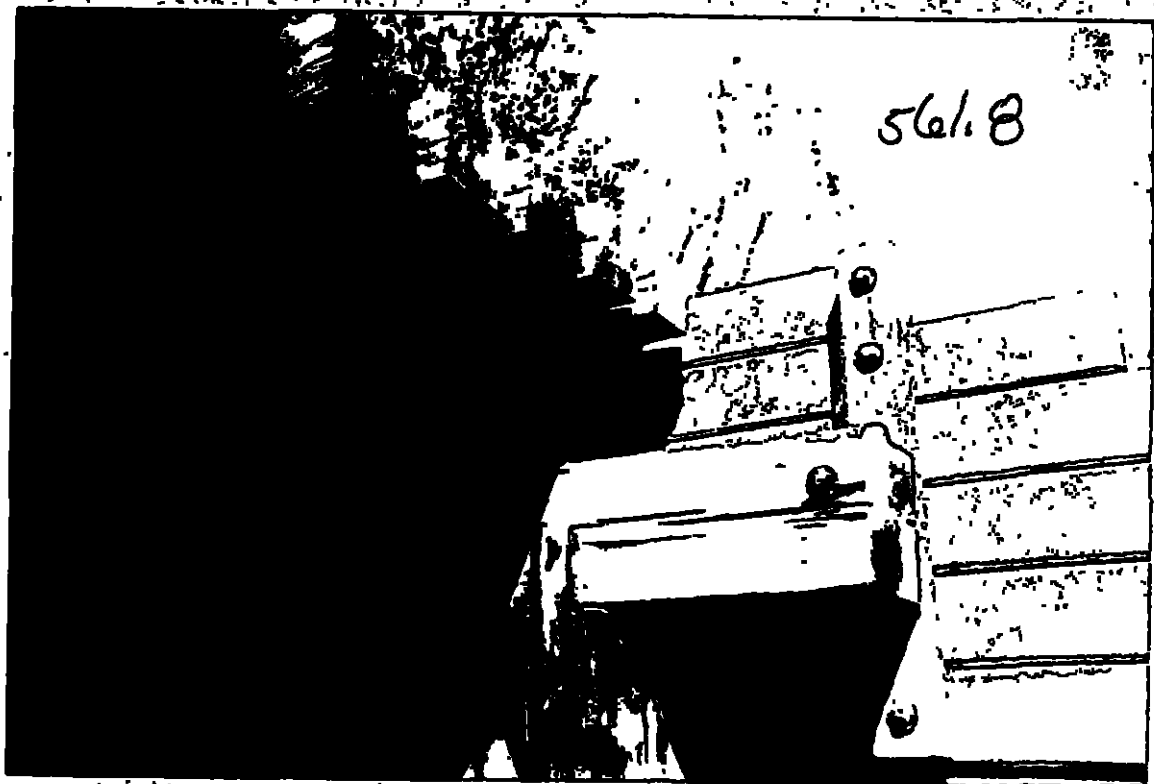


Mile 560.4





Mile 561.8





Mile 562.1

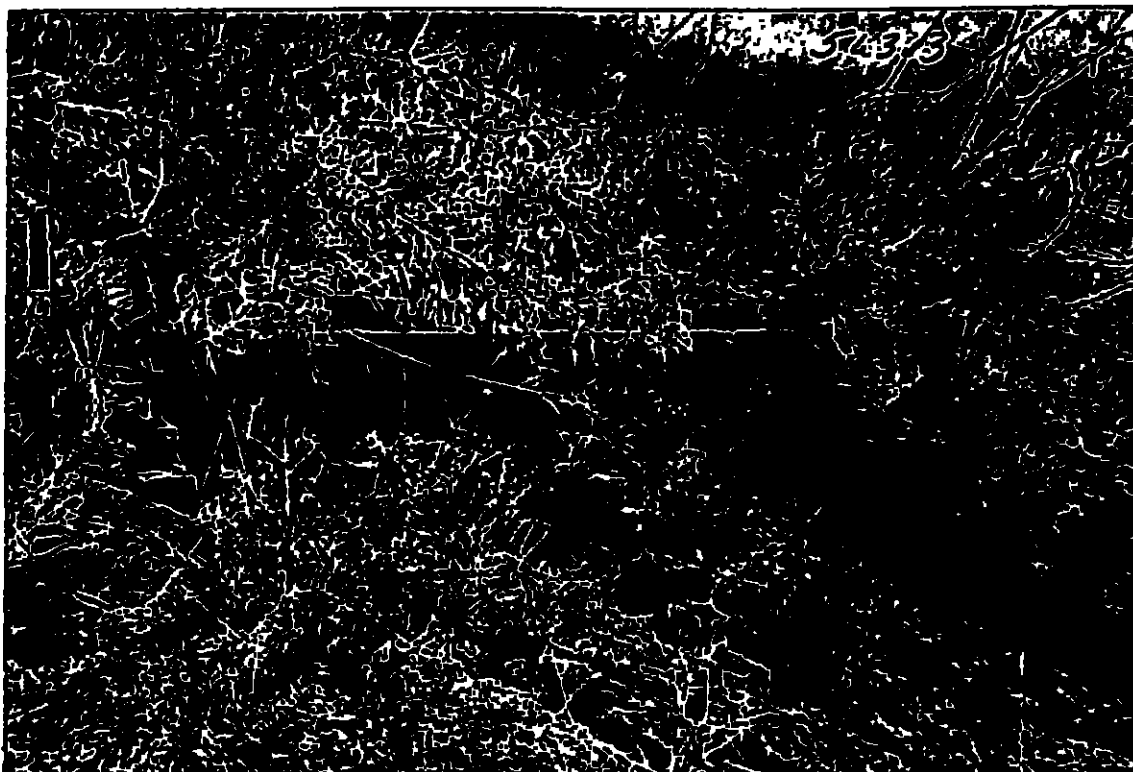


Mile 562.7

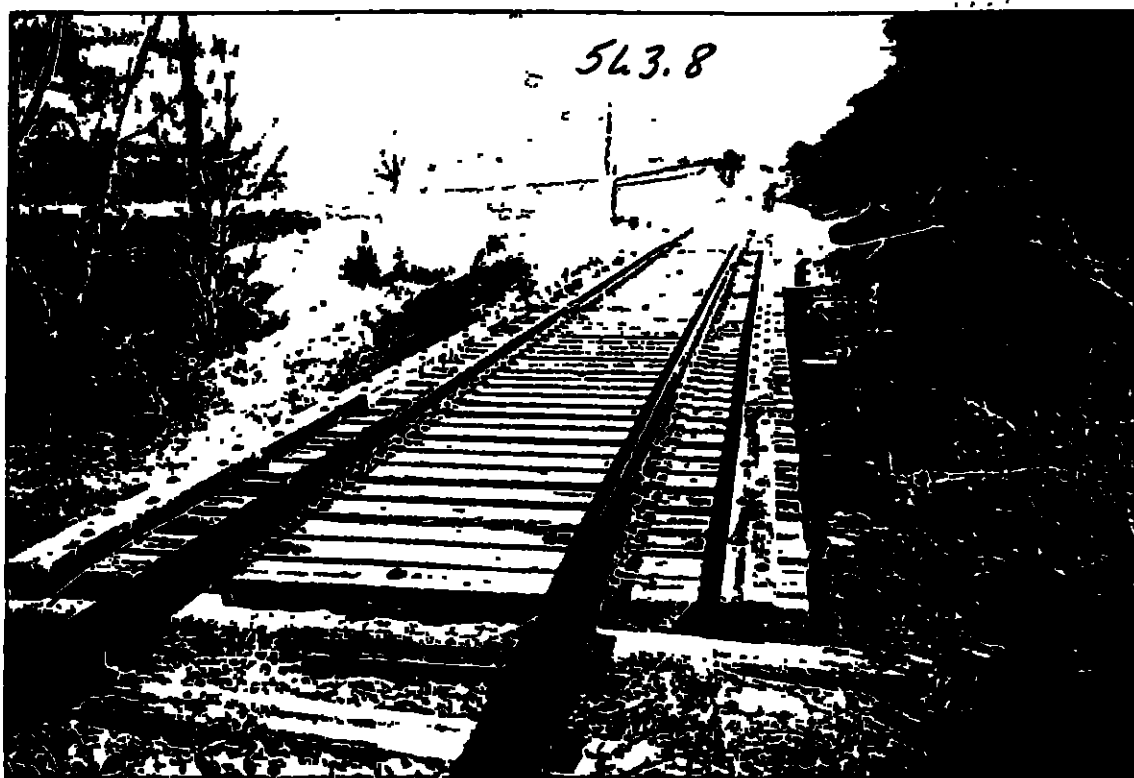


Mile 563.2





Mile 563.3

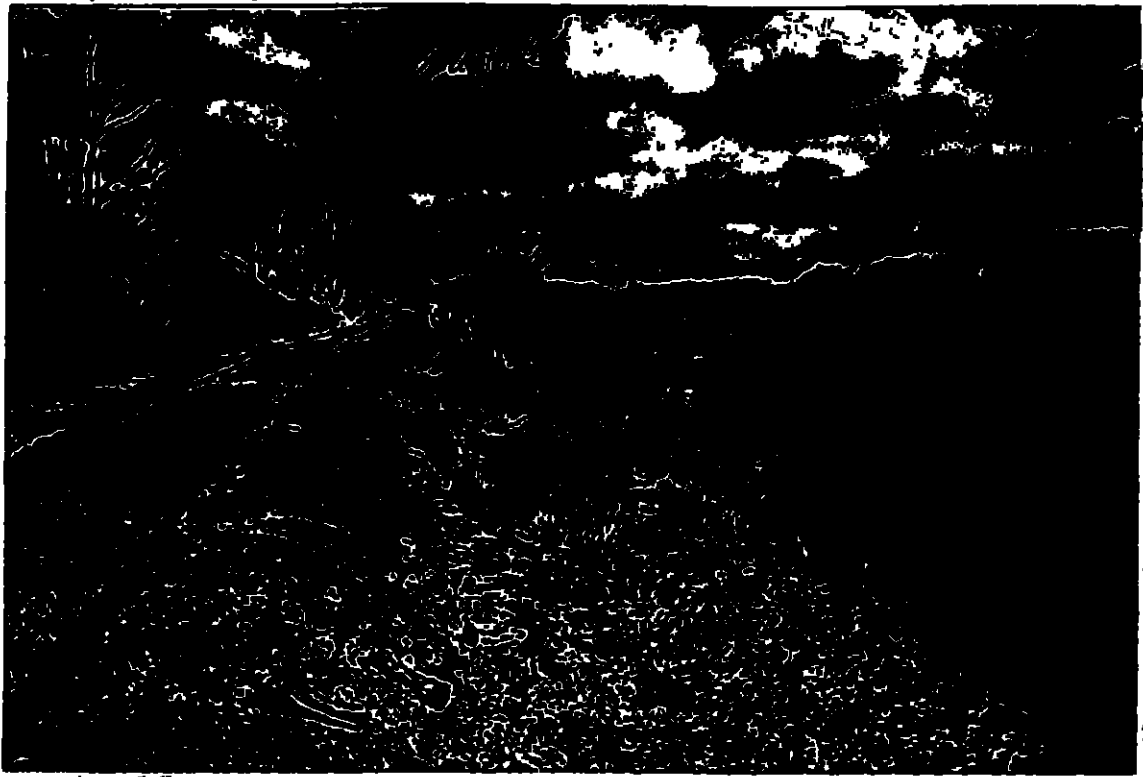


Mile 563.8





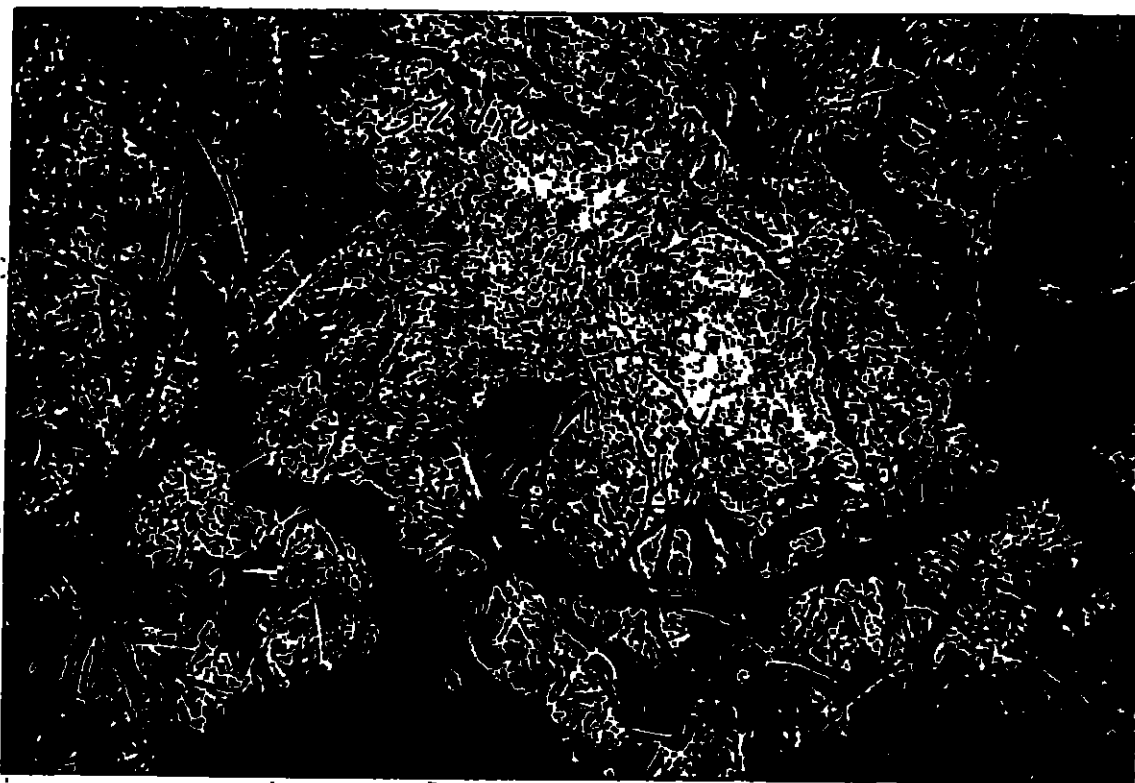
Mile 564.4



Mile 564.6



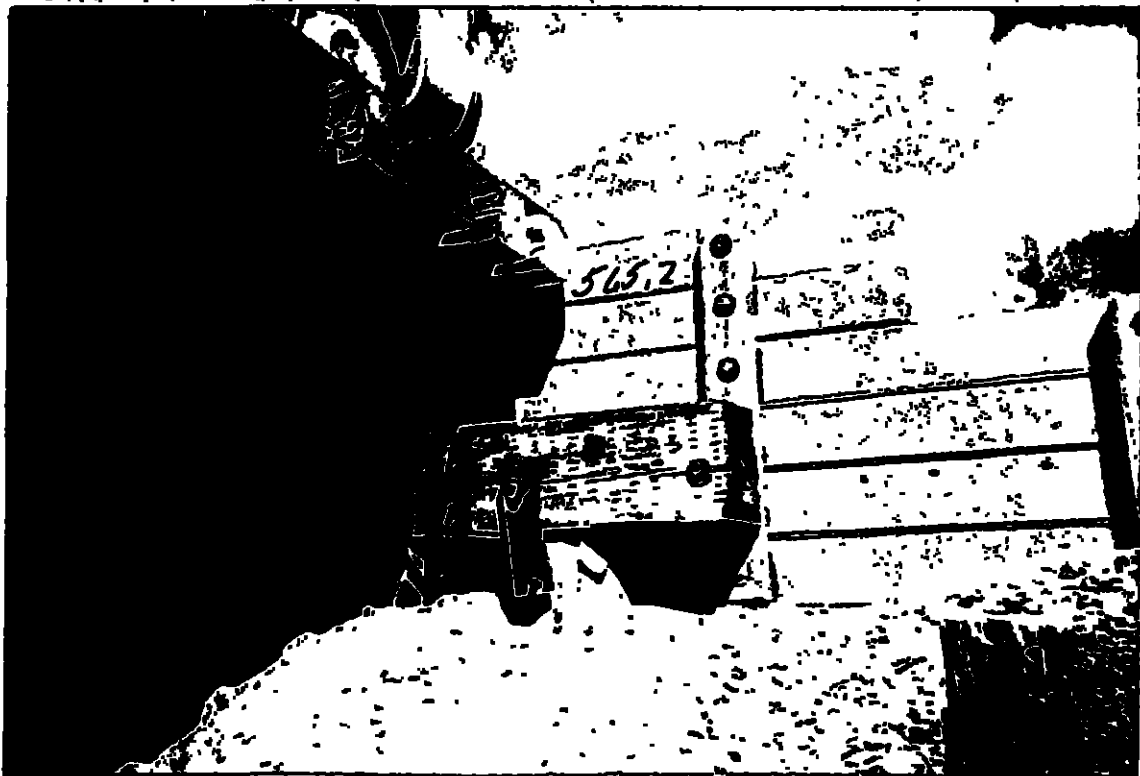
Mile 564.7



Mile 564.8

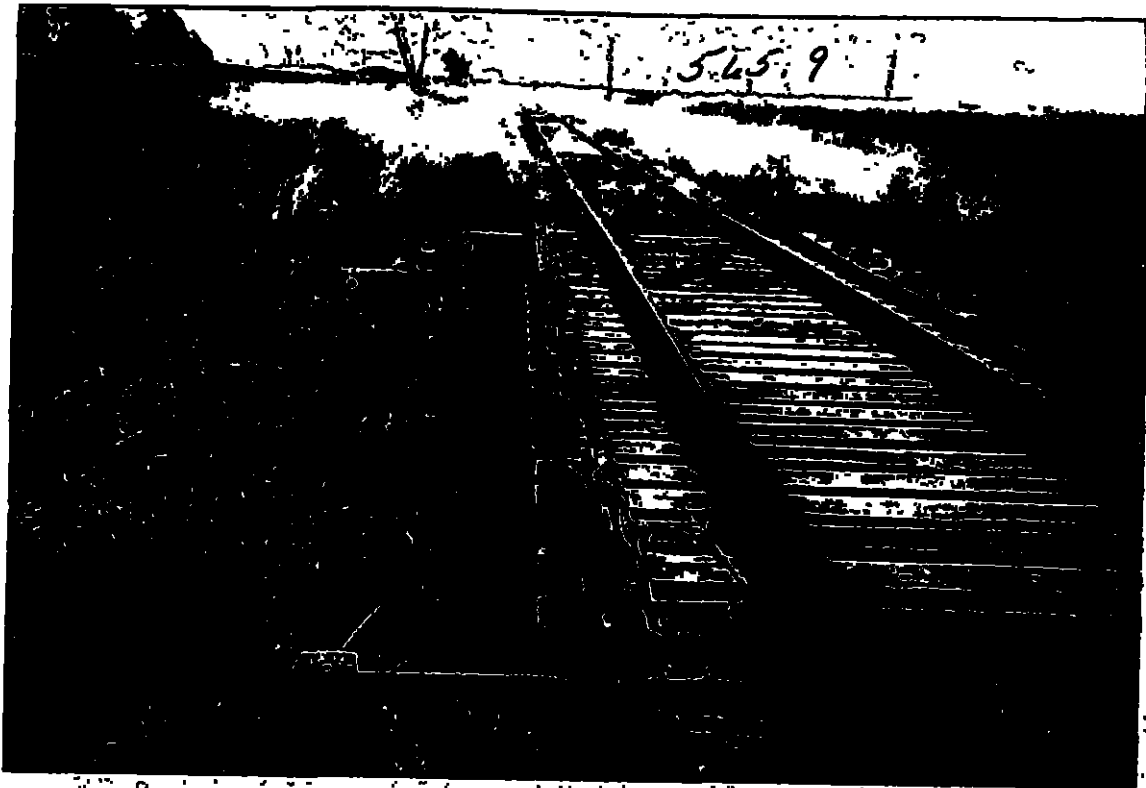


Mile 565.2



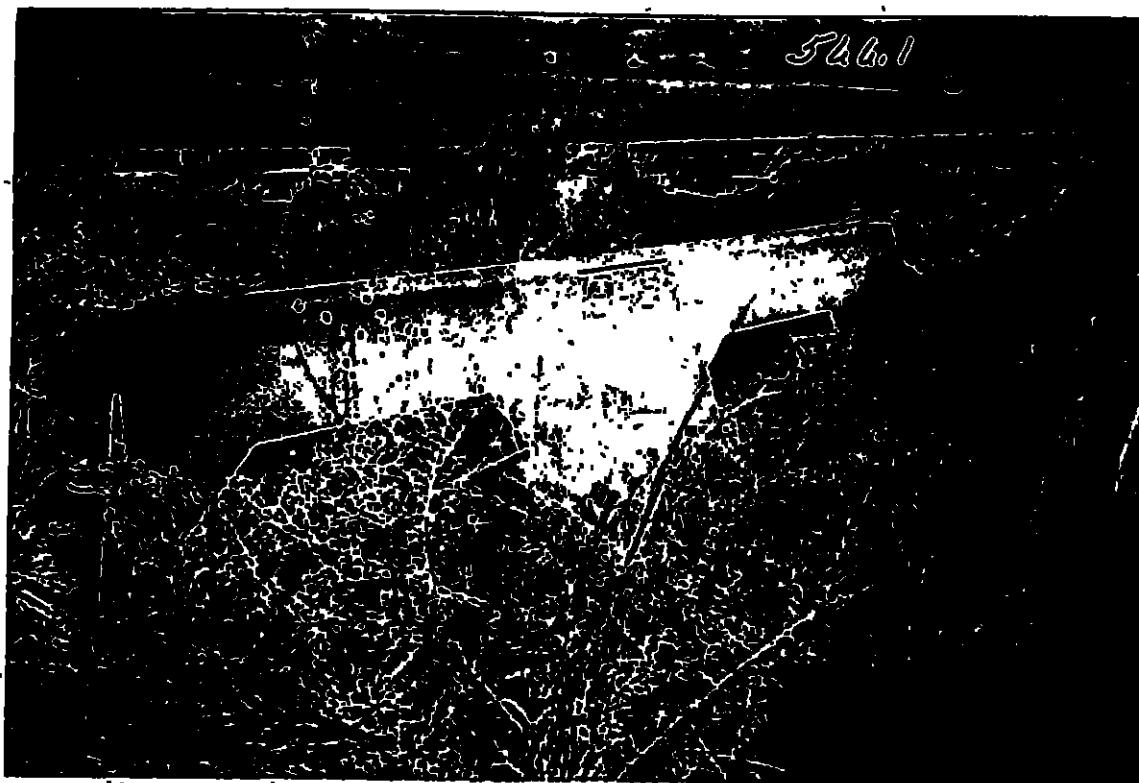


Mile 565.5



Mile 565:9





Mile 566.1

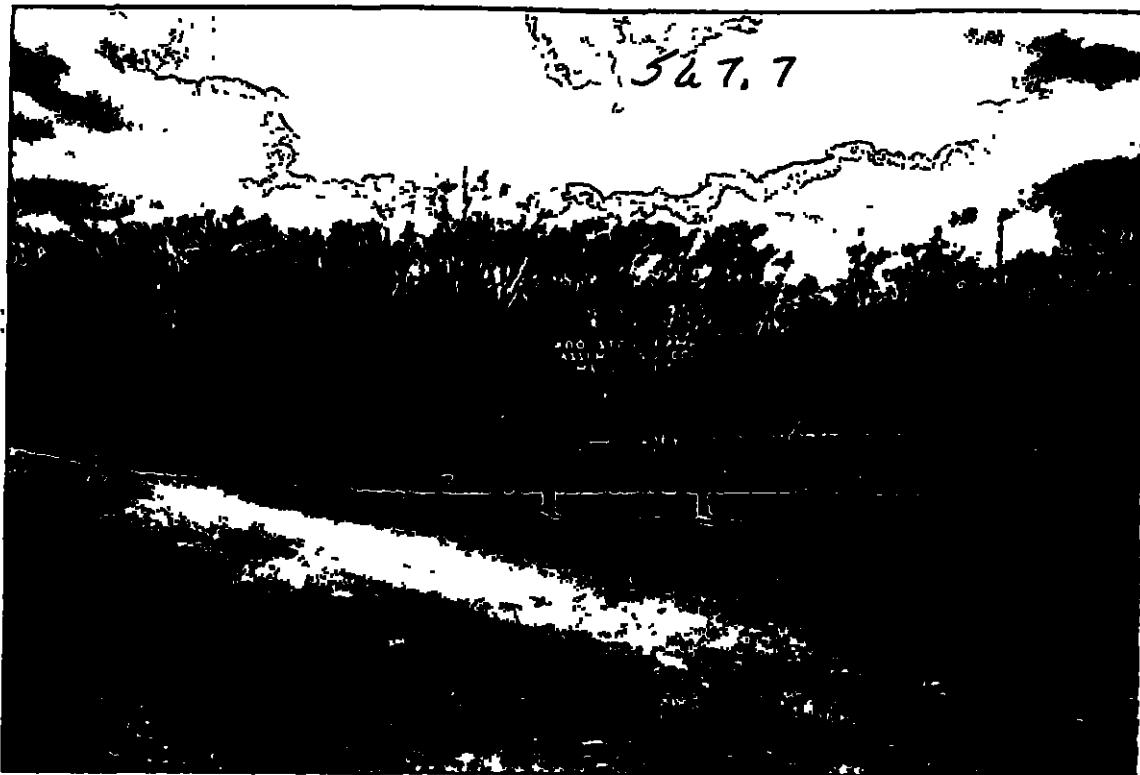


Mile 567.2

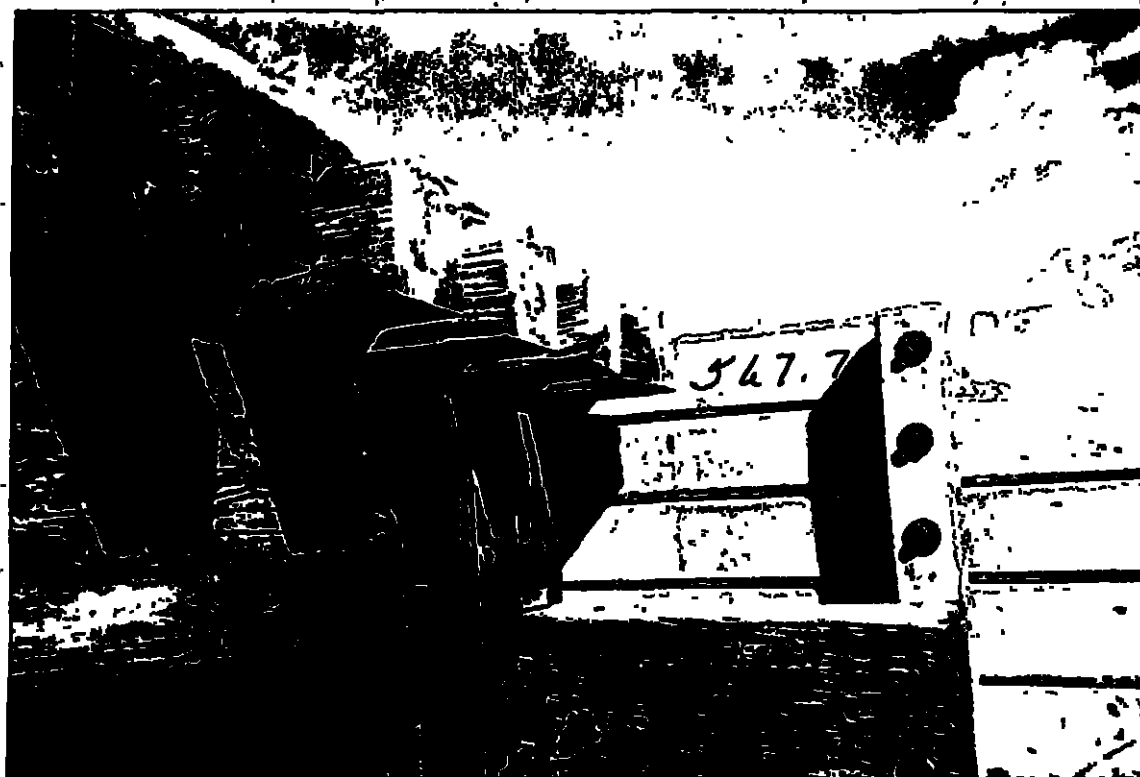




Mile 567.7



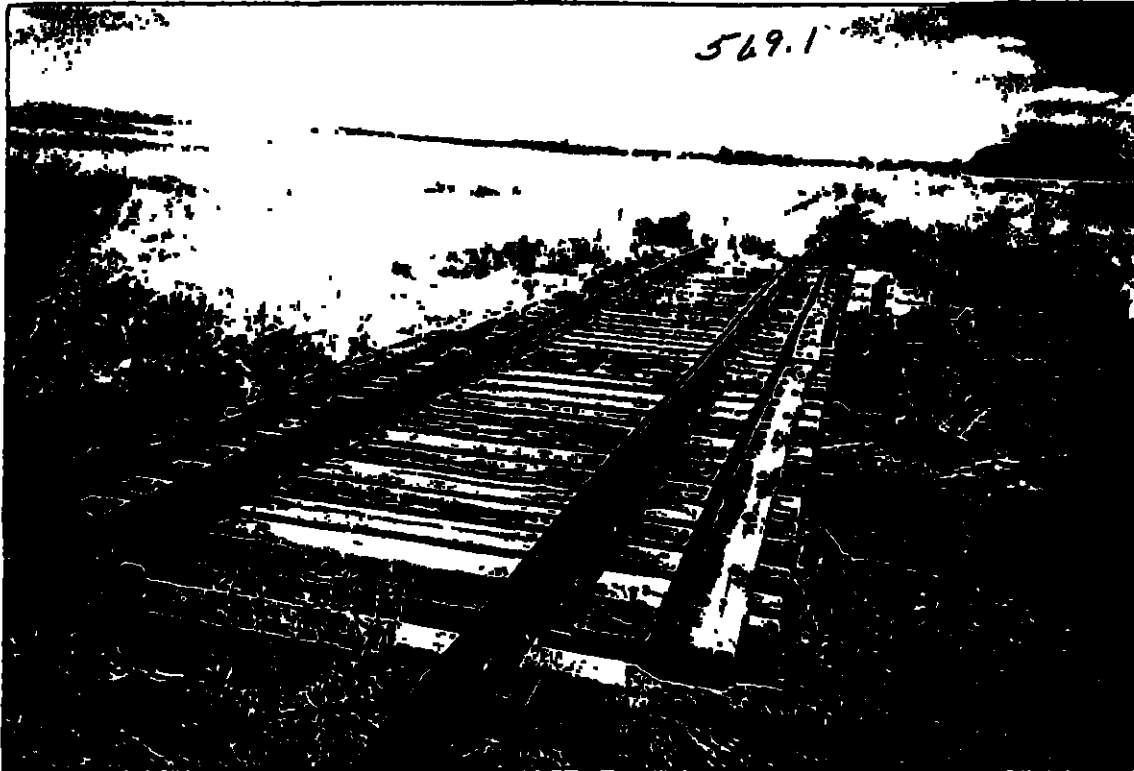
Mile 567.7





Mile 567.8





Mile 569.1





Mile 569.9

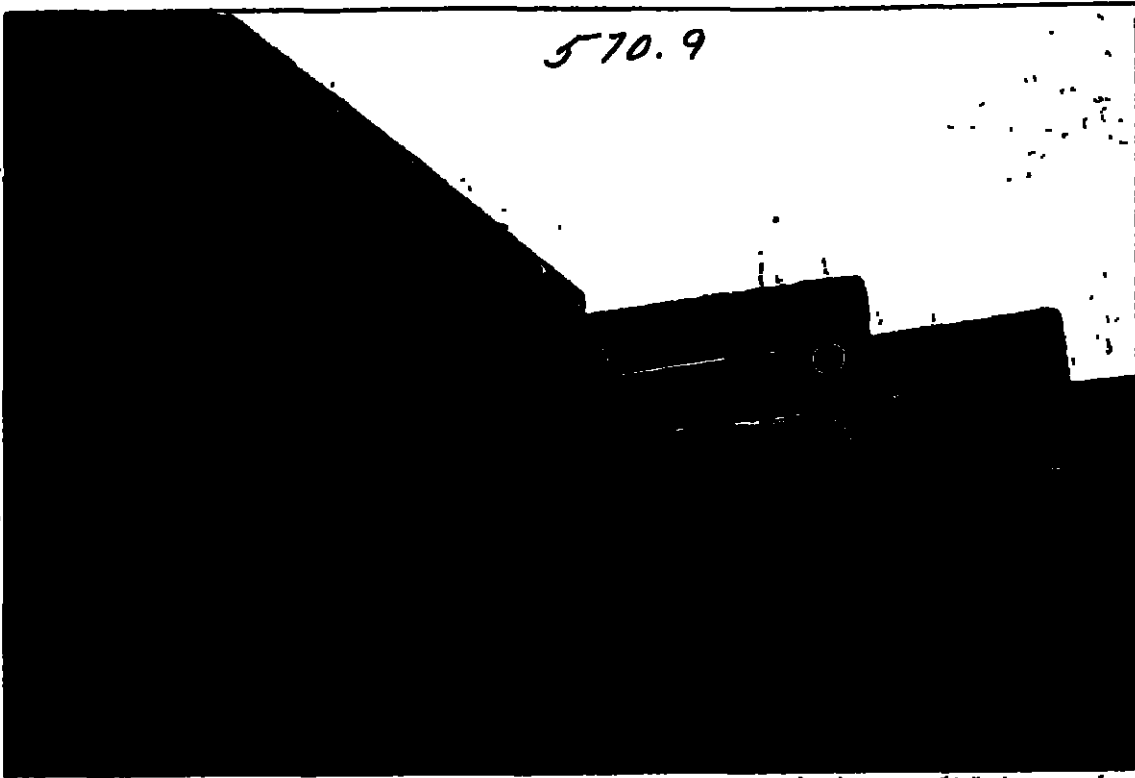


Mile 570.4





Mile 570.4

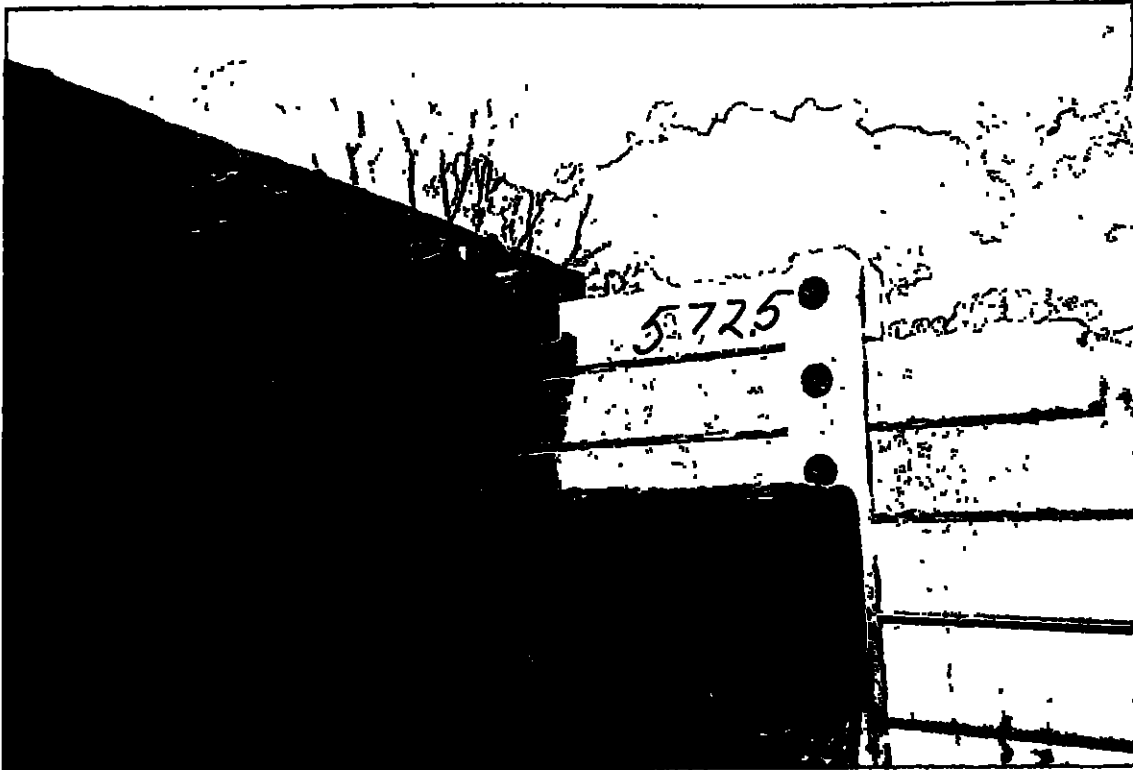


Mile 570.9





Mile 571.3



Mile 572.5

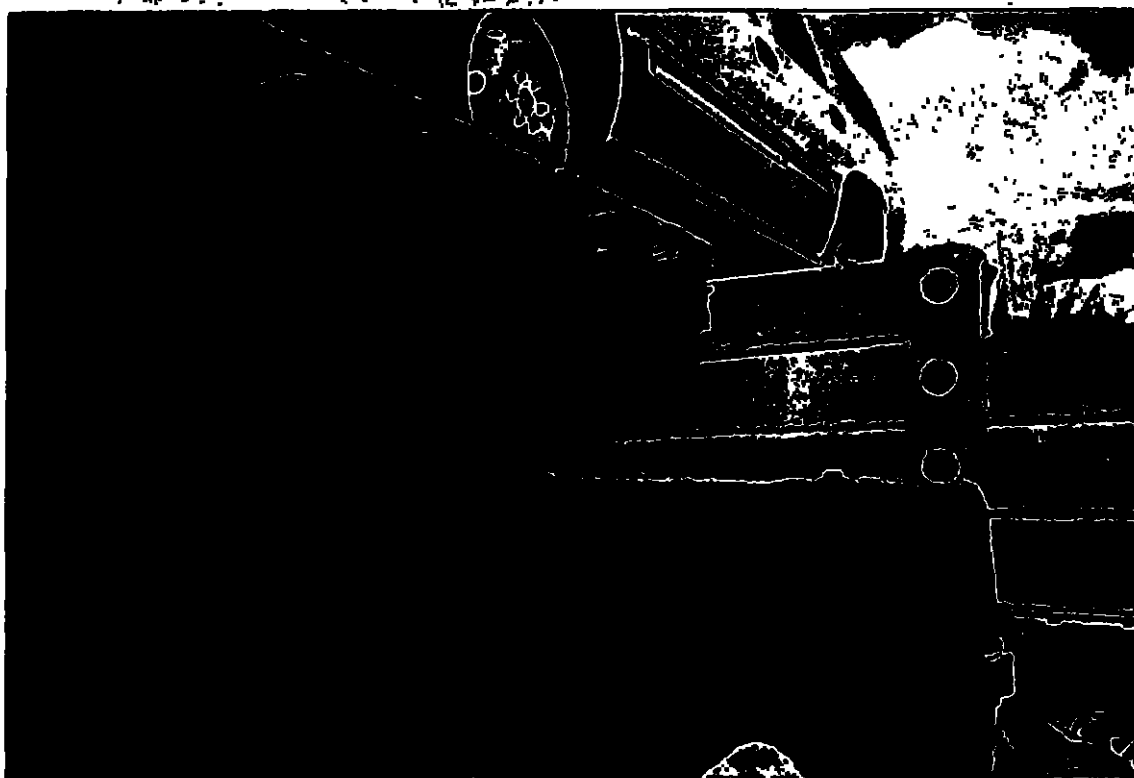




Mile 572.5

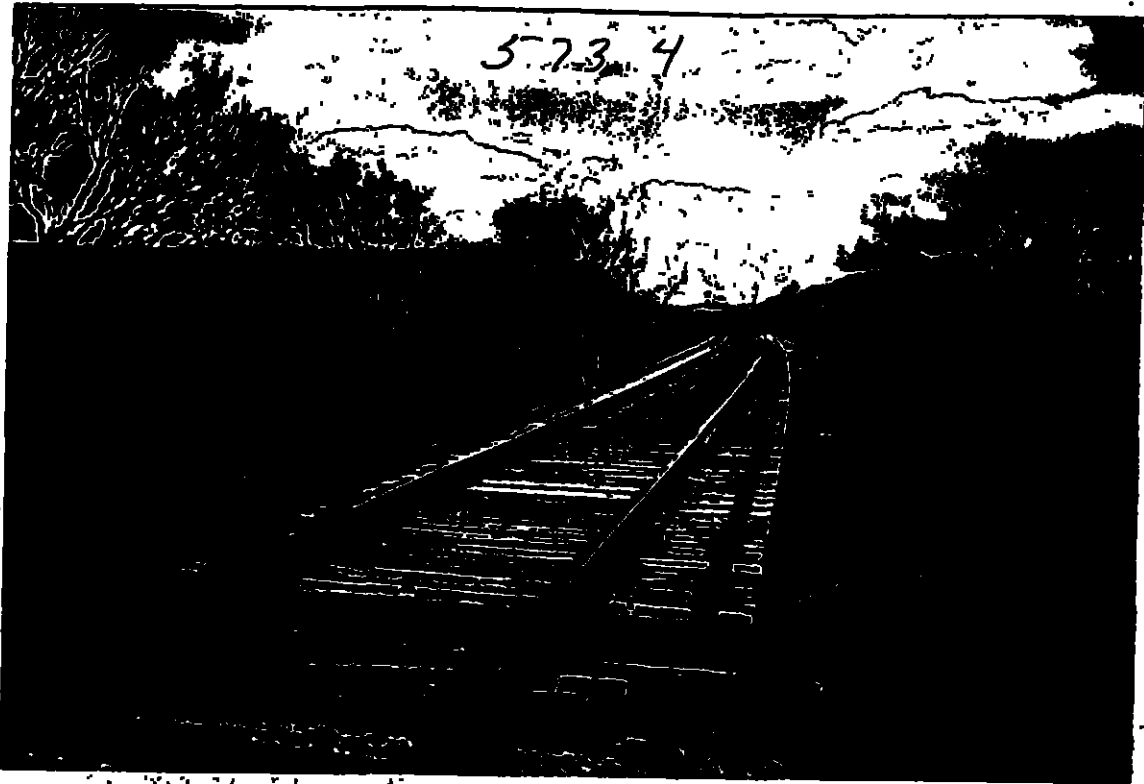


Mile 572.6



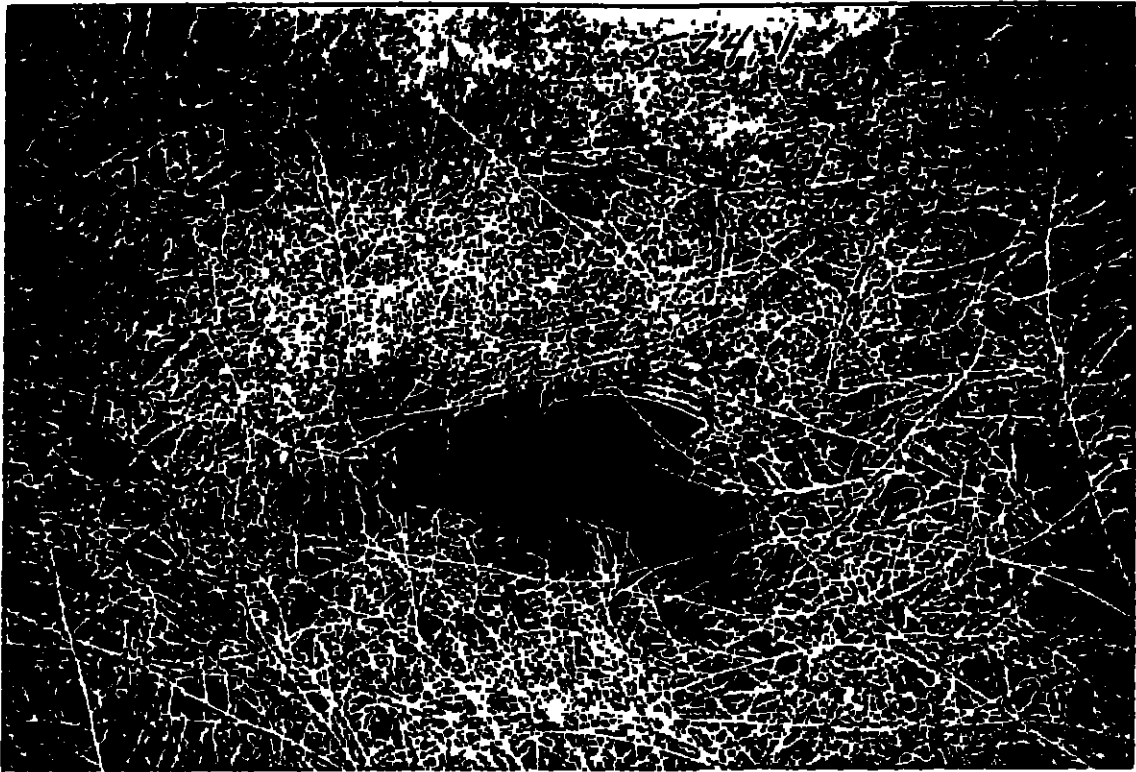


Mile 572.9

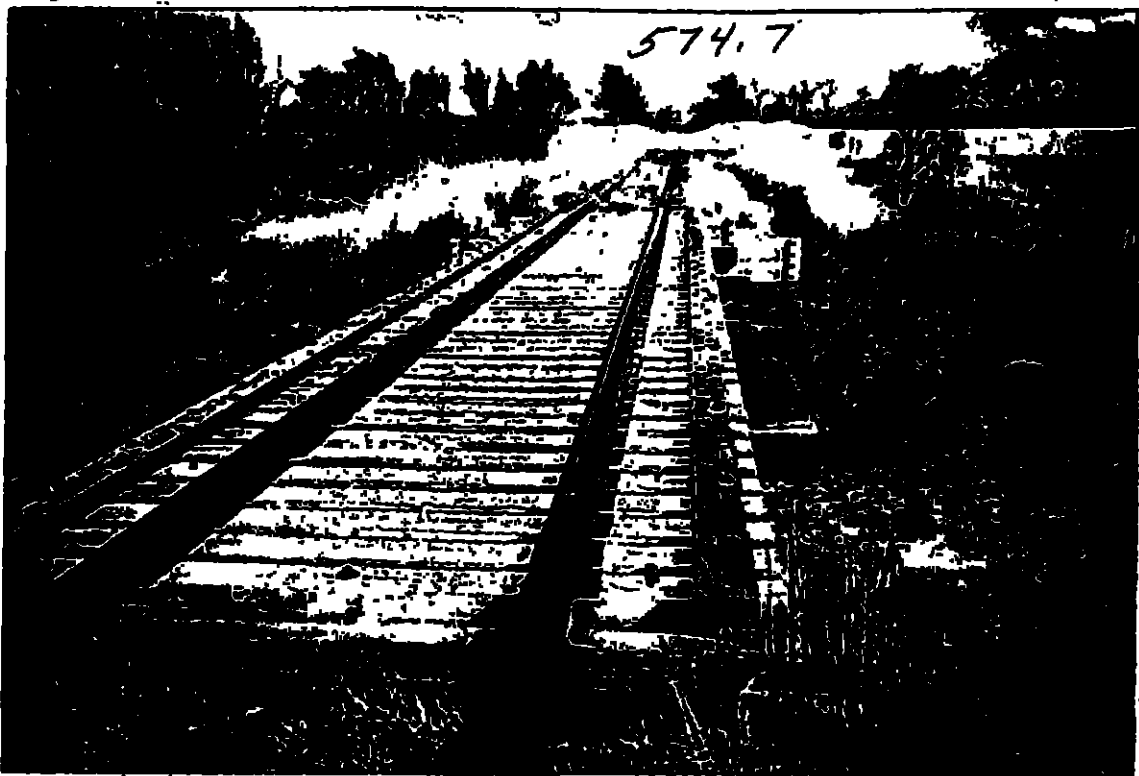


Mile 573.4

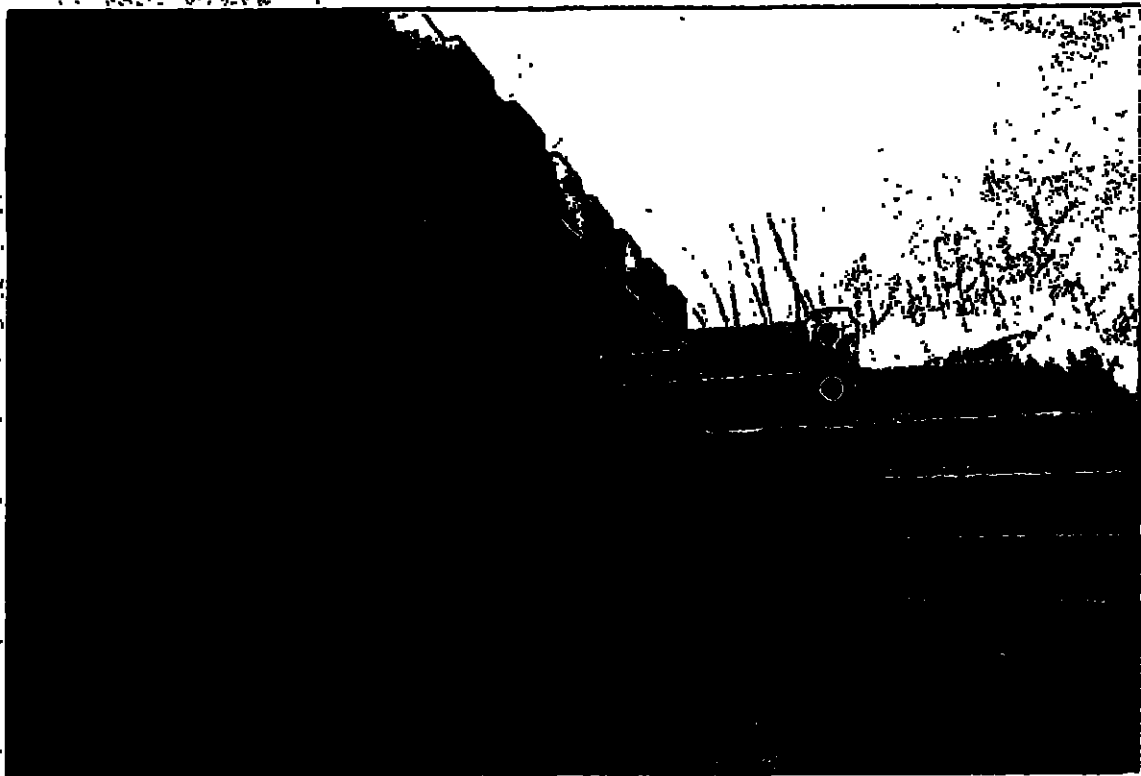




Mile 574.1



Mile 574.7

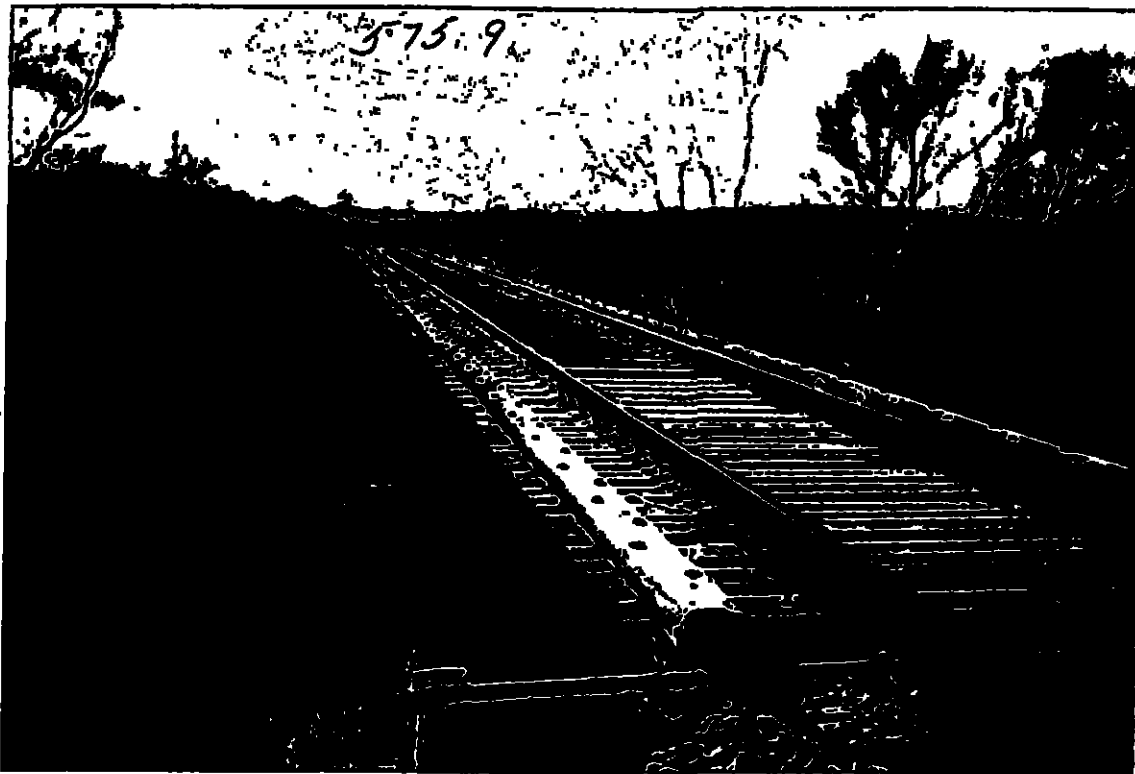




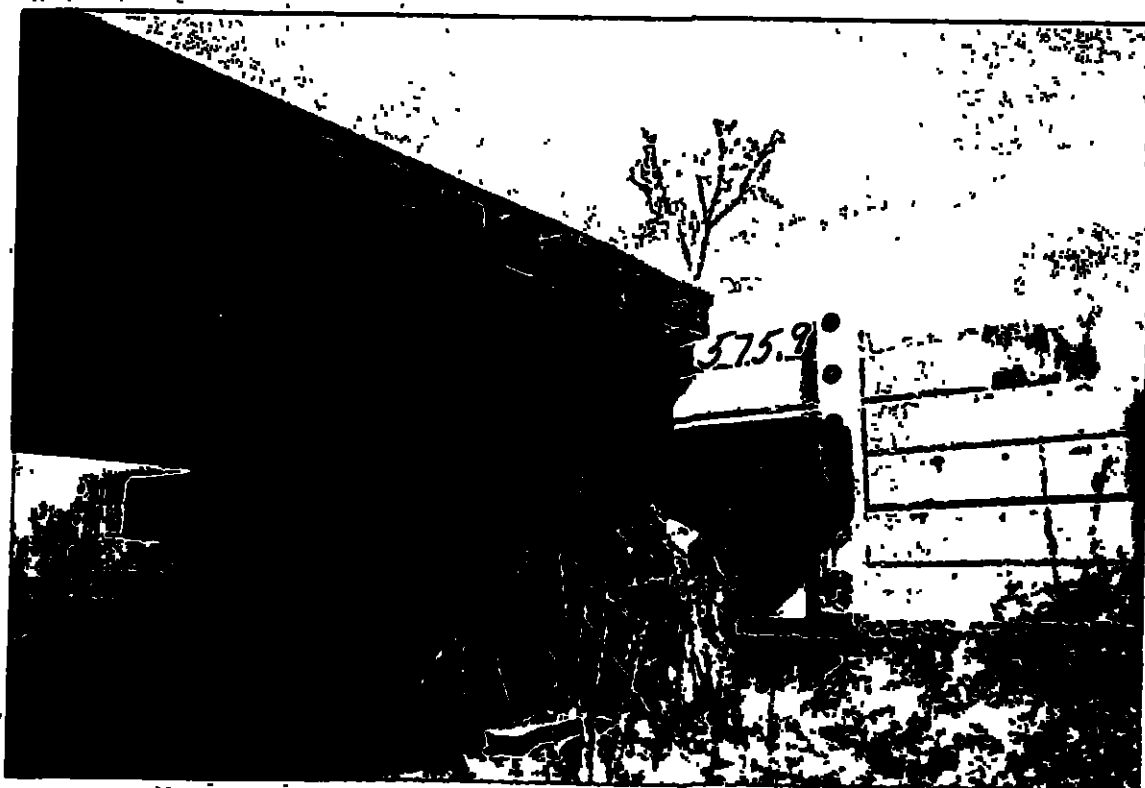
Mile 574.9

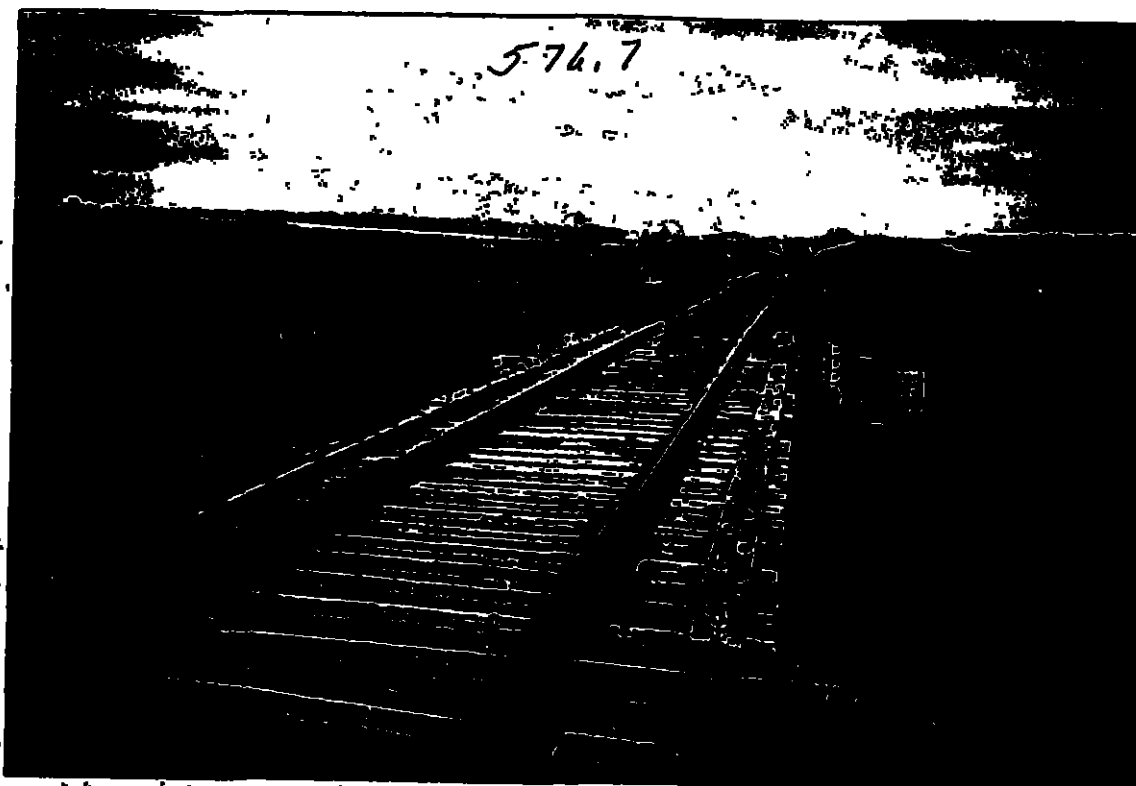


Mile 575.2



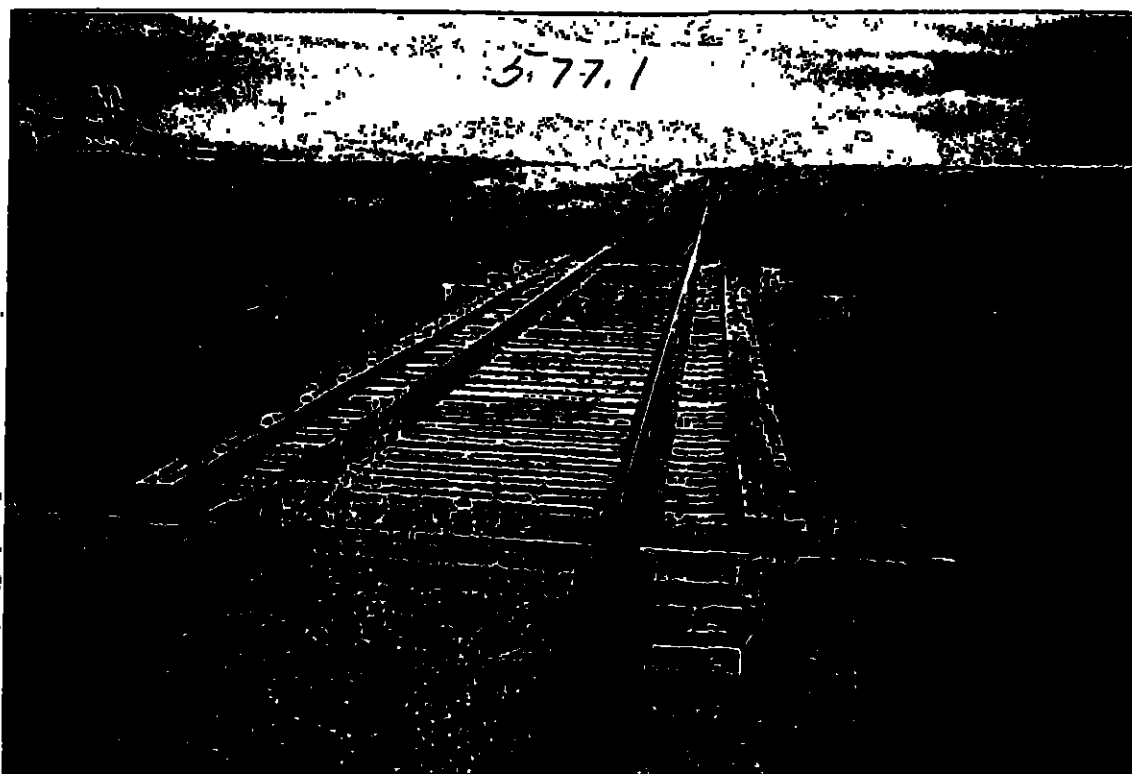
Mile 575.9





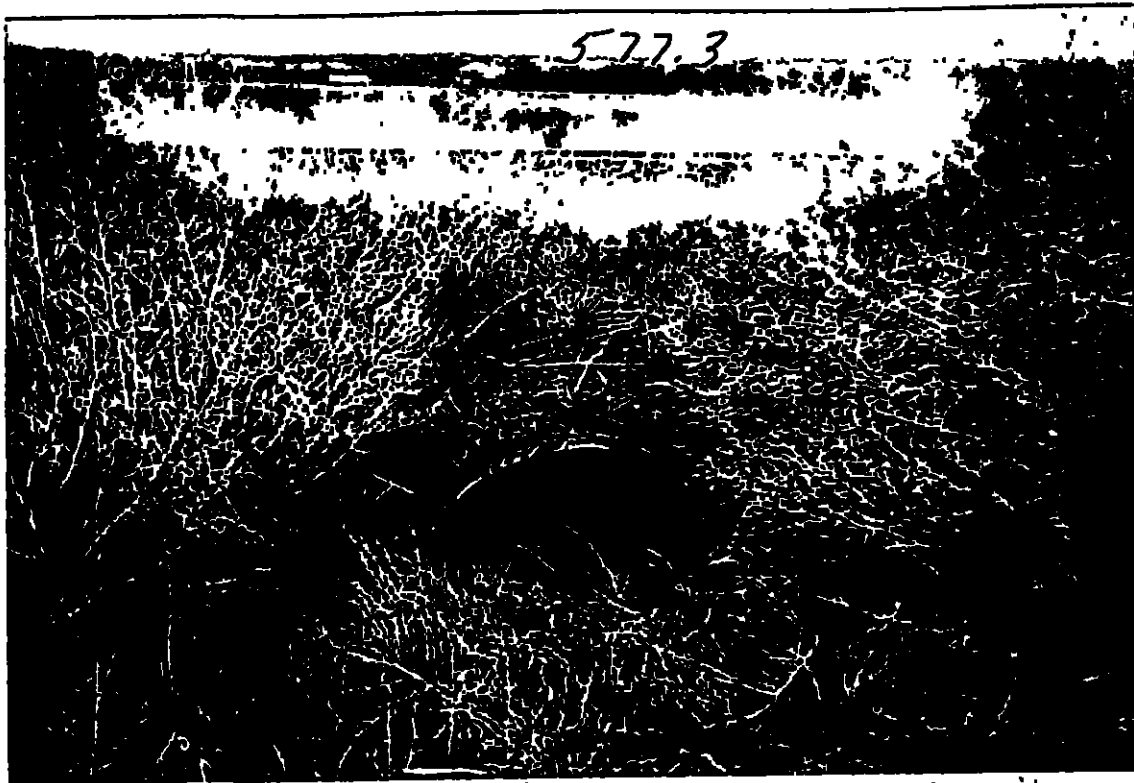
Mile 576.7





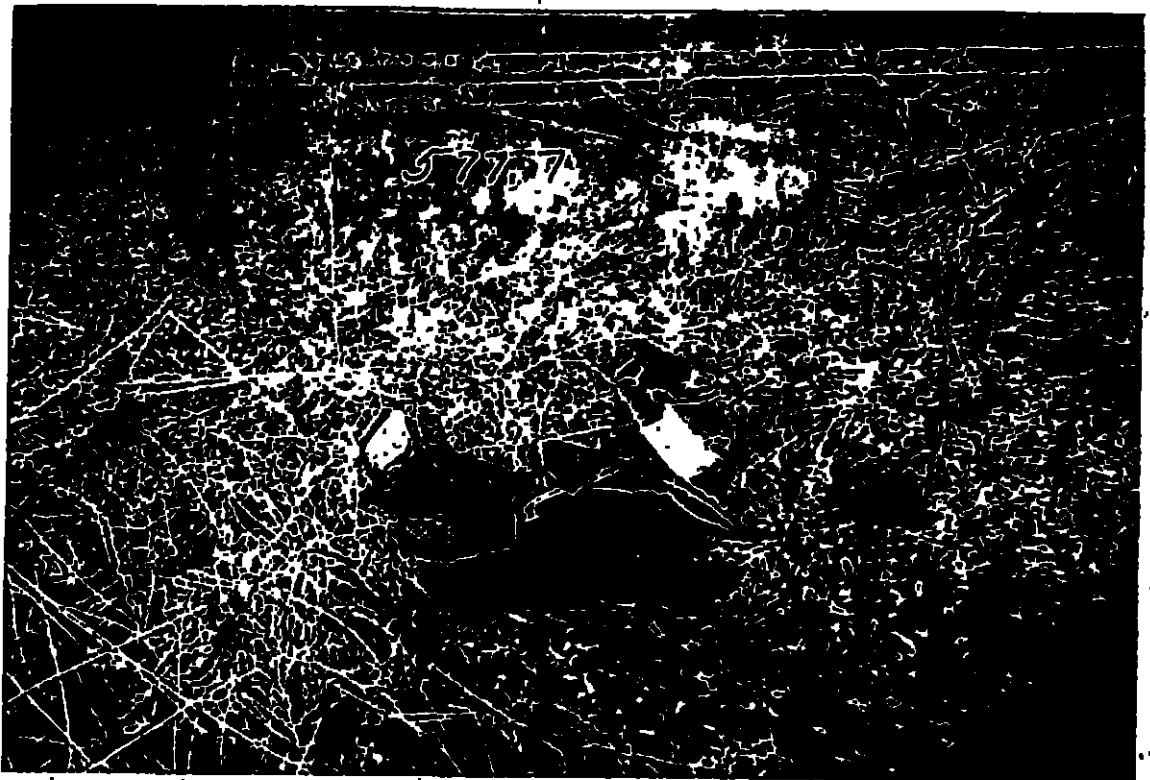
Mile 577.1





Mile 577.3





Mile 577.7

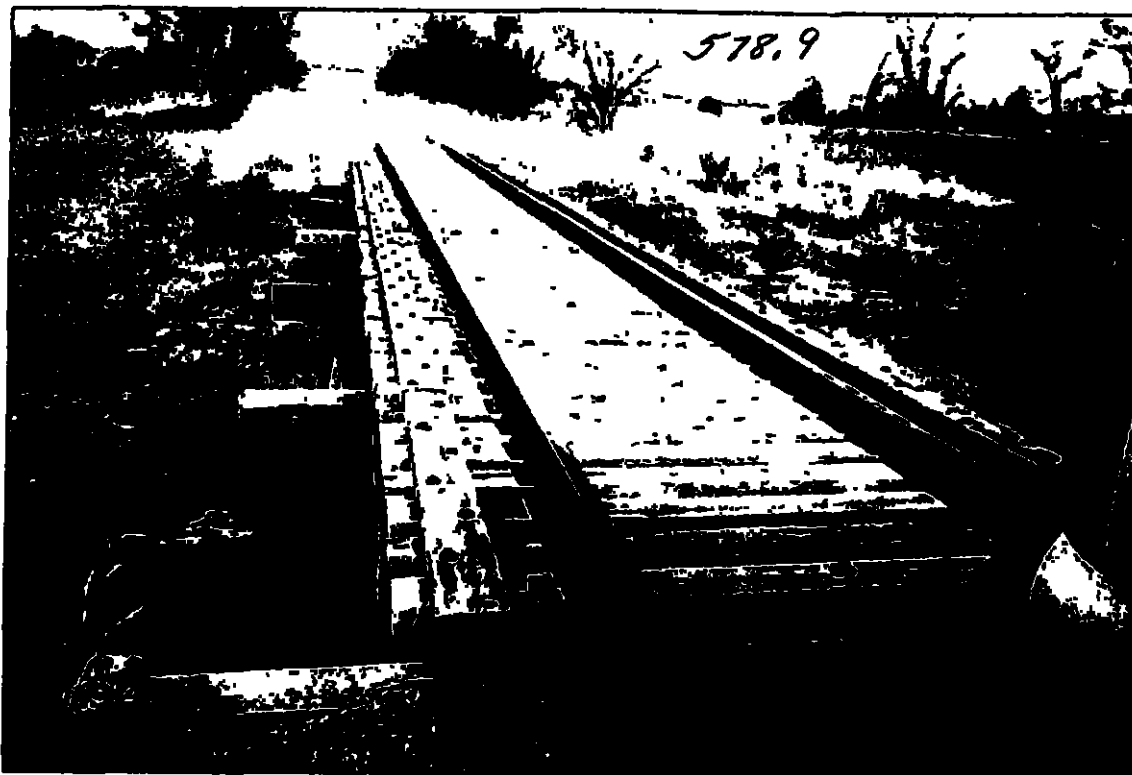


Mile 578.2

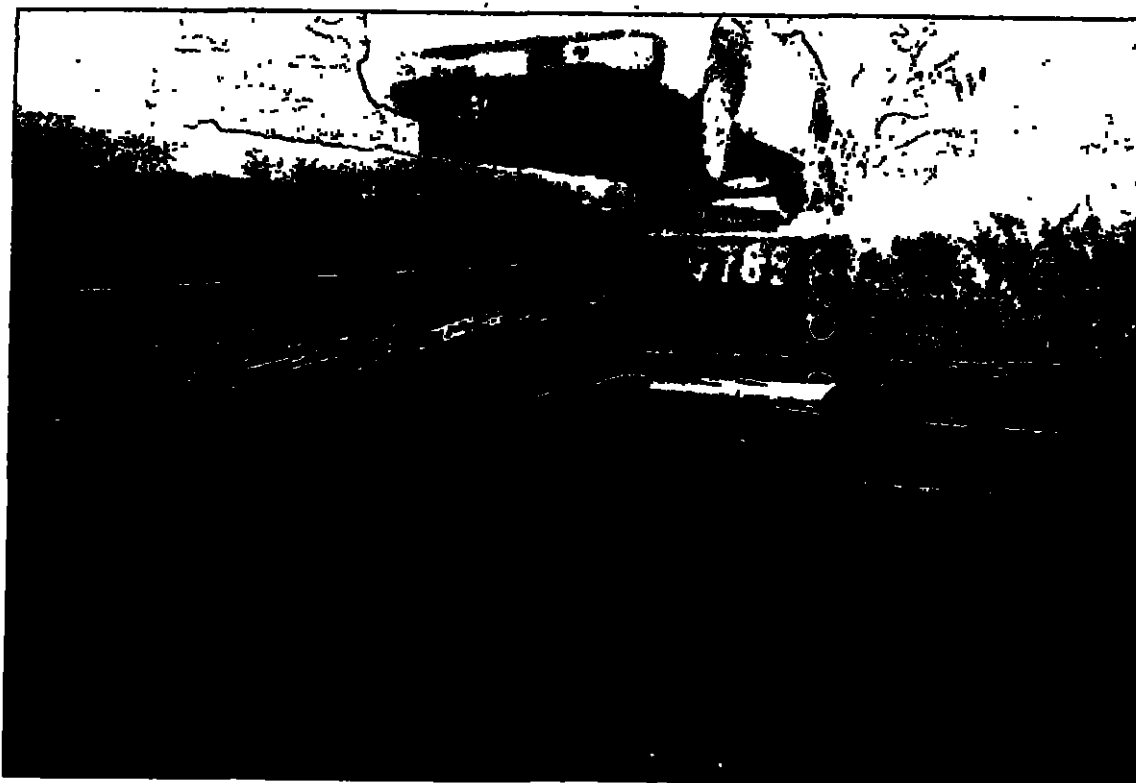


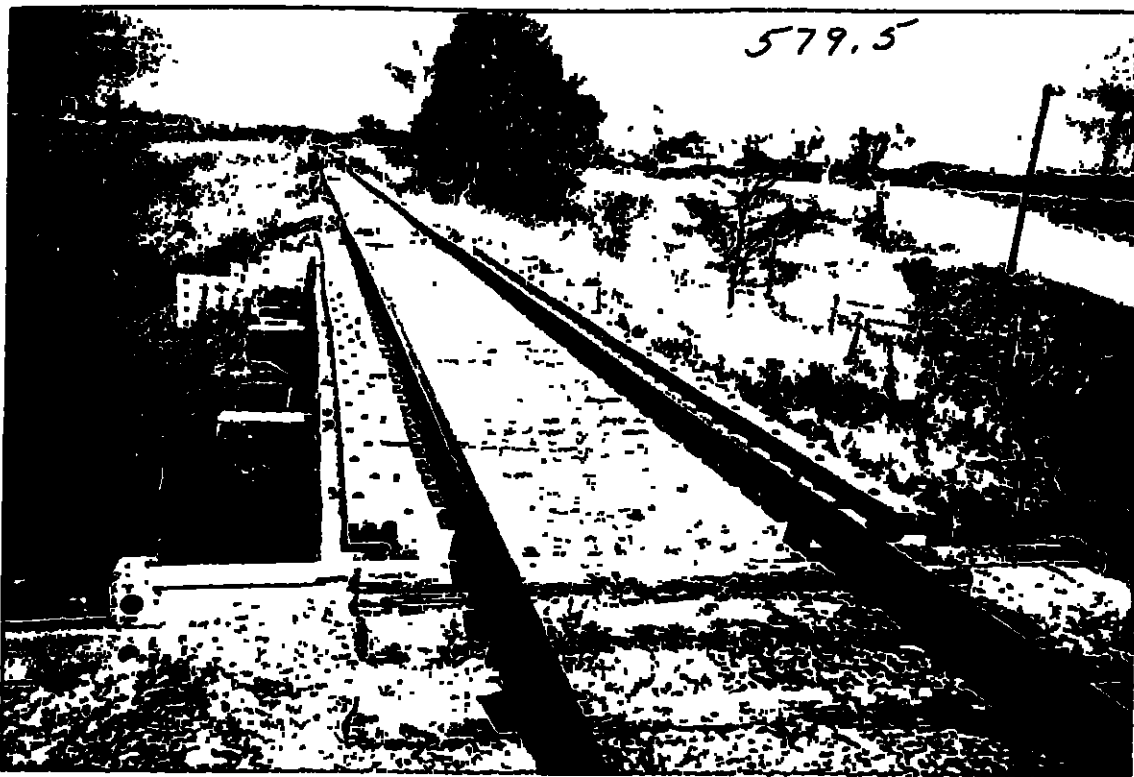
Mile 578.5





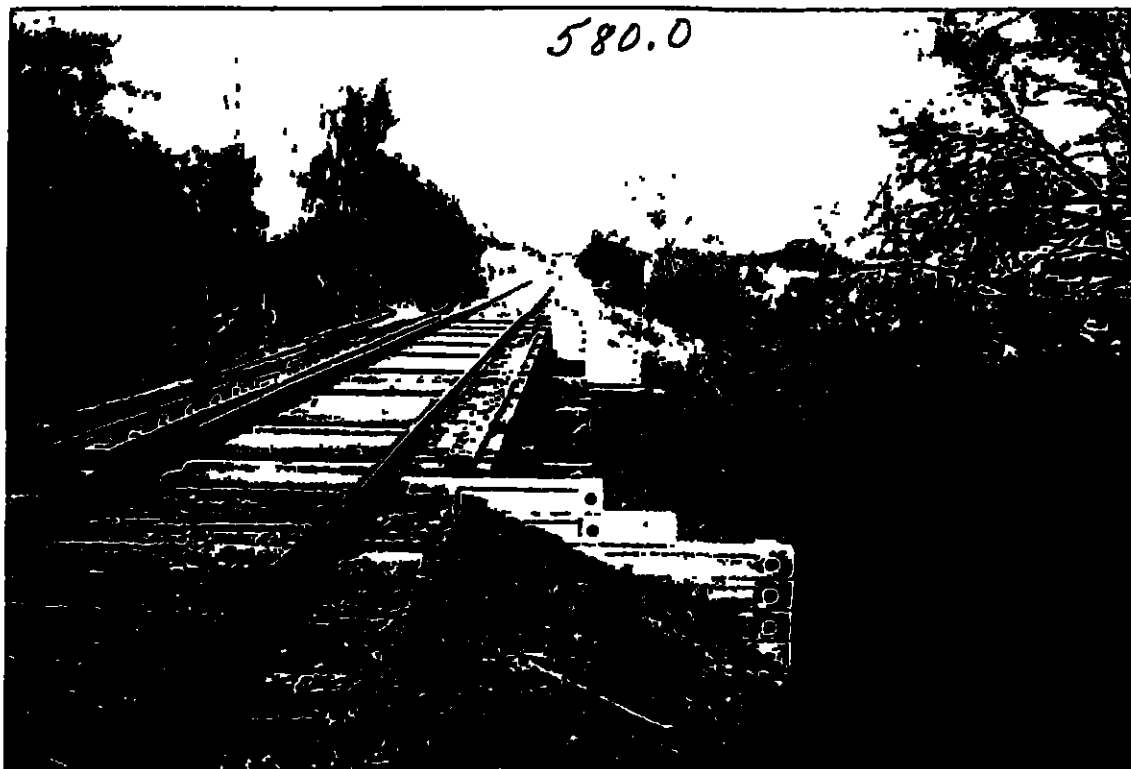
Mile 578.9





Mile 579.5



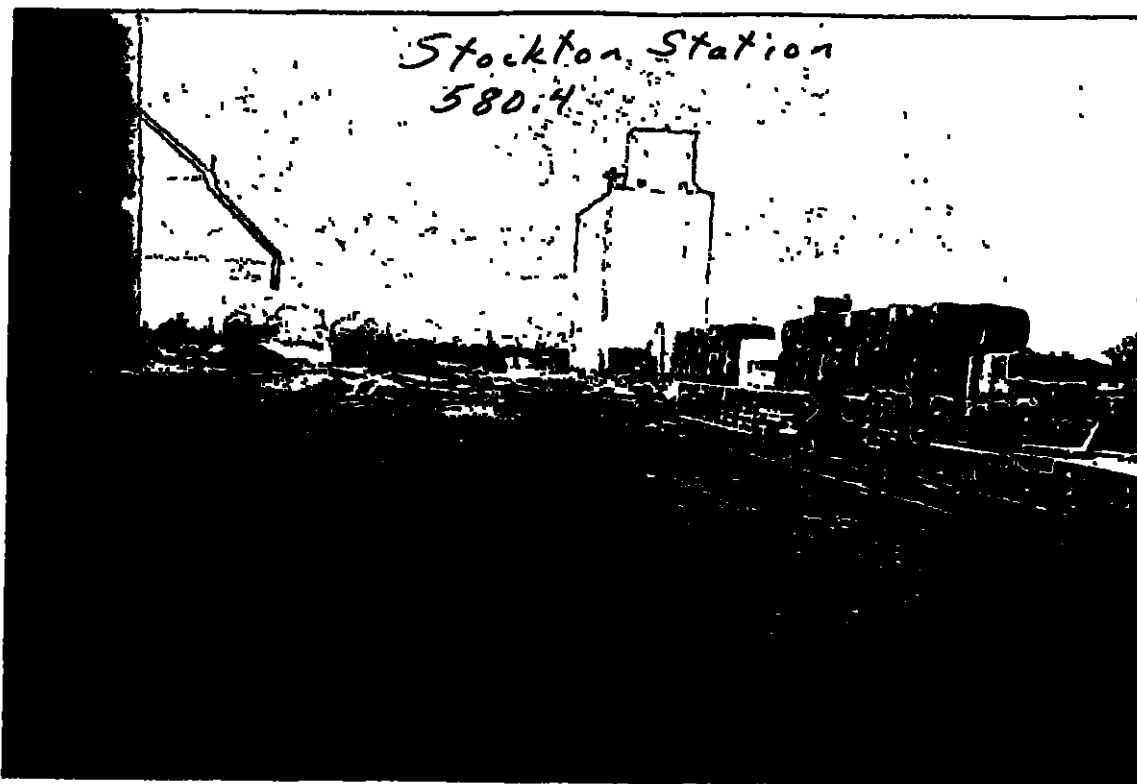


Mile 580.0





Mile 580.0



Mile 580.4

