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July 17, 2008

ENTERED
Office of Proceedings

JUL 17 2008

Part of
Public Record

Brendon P Fowler
D 202 778 9237
F 202 778 9100
brendon.fowler@klgates.com



Via First Class Mail

TO: ALL PARTIES ON ATTACHED SERVICE LIST

**Re: Transit America, LLC - Abandonment Exemption in Buchanan County,
Missouri, STB Docket No. AB-1019X**

Dear Sir or Madam

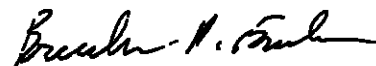
On or after August 6, 2008, we are filing with the Surface Transportation Board a Petition seeking authority to exempt Transit America, LLC ("TA") from prior Board approval under 49 U.S.C. § 10903 for the abandonment of an approximately 2 mile portion of its line of railroad located between approximately milepost 200.4 and approximately milepost 198.4 in St. Joseph, Buchanan County, Missouri (the "Subject Line"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and/or 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 Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, D.C., 20423, telephone 202-245-0245, and refer to the above Docket No. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments with SEA (with a copy to our below-signed representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Brendon P. Fowler who may be contacted by telephone at (202) 778-9237 or by mail at K&L Gates, 1601 K Street N.W., Washington, D.C. 20006-1600.

July 17, 2008
Page 2

Sincerely,



Brendon P. Fowler
Attorney for Transit America,
LLC

Enclosure

...

July 17, 2008

Page 3

SERVICE LIST

State Clearinghouse (or alternate):

Missouri Federal Assistance
Clearinghouse
Office of Administration
Missouri State Capitol Building, Room
125
201 West Capitol Avenue, P.O. Box 809
Jefferson City, Missouri 65101

State Environmental Protection

Agency:

Missouri Department of Conservation
Administrative Office
2901 W Truman Blvd.
Jefferson City, MO 65109

State Coastal Zone Management

Agency (if applicable):

Not applicable

Head of County (Planning):

Buchanan County Commission
411 Jules Street
St. Joseph, MO 64501

Environmental Protection Agency

(regional office):

U S Environmental Protection Agency
Region 7
901 N Fifth St.
Kansas City, KS 66101

U.S. Fish and Wildlife Service:

U S. Fish and Wildlife Service
Midwest Region
BHW Federal Building
One Federal Drive
Fort Snelling, MN 55111-4056

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Kansas City District
700 Federal Bg., 601 E. 12th Street
Kansas City, MO 64106-2896

National Park Service:

National Park Service
Midwest Regional Office
1709 Jackson Street
Omaha, NE 68102

U.S. Natural Resources Conservation

Service:

National Resources Conservation
Service
Missouri State Office
Parkade Center, Suite 250
601 Business Loop 70 West
Columbia, MO 65203-2546

National Geodetic Survey:

National Geodetic Survey
Frank Maida, Chief
Spatial Reference System Division
NOAA N/NGS23
1315 East-West Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Missouri Department of Natural
Resources
State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO AB-1019X

**TRANSIT AMERICA, LLC
– ABANDONMENT EXEMPTION –
IN BUCHANAN COUNTY, MISSOURI**

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

**Kevin M. Sheys
Janie Sheng
Brendon P. Fowler
Kirkpatrick & Lockhart
Preston Gates Ellis LLP
1601 K Street, NW
Washington, DC 20006
(202) 778-9000**

**ATTORNEYS FOR TRANSIT
AMERICA LLC**

Dated: July 17, 2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-1019X

**TRANSIT AMERICA, LLC
– ABANDONMENT EXEMPTION –
IN BUCHANAN COUNTY, MISSOURI**

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Transit America, LLC ("TA" or "Applicant") submits this combined Environmental and Historic Report (the "Report") in accordance with the reporting requirements of 49 C.F.R. §§ 1105.7 and 1105.8, for the purpose of assisting the Surface Transportation Board ("STB" or the "Board") in its preparation of an environmental assessment in connection with the exempt abandonment of approximately 2 route miles of the Missouri Branch Line in Buchanan County, Missouri. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect the quality of the human environment, the conservation of energy resources, or historically significant or archaeological sites. Supporting correspondence and certifications are attached. TA anticipates that it will file a Petition for Exemption to abandon the line pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 on or after August 6, 2008.

All representations made herein are to the best of TA's knowledge and information otherwise readily available in TA's possession on the date of this Report.

Environmental Report – 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.

Response: TA expects to shortly file a Petition for Exemption under 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 from prior Board approval under 49 U.S.C. § 10903 for the abandonment of that portion of its line of railroad located between approximately milepost 200.4 east to approximately milepost 198.4 in St. Joseph, Buchanan County, Missouri (the "Subject Line").¹ The Subject Line extends for approximately 2 route miles, and TA has operated over the Subject Line since 2002.² The Subject Line traverses portions of U.S. Postal Service Zip Codes 64503 and 64507. TA provides the only train service operating on the Subject Line and has used the line to provide common carrier service to its affiliate Herzog Contracting Corporation ("HCC"). No other freight rail service has been provided on the Subject Line for more than 15 years. Upon obtaining Board abandonment authority, TA plans to convey the trackage and

¹ In the course of preparing environmental consultation letters for this Report, TA inadvertently included a typographical error which stated that the proposed abandonment would extend to milepost 196.4. The actual abandonment of the Subject Line ends at milepost 198.4, the current eastern endpoint of TA's common carrier line of railroad. Given that the proposed abandonment of the Subject Line actually consists of a shorter piece of the indicated trackage, TA will not be reissuing its environmental correspondence.

² TA acquired the right, title, and interest from HCC to a portion of the Missouri Branch Line between milepost 201.0 and milepost 198.4 and obtained operating authority on that line of railroad from the Surface Transportation Board. TransitAmerica, LLC – Operation Exemption – Line in Buchanan County, MO, STB Fin. Docket No. 34253 (STB served Oct. 17, 2002).

right of way on the Subject Line to its affiliate HCC, which will use that trackage to provide non-common carrier switching service in order to continue and expand operations at its shop facilities.

A map showing the location of the Subject Line is attached hereto as **Appendix A**. TA's letter to federal, state, and local government agencies, and responses thereto received to date, are attached as **Appendix B**.

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.

RESPONSE: Applicant does not anticipate that existing regional or local transportation systems or patterns will be adversely affected by the proposed abandonment. The proposed abandonment will not cause any diversion of passengers or freight to other transportation systems or modes. TA will continue to serve the HCC shop on the portion of the Subject Line that will not be abandoned.

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.

RESPONSE: Applicant does not foresee any inconsistencies with regional and/or local land use plans, and has contacted and requested comments from the Mo-Kan Regional Council, which is responsible for land use development and planning functions in Buchanan County. See correspondence attached hereto as **Appendix B**.

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

RESPONSE: Applicant does not foresee that abandonment of the Subject Line will have any adverse impact on prime agricultural land or farmland resources.

The Missouri Natural Resources Conservation Service has been advised of the proposed abandonment. See correspondence attached hereto as **Appendix B**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105 9.

RESPONSE: The proposed abandonment would not be undertaken within a designated coastal area. The state of Missouri has no approved coastal zone management program.

(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.

RESPONSE: Applicant believes that portions of the Subject Line may be suitable for alternative public use under 49 U S C. § 10905. The Mo-Kan Regional Council has been advised of the proposed abandonment See correspondence attached hereto as **Appendix B**

4. Energy

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

RESPONSE: The proposed abandonment will not have any effect on the transportation of energy resources No other freight rail service, except for service to the HCC shop, has been provided on the Subject Line for more than 15 years Applicant foresees little possibility that new on-line traffic would develop in the future

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

RESPONSE: The proposed abandonment will not have any effect on the transportation of recyclable commodities. No other freight rail service, except for

service to the HCC shop, has been provided on the Subject Line for more than 15 years Applicant foresees little possibility that new on-line traffic would develop in the future

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

RESPONSE: The proposed abandonment will not result in an increase or decrease in overall energy efficiency. No other freight rail service, except for service to the HCC shop, has been provided on the Subject Line for more than 15 years

(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.

RESPONSE: Not applicable. The abandonment of the Subject Line will not cause the diversion of more than 1,000 rail carloads per year or an average of fifty (50) rail carloads per mile per year to motor carriers. No other freight rail service, except for service to the HCC shop, has been provided on the Subject Line for at least 15 years

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 § 10502) 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.

RESPONSE: Not applicable The proposed abandonment will not result in changes exceeding the thresholds specified in this section

(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. § 10502), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold of this item shall apply.

RESPONSE: Not applicable. The proposed abandonment of the Subject Line will not result in traffic increases which exceed the thresholds specified in this section.

(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.

RESPONSE: Not applicable. The proposed abandonment of the Subject Line will not affect the transportation of ozone depleting materials.

The proposed abandonment will not significantly impact air quality standards, increase ozone precursor emissions or require a general conformity analysis. Applicant has contacted and requested comments from the Missouri Environmental Protection Agency, the Missouri Natural Resources Conservation Service, and the U.S. Environmental Protection Agency. See correspondence attached hereto as **Appendix B**. The Missouri Natural Resources Conservation Service responded and sees no effect of the proposed abandonment on any prime agricultural land or wetlands. See correspondence attached hereto as **Appendix B**.

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

RESPONSE: Not applicable. None of the thresholds identified in 49

C F R § 1105.7(e)(5)(i) will be exceeded as a result of the proposed abandonment.

7 Safety

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

RESPONSE: No other freight service, except for service to the HCC shop, has been provided on the Subject Line for the past 15 years, and thus the proposed action will have no adverse effect upon public health or safety.

(ii) If hazardous materials up 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 material.

RESPONSE: Not applicable. No hazardous materials are expected to be transported as a result of the proposed abandonment

(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.

RESPONSE: Applicant is not aware of any hazardous waste sites or sites where there have been hazardous spills on the right-of-way of the Subject Line. The U S Environmental Protection Agency, the Missouri Environmental Protection Agency, and the Missouri Natural Resource Conservation Service have been contacted about this proposed abandonment See correspondence attached hereto as **Appendix B**.

The Missouri Natural Resources Conservation Service responded and sees no effect of the proposed abandonment on any prime agricultural land or wetlands. See correspondence attached hereto as **Appendix B**

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.

RESPONSE: Applicant does not believe that any endangered or threatened species or any critical habitat or other fish or wildlife resources will be adversely affected as a result of the proposed abandonment, particularly since the rail and other track materials making up the Subject Line will be left in place. The U.S. Fish and Wildlife Service has been advised of the proposed abandonment. See correspondence attached hereto as **Appendix B**. In response, the U S. Fish and Wildlife Service responded stating they had no ownership or other interests in the vicinity of the Subject Line and no concerns regarding real estate matters related to the proposed abandonment. See correspondence attached hereto as **Appendix B**

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

RESPONSE: Applicant is not aware of any wildlife sanctuaries or refuges, or national or state parks or forests, located on the Subject Line. Accordingly, none will be adversely affected. Applicant has contacted and requested comments from the Missouri Natural Resources Conservation Service and the U.S. National Park Service. See correspondence attached hereto as **Appendix B**. The Missouri Natural Resources Conservation Service responded and sees no effect of the proposed abandonment on

any prime agricultural land or wetlands See correspondence attached hereto as

Appendix B.

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.

RESPONSE: Not applicable. Applicant does not anticipate any water quality effects from the proposed abandonment. No bridges over water will be removed as part of the proposed abandonment. Comments have been requested from the Missouri Natural Resources Conservation Service and the U.S. Environmental Protection Agency. See correspondence attached hereto as **Appendix B**

(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.

RESPONSE: TA is unaware of any designated wetlands or 100-year flood plains that would be impacted by the proposed action. TA also does not anticipate the need to request permits under Sections 402 and 404 of the Clean Water Act. TA has contacted and requested comments from the Missouri Natural Resources Conservation Service, the Missouri Environmental Protection Agency, and the U.S. Army Corps of Engineers. See correspondence attached hereto as **Appendix B**

10 Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate

RESPONSE: Applicant does not anticipate any adverse environmental impacts from the proposed abandonment and therefore no mitigation measures are contemplated

* * * * *

In addition to the agencies referenced above, Applicant has requested comments from the National Geodetic Survey and the Missouri Federal Assistance Clearinghouse. See correspondence attached hereto as **Appendix B**.

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

- 1 **Map.** A map of the Subject Line is attached hereto as **Appendix A**.
There are no railroad structures on the property that are 50 years old or older
2. **Description of Line** The Subject Line proposed for abandonment is located in Buchanan County, Missouri. It consists of railroad tracks between approximately milepost 200.4 east to approximately milepost 198 4 in St. Joseph, Missouri. The total distance of the Subject Line is approximately 2 route miles and approximately 100 feet wide. The Subject Line is located in a rural area.
3. **Photographs** There are no railroad structures on the property that are 50 years old or older
- 4 **Information on Structures.** Not applicable.
5. **History of Operations.** TA acquired the Subject Line from HCC in 2002. Upon obtaining Board abandonment authority, TA plans to keep in place the rail and other track materials from the Subject Line.
6. **Engineering Documents.** Not applicable.
- 7 **Historic Criteria.** As stated previously, there are no railroad structures on the property that are 50 years old or older, or that would otherwise be of such unique character or historical significant or that meets the criteria for listing in the National Register of Historic Places (36 C.F.R. § 60.04). TA also believes that no culturally significant locations, archaeological sites or unique land forms will be affected by the proposed abandonment. TA has contacted and requested comments regarding this abandonment from the Missouri State Department of Natural Resources in its capacity as the State Historic Preservation Office. See correspondence attached hereto as

Appendix B. The response from the Missouri State Department of Natural Resources referenced a project unrelated to the proposed abandonment. See correspondence attached hereto as **Appendix B.** TA engaged in subsequent communications with the Missouri State Department of Natural Resources, but has not received correspondence from the agency related to the abandonment.

8 **Ground Disturbance** Based on readily available information in its possession, TA is aware of no prior subsurface ground disturbance or fill or environmental conditions (naturally occurring or man-made) that might affect the archaeological recovery of resources.

Certification – 49 C.F.R. § 1105.7(c)

A certification in accordance with 49 C.F.R § 1105.7(c) that the foregoing Combined Environmental and Historic Report has been served on each of the agencies designated therein and that Applicant has consulted with all appropriate agencies in preparing this Report is attached hereto as **Appendix C**

Respectfully submitted,

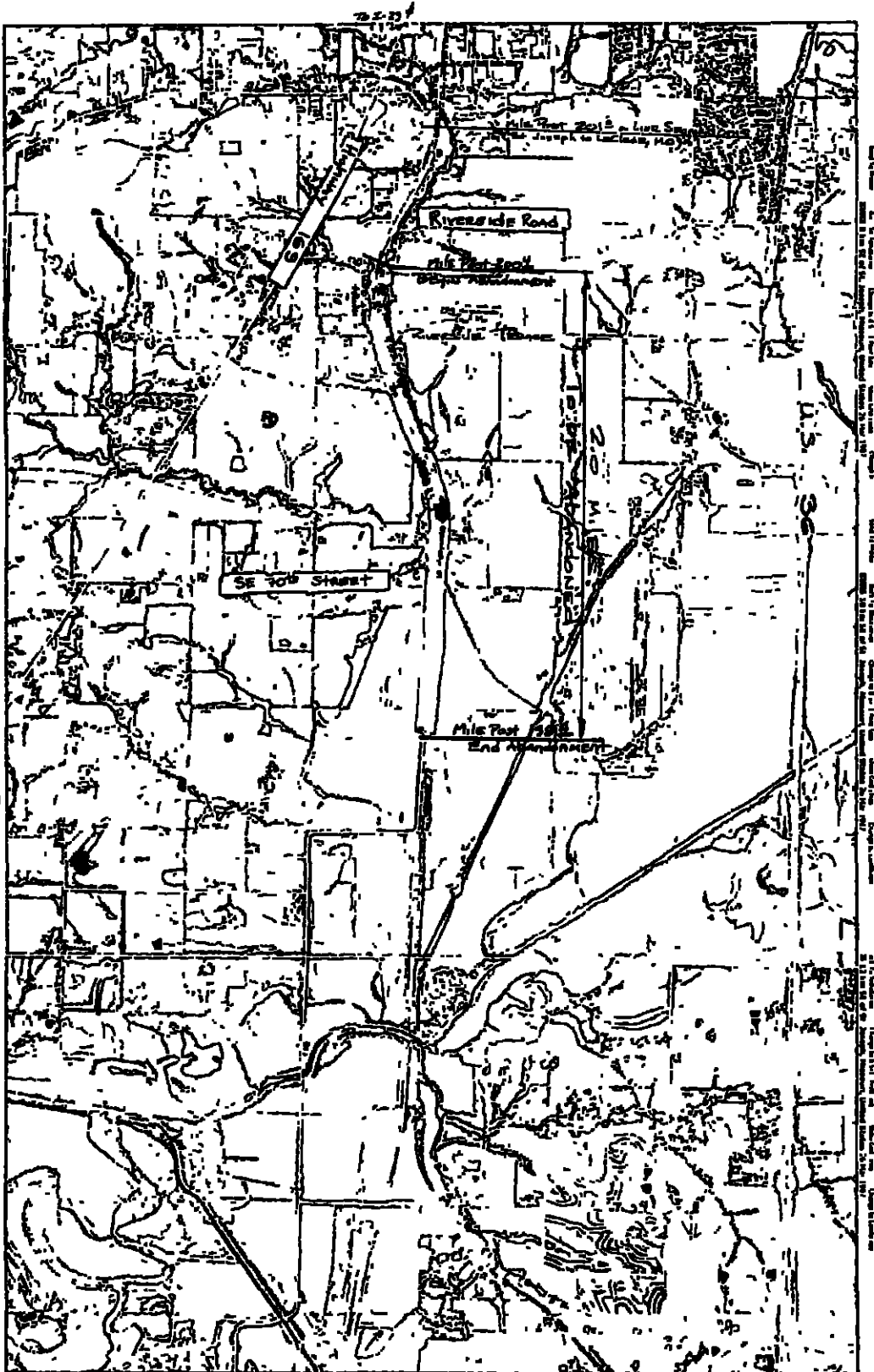


Kevin M. Sheys
Janie Sheng
Brendon P. Fowler
Kirkpatrick & Lockhart
Preston Gates Ellis LLP
1601 K Street, NW
Washington, DC 20006
(202) 778-9000

**ATTORNEYS FOR TRANSIT
AMERICA LLC**

Dated. July 17, 2008

APPENDIX A
MAP OF THE SUBJECT LINE



Proposed to be Abandoned

APPENDIX B
CORRESPONDENCE

TO: ALL PARTIES ON THE ATTACHED ENVIRONMENTAL CONTACT LIST

**RE: STB Docket No AB-1019X
 Transit America, LLC
Abandonment Exemption – In Buchanan County, Missouri**

Dear Sir or Madam

Transit America LLC ("TA"), expects shortly to file with the Surface Transportation Board (the "Board") a petition for exemption from the provisions of 49 U S C § 10903 to abandon a portion of its Missouri Branch Line between approximately milepost 200 4 east to approximately milepost 196 4 in St Joseph, Buchanan County, Missouri (the "Subject Line") The total distance of the Subject Line is approximately 4 route miles A map showing the location of the Subject Line is attached for your reference

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

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

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

We would appreciate your review of the proposed action and provision of any comments you have in a written response as soon as possible Any written comments should reference STB Docket No AB- 1019X and be sent to

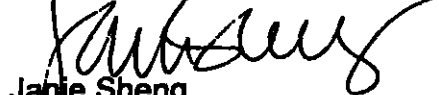
Janie Sheng
K&L Gates, LLP
1601 K Street, NW
Washington, DC 20006

With a copy to

Surface Transportation Board
Section of Environmental Analysis
Room 1106
395 E Street, SW
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty days before the petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at (202) 778-9855

Very truly yours,



Janie Sheng
Attorney for Transit America LLC

Enclosure

ENVIRONMENTAL CONTACT LIST

Transit America LLC – Abandonment Exemption – In Buchanan County, MO
STB Docket No AB- 1019X

FEDERAL AGENCIES CONSULTED:

U S Environmental Protection Agency

U S Environmental Protection Agency, Region 7
901 N 5th Street
Kansas City, 66101

U S Fish and Wildlife Services

U S Fish and Wildlife Services, Region 3
One Federal Drive
BHW Federal Building
Fort Snelling, MN 55111-4056

U S Army Corps of Engineers

Civil Works Office
U S Army Engineer District, Kansas City
700 Federal Bg , 601 E 12th Street
Kansas City, MO 64106-2896

U S National Park Service

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

U S National Geodetic Survey

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

STATE AGENCIES CONSULTED:

State Clearinghouse

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

State Historic Preservation Office

Missouri State Department of Natural Resources
Historic Preservation Program, Division of State Parks
P O Box 176
Jefferson City, MO 65102

State Environmental Protection Agency

Missouri Department of Natural Resources
P O Box 176
Jefferson City, MO 65102

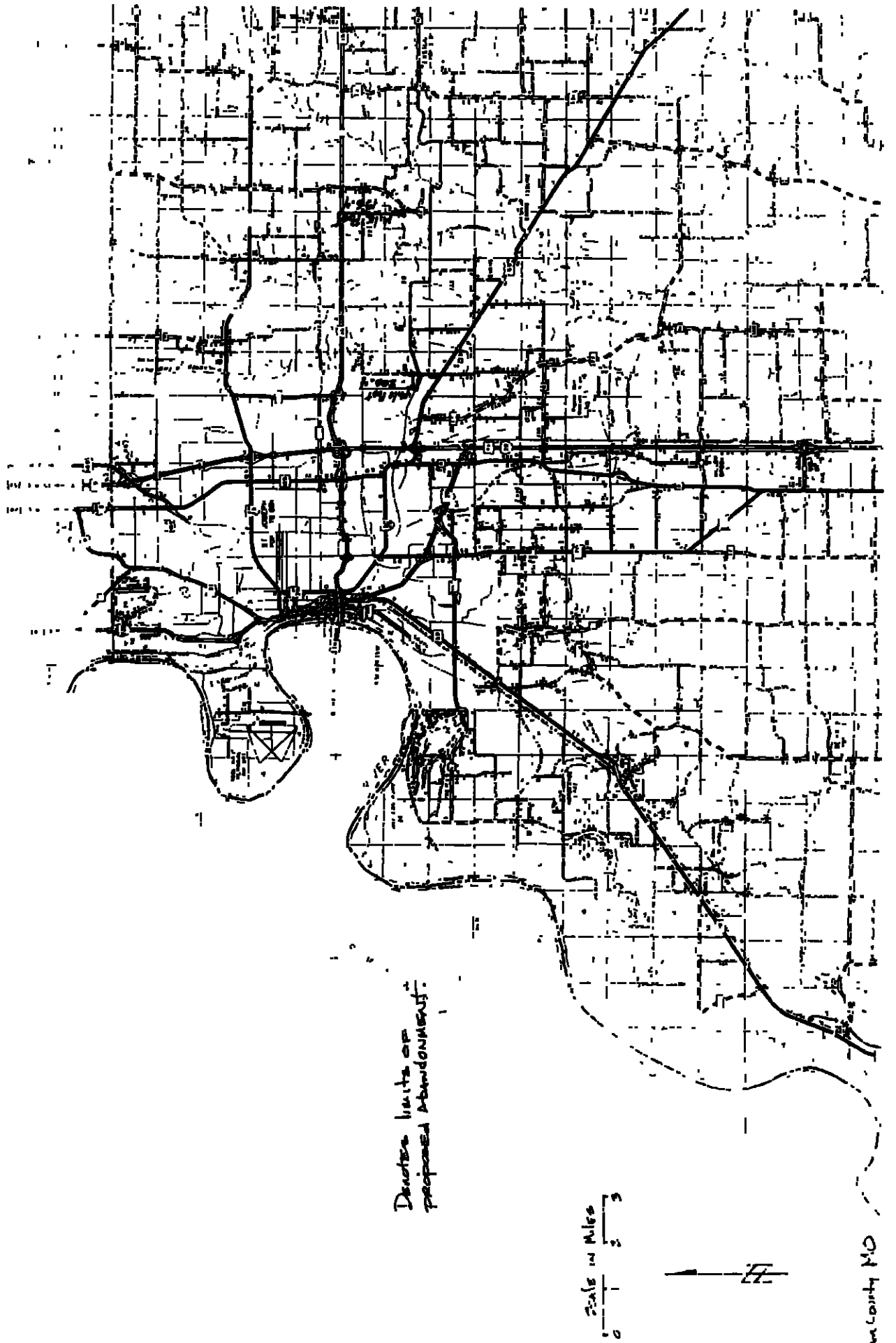
Natural Resources Conservation Service

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

REGIONAL PLANNING COMMISSION

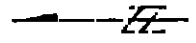
Buchanan County

Mo-Kan Regional Council
1302 Faraon Street
Saint Joseph, Missouri 64501



Dashed lines are
proposed abandonment.

Scale in Miles
0 1 2 3



Eastern Kentucky M.O.



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
700 FEDERAL BUILDING
KANSAS CITY MISSOURI 64106-2896

REPLY TO
ATTENTION OF

April 16, 2008

Kansas City Regulatory Office
(NWK-2008-0540)
(SIB Docket No AB-1019X0)

Ms Janie Sheng
K&L Gates, LLP
10601 K Street, NW
Washington, DC 20006

Dear Ms Sheng

This is in reply to your letter, received on April 2, 2008, regarding Transit America, LLC's, abandonment of a portion of its Missouri Branch Line between approximately milepost 200 4 east to approximately milepost 196 4 in St Joseph, Buchanan County, Missouri

The Corps of Engineers has jurisdiction over all waters of the United States Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (Title 33 United States Code Section 1344) The implementing regulation for this Act is found at Title 33 Code of Federal Regulations Parts 320-332

Should the proposed abandonment require the discharge of dredged or fill material in any waters of the United States, including wetlands, a Department of the Army (DA) permit may be required However, if the proposed abandonment do not require the discharge of dredged or fill material in any waters of the United States, including wetlands, a DA permit will not be required.

Federal regulations require that a DA permit be issued by the Corps of Engineers prior to the initiation of any work on the portion of a proposed activity which is within the Corps' regulatory jurisdiction

Enclosed is a copy of our brochure entitled "Activities Requiring Permits "

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program We have placed an automated version of our Customer Service Survey form at <http://per2.nwp.usace.army.mil/survey.html> At your request, we will mail you a paper copy that you may complete and return to us by mail or fax

If you have any questions concerning this matter, please feel free to contact Ms Katherine Dunn by phone at 816-389-3656 (FAX 816-389-2032) or via e-mail at katherine.r.dunn@uasec.army.mil. Please reference File No. NWK-2008-0540 in all comments and/or inquiries relating to this project.

Enclosures

Copy Furnished

Surface Transportation Board
Section of Environmental Analysis
395 E Street, SW, Room 1106
Washington, DC 20423-0001

Activities Requiring Permits

Contractors	Builders	Planners
Excavators	Engineers	Homeowners
Consultants	Landowners	Farmers

The Corps of Engineers is charged with the responsibility for protecting the public interest in waters of the United States. This is accomplished through a Department of the Army permit program. Under this program, most activities involving work in waters of the United States, including wetlands, require authorization from the Corps of Engineers. Individuals, companies, corporations, Federal and State agencies, and local governments planning construction activities in a stream, river, lake or wetland located within the jurisdictional boundaries shown on the map on the back of this information sheet, should contact the Kansas City District, U S Army Corps of Engineers, **BEFORE ANY WORK IS BEGUN**.

Why?

Because your proposed work may be subject to one or both of the following Federal Acts

Section 10 of the Rivers and Harbors Act of 1899 regulates any work or structure in, over, or under navigable waters of the United States. This includes such items as boat docks, boat ramps, powerlines, excavation, filling, etc.

Section 404 of the Clean Water Act regulates the discharge of dredged or fill material in all waters of the United States, including rivers, streams, lakes and wetlands. This includes work such as site development fills, causeways or road fills, dams and dikes, artificial islands, bank stabilization (riprap, seawalls and breakwaters) levees, landfills, fish attractors, mechanized clearing of wetlands, and certain types of excavation activities, etc.

Be Sure Before You Start Construction

Department of the Army permits must be obtained prior to starting any work within the Corps' jurisdiction. Persons planning any construction activities in or near any water body should contact the Corps. Anyone proposing activities within the boundary area shown on the map located on the reverse side of this information sheet should write or call the appropriate Regulatory Field Office shown on the map or contact

Corps of Engineers, Kansas City District
Regulatory Branch
700 Federal Building
601 East 12th Street
Kansas City, MO 64106
Telephone 816-389-3990
FAX 816-389-2032

to: 816-389-3990 or 816-389-2032

US Army Corps
of Engineers
Kansas City District

- 
- US Army
of Engineers
Kansas City



IN REPLY REFER TO:

United States Department of the Interior

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

FWS/NWRS-RE - General
Railroad Abandonments

April 2, 2008

Ms Jamie Sheng
K&L Gates, LLP
1601 K Street, NW
Washington, D C 20006

Dear Ms Sheng

Thank you for the opportunity to comment on the proposed abandonment of a portion of the Missouri Branch Line between approximately milepost 200.4 east to approximately milepost 196.4 in St. Joseph, Buchanan County, Missouri, STB Docket No. AB-1019X.

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

Sincerely,

A handwritten signature in black ink, reading "Patrick G. Carroll".

Patrick G. Carroll
Senior Realty Officer
Division of Realty

cc Surface Transportation Board
Section of Environmental Analysis
Room 1106
395 I Street, SW
Washington, DC 20423-0001



601 Business Loop 70 West, Columbia, MO 65203

April 4, 2008

Janie Sheng
Attorney for Transit America LLC
K&L Gates, LLP
1601 K Street, NW
Washington, DC 20006

Re Abandonment Exemption in Buchanan County, Missouri
STB Docket No AB- 1019X

Dear Ms Sheng

This letter is a follow-up to your March 31, 2008 letter regarding the above listed project. The Natural Resources Conservation Service (NRCS) sees no effect of the proposed action on any prime agricultural land or wetlands. Any impacts would have occurred during the installation.

If you have any questions, please free to contact Clayton Lee, State Soil Scientist at (573) 876-0907

Sincerely,

ROGER A. HANSEN
State Conservationist

cc Steven H. Wooden, DC, NRCS, Marshall, Missouri
Surface Transportation Board, Section of Environmental Analysis, Room 1106,
395 E Street, SW, Washington, DC 20423-0001

STATE OF MISSOURI Missouri Department of Conservation
DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

April 7, 2008

Janie Sheng
K&L Gates, LLP
1601 K Street, NW
Washington, DC 20006

Re Proposed Pund Place Apartments (HUD) O'Fallon, St Louis County, Missouri

Dear ' Ms . - Sheng :

Your submittal did not include adequate information to review your project under Section 106 of the National Historic Preservation Act (P L 89-665, as amended) Please submit the following items marked below Upon receipt of a complete application review can proceed

☒ **X** Photography requirements - Clear black and white or color photographs prints (minimum 3" x 5") are acceptable, polaroid photos are not acceptable Good quality photographs are important for expeditious project review Photographs of the rail corridor, all bridges and culverts, and other rail related properties along the corridor should be submitted

☒ **X** Please complete the Section 106 Project Information Form which is available from our web site at [http //www dnr mo gov/shpo/index html](http://www.dnr.mo.gov/shpo/index.html) and follow the links to Section 106 review

If you have any questions please call Judith Deal at 573/751-7862, or write the State Historic Preservation Office, P O Box 176, Jefferson City, Missouri 65102 Please be sure to include the SHPO Log Number **(019-BN-08)** on all future correspondence or inquiries relating to this project

Sincerely,

HISTORIC PRESERVATION PROGRAM



Mark A Miles
Director and Deputy
State Historic Preservation Officer

c STB

APPENDIX C

CERTIFICATE OF SERVICE OF ENVIRONMENTAL AND HISTORIC REPORT

I hereby certify that on July 17, 2008, the foregoing Environmental Report and Historic Report for Surface Transportation Board Docket No AB-1019X and an appropriate transmittal letter were served pursuant to 49 C.F.R. §§ 1152.60, 1105.7(b) and 1105.11 by certified first class mail, postage prepaid, upon the following:

State Clearinghouse (or alternate):

Missouri Federal Assistance
Clearinghouse
Office of Administration
Missouri State Capitol Building, Room 125
201 West Capitol Avenue, P.O. Box 809
Jefferson City, Missouri 65101

State Environmental Protection

Agency:

Missouri Department of Conservation
Administrative Office
2901 W. Truman Blvd.
Jefferson City, MO 65109

**State Coastal Zone Management Agency
(if applicable):**

Not applicable

Head of County (Planning):

Buchanan County Commission
411 Jules Street
St. Joseph, MO 64501

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 7
901 N. Fifth St.
Kansas City, KS 66101

U.S. Fish and Wildlife Service:

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Kansas City District
700 Federal Bldg., 601 E. 12th Street
Kansas City, MO 64106-2896

National Park Service:

National Park Service
Midwest Regional Office
1709 Jackson Street
Omaha, NE 68102

**U.S. Natural Resources Conservation
Service:**

National Resources Conservation Service
Missouri State Office
Parkade Center, Suite 250
601 Business Loop 70 West
Columbia, MO 65203-2546

National Geodetic Survey:

National Geodetic Survey
Frank Maida, Chief
Spatial Reference System Division
NOAA N/NGS23
1315 East-West Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Missouri Department of Natural Resources
State Historic Preservation Office
P.O. Box 176

U S. Fish and Wildlife Service
Midwest Region
BHW Federal Building
One Federal Drive
Fort Snelling, MN 55111-4056

Jefferson City, MO 65102

Dated this 17th day of July, 2008


Brendon P. Fowler