

EI-1884

KB

159 Bluebird Lane  
Chaffee, Missouri 63740  
January 22, 2006

The Honorable Vernon A. Williams  
Secretary  
The Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C 20423-0001

**Re: Finance Docket No. 34672; Union Pacific Railroad Company -  
Acquisition and Operation Exemption - Line of the Burlington Northern  
and Santa Fe Railway Company**

In the filing by Union Pacific Railroad Company, Union Pacific requested that the Surface Transportation Board exempt UPRR's proposed acquisition and operation of the BNSF line from Rockview, Missouri to Sikeston, Missouri be exempted from 49 U.S.C. 11323 pursuant to 49 U.S.C. 10502. UPRR states: "Under 49 U.S.C. 10502, however, this acquisition should be exempt from regulation. UPRR's acquisition of the Line will promote several elements of the rail transportation policy of 49 U.S.C. without running afoul of any." Later in the filing, UPRR again states that "The acquisition will promote significant provisions of the rail transportation policy and will not run counter to any goals of this policy."

49 U.S.C. 10502 states "...the Board, to the maximum extent consistent with this part, shall exempt a person, class of persons, or a transaction or service whenever the Board finds that the application in whole or in part of a provision of this part -

(1) is not necessary to carry out the transportation policy of section 10101 of this title;

Sec. 10101 states "Rail transportation policy

In regulating the railroad industry, it is the policy of the United States Government -

(8) to operate transportation facilities and equipment without detriment to the public health and safety;"

Union Pacific Railroad Company left out of their filing application any mention of this policy 10101(8). If UPRR receives approval for this acquisition, it will be to the detriment of the public health and safety of people along the proposed acquisition.

My family's health and safety will be detrimentally affected by this acquisition. We have only one route onto our property, which is located between Chaffee, Missouri and Oran, Missouri and borders the track being proposed for acquisition. The increased train traffic would make it more likely that our private railroad crossing would be blocked should the need arise for police, ambulance, or fire emergency vehicles to access our property. (see attachment "home.jpg" for an aerial picture which illustrates the situation). There are five other families along this stretch of track who are in the same situation of

only having a single access to their homes with that access being across the railroad tracks.

The proposed acquisition would also be a detriment to the public health and safety of people in Rockview, Chaffee, Oran, and Sikeston by increasing the likelihood that rail crossings would block emergency vehicle access. Such concern has already been expressed in filings on FD-34672 by other people, by letters from Sikeston and Scott County officials, and by newspaper articles in local papers and by television news broadcasts.

The existing route between Rockview and Dexter does not expose the public to the detrimental effects to public health and safety that the proposed acquisition entails. The existing route passes almost entirely through or alongside farmland, and where it does pass along the small communities of Delta, Randles, Painton, and Bell City the residents in these communities have access to alternate routes for emergency vehicles. People in these communities can access either State Highway 25 to the west or State Highways 61 or 77 to the east if UPRR trains are blocking their crossings. You can see this yourself by using Google-Earth to examine the existing route.

UPRR also states: "The purpose of this transaction is to foster efficiency and expand competitive opportunities by facilitating UPRR's implementation of a directional running plan for through rail traffic between Rockview, Missouri and Dexter, Missouri on UPRR's St. Louis-Houston corridor." UPRR also states: "Implementation of directional running between Rockview and Dexter will thus expand capacity and increase efficiency on UPRR's St. Louis-Houston corridor, and do so at a lower cost than double-tracking UPRR's existing Rockview-Dexter line." UPRR further states: "Directional routing will reduce congestion on UPRR's lines, thereby improving service for UPRR customers and enhancing UPRR's ability to compete with other providers of non-railroad freight transport."

The purpose for this transaction provided by UPRR makes no sense. At the Rockview terminus of the proposed acquisition the UPRR route continues going east towards Scott City, Missouri on a single track route. Exhibit 2 in UPRR's filing also appears to show single track routes out of Dexter to the south and west. Queueing theory explains how a bottleneck (such as a single track system) limits the traffic that can flow on a system. No matter how much UPRR may believe this proposed directional running plan between Dexter and Rockview will reduce congestion and foster efficiency, the simple fact is that the limiting factor will still be that the proposed directional system funnels in to or out of a bottleneck when it hits the single track system between Rockview and Scott City, even with the siding at Rockview. While there could be less congestion on the Rockview-Dexter existing route, this won't affect the overall congestion on the St. Louis-Houston route because of the single track bottleneck.

UPRR also mentions: "At UPRR's request, The Board's Section of Environmental Analysis has agreed to the appointment...of a third-party contractor to work with SEA to undertake all appropriate environmental reviews and to assist in SEA's preparation of required documentation under the National Environmental Policy Act."

U.S.C. TITLE 42 > CHAPTER 55 > SUBCHAPTER I > § 4332 National Environmental Policy Act states

**"(2) all agencies of the Federal Government shall—  
(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—  
(i) the environmental impact of the proposed action,  
(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,  
(iii) alternatives to the proposed action"**

My son is doing research into the population dynamics of the box turtle (*Terrapene carolina triunguis*). He has found that box turtles are dying on the tracks in numbers that are causing population decline. His results clearly indicate that trains are causing population declines in the box turtle population. He has found that the box turtle population is affected even as far as a quarter of a mile from the tracks. The increased train traffic in this proposal would likely cause *Terrapene carolina triunguis* to become extirpated in this section of Crowley's Ridge, which is a unique ecosystem. The alternative to the proposed action is to continue using the current Rockview-Dexter route, which passes through an area that does not have a population of *Terrapene carolina triunguis*, and thus would have no impact there.

I would also like to point out that there have not been any public hearings on the possible environmental impacts of the proposed acquisition.

In summary, I ask the Surface Transportation Board to reject the proposed acquisition by UPRR.

Thank you.

Sincerely yours,

Dan Heeb

Dlh/bkh

CC: Honorable Representative Joann Emerson

Attachments: home.jpg - aerial view of train tracks and entrance access to our property

