

LAW OFFICES OF
LOUIS E. GITOMER

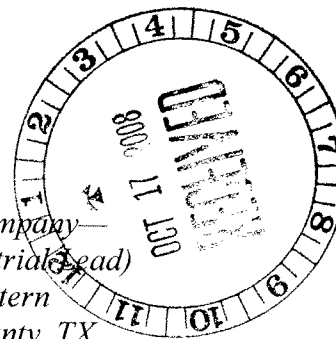
LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

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

October 17, 2008

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. 271X), *Union Pacific Railroad Company—
Abandonment Exemption—in Bowie County, TX (Bonham Industrial Lead)*
Docket No. AB-585 (Sub-No. 3X), *Dallas, Garland & Northeastern
Railroad Company—Discontinuance Exemption—in Bowie County, TX
(Bonham Industrial Lead)*



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 credit card payment by the Union Pacific Railroad Company, and two checks from the Dallas, Garland & Northeastern Railroad Company for the filing fee of \$3,700 for each proceeding. Also enclosed is a computer diskette in containing 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

ENTERED
Office of Proceedings

OCT 17 2008

Part of
Public Record

Louis E. Gitomer
Attorney for: Dallas, Garland & Northeastern
Railroad Company

Enclosures

FILED

OCT 17 2008

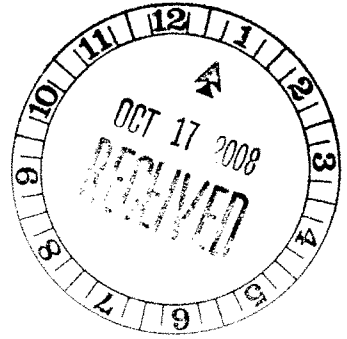
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED

OCT 17 2008

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD



Docket No. AB-33 (Sub-No. 271X)

UNION PACIFIC RAILROAD COMPANY-ABANDONMENT EXEMPTION-
IN BOWIE COUNTY, TX (BONHAM INDUSTRIAL LEAD)

Docket No. AB-585 (Sub-No. 3X)

DALLAS, GARLAND & NORTHEASTERN RAILROAD COMPANY-
DISCONTINUANCE OF SERVICE EXEMPTION- IN BOWIE COUNTY, TX
(BONHAM INDUSTRIAL LEAD)

VERIFIED NOTICE OF EXEMPTION

Louis E. Gitomer, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(202) 466-6532
(410) 332-0885 (Fax)
Lou_Gitomer@verizon.net

Attorney for Dallas, Garland &
Northeastern Railroad Company

Gabriel S. Meyer
Assistant General Attorney
Union Pacific Railroad Company
1400 Douglas Street, Mail Stop 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (Fax)
gmeyer@up.com

Attorney for Union Pacific Railroad
Company

Dated: October 17, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 271X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–
IN BOWIE COUNTY, TX (BONHAM INDUSTRIAL LEAD)

Docket No. AB-585 (Sub-No. 3X)

DALLAS, GARLAND & NORTHEASTERN RAILROAD COMPANY–
DISCONTINUANCE OF SERVICE EXEMPTION– IN BOWIE COUNTY, TX
(BONHAM INDUSTRIAL LEAD)

VERIFIED NOTICE OF EXEMPTION

Union Pacific Railroad Company (“UP”) and Dallas, Garland & Northeastern Railroad Company (“DGNO”) file this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for UP to abandon and DGNO to discontinue service over a 0.3-mile line of railroad known as the Bonham Industrial Lead between milepost 21.5 and milepost 21.8 near New Boston, Bowie County, TX (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 DGNO, 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. 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 December 6, 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 Dallas, Garland & Northeastern Railroad Company.

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

(3) Relief sought. UP and DGNO seek to use the class exemption at 49 C.F.R. § 1152.50 to abandon and discontinue service, respectively, over a 0.3-mile line of railroad known as the Bonham Industrial Lead between milepost 21.5 and milepost 21.8 near New Boston, Bowie County, TX.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. For UP, Gabriel S. Meyer, Assistant General Attorney, 1400 Douglas Street, Mail Stop 1580, Omaha, NE 68179, phone (402) 544-1658, fax (402) 501-3393, and email gmeyer@up.com. For DGNO, Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, fax (410) 332-0885, and email Lou_Gitomer@verizon.net.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses ZIP Code 75570.

(e) 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.

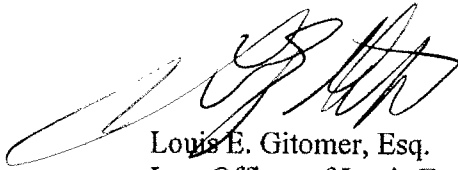
UP and DGNO do not believe that the properties proposed for abandonment and discontinuance of service are suitable for other public purposes.

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. A certificate of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) is attached as Exhibit C and a certificate of compliance with the notice requirements of 49 C.F.R. §§ 1105.11 is attached in Exhibit D.

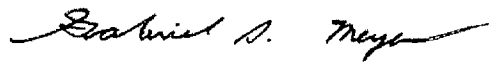
6. Combined Environmental and Historic Report. The Combined Environmental and Historic Report is attached as Exhibit D.

Respectfully submitted,



Louis E. Gitomer, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(202) 466-6532
(410) 332-0885 (Fax)
Lou_Gitomer@verizon.net

Attorney for Dallas, Garland &
Northeastern Railroad Company



Gabriel S. Meyer
Assistant General Attorney
Union Pacific Railroad Company
1400 Douglas Street, Mail Stop 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (Fax)
gmeyer@up.com

Attorney for Union Pacific Railroad
Company

Dated: October 17, 2008

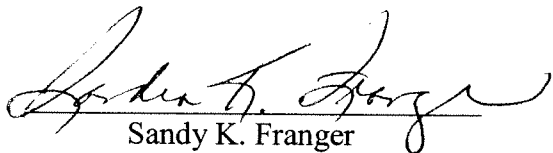
EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF TEXAS)
)
COUNTY OF BEXAR) ss.

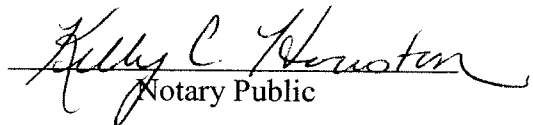
I, Sandy K. Franger being duly sworn depose and state that I am a Vice President of RailAmerica, Inc., and Vice-President of its subsidiary, Dallas, Garland & Northeastern Railroad Company ("DGNO"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption 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 0.3-mile line of railroad known as the Bonham Industrial Lead between milepost 21.5 and milepost 21.8 near New Boston, Bowie County, TX, 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 DGNO 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 16th day of October 2008.

My Commission Expires: 4-30-2010


Notary Public

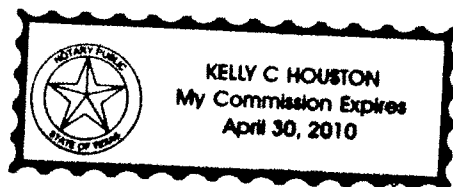
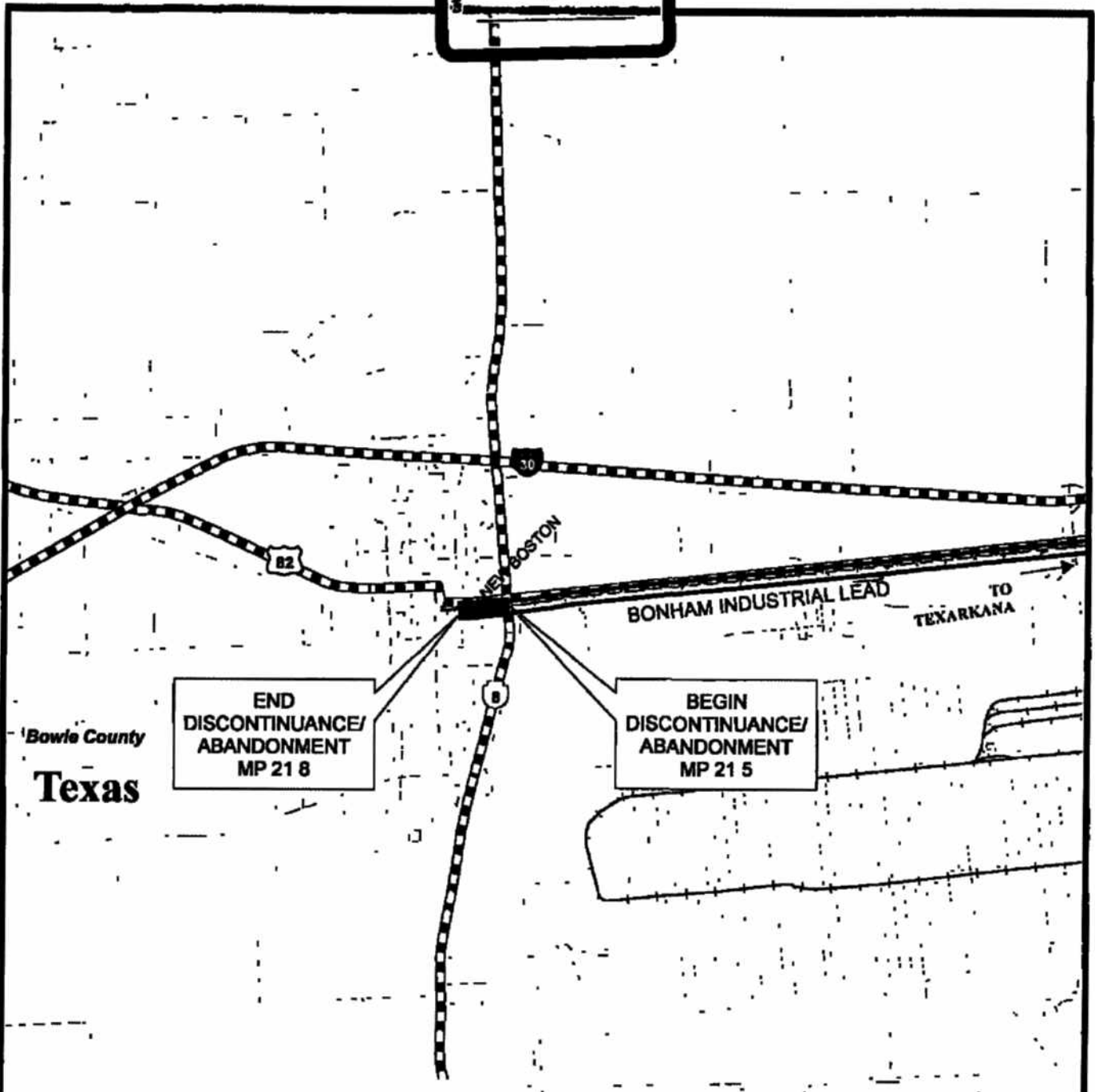


EXHIBIT B—MAP OF LINE

EXHIBIT

1



Legend

- UPRR/TNER LINES TO BE DISCONTINUED/ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

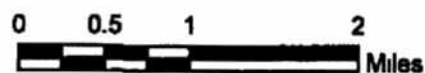
NOTE . THERE ARE NO 50+ YEAR OLD STRUCTURES

BONHAM INDUSTRIAL LEAD

MP 21 5 TO MP 21 8
TOTAL OF 0 3 MILES IN BOWLE COUNTY
IN TEXAS

UNION PACIFIC RAILROAD CO.
TEXAS NORTHEASTERN RAILROAD DIV. OF
DALLAS, GARLAND & NORTHEASTERN RAILROAD COMPANY, LESSEE
TEXAS

INCLUDING 50+ YEAR OLD STRUCTURES

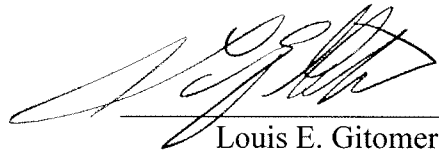


00014

Q:\abandonments\ab33 271 TNER BONHAM.mxd

EXHIBIT C—CERTIFICATE OF SERVICE

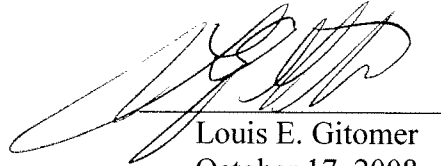
Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment and discontinuance of service in Docket No. AB-33 (Sub-No. 271X) and No. AB-585 (Sub-No. 3X), respectively, was mailed via first class mail on September 23, 2008, to the following parties: Texas Public Utilities Commission; 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
October 17, 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. 271X) and No. AB-585 (Sub-No. 3X), respectively, was advertised on October 15, 2008 in the Bowie County Citizens Tribune, a newspaper of general circulation in Bowie County, TX, as required by 49 C.F.R. § 1105.12.



Louis E. Gitomer
October 17, 2008

EXHIBIT D

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

Pursuant to the requirements of 49 C.F.R. § 1105.7(c), .8(c), and .11, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 271X) and No. AB-585 (Sub-No. 3X), was mailed via first class mail on September 19, 2008, to the following parties:

State Clearinghouse (or alternate):

Tom Adams
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

James Randall
Director of Transportation, Planning and Programming
Texas Department of Transportation
118 East Riverside Plaza
Austin, TX 78704

State Environmental Protection Agency:

Texas Natural Resource Conservation Commission
Ken Patterson, Deputy Director
P.O. Box 13087, m145
Austin, TX 78711-3087

State Coastal Zone Management Agency (if applicable):

Not applicable.

Head of County (Planning):

Bowie County Commissioners
P.O. Box 248
County Courthouse
New Boston, TX 75570-0248

Environmental Protection Agency (regional office):

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Southwest Region 2
U.S. Fish & Wildlife Service
500 Gold Avenue SW - Room 4000
Albuquerque, NM 87102

U.S. Army Corps of Engineers:

U.S. Army Engineer District Fort Worth
Benbrook Lake Project Office
P.O. Box 26619
Fort Worth, Texas 76126-0619

National Park Service:

National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80228

U.S. Natural Resources Conservation Service:

USDA, Natural Resources Conservation Service
Soil Survey Section
W R Poage Federal Bldg.
101 South Main Street
Temple, TX 76501-7682

National Geodetic Survey:

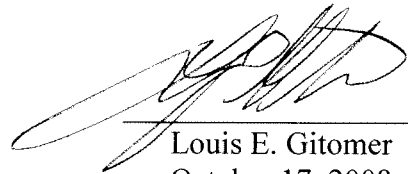
National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Texas Historical Commission
James W. Steely
History Program Division
P. O. Box 12276
Austin, TX 78711-2276

Other Agencies Consulted:

Texas Parks & Wildlife
Andrew Swanson
4200 Smith School Road
Austin, TX 78744-3291



Louis E. Gitomer
October 17, 2008



Gabriel S. Meyer
Assistant General Attorney

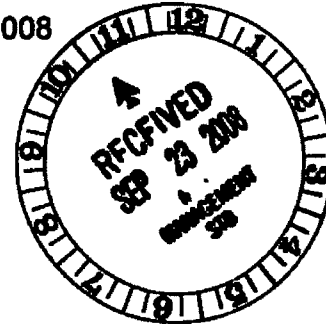
September 19, 2008

Via Fax and UPS 2nd Day Air

Surface Transportation Board
395 E Street, SW
Washington, DC 20024

Attention: Victoria Rutson

**Re: Proposed Abandonment and Discontinuance of the Bonham
Industrial Lead; STB Docket Nos. AB-33 (Sub-No. 271X) and AB-585
(Sub-No. 3X)**



223460

223659

Dear Ms. Rutson.

Enclosed for filing in the above-referenced matters are the original and ten (10) copies of Union Pacific Railroad Company's and Dallas, Garland & Northeastern Railroad Company's Combined Environmental and Historic Report, prepared pursuant to 49 C.F.R. Sections 1105.7 and 1105.8, with a Certificate of Service and a transmittal letter pursuant to 49 C.F.R. Section 1105.11.

UP and DGNO anticipate filing a Joint Notice of Exemption in this matter on or after October 9, 2008. Please do not hesitate to contact me if you have any questions

Sincerely,

ENTERED
Office of Proceedings
SEP 23 2008

Gabriel S. Meyer

Part of
Public Record

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 271X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BOWIE COUNTY, TEXAS
(BONHAM INDUSTRIAL LEAD)**



Docket No. AB-585 (Sub-No. 3X)

**DALLAS, GARLAND & NORTHEASTERN RAILROAD COMPANY
--DISCONTINUANCE OF SERVICE AND LEASE OPERATIONS--
IN BOWIE COUNTY, TEXAS
(BONHAM INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Gabriel S. Meyer
Assistant General Attorney
1400 Douglas Street
STOP 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (FAX)

DALLAS, GARLAND & NORTHEASTERN
RAILROAD COMPANY
Louis E. Gitomer, Attorney
600 Baltimore Avenue, Suite 301
Towson, Maryland 21204
(202) 466-6532
(410) 332-0885 FAX

Dated and Filed: September 19, 2008

00001

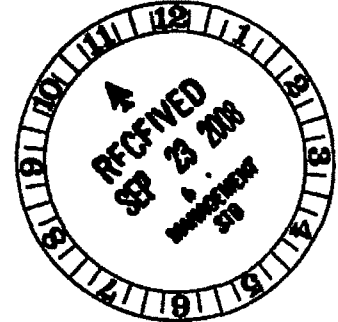
**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 271X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BOWIE COUNTY, TEXAS
(BONHAM INDUSTRIAL LEAD)**

Docket No. AB-585 (Sub-No. 3X)

**DALLAS, GARLAND & NORTHEASTERN RAILROAD COMPANY
--DISCONTINUANCE OF SERVICE AND LEASE OPERATIONS--
IN BOWIE COUNTY, TEXAS
(BONHAM INDUSTRIAL LEAD)**



Combined Environmental and Historic Report

Dallas, Garland & Northeastern Railroad Company ("DGNO") and Union Pacific Railroad Company ("UP") submit this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for a discontinuance of service and lease operations by DGNO, and an abandonment and discontinuance of service by UP over the Bonham Industrial Lead from Milepost 21 5 to Milepost 21 8 near New Boston, a distance of 0.3 miles in Bowie County, Texas (the "Line"). The Line traverses U. S. Postal Service zip code 75570. DGNO and UP will file a Joint a Notice of Exemption with the STB on or after October 9, 2008

A map of the Line is attached as **Exhibit No. 1**, and UP's letter to federal, state and local government agencies is attached as **Exhibit No. 2**. Responses received thus

far to UP's letter are attached and sequentially referenced as exhibits in the appropriate sections of this Combined Environmental and Historic 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: The proposed action involves the discontinuance of service and lease operations by DGNO and an abandonment and discontinuance of service by UP over the Bonham Industrial Lead from Milepost 21.5 to Milepost 21.8 near New Boston, a distance of 0.3 miles in Bowie County, Texas.

The abandonment of the Line will have no adverse effect on shippers. No shippers have utilized the Line during the past two years and there are no new shippers foreseen that could produce rail traffic sufficient to justify rehabilitation of the Line and cover ongoing operational expense. No overhead traffic or passenger service uses the Line. After abandonment, the closest rail service will continue to be provided by DGNO. Additionally, New Boston is well served by major highways, including Texas Highway 8, U. S. 82, and Interstate 30.

The Line was originally constructed in 1873 by the Texas & Pacific Railway. It currently contains 90-pound rail laid in 1928. UP does not believe the property is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production, or transmission, as the area is adequately served by existing roads (including Texas Highway 8, U. S. 82, and

Interstate 30) and utility lines. The right-of-way is not suitable for use as a recreational trail due to its limited length. The proposed abandonment will also permit the State of Texas to reduce the size and expense of a replacement bridge on Highway 8 in New Boston because it will no longer have to clear a rail line in addition to U. S 82

Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it. The line contains reversionary property.

A map of the Line is attached as Exhibit No. 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.

Response: Because no traffic moves over the Line and no traffic is expected to move in the future, there should be no effect on regional or local transportation systems or patterns, and there will be no diversion to other modes or systems.

(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 effects 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

Response:

(I) The Bowie County Commissioners Office has been contacted To date UP has not received a response

(II) The United States Natural Resources Conservation Service has been contacted.

Upon review, the Natural Resources Conservation Service determined that the proposed *abandonment would be exempt from the Farmland Protection Policy Act because the site is already converted to urban land, the site is not classified as Important Farmland, and no additional consideration is needed for the project.* The NRCS's response is attached as **Exhibit No. 3.**

(III) Not Applicable

(IV) The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines at the present time.

(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.

Response:

(I) There will be no effects on the transportation of energy resources.

(II) There are no recyclable commodities handled over the Line

(III) There will be no effect on energy efficiency.

(IV)(A)(B) There will be no rail-to-motor diversion.

(5) Air.

(I) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (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% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% 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 § (5)(i)(A) will apply

Response: There are no such effects anticipated.

(II) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% 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.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic

of these magnitudes as a result of the proposed action

(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: The proposed action 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

Response: 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.

Response:

(i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(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.

Response:

(i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response. The Texas Parks & Wildlife Office was contacted and upon review determined that the proposed abandonment will have minimal impact on fish and wildlife resources, including rare, threatened, and endangered species. The Texas Parks & Wildlife Office's response is attached as **Exhibit No. 4.**

(ii) The National Park Service was contacted and determined that no parks will be affected by the proposed abandonment. The National Park Service's response is attached as **Exhibit No. 5.**

(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. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response:

(i) The Texas Natural Resource Conservation Commission has been contacted, and upon review determined no additional consideration is needed for the project. The NRCS response is attached as **Exhibit No. 3.**

(ii) The U.S. Army Corps of Engineers has been contacted To date UP has received no response.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) Proposed Mitigation.

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

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

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

Response: See Exhibit No. 1, indicating that there are no structures 50 years old or older that are part of the proposed action

(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

Response: The right-of-way proposed for abandonment is 100 feet wide. Topography is level.

(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

Response: See Exhibit No. 1, indicating that there are no structures 50 years old or older that are part of the proposed action. The Texas State Historic Preservation Officer has also determined that no historic properties are affected by the proposed abandonment. The Texas SHPO's response is attached as Exhibit No. 6

(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:

Response: See Exhibit No. 1, indicating that there are no structures 50 years old or older that are part of the proposed action.

(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:

Response: See the preceding pages for a brief history and description of carrier operations.

(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:

Response: Not applicable.

(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):

Response: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction of the Line.

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

Response: UP does not have any such readily available information. To the best of UP's knowledge, there is no prior subsurface ground disturbance or fill or environmental

conditions that might affect the archeological recovery of resources and the surrounding terrain

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group 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 locations and type of the site (i.e., prehistoric or native American).

Response: Not applicable.

Dated this 19th day of September, 2008

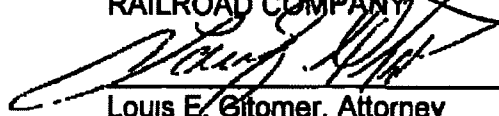
Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Gabriel S. Meyer
Assistant General Attorney
1400 Douglas Street
Mail Stop 1580
Omaha, Nebraska 68179
(402) 544-1658
(402) 501-3393 FAX

DALLAS, GARLAND & NORTHEASTERN
RAILROAD COMPANY

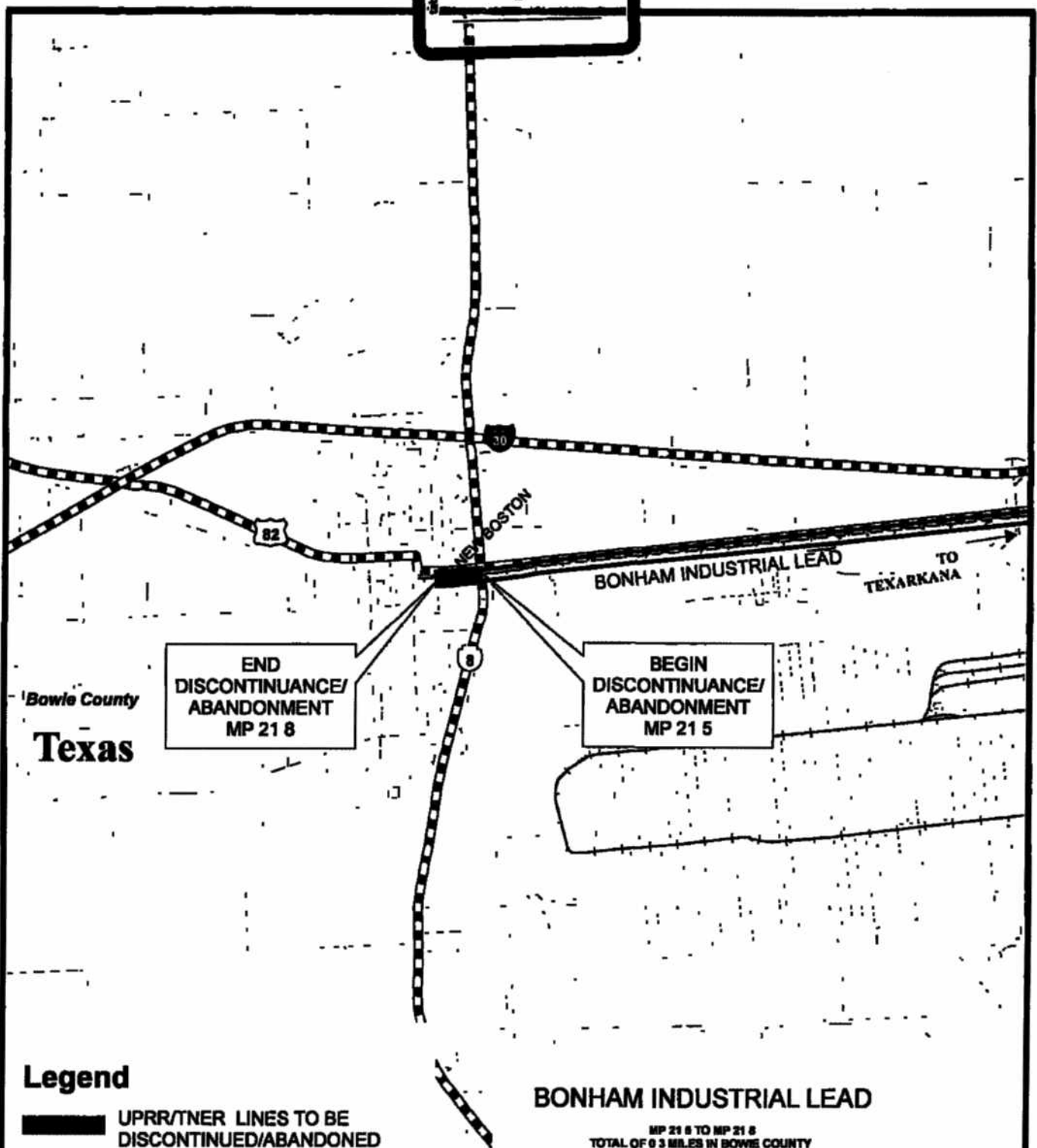
A handwritten signature in black ink, appearing to read "Louis E. Gittomer", is written over a horizontal line.

Louis E. Gittomer, Attorney
600 Baltimore Avenue, Suite 301
Towson, Maryland 21204
(202) 466-6532
(410) 332-0885 FAX

00013

EXHIBIT

1



Legend

- UPRR/TNER LINES TO BE DISCONTINUED/ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

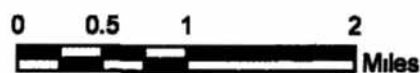
NOTE . THERE ARE NO 50+ YEAR OLD STRUCTURES

BONHAM INDUSTRIAL LEAD

MP 21 8 TO MP 21 5
TOTAL OF 0 3 MILES IN BOWIE COUNTY
IN TEXAS

UNION PACIFIC RAILROAD CO.
TEXAS NORTHEASTERN RAILROAD DIV. OF
DALLAS, GARLAND & NORTHEASTERN RAILROAD COMPANY, LESSEE
TEXAS

INCLUDING 50+ YEAR OLD STRUCTURES



00014



Law Department

(402) 501-0127 (FAX)

July 3, 2007

State Clearinghouse (or alternate):

Tom Adams
Governor's Office of Budget and Planning
P O Box 12428
Austin, TX 78711

James Randall
Director of Transportation, Planning and
Programming
Texas Department of Transportation
118 East Riverside Plaza
Austin, TX 78704

State Environmental Protection Agency:

Texas Natural Resource Conservation
Commission
Ken Patterson, Deputy Director
P O Box 13087, m145
Austin TX 78711-3087

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

Not applicable

Head of County (Planning):

Bowie County Commissioners
P O Box 248
County Courthouse
New Boston, TX 75570-0248

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

U S Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U S Fish & Wildlife Service
Southwest Region 2
U S Fish & Wildlife Service
500 Gold Avenue SW - Room 4000
Albuquerque, NM 87102

U.S. Army Corps of Engineers:

U S Army Engineer District Fort Worth
Benbrook Lake Project Office
P O Box 26619
Fort Worth, Texas 76126-0619

National Park Service:

National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80228

U.S. Natural Resources Conservation Service:

USDA, Natural Resources Conservation Service
Soil Survey Section
W R Poage Federal Bldg
101 South Main Street
Temple, TX 76501-7682

National Geodetic Survey:

National Geodetic Survey
Edward J McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Texas Historical Commission
James W Steely
History Program Division
P O Box 12276
Austin TX 78711-2276

Other Agencies Consulted:

Texas Parks & Wildlife
Andrew Swanson
4200 Smith School Road
Austin, TX 78744-3291

Re: Proposed Lease Discontinuation and Abandonment of the Bonham Industrial Lead
from M P 21.5 to M P 21.8 near New Boston, a distance of 0.3 miles in Bowie County,
Texas, STB Docket No. AB-585 (Sub-No. 3X) and Docket No. AB-33 (Sub-No. 271X)

00015

Dear Sirs

The Texas Northeastern Railroad Division of Dallas, Garland & Northeastern Railroad Company (DGNO) and Union Pacific Railroad Company (UP) plan to request authority from the Surface Transportation Board (STB) for DGNO to discontinue lease operations and UP to abandon the Bonham Industrial Lead from M P. 21.5 to M P 21.8 near New Boston, a distance of 0.3 miles in Bowie County, Texas. A map of the proposed track abandonment shown in black is attached

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) 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, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

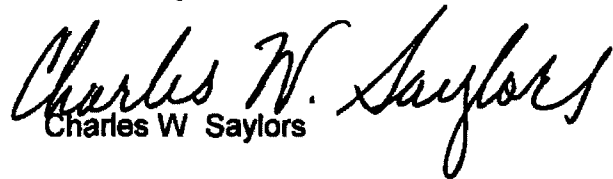
U. S. ARMY CORPS OF ENGINEERS State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials.

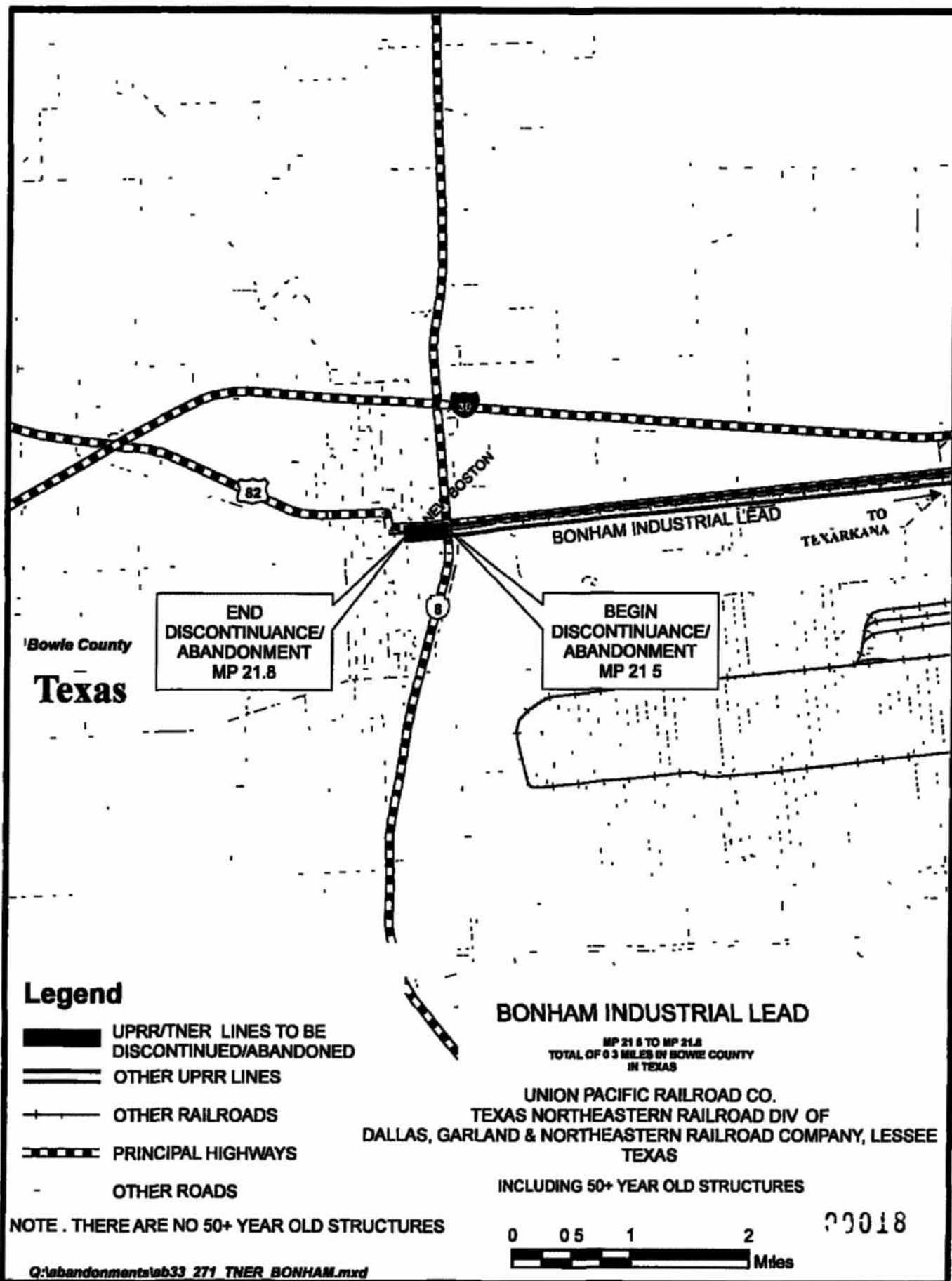
involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action

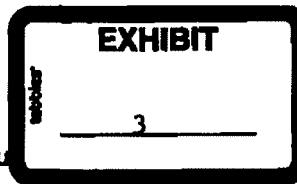
Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,


Charles W Saylor

Attachment





United States Department of Agriculture



Natural Resources Conservation Service

101 S Main Street
Temple, TX 76501-6624
Phone: 254-742-9861
FAX 254-742-9859

August 15, 2008

Union Pacific Railroad
1400 Douglas Street, Mail Stop 1580
Omaha, Nebraska 68179
Attention: Chuck W. Saylor

**Subject: LNU-Farmland Protection-
Proposed Discontinuation and Abandonment--Bonham Industrial Lead
Bowie County, Texas**

We have reviewed the information provided concerning the proposed discontinuation and abandonment of the Bonham Industrial Lead, a distance of 0.3 mile in Bowie County, Texas, as outlined in your letter of July 1, 2008. This review is part of the National Environmental Policy Act (NEPA) evaluation for the Surface Transportation Board. We have evaluated the proposed Project as required by the Farmland Protection Policy Act (FPPA).

This project would be exempt from the FPPA because the site is already converted to urban land. The FPPA states, "Farmland does not include land already in or committed to urban development or water storage," 7CFR Part 658.2 (a). We have completed an AD-1006 (Farmland Conversion Impact Rating form) showing the site is not classified as Important Farmland. No additional consideration will be needed for this project.

We have attached an AD-1006 form for this project indicating the approval status of this proposed project. Thank you for the resource materials you submitted to evaluate this project. If you have any questions please call Laurie Kiniry at (254)-742-9861, Fax (254)-742-9859.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Kiniry".

Laurie N. Kiniry, Soil Scientist

Enclosure

00019

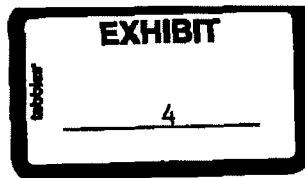
U.S. Department of Agriculture
FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 7/1/2008			
Name of Project UP Abandonment of Bonham Industrial Leas		Federal Agency Involved STB and USDOT			
Proposed Land Use urban		County and State Bowie County, Texas			
PART II (To be completed by NRCS)		Date Request Received By NRCS 7/7/2008		Person Completing Form L. Kinry	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES ☐	NO ☒ x	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land in Govt. Jurisdiction Acres %	Amount of Farmland As Defined in FPPA Acres: %			
Name of Land Evaluation System Used LESA	Name of State or Local Site Assessment System NONE	Date Land Evaluation Returned by NRCS			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres in Site					
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected.	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐			
Reason For Selection					

00020

Name of Federal agency representative completing this form

Date



involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,

Charles W. Saylor
Charles W. Saylor

Attachment



Review of the project activity as proposed indicates minimal impacts to fish and wildlife resources.

Reviewed: *Teren B. Hardin*
Date: *7-23-08*

including rare, threatened, & endangered species.



involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,

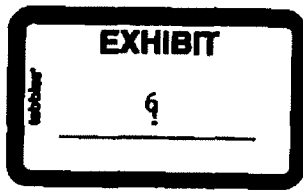
Charles W. Saylor
Charles W. Saylor

Attachment



The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Signed: R. R. L. Date: 7/16/08



NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED

By [Signature]
for F. Lawrence Oaks
State Historic Preservation Officer
Date 07/02/02

Dear Sirs:

The Texas Northeastern Railroad Division of Dallas, Garland & Northeastern Railroad Company (DGNO) and Union Pacific Railroad Company (UP) plan to request authority from the Surface Transportation Board (STB) for DGNO to discontinue lease operations and UP to abandon the Bonham Industrial Lead from M. P. 21.5 to M. P. 21.8 near New Boston, a distance of 0.3 miles in Bowie County, Texas. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) 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, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

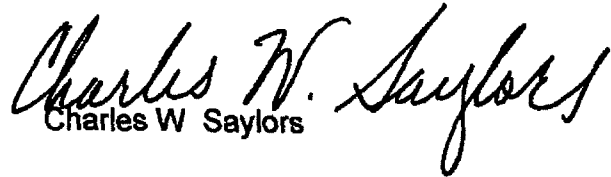
U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials.

involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,


Charles W. Saylor

Attachment

NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED

By 
for F. Lawrence Oaks
State Historic Preservation Officer
Date 27 / 02 / 28

00021

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No 271X) for the Bonham Industrial Lead in Bowie County, Texas was served by first class mail (or email as noted) on the 19th day of September, 2008, on the following.

State Clearinghouse (or alternate):

Tom Adams
Governor's Office of Budget and Planning
P O Box 12428
Austin, TX 78711

James Randall
Director of Transportation, Planning and
Programming
Texas Department of Transportation
118 East Riverside Plaza
Austin, TX 78704

State Environmental Protection Agency:

Texas Natural Resource Conservation
Commission
Ken Patterson, Deputy Director
P O Box 13087, m145
Austin, TX 78711-3087

State Coastal Zone Management Agency
(if applicable):

Not applicable

Head of County (Planning):

Bowie County Commissioners
P O Box 248
County Courthouse
New Boston, TX 75570-0248

Environmental Protection Agency
(regional office):

U S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U S Fish & Wildlife Service
Southwest Region 2
U S Fish & Wildlife Service
500 Gold Avenue SW - Room 4000
Albuquerque, NM 87102

U.S. Army Corps of Engineers:

U S. Army Engineer District Fort Worth
Benbrook Lake Project Office
P O Box 26619
Fort Worth, Texas 76126-0619

National Park Service:

National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80228

U.S. Natural Resources Conservation Service:

USDA, Natural Resources Conservation Service
Soil Survey Section
W R Poage Federal Bldg
101 South Main Street
Temple, TX 76501-7682

National Geodetic Survey:

National Geodetic Survey
Simon.Monroe@noaa.gov

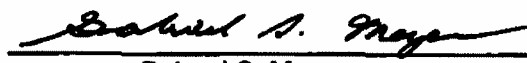
State Historic Preservation Office:

Texas Historical Commission
James W. Stealy
History Program Division
P O Box 12276
Austin, TX 78711-2276

Other Agencies Consulted:

Texas Parks & Wildlife
Andrew Swanson
4200 Smith School Road
Austin, TX 78744-3291

Dated this 19th day of September, 2008


Gabriel S. Meyer

00025