Kansas Department of Transportation

Rail Plan 2005 - 2006

Kathleen Sebelius, Governor
Debra L. Miller, Secretary of Transportation

Kansas Department of Transportation
Division of Planning and Development
Bureau of Transportation Planning – Office of Rail Affairs

Kansas Rail Plan Update 2005 - 2006

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OFFICE OF RAIL AFFAIRS WEB SITE

http://www.ksdot.org/burRail/Rail/default.asp

Pictures provided by railroads or taken by Office of Rail Affairs staff

Railroad data and statistics provided by railroads

Executive Summary

The Kansas Rail Plan Update 2005 - 2006 has been prepared in accordance with requirements of the Federal Railroad Administration (FRA) U.S. Department of Transportation (USDOT), as set forth in federal regulations governing Local Rail Freight Assistance to States. These rules constitute Chapter 49 Code of the Federal Regulations (C.F.R.), Part 266.

The Kansas Department of Transportation (KDOT), Bureau of Transportation Planning, Office of Rail Affairs is responsible for railroad planning in Kansas. The mission of KDOT's Office of Rail Affairs in the planning function is to provide information and coordinate efforts to encourage an efficient transportation system to meet the needs of the State of Kansas. To encourage an efficient transportation system, KDOT's Office of Rail Affairs has compiled the Kansas Rail Plan 2005 - 2006 Update. The update is divided into six chapters: 1. Rail Transportation in Kansas; 2. Freight Rail Carriers in Kansas; 3. Passenger Rail Transportation; 4. Railroad Abandonments; 5. Railroad Assistance Programs; and 6. Operation Lifesaver.

Chapter One, Rail Transportation in Kansas, provides current information and operating characteristics of the railroads in the state including rail line mileage, trackage rights, and a current state railroad map.

Chapter Two, Freight Rail Carriers in Kansas, describes and provides information on the four Class I rail lines, and 16 Class III or short line railroads, of which three are switching railroads and two are tourist lines in the Kansas short line rail transportation network. Maps indicating location and density of traffic are included, as well as charts detailing volume and types of commodities shipped on each railroad operating rail lines in Kansas.

Chapter Three, Passenger Rail Transportation, reviews the current and possible future of passenger rail in the state.

Chapter Four, Railroad Abandonments, discusses the history, causes of and present abandonments affecting Kansas. Also provided is a review and summary of the abandonment regulations adopted by the Surface Transportation Board in 1998 (see 49 CFR 1105 & 1152).

Chapter Five, Railroad Assistance Programs, was developed from federal and state loan activities. The Federal Local Rail Freight Assistance (LRFA) Program is a program of federal grants to fund local freight rail infrastructure improvements. It was established by Section 5 of the Department of Transportation Act (49 U.S.C. 1654 et seg). Financial assistance in the form of Federal Rail Administration (FRA) grants has been used to fund rehabilitation projects throughout Kansas. In 1991, the Kansas Legislature gave KDOT the authority (KSA 75-5048) to loan the FRA grant funds. This Kansas rail freight assistance loan program is intended to ensure that the state has rail service that contributes to the economy and well-being of Kansas and its citizens. This enhances market competitiveness of Kansas industries, fosters expansion of present business, and attracts new business. In 1999, Kansas Governor Bill Graves signed into law House Bill 2071 providing for a new state Comprehensive Transportation Program. In addition to highway projects, this program also includes funding to help meet the needs of Kansas short line railroads through low-interest loans. The program provides $3 million per year in grants and loans for ten years and is administered by the KDOT Office of Rail Affairs. During the 2006 Legislative session, funding for the program was extended for two additional years, through 2009. The Rail Service Improvement Fund (RSIF) will become self-sufficient at the end of the eight-year period and allow ongoing opportunities for short line railroads to improve their system infrastructure, service to shippers, and the economy of the state. KDOT is now in the eighth year of the program. Approximately 981 miles of rail line have been rehabilitated or are currently in the process of rehabilitation. RSIF rehabilitation funding projects include installation of ties, ballast replacement, surfacing and tamping, and rail relay projects.

Chapter Six, Railroad Safety, gives an overview of the national highway-rail grade crossing safety program and its organization in Kansas. Operation Lifesaver is a nationwide, non-profit public safety education and outreach program designed to eliminate collisions, deaths and injuries at railroad crossings and rights-of-way.

Rail Affairs Web Page

The 2005 - 2006 Rail Plan Update and more information on railroads in Kansas are also available on the Internet at: http://www.ksdot.org/burRail/Rail/default.asp designed and updated by Darlene Osterhaus (KDOT, Rail Affairs Research Analyst).

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Rail Transportation in Kansas

CHAPTER 1

RAIL TRANSPORTATION IN KANSAS

Introduction

The Kansas rail system is currently composed of 20 railroads. The railroads range in size from a short three-mile interstate carrier to larger railroads extending from Kansas to the Northwest, Gulf of Mexico, California, Canada, Mexico, the East and Southeast. Of the 20 railroads, four are Class I carriers (annual gross revenues of $250 million or more) and 16 are Class III or short line railroads (annual gross revenues of less than $20 million). Of these 16 Class III railroads, three are switching and terminal railroads and two are tourist based lines. The switching and terminal railroads are comprised of rail lines that are not primarily line-haul carriers, but rather perform switching and/or terminal services for other railroads. These railroads usually have a relatively large number of employees per mile of track operated. Tourist rail lines are not line-haul carriers and concentrate on daily recreational excursions.

Railroad mileage in the state was at a maximum in 1917 when 9,363 miles were recorded. The development of competitive trucking and barge services in the 1950s made railroads increasingly vulnerable to intermodal competition and eroded the rail market share of both high and low-value traffic. By the 1970s, major segments of the railroad industry were in serious financial difficulty as evidenced by the bankruptcy of several major railroads. The demands for an overhaul of archaic regulatory legislation led to the passage of the Staggers Rail Act of 1980, which deregulated the railroad industry. Deregulation provided the railroad industry greater opportunities to compete in a more competitive market environment through more flexible rail pricing strategies, through cost (system) rationalization via rail mergers, and abandonments of marginal and unprofitable lines.

Except for some realignment, there has been no significant new construction of railroads since 1925 (Figure 1 on page 10). Rail tonnage has been on the increase as rail lines are used more intensively (Figure 2 on page 11). Some of the Class I railroads faced a decrease in total tons moved during the later 1990s following mergers between major lines. After a slow recovery from post merger issues in 1996 and 1997, there has been an increase in total tons moved.

Total tons moved by Class I carriers in Kansas in 2004 were 362,027,043 with an increase in 2005 to 377,410,468 tons. Railroads in Kansas are expected to continue to move more freight over their main lines and continue to abandon unprofitable branch lines. Increased efficiency and greater utilization of main line tracks is a trend that is expected to continue.

Railroads Progress

Railroads have been called "the lifeline of the nation". This phrase, often not fully understood by the general public, stems from the fact that railroads moved the necessities of life to the west of the country. Trains are here to stay; they were part of the past and will be part of the future.

Although corporate mergers and consolidations have reduced the number of railroads, they work together to transport the nation's freight with speed and safety. Such efforts generate billions in revenues each year. Of all the freight goods transported in the country, railroads carry one of the largest percentages, with the remainder divided among trucks, pipelines, barges and/or ships, and the balance by airlines.

Much of today's railroad success has come from the introduction of better freight-handling processes. One of the new methods is known as *intermodal* traffic. Intermodal traffic is based on a simple concept of standardized containers that can be carried by any type of freight mover between the shipping point and the destination. A container of merchandise can be moved by air, rail, truck, or ship without the contents being repacked for the conservation, reduction of the packing material needed, and standard units of measure for planning the cars necessary for a given amount of freight. In late 2008, BNSF Railway plans to open an intermodal facility and logistics park just outside of Gardner, Kansas on the railroad’s Transcontinental Route. This facility will replace, and expand, the existing intermodal facility at the BNSF Railway Argentine Yard.

Railroad Miles in Kansas

Miles Owned

Kansas ranks in the top ten in the United States in railroad mileage, despite the loss of track miles due to abandonments each year. The state's line-haul railroad mileage as of December 2006 totaled 4,776 miles (Table 1 on page 12). This total excludes double trackage, spur and business tracks, sidings and yards, and privately owned "not-for-hire" railroads.

Railroad miles owned and operated by Class I carriers totaled 2,790 miles, while Class III carriers (short line operators and non-operators) own and operate 1,986 rail miles in Kansas for a total of 4,776 miles. Kansas's short lines, or Class III carriers, operate 42 percent of the rail lines in the state. The miles of railroad owned by short line railroad companies increased during the 1990s due to Class I railroads abandonments and the sale of unprofitable lines to Class III carriers. However, Class III carriers have been examining profitability of lines purchased from Class I carriers that are in need of rehabilitation and are choosing to begin abandonment procedures on their least profitable lines. In most instances, Class III abandonments are on lines that show no profit or are operating at a deficit.

Miles Operated Under Trackage Rights

In addition to operating their own tracks, some rail carriers in Kansas operate on other carrier's lines under trackage right agreements. The total mileage involved in these agreements is 1,454 miles (Table 1 on page 12). The majority of trackage rights granted are made to address competitive concerns by shippers and competitors as a result of rail mergers.

Rail and Freight Issues

Kansas, like most states throughout the country, has seen growth in tons transported, and dollar value, across all freight transportation modes. While Kansas is predominately an agricultural state, and much of the freight transported by both truck and rail are agricultural commodities such as wheat, sorghum, and other grains, other key industries such as airplane and automobile manufacturing, oil and chemicals, concrete, aggregates, and sand, and the beef processing, feedlots, and related industries rely on the multimodal transportation network in Kansas to receive raw materials and ship finished products to markets throughout the United States and around the globe.

According to the FHWA, national domestic freight transportation, in terms of tons transported, grew by about 20 percent from 1993 to 2002 and is expected to increase another 65 percent to 70 percent by 2020. One of the most important freight issues facing Kansas is capacity constraints and the resulting congestion on highways in metropolitan areas and on Class I freight railroad main lines. Some segments of Class I rail lines in Kansas carry approximately 90 trains per day. Other freight transportation issues of concern include adequate transportation infrastructure to accommodate two emerging industries - ethanol production plants and diary processing facilities. Specific to short line railroads is the 286,000 pound car issue. Research conducted by KDOT shows that 1,185 miles of the short line rail infrastructure is composed of rail weight of 90 pounds or less. Bridges and other structures, crosstie condition, and ballast depth will need to be addressed.

The freight system in Kansas is diverse, encompassing many modes and commodities. The system consists of an integrated network of multimodal infrastructure that includes highway/trucking, Class I and short line railroads, intermodal facilities, air cargo, and waterways. The metro Kansas City area, in particular, is strategically positioned as a major transshipment point for freight and is an important center for rail, truck, intermodal, barge, and airfreight industries. The metro Kansas City area is among the top five trucking centers in the United States, has the nation's second largest rail center, ranks as one of the most important airfreight hubs in a six-state region, contains several rail/truck intermodal facilities, and has a major highway system hub comprised of I-70, I-35, I-29, US-69, US-71 and US-169. Wichita is served by two Class I railroads and one short line railroad and has a major highway system hub comprised of I-135, US-54, the Kansas Turnpike, and numerous state highways connecting outlying communities to Wichita.

In 2002, Freight shipments by truck, rail, and rail/truck intermodal to, from, and within Kansas totaled 342.7 million tons with a value of $177 billion. Of these totals, trucks accounted for 290.9 million tons with a value of $164 billion; rail transported 48.9 million tons with a value of $11 billion; and rail/truck intermodal transported 2.9 million tons valued at $1.5 billion. Freight transportation via air cargo and navigable waterways accounted for less than one percent of total freight shipments. While air cargo accounted for a relatively small portion of freight tonnage moved, the dollar value was just over $11 billion.

Figure 1

Kansas Railroad Map 2005

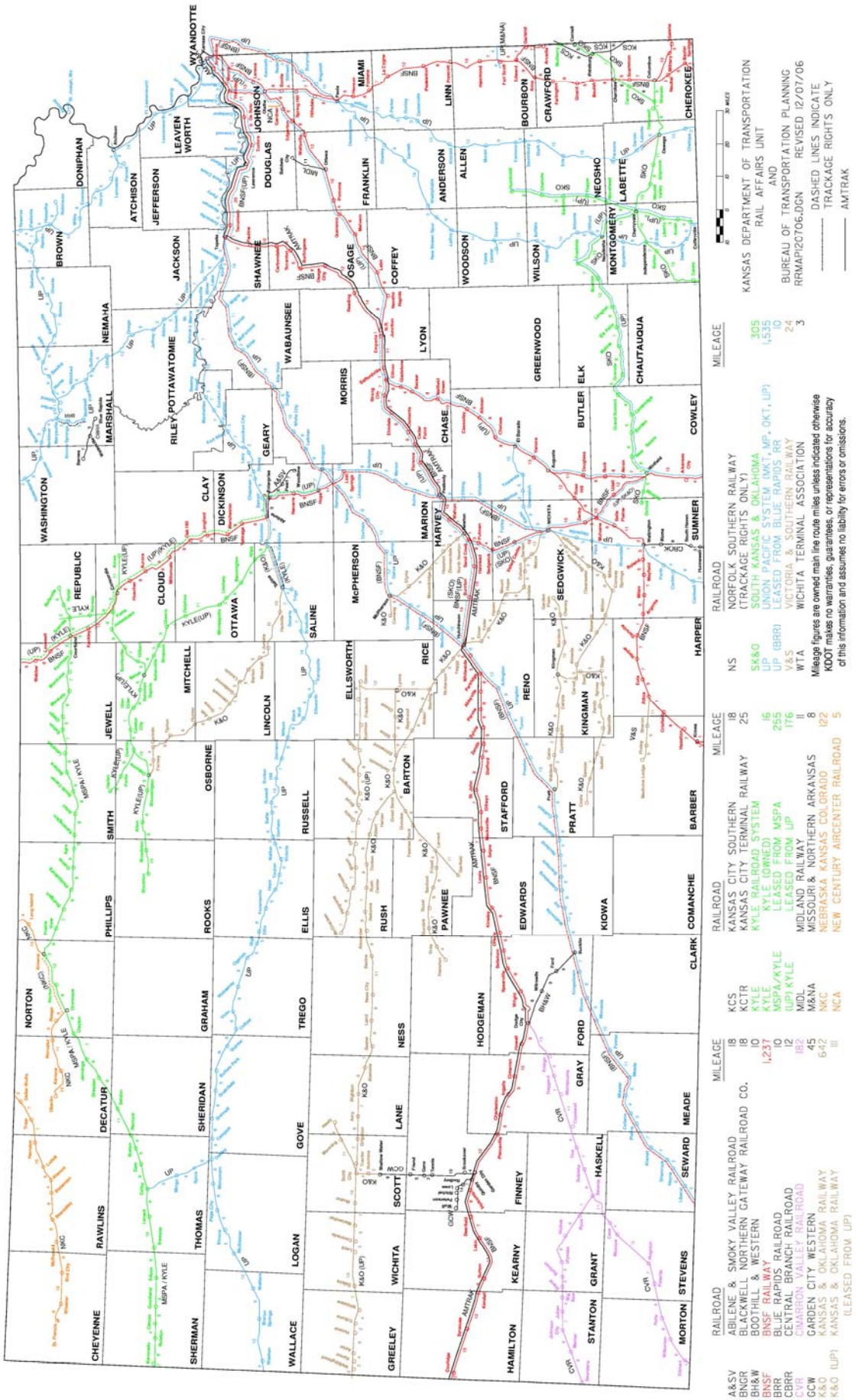
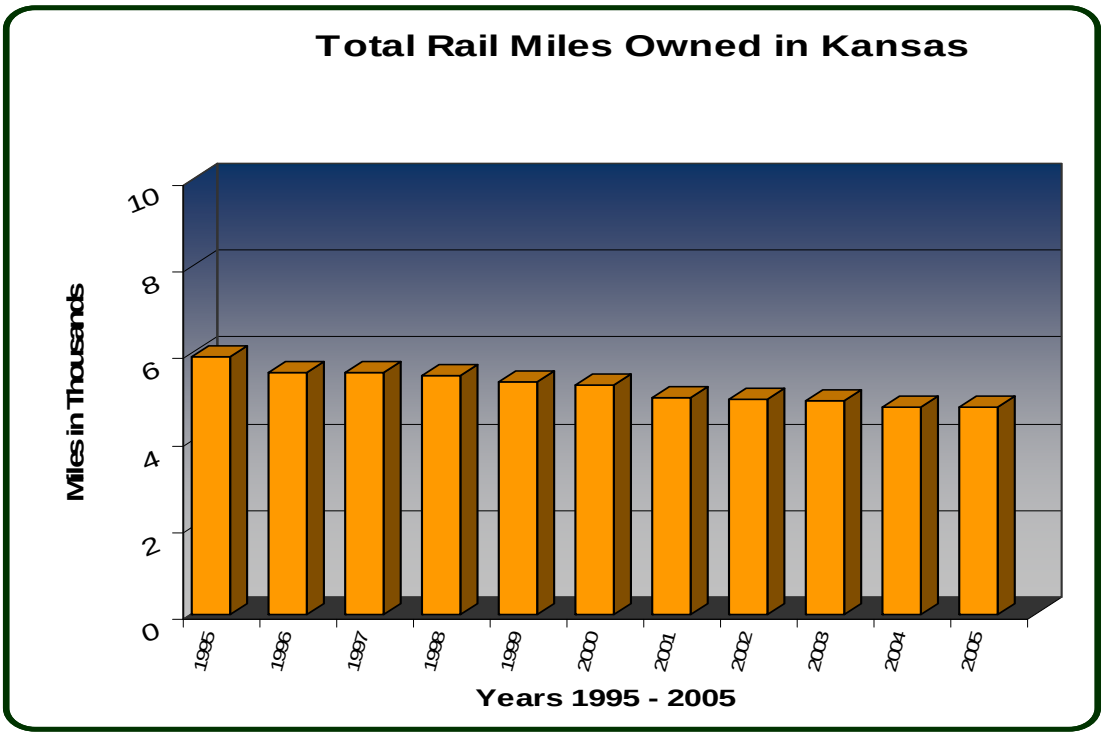


Figure 2

Trends in Rail Operations



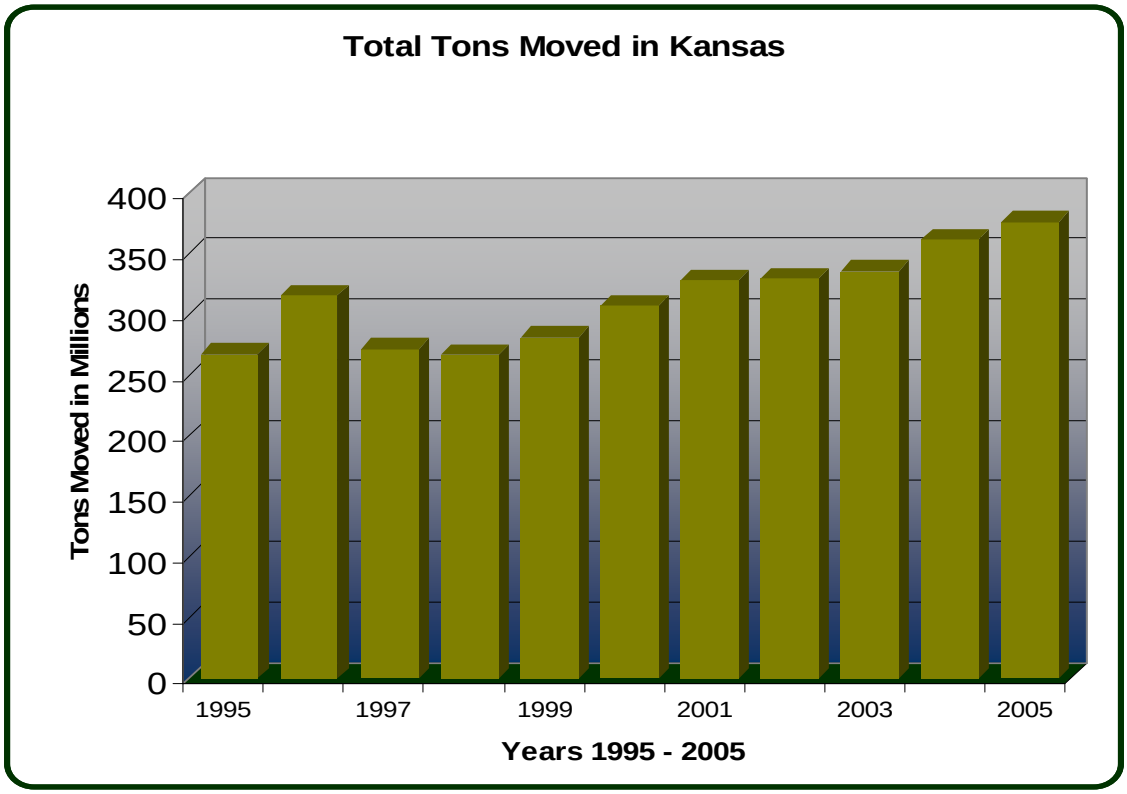


TABLE 1

Kansas Rail Miles Owned and Operated

November, 2005

Class I Carriers	Main Line Owned	Lines Leased To Class III	Miles Operated	Trackage Rights
BNSF Railway	1,237		1,237	443
Kansas City Southern	18		18	
Norfolk Southern				3
Union Pacific System	1,830	(295)	1,535	862
Class I Total	**3,085**	**(295)**	**2,790**	**1,308**

Class III Carriers	Main Line Owned	Lines Leased From Class I	Miles Operated	Trackage Rights
Abilene & Smoky Valley Railroad	**18**		**18**	
Blackwell Northern Gateway Railroad	**18**		**18**	
Blue Rapids Railroad	**10**		**10**	
Boothill and Western Railway	**10**		**10**	**1**
Cimarron Valley Railway	**182**		**182**	**4**
Garden City Western Railway	**45**		**45**	
Kansas City Terminal	**25**		**25**	
Kansas & Oklahoma Railroad	**642**		**642**	**36**
UP System*		**111**	**111**	
Kyle	**16**		**16**	
Port Authority**	**255**		**255**	
UP System*		**176**	**176**	**13**
Midland Railway	**11**		**11**	**2**
Missouri & Northern Arkansas*		**8**	**8**	
Nebraska Kansas Colorado Railway	**122**		**122**	**17**
New Century AirCenter Railroad	**5**		**5**	
South Kansas & Oklahoma	**305**		**305**	**72**
V & S Railway	**24**		**24**	**2**
Wichita Terminal Association	**3**		**3**	
Class III Total	**1,691**	**295**	**1,986**	**146**
Grand Total	**4,776**		**4,776**	**1,454**

NOTE: Only common carrier mileage is shown. Not included are privately-owned, not-for-hire miles, business tracks, parallel tracks, etc.

* Branch lines leased from the Union Pacific. ** Lease/purchase agreement with the Mid State Port Authority.

RAILROAD CLASS	TOTAL MILES OPERATED
Class I (Main Line)	2,790
Class III (Main Line & Lease)	1,986
Grand Total	**4,776**

Short line railroads make up 42% of the total rail line miles owned and operated in Kansas

Source: Kansas Department of Transportation, Bureau of Transportation Planning

TABLE 2

RAIL CARRIER TRACKAGE RIGHTS IN KANSAS

RAIL CARRIER	MILES	TRACK OWNER
Boothill and Western Railroad		
at Dodge City	1	BNSF
Total	**1**	
BNSF Railway		
Dodge City	1	UP
Galena – MO State Line	1	UP
Wichita Junction	2	UP
Hutchinson – South Hutchinson	3	UP
Kenneth, MO – Paola	27	UP
Wichita – Lost Springs	63	UP
Oklahoma/Liberal/Herington/ Topeka	346	UP
Total	**443**	
Cimarron Valley		
at Dodge City	1	UP
at Dodge City	3	BNSF
Total	**4**	
Kansas and Oklahoma		
at Wichita Junction	1	BNSF
at Hutchinson	3	UP
at Wichita Junction	3	BNSF/UP
at Wichita	4	UP
at Wichita	5	BNSF
Abilene – Salina	20	UP
Total	**36**	
Kyle Railroad Company		
Solomon – Salina	13	UP
Total	**13**	
Midland Railway		
Ottawa Junction	2	Fogle Quarry Co.
Total	**2**	
Nebraska, Kansas, & Colorado Railway		
Oronoque – Almena	17	Kyle
Total	**17**	

TABLE 2 (CONTINUED)

RAIL CARRIER TRACKAGE RIGHTS IN KANSAS

RAIL CARRIER	MILES	TRACK OWNER
Norfolk Southern		
Kansas City – Argentine	3	BNSF
Total	**3**	
South Kansas & Oklahoma		
Winfield – Winfield Junction	2	BNSF
Wichita – Winfield	38	BNSF
Hutchinson – Newton	32	BNSF
Total	**72**	
V & S Railway		
Attica	2	BNSF
Total	**2**	
Union Pacific		
at Abilene	1	BNSF
at Atchison	1	BNSF
Wichita North Junction – Wichita North Junction	2	WUT
at Wichita	2	WUT
at Kansas City	2	KCT
Kansas City – Missouri State Line	2	KCT
Rock Creek Junction (Kansas City)	2	KCT
Humboldt – Chanute	9	SK&O
Mulvane – Wichita	15	BNSF
Coffeyville – Cherryvale	17	SK&O
Newton – Wichita – Wichita North Junction	26	BNSF
Cherryvale - Fredonia	27	SK&O
Chanute – Cherryvale	28	SK&O
Abilene – Lost Springs	33	BNSF
Wichita South Junction – Mulvane – Winfield	37	BNSF
Kansas City – Paola	40	BNSF
Belle Plaine – Mulvane – Arkansas City	43	BNSF
Topeka – Holliday	53	BNSF
Abilene – Concordia – Nebraska State Line	94	BNSF
Winfield – Fredonia	100	SK&O
Ellinor – Douglas – Winfield – Oklahoma State Line	111	BNSF
Missouri State Line – Ottawa – Newton – Hutchinson	217	BNSF
Total	**862**	
Grand Total of Miles	**1,454**	

2

Freight Rail Carriers in Kansas

CLASS I CARRIER OPERATIONS

BNSF Railway
2650 Lou Menk Drive, 2nd Floor
P.O. Box 961057
Fort Worth, Texas 76131-2830
Telephone: (800) 795-2673
STB Number: 6
Web Page: www.bnsf.com

Profile

Burlington Northern Santa Fe Corporation, (the Company) including its majority-owned subsidiaries, is engaged primarily in transportation services through its principal subsidiary. The BNSF Railway Company (BNSF), which operates one of the largest railroad networks in North America with approximately 32,000 route miles covering 28 states and two Canadian provinces. This network covers the western two-thirds of the United States, stretching from all major Pacific Northwest and California ports to destinations in the Midwest, Southeast and Southwest, and from the Gulf of Mexico to Canada. In Kansas, BNSF operates on 1,237 route miles of track and 443 miles of trackage rights for a total of 1,680 miles. BNSF is headquartered in Fort Worth, Texas. Its Kansas Division is headquartered in Kansas City, Kansas.

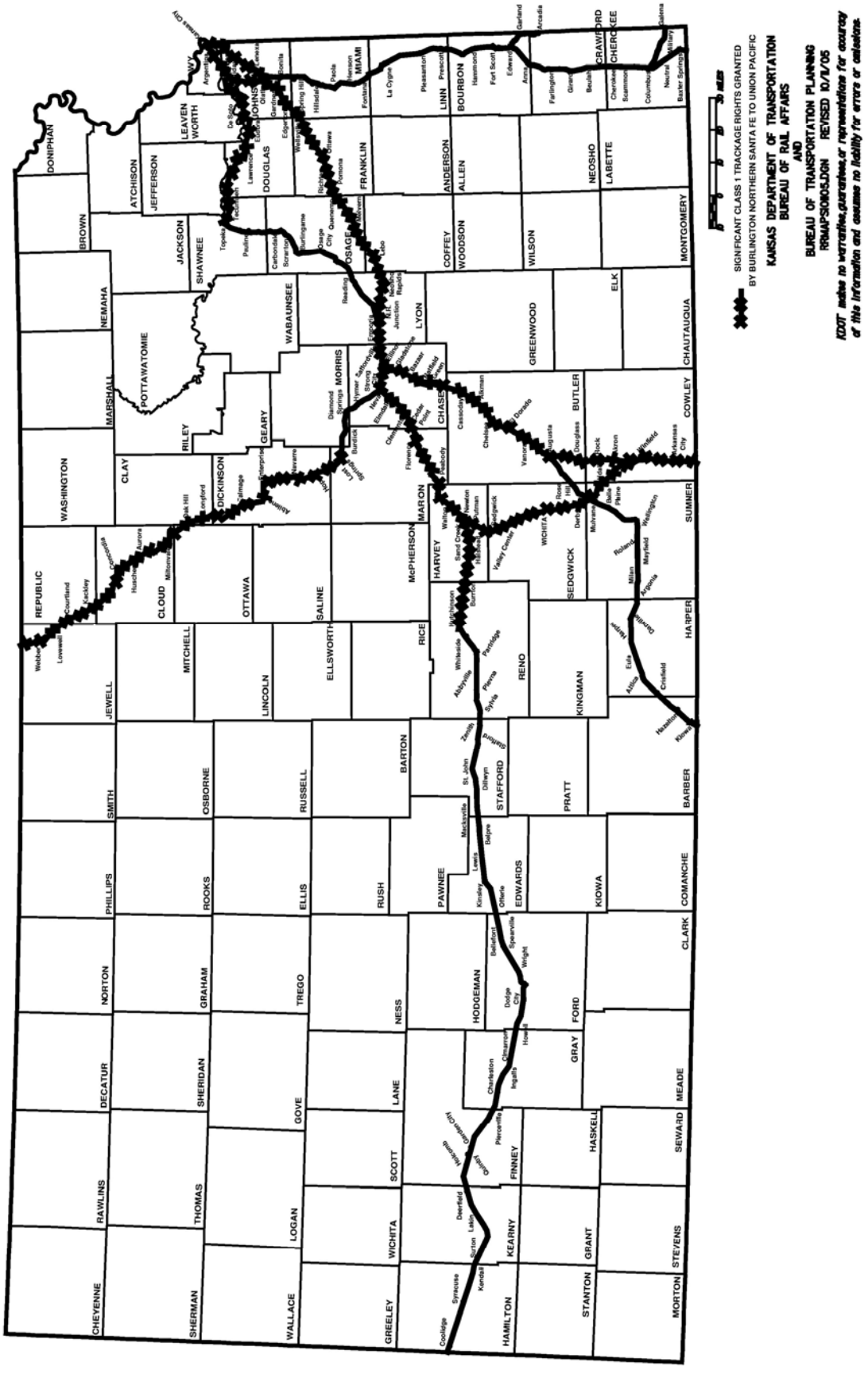
The Company was created to effect the September 22, 1995, business combination of Burlington Northern Inc. (parent company of Burlington Northern Railroad Company) and Santa Fe Pacific Corporation (parent company of The Atchison, Topeka, and Santa Fe Railway Company). Santa Fe Railway merged into Burlington Northern Railroad in 1996 and the combined railroad was renamed The Burlington Northern and Santa Fe Railway Company. In January, 2005 the railroad's name was changed to simply BNSF Railway. BNSF employs more than 40,000 people.

BNSF transports a range of products and commodities including coal, agricultural products, perishable products, automobiles, intermodal containers and trailers containing consumer goods and other products, petroleum, plastics and chemical products, building and construction products. Some of its achievements are:

- Since passage of the Clean Air Act in 1970, no transporter has shipped as much low sulphur coal as BNSF.
- BNSF Railway is the largest transporter of grain by rail in North America and the largest transporter of truck trailers and containers by rail in the world. In 2005, BNSF moved more than 5 million containers and trailers.
- BNSF is also the largest transporter of aircraft parts, taconite, beer, and wine by rail in the U.S.
- BNSF has the shortest route between Chicago and the Pacific Northwest (2,161 miles to Seattle) and one of the shortest between Chicago and Southern California (2,119 miles to Los Angeles).
- BNSF was the first railroad to commit to alternating current (AC) traction locomotive technology in North American rail operations.
- BNSF operates approximately 5,800 locomotives and owns approximately 90,000 freight cars. At any given time, there are over 200,000 cars moving freight on BNSF's network.

Figure 3

BNSF RAILWAY



Kansas City Southern
PO Box 219335
Kansas City, Missouri 64121-9335
Telephone: (816) 983-1303
STB Number: 103
Web Page: www.kcsi.com

Profile

Headquartered in Kansas City, Mo., KCS is a transportation holding company that has railroad investments in the U.S., Mexico and Panama. Its primary U.S. holdings include The Kansas City Southern Railway Company, serving the central and south central U.S. Its international holdings include Kansas City Southern de Mexico, S.A. de C.V., serving northeastern and central Mexico and the port cities of Lázaro Cárdenas, Tampico and Veracruz, and a 50 percent interest in Panama Canal Railway Company, providing ocean-to-ocean freight and passenger service along the Panama Canal. KCS' North American rail holdings and strategic alliances are primary components of a NAFTA Railway system, linking the commercial and industrial centers of the U.S., Mexico and Canada. The railroad operates more than 6,400 route miles in the Central and Southeastern United States and Mexico.

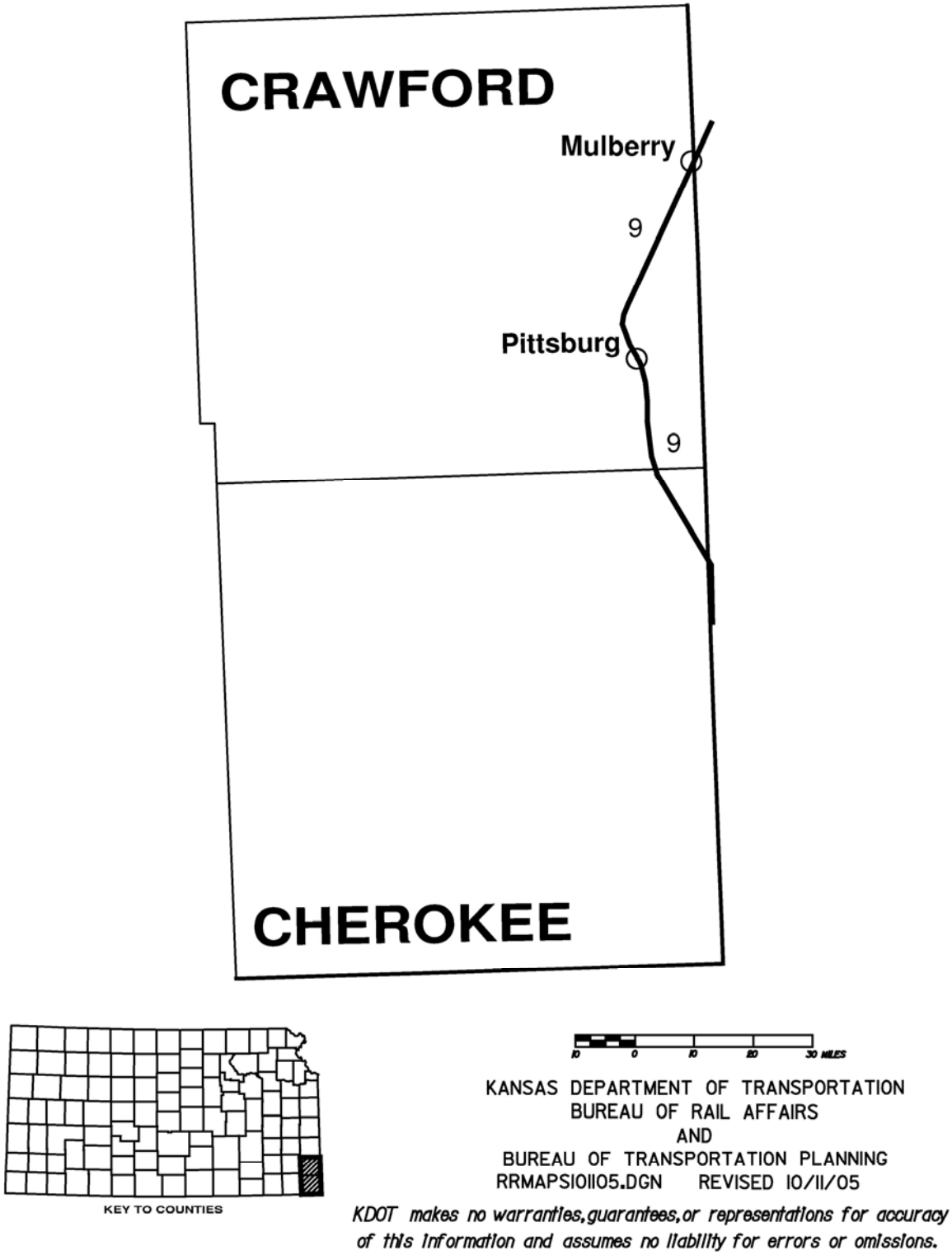
The Kansas City Southern Railway Company has approximately 18 miles of track into Kansas. It features connections with CSX in East St Louis, and Union Pacific, BNSF Railway, and Norfolk Southern in Kansas City. The entire route is double-stack capable. The major customer in Kansas is the Proctor and Gamble Company. Business continues to increase on the line extending into Kansas.

Primary commodities moved on the railroad include coal, chemicals/petroleum, and forest products, grain/food products, intermodal containers, government shipments, and metals Listed below are key facts concerning KCS:

- KCS's NAFTA Railway extends from the Central United States to Mexico through three primary rail entities: Kansas City Southern Railway, Kansas City Southern de Mexico (KCSM) and Texas Mexican Railway (Tex Mex). On an annual basis, the KCS rail system generates combined revenues of approximately $1.5 billion, transports more than one million carloads of intermodal containers/trailers, and employs a total work force of more than 6,000 employees.
- Through a marketing alliance with Canadian National the KCS network extends into Canada. Shippers using this line can secure a rate and access a single rail line to move commodities through North America.
- The fourth line, called the Panama Canal Railway Company, is a joint venture of the Kansas City Southern and Panama Holdings, LLC of Hazelcrest, Illinois. This line provides an ocean to ocean transshipment service and luxury passenger service between the Atlantic and Pacific oceans on a railway that runs parallel to the Panama Canal.
- KCS operates the most direct rail route, referred to as the "Meridian Speedway," linking the Atlanta and Dallas gateways for traffic between the rapidly growing southeast and southwest regions of the United States. The "Meridian Speedway" also provides eastern shippers and other U.S. and Canadian railroads with an efficient connection to Mexican markets.

Figure 4

KANSAS CITY SOUTHERN RAILROAD



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
Telephone: (757) 629-2600
STB Number: 125
Web Page: www.nscorp.com

Profile

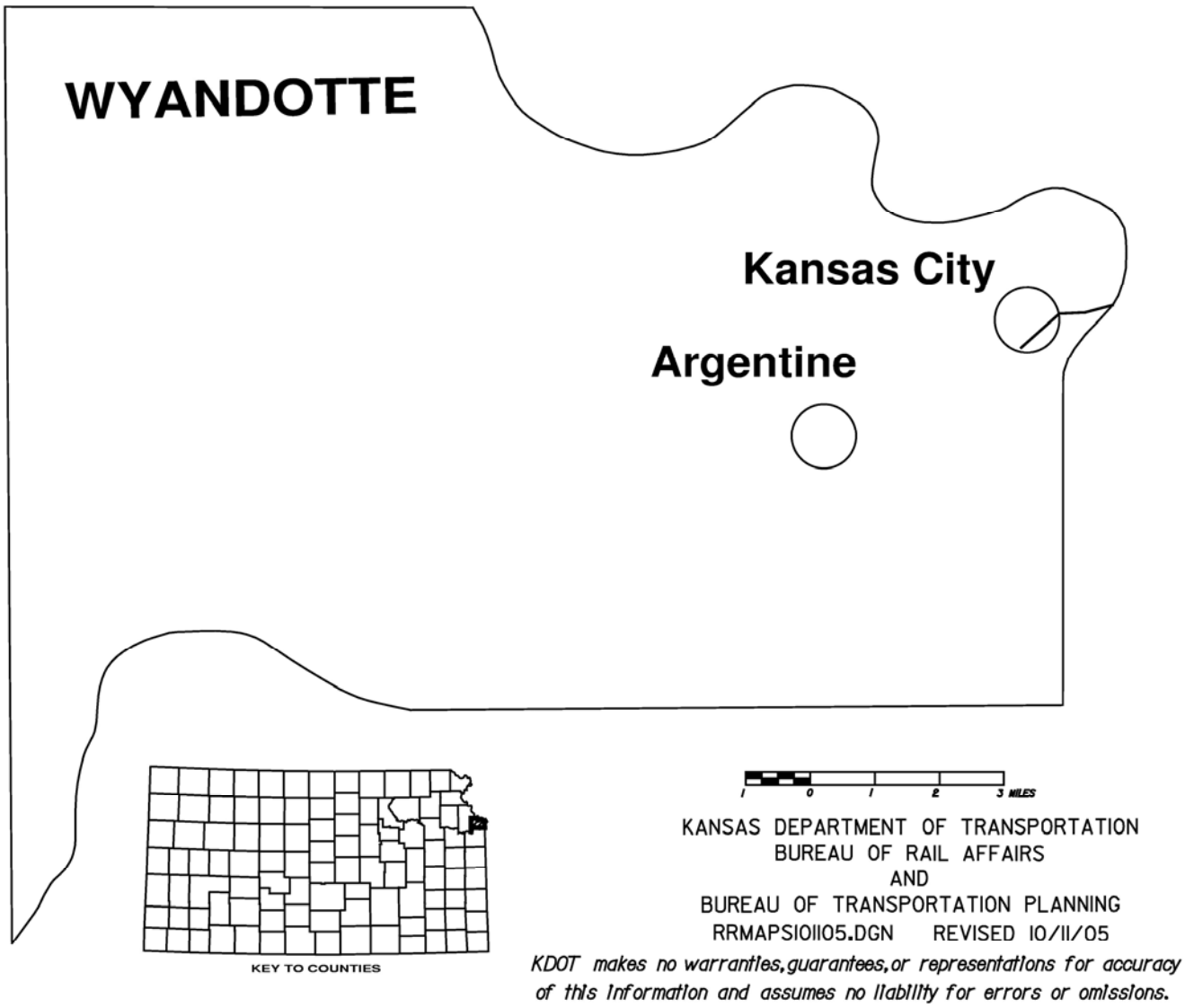
Norfolk Southern Corporation (NSC) is a Norfolk, Virginia-based company that controls a major freight railroad, Norfolk Southern Railway Company.

The railway operates approximately 21,200 route miles in 22 eastern states, the District of Columbia and the province of Ontario, serves all major eastern ports and connects with rail partners in the West and Canada, linking customers to markets around the world. Norfolk Southern provides comprehensive logistics services and offers the most extensive intermodal network in the East.

At the present time, NSC has trackage rights of three miles in the Kansas City area.

Figure 5

NORFOLK SOUTHERN RAILROAD



Union Pacific Corporation
1400 Douglas Street
Omaha, Nebraska 68179
Telephone: (402) 544-5000
STB Number: 33
Web Page: www.up.com

Profile

Union Pacific Railroad is an operating subsidiary of Union Pacific Corporation (UP) headquartered in Omaha, Nebraska. Operating in the western two-thirds of the United States, it is the largest railroad in North America with 32,400 miles of track. The UP system serves 23 states, linking every major West Coast and Gulf Coast port. It also serves four major gateways to the east: Chicago, St. Louis, Memphis, and New Orleans. UP is the primary rail connection between the U.S. and Mexico. It also interchanges traffic with the Canadian rail system. In Kansas, the Union Pacific owns 2,248 miles of track. UP has one of the most diversified commodity shipping mixes in the industry. Commodities hauled include chemicals, coal, food and food products, forest products, grain and grain products, intermodal, metals and minerals, and automobiles and automotive parts.

Union Pacific's largest single customer is APL Limited, a steamship company that operates in the Pacific. Second is General Motors, followed by an assortment of chemical companies and utilities.

The railroad is the nation's largest hauler of chemicals, much of which originates along the Gulf Coast near Houston, Texas. Union Pacific is also one of the largest intermodal carriers – that is the transport of truck trailers and containers.

UP has access to the coal-rich Powder River Basin in Wyoming and coal fields in Illinois, Colorado, and Utah. The company has and continues to invest millions of dollars in new locomotives and new double and triple track main lines to add capacity to handle coal traffic. UP operates nearly 8,000 locomotives and more than 100,000 freight cars. Although Union Pacific Railroad's primary role is transporting freight, it also handles commuter train operations serving Chicago, Illinois.

In Kansas, UP operates a transcontinental corridor through the northeastern corner of the state with as many as 60 trains per day between Topeka and Kansas City. UP ties in with a network of Class III, or short line railroads, across the state to help maintain rural rail service. UP also operates a north-south corridor of main lines from Kansas City south to the Gulf Coast. Nationwide, the UP employs approximately 50,000 people. Other key factors about the UP include:

- UP leads the nation in hauling the largest amount of chemicals, much of which originates along the Gulf Coast near Houston, which is the largest intermodal carrier of all railroads.

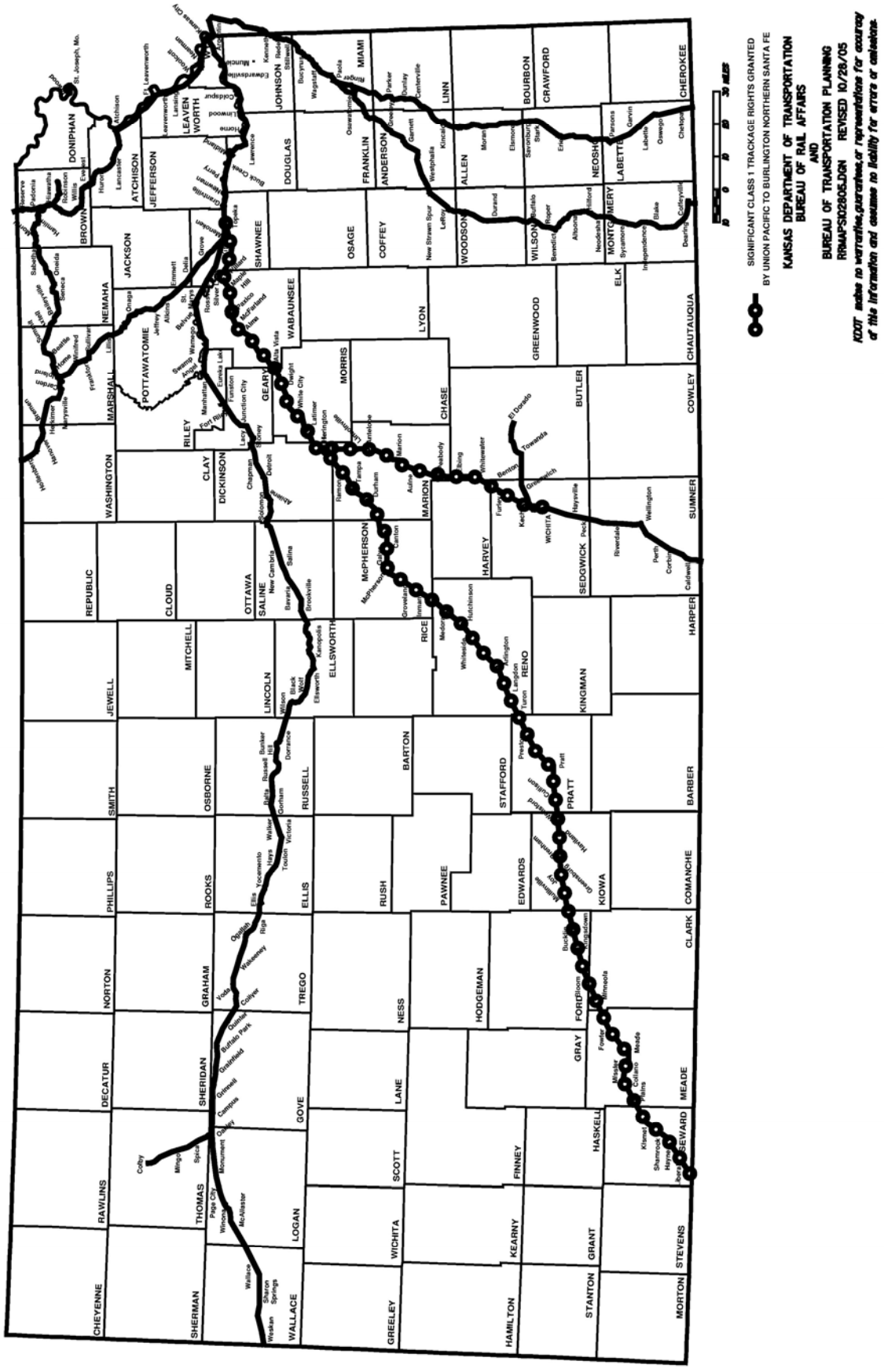
- Transportation of coal continues to be a strong business area. As demand for coal surges, railroads across the United States are doing their best to meet the nation's increasing need. UP moved a record 130 million tons of coal during the first half of 2006, four million tons more than the previous record set during the same time period last year.

- Top customers in Kansas are Kansas Power and Light, GM, MCD Fairfax, Cargill, Continental Grain, Scoular Grain, and DeBruce Grain.

- Kansas City, Kansas, is the site of a major freight-switching yard and serves as a connection with other railroads. UP operates yard and related facilities in Topeka, Marysville, Salina, Wichita, Parsons, and Coffeyville.

Figure 6

UNION PACIFIC



STATISTICAL ANALYSIS OF CLASS I RAIL CARRIER OPERATIONS

Tons Transported

Freight tonnage transported by Class I Railroads in Kansas totaled approximately 377.41 million tons in 2005, an increase of just over four and a quarter percent from the 2004 tonnage (Table 4 on page 26). Freight tons include originating, terminating and through traffic. The total 2005 rail tonnage would require almost 23 million trucks to move the equivalent car loadings of bulk commodities over Kansas highways. The Union Pacific continues to be the dominant rail service provider in the state hauling more than 211 million tons, or approximately 56 percent, of the total rail tonnage for 2005.

Commodities Moved

Coal remains the principal commodity hauled by Class I railroads with approximately 194.7 million tons or 52 percent of the total rail tonnage of 2005 (Table 4 on page 26). Other principal commodity groups moved include farm products at more than 39 million tons (10 percent), food and kindred products at more than 32.4 million tons (9 percent), chemicals and allied products at more than 25.2 million tons (7 percent), and all other commodities at over 86.1 million tons (23 percent).

Tonnage totals in 2005 had an increase of 15,383,425 tons hauled from 2004. There was an increase of five percent in the coal category. Food and kindred products had an increase of 8 percent. The miscellaneous category, which includes automobiles, aircraft engines, machinery, paper, textile materials, sand, and gravel, showed an increase of 3 percent.

Originated/Terminated Freight Carloads by Class I Rail Carriers

Originated carloads are defined as shipments that originate on the Class I and are delivered to another railroad. Terminated carloads are shipments that originate on another railroad and are delivered to the Class I railroad line. (Table 6 on page 28)

Class I railroads operating in Kansas originated and terminated 810,737 carloads in the state during 2005, a 32,878 carload increase from 2004. The BNSF originated and terminated 449,764 carloads in Kansas (55 percent), and the Union Pacific originated and terminated 340,019 carloads (42 percent) in Kansas in 2005. Together, both carriers originated and terminated 97 percent of the total shipments in Kansas.

Class I Rail Carrier Share of Originated Traffic

The BNSF Railway dominates originated traffic (carloads) in Kansas, with 228,063 carloads or 56.6 percent of the total carloads in 2005. The Union Pacific Railroad originated 164,276 carloads or 40.8 percent of carloads in Kansas, followed by the Kansas City Southern Railroad with 2.3 percent. The Norfolk Southern had less than one percent of the carloads originated. The combined originated traffic in Kansas increased 5.9 percent, from 380,261 carloads in 2004 to 402,810 carloads in 2005.

Currently there are 16 Class III railroads in the state of Kansas. A primary goal of the Class III's operations is to forward/terminate traffic in connection with Class I railroads. The forwarded/terminated Class III rail cars are accounted for as originated/terminated traffic accounted for in Class I statistics.

Composition of Individual Class I Rail Carriers Share of Originated Traffic

The BNSF Railway's primary commodities originated in Kansas during 2005 were farm products 20.7 percent); miscellaneous mixed shipments (62.5 percent); food and kindred products (10.1 percent); coal (less than one percent); and chemical and allied products (6.7 percent). In 2005, the Union Pacific's primary originated commodities were farm products (3.9 percent); miscellaneous mixed shipments (43.3 percent); food and kindred products (6.4 percent); coal (45.1 percent); and chemical and allied products (1.3 percent).

Class I Rail Carrier Share of Moved Traffic in Kansas

During 2005, the Union Pacific transported almost 42 percent of all carloads moved in Kansas. The BNSF Railway shipped 54 percent of all carloads in Kansas. The Union Pacific System shipped more coal on their system than any other commodity. Coal was also a major commodity moved through Kansas by the Kansas City Southern and the BNSF.

Table 3

COMMODITIES MOVED BY CLASS I RAIL CARRIERS IN KANSAS

Originating and Terminating freight within the state and all other freight carried within the state.

BY NUMBER OF TONS in Calendar Years 2005 to 2003

RAIL CARRIERS	YEAR	FARM PRODUCTS	COAL	FOOD & KINDRED PRODUCTS	CHEMICAL & ALLIED PRODUCTS	MISC. *	TOTAL
BNSF Railway	2005	19,417,287	40,047,431	16,449,650	12,153,010	49,270,224	137,337,602
	2004	17,616,005	40,380,680	15,338,281	12,671,457	47,819,413	133,825,836
	2003	18,309,237	31,115,932	11,646,574	6,869,361	35,025,131	102,966,235
Kansas City Southern	2005	4,578,013	17,445,164	1,479,701	746,411	2,870,735	27,120,024
	2004	4,791,101	11,186,098	1,339,607	855,098	2,713,024	20,884,928
	2003	3,718,244	12,006,765	1,459,075	637,086	2,344,003	20,165,173
Norfolk Southern	2005	57,011	13,654	661,785	44,649	773,236	1,550,335
	2004	96,914	13,463	635,316	36,991	652,169	1,434,853
	2003	15,455	16,361	353,750	37,279	887,865	1,310,710
Union Pacific	2005	14,907,291	137,213,340	13,853,829	12,281,806	33,146,241	211,402,507
	2004	15,958,697	113,193,802	12,823,053	11,764,820	32,141,054	205,881,426
	2003	17,314,917	142,389,110	11,903,115	10,852,775	28,879,888	211,339,805
Total Tons	**2005**	**38,959,602**	**194,719,589**	**32,444,965**	**25,225,876**	**86,060,436**	**377,410,468**
	2004	**38,462,717**	**184,774,043**	**30,136,257**	**25,328,366**	**83,325,660**	**362,027,043**
	2003	**39,357,853**	**185,528,168**	**25,362,514**	**18,396,501**	**67,136,887**	**335,781,923**

Miscellaneous* Includes products such as automobiles, aircraft engines, machinery, paper, textile materials, sand, gravel, cement, trailers and containers on flat cars.

SOURCE: 2005 Class I Railroads' Schedule 941; compiled by Kansas Department of Transportation.

Table 4

Tons of Freight Transported in Kansas by Class I Rail Carriers in 2004 and 2005

(BY STANDARD TRANSPORTATION COMMODITY CODE – SC 941)

STCC	COMMODITY	BNSF Railway (BNSF)				Kansas City Southern (KCS)				Norfolk Southern (NS)				Union Pacific System (UP)			
		Originating Traffic in Kansas		Terminating Traffic in Kansas		Originating Traffic in Kansas		Terminating Traffic in Kansas		Originating Traffic in Kansas		Terminating Traffic in Kansas		Originating Traffic in Kansas		Terminating Traffic in Kansas	
		2004	2005	2004	2005	2004	2005	2004	2005	2004	2005	2004	2005	2004	2005	2004	2005
1	Farm Products	3,851139	4,915,138	302,143	66,888	781,825	814,478	96,277	7,766	4,495	483	839	1,928	5,787,235	5,549,457	516,552	248,537
8	Forest Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9	Fresh Fish & Other Marine	0	0	766	444	0	0	0	0	0	0	98	0	0	0	0	0
10	Metallic Ores	188	0	459	0	0	0	0	0	7,197	5,071	0	0	13	3,637	22,771	33,836
11	Coal	115	119	4,619,390	4,254,864	0	19,699	0	0	0	117	0	2,066	21,905	30,860	9,703,374	10,588,528
13	Crude Petro, Natural Gas or Gasoline	28	0	94	0	0	0	0	0	0	0	11,224	0	0	0	0	0
14	Nonmetallic Minerals Except Fuels	185,139	149,975	35,183	17,614	0	0	0	0	0	0	0	0	417,040	360,950	739,892	632,154
19	Ordnance & Accessories	0	0	0	0	0	0	0	0	0	0	0	650	384	593	2,057	3,352
20	Food, Kindred Products	1,409,832	1,522,386	519,908	577,803	17,627	16,710	2,635	885	209,875	106,707	0	210,013	1,401,806	1,396,632	546,506	580,144
21	Tobacco Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
22	Textile Mill Products	360	373	2,090	3,558	0	0	0	0	0	0	0	0	1,765	2,939	0	23
23	Apparel & Other Finished Textile Prod.	27,702	26,700	83,857	63,618	0	0	0	0	0	0	11,173	0	1,430	1,505	6,585	1,197
24	Lumber, Wood Products, Except Furniture	8,817	6,245	264,242	283,124	0	0	190	95	0	0	0	532	2,343	1,890	269,349	234,212
25	Furniture & Fixtures	805	388	408	513	0	0	0	0	0	0	0	61	412	157	976	700
26	Pulp, Paper & Allied Products	14,511	18,719	173,778	195,796	0	0	0	0	0	70	0	21,969	4,352	3,253	134,309	134,372
27	Printed Matter	7,119	6,340	367	51	0	0	0	0	0	0	70	0	1,627	2,208	159	315
28	Chemicals and Allied Products	1,057,315	1,095,404	962,465	1,092,921	43,610	43,818	27,767	34,813	0	0	0	31,558	1,237,291	1,298,880	1,158,715	996,912
29	Petroleum & Coal Products	197,944	388,865	271,652	253,614	0	0	0	0	183	0	43,638	1,746	341,397	302,650	409,432	327,046
30	Rubber Products	13,381	10,700	16,100	34,228	0	0	0	0	0	0	0	0	7,704	8,340	2,358	4,264
31	Leather Products	477	23	2,666	397	0	0	0	0	0	0	361	0	0	9	709	458
32	Stone, Clay, Glass & Concrete Products	371,025	391,722	928,334	658,800	7,170	10,482		10,801	18,179	21,245	0	17,294	979,093	1,060,408	817,350	737,089
33	Primary Metal Products	4,657	4,763	268,524	332,197	650	0	7,552	0	0	0	0	34,890	39,098	70,454	363,536	276,768
34	Fab. Metal Products (ex STCC 19,35,37)	4,457	2,149	444	682	0	0	0	0	0	0	0	0	5,307	3,825	16,552	7,561
35	Machinery, Except Electrical	638	1,311	213	1,143	0	0	0	0	41	35	859	7,818	1,869	151	356	258
36	Electrical Machinery, Equip. & Supplies	31,934	27,905	422	1,662	0	0	0	0	129	0	2,149	0	4,288	6,905	842	474
37	Transportation Equipment	22,068	15,626	121,506	130,825	45	55	0	493	1,300	487	0	133,166	718,385	683,934	481,500	414,651
38	Instr., Photo Optical, GD, Watches & Clocks	0	0	137	472	0	0	0	0	0	0	45	0	14	0	8	76
39	Miscellaneous Products of Manufacturing	424	806	5,993	5,330	0	0	0	0	0	0	129	0	241	643	2,883	1,238
40	Waste and Scrap Materials	200,282	173,164	10,717	17,117	0	0	1,707	1,751	0	0	4,884	0	258,834	248,520	60,397	62,740
41	Miscellaneous Freight Shipments	1,232	91	287	677	0	0	179	454	40	0	0	596	80,336	30,133	57,948	36,180
42	Containers, Shipping Returned Empty	144	1,900	1,333	1,580	0	0	0	0	0	0	0	6,648	8,583	5,563	1,299	488
43	Mail Shipments	7,079	18	6,743	504	0	0	0	0	0	0	134	0	20	14	0	0
44	Freight Forwarder Traffic	142,754	133,655	122,230	114,733	0	0	0	0	0	0	1,960	0	2,955	1,526	6,663	11,568
45	Shipper Association or Similar Traffic	0	0	0	0	0	0	0	0	0	0	952	0	0	35	0	65
46	Miscellaneous Mixed Shipments	1,227,562	1,547,943	1,216,760	1,432,136	0	0	0	0	1,036	4,829	0	18,787	153,721	140,782	245,627	238,483
47	Small Packaged Freight Shipments	38,884	47,745	38,773	32,567	0	0	0	0	0	0	0	0	0	0	436	40
48	Hazardous Waste Materials or Substance	809	612	77,131	58,852	0	814,478	0	0	0	0	0	36	144	2,117	15,139	25,612
50	Commodities Not Otherwise Classified	127	0	180	0	0	0	0	0	0	0	435	0	0	0	0	0
	Total Tons	8,828,948	10,490,785	10,055,295	9,634,710	850,927	905,242	139,493	57,058	242,475	139,044	78,910	489,758	11,479,592	11,218,970	15,445,985	15,599,339

Table 5

COMMODITIES MOVED BY CLASS I RAIL CARRIERS IN KANSAS

Originating and Terminating freight within the state and all other freight carried within the state.

BY NUMBER OF CARLOADS in Calendar Years 2005 to 2003

RAIL CARRIERS	YEAR	FARM PRODUCTS	COAL	FOOD & KINDRED PRODUCTS	CHEMICAL & ALLIED PRODUCTS	MISC. *	TOTAL
	2005	212,260	343,087	252,639	145,571	2,592,200	3,545,757
BNSF Railway	2004	197,455	347,812	238,190	147,052	2,450,244	3,380,753
	2003	199,609	267,797	173,888	83,259	1,917,844	2,642,397
	2005	46,522	148,550	16,343	8,479	46,163	266,057
Kansas City Southern	2004	48,883	95,883	14,939	9,970	44,742	214,417
	2003	38,089	104,064	16,580	7,957	40,991	207,681
	2005	548	178	6,512	767	22,841	30,846
Norfolk Southern	2004	942	136	6,236	412	15,301	23,027
	2003	129	153	3,570	423	20,671	24,946
	2005	149,695	1,172,590	171,267	56,742	1,192,322	2,742,616
Union Pacific	2004	160,220	1,140,344	165,553	42,253	1,148,314	2,656,684
	2003	173,970	1,224,467	153,172	39,286	1,044,842	2,635,737
	2005	**409,025**	**1,664,405**	**446,761**	**211,559**	**3,853,526**	**6,585,276**
Total Carloads	**2004**	**407,500**	**1,584,175**	**424,918**	**199,687**	**3,658,601**	**6,274,881**
	2003	**411,797**	**1,596,481**	**347,210**	**130,925**	**3,024,348**	**5,510,761**

Miscellaneous* Includes products such as automobiles, aircraft engines, machinery, paper, textile materials, sand, gravel, cement, trailers and containers on flat cars.

SOURCE: 2005 Class I Railroads' Schedule 941; compiled by Kansas Department of Transportation.

Table 6

Carloads of Freight Transported in Kansas by Class I Rail Carriers in 2004 and 2005

(BY STANDARD TRANSPORTATION COMMODITY CODE – SC 941)

STCC	COMMODITY	BNSF Railway (BNSF)				Kansas City Southern (KCS)				Norfolk Southern (NS)				Union Pacific System (UP)			
		Originating Traffic in Kansas		Terminating Traffic in Kansas		Originating Traffic in Kansas		Terminating Traffic in Kansas		Originating Traffic in Kansas		Terminating Traffic in Kansas		Originating Traffic in Kansas		Terminating Traffic in Kansas	
		2004	2005	2004	2005	2004	2005	2004	2005	2004	2005	2004	2005	2004	2005	2004	2005
1	Farm Products	37,022	47,207	3,131	794	7,895	38,328	969	78	48	3	8	17	56,254	54,040	5,164	2,480
8	Forest Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9	Fresh Fish & Other Marine	0	0	37	23	0	0	0	0	0	0	0	0	0	0	0	0
10	Metallic Ores	2	0	7	0	0	75	0	0	76	52	0	0	0	39	292	432
11	Coal	5	1	41,219	37,359	0	148,349	0	0	0	2	1	28	303	261	81,235	88,553
13	Crude Petro, Natural Gas or Gasoline	1	0	1	0	0	217	0	0	0	0	0	0	0	0	0	0
14	Nonmetallic Minerals Except Fuels	1,971	1,562	365	183	0	459	0	0	0	0	184	0	4,195	3,632	7,683	6,472
19	Ordnance & Accessories	0	0	0	0	0	0	0	0	0	0	0	5	4	6	27	52
20	Food, Kindred Products	21,794	23,071	6,804	7,114	237	16,107	30	10	1,665	868	118	2,143	16,550	16,056	6,398	0
21	Tobacco Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6,681
22	Textile Mill Products	37	39	191	346	0	7	0	0	0	0	0	0	85	138	0	2
23	Apparel & Other Finished Textile Prod.	1,690	1,589	4,611	3,368	0	206	0	0	0	0	0	0	164	169	513	85
24	Lumber, Wood Products, Except Furniture	136	96	3,052	3,262	0	6,132	2	1	0	0	1	7	36	31	3,079	2,705
25	Furniture & Fixtures	73	31	31	57	0	224	0	0	0	0	0	1	19	10	64	70
26	Pulp, Paper & Allied Products	852	1,029	2,737	3,216	0	16,539	0	0	0	1	715	424	139	96	1,830	1,833
27	Printed Matter	376	366	26	3	0	1	0	0	0	0	0	0	89	130	9	14
28	Chemicals and Allied Products	14,120	15,265	10,251	11,553	488	7,631	295	367	0	0	4	315	14,204	14,654	12,661	10,954
29	Petroleum & Coal Products	2,500	4,914	3,413	3,099	0	5,664	0	0	3	0	0	25	3,902	3,398	4,896	3,896
30	Rubber Products	792	648	1,448	2,980	0	134	0	0	0	0	0	0	578	465	205	338
31	Leather Products	39	1	171	26	0	0	0	0	0	0	0	0	0	1	34	24
32	Stone, Clay, Glass & Concrete Products	5,015	4,894	9,045	6,361	68	4,136	39	124	197	245	9	167	9,820	10,304	7,847	6,932
33	Primary Metal Products	65	56	4,081	4,699	7	1,378	83	0	0	0	26	446	468	800	4,311	3,089
34	Fab. Metal Products (ex STCC 19,35,37)	213	125	24	29	0	37	0	0	0	0	0	0	80	59	241	104
35	Machinery, Except Electrical	41	88	9	73	0	126	0	0	1	1	2	191	67	5	8	9
36	Electrical Machinery, Equip. & Supplies	3,659	3,163	55	108	0	6	0	0	1	0	1	0	434	799	39	28
37	Transportation Equipment	1,989	1,437	6,742	6,972	1	1,009	0	9	73	33	192	5,144	43,148	41,913	22,029	19,628
38	Instr., Photo Optical, GD, Watches & Clocks	0	0	13	45	0	2	0	0	0	0	0	0	1	0	1	6
39	Miscellaneous Products of Manufacturing	31	51	561	528	0	55	0	0	0	0	0	0	21	47	302	124
40	Waste and Scrap Materials	2,802	2,535	138	210	0	2,931	18	21	0	0	2	0	3,278	3,216	718	703
41	Miscellaneous Freight Shipments	92	12	22	43	0	1,431	2	5	1	0	49	13	3,081	1,897	1,697	1,149
42	Containers, Shipping Returned Empty	16,574	14,930	5,471	5,731	0	856	0	0	0	0	23	111	2,996	4,040	145	152
43	Mail Shipments	338	1	322	28	0	0	0	0	0	0	0	0	1	1	3	0
44	Freight Forwarder Traffic	9,299	9,160	7,837	7,784	0	8	0	0	0	0	0	0	135	92	355	483
45	Shipper Association or Similar Traffic	0	0	0	0	0	1	0	0	0	0	0	0	0	2	0	5
46	Miscellaneous Mixed Shipments	75,234	90,825	96,668	111,444	0	4,261	0	0	16	134	7	830	8,617	7,942	19,474	18,425
47	Small Packaged Freight Shipments	4,030	4,958	3,932	3,573	0	0	0	0	0	0	0	0	0	0	36	2
48	Hazardous Waste Materials or Substance	11	9	898	690	0	0	0	0	0	0	0	1	4	33	207	313
50	Commodity Not Otherwise Classified	8	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total Carloads	200,811	228,063	213,315	221,701	8,696	256,310	1,438	615	2,081	1,339	1,342	9,868	168,673	164,276	181,503	175,743

Figure 7

KANSAS RAIL DENSITY MAP 2005

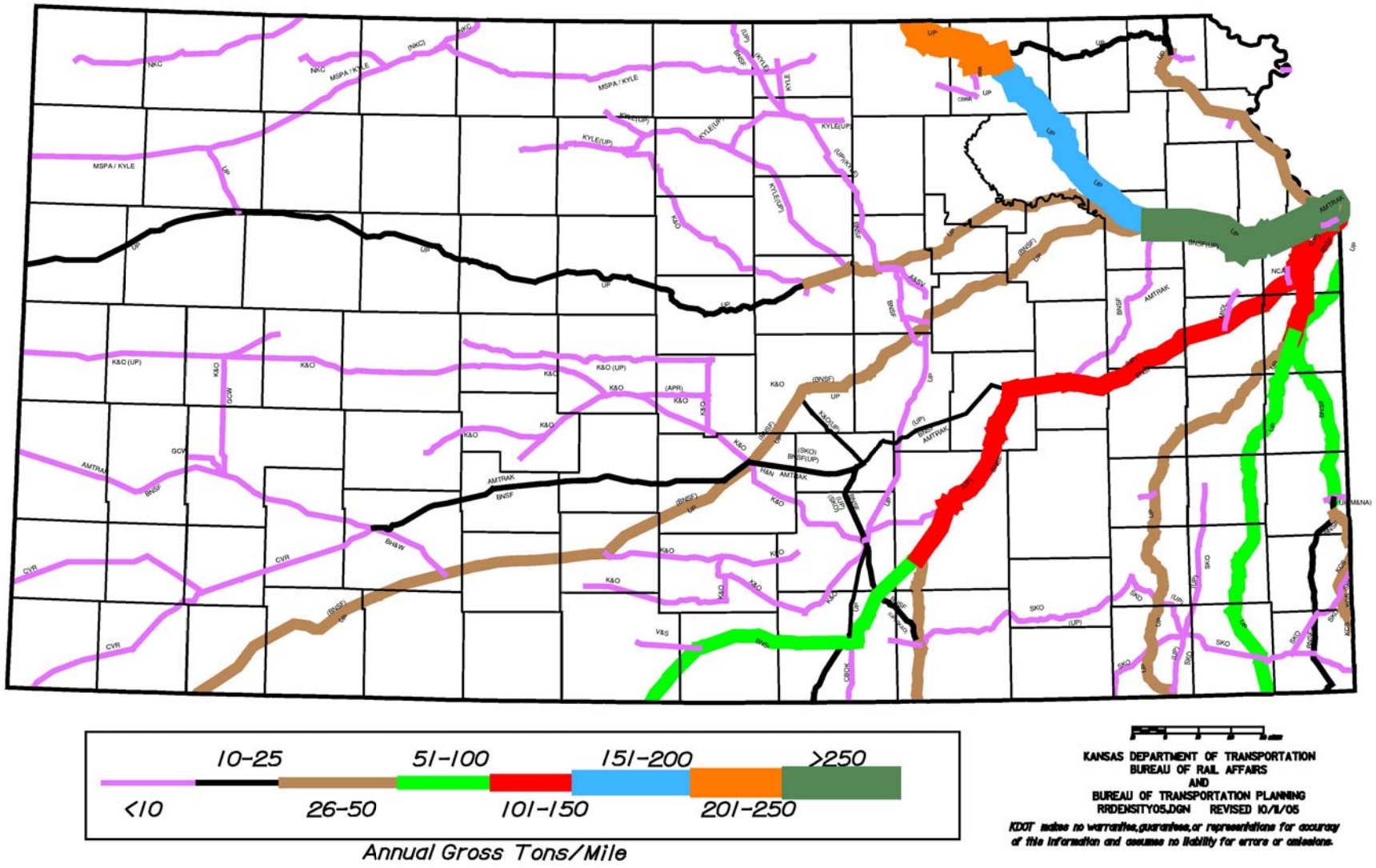
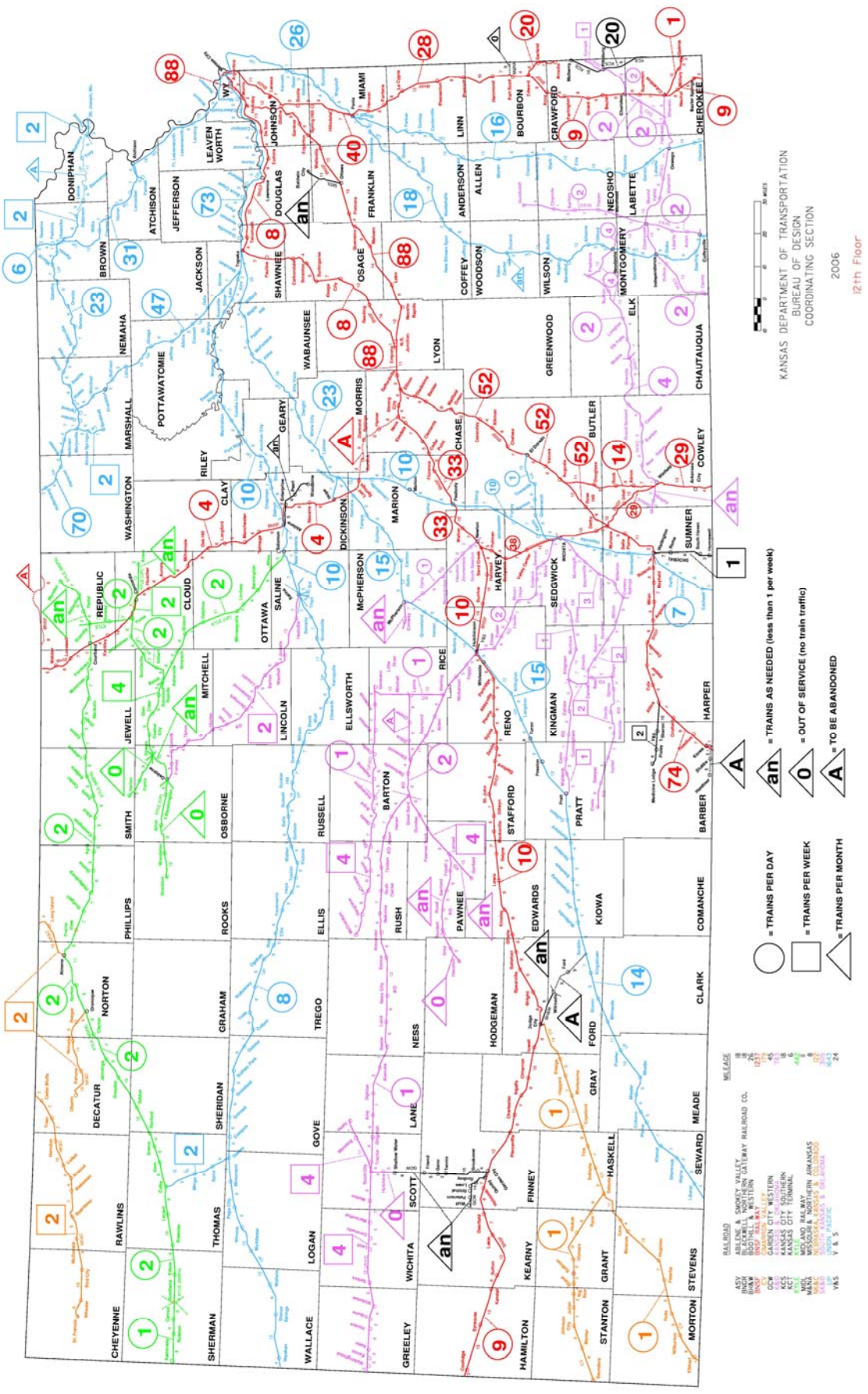


Figure 8

KANSAS RAILROAD TRAFFIC MAP 2005



CLASS III RAIL CARRIERS OPERATIONS

Kansas has 16 Class III rail carriers with annual gross revenue of less than $20 million. The total mileage of the Class III carriers is 1,691 miles. The total Class III miles operated, including leases, is 1,986 miles in the state. Of the 16 Class III railroads, 11 are freight hauling lines, 2 are tourist/excursion trains and 3 are switching lines. In Kansas, freight lines account for 1,924 miles of track, the excursion/tourist railroads have 29 miles, and there are 33 miles of switching lines.

The following pages contain a brief overview of each of the Class III rail carrier's operations and a map. The map also indicates the communities and counties in which each rail carrier operates.

Abilene and Smoky Valley Railroad
200 S. Fifth
P.O. Box 744
Abilene, Kansas 67410
Telephones: (785) 263-1077 or Toll Free: (888) 426-6687
Depot/Gift Shop: (785) 263-0118 or Toll Free: (888) 426-6689
Web Page: www.asvrr.org

Locomotives	4 (3 diesel, 1 steam)
Freight Cars	4
Passenger Cars	3
Track Miles	18 miles

Profile

The Abilene and Smoky Valley Railroad (A & SV) is an excursion/tourist train that runs through scenic Kansas farmland between Abilene and Woodbine, with a stop in Enterprise. The railroad is owned and operated by the Abilene and Smoky Valley Railroad Association. The Abilene and Smoky Valley Railroad Association is a "not-for-profit" corporation dedicated to the restoration, operation, and display of historic railroad equipment and locomotives.

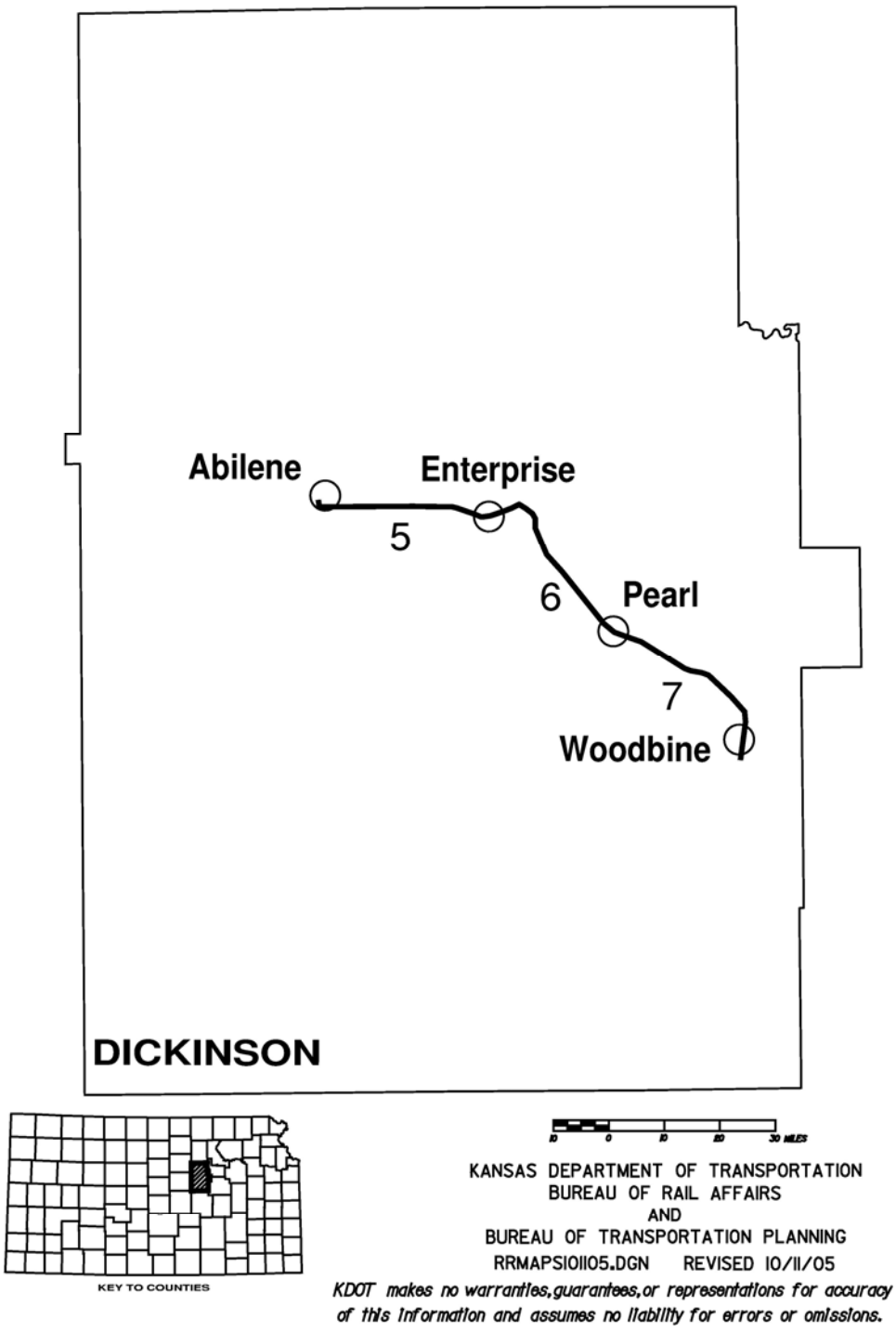
Fares for adults (12 years and older) are $12.00, children (three to 11 years) are $6.00, infants (two and under) are free of charge. The train is in operation all weekends in May, September, and October, and leaves at 10 a.m. and 2 p.m. on Saturdays and 2 p.m. on Sunday. Between Memorial Day and Labor Day, the train departs Tuesday through Saturday at 10:00 a.m. and 2:00 p.m. and Sunday at 2:00 p.m. The excursion train does not operate on Mondays.

In addition to regularly scheduled excursions, the Abilene and Smokey Valley offers school group trips Tuesdays through Fridays in April, May, September, and October. The school excursions last approximately one hour and give students the opportunity to experience traveling by train. Cost is $3.00 per person for groups of 20 or larger. Groups of 20 or less will be a $60.00 flat fee. The train crew also presents a half-hour Operation Lifesaver program on safety issues along railroad lines and at crossings. The railroad also offers an additional narrated trip on the Silver Flyer Rail Bus. By boarding the excursion train at the Abilene depot for the trip to Enterprise, passengers can then extend their journey by the Silver Flyer Rail Bus from Enterprise to Woodbine on 12 miles of extended line. On the return trip to Enterprise, travelers will experience a drive by tour of historic stone churches and homes in the area's German, Swedish and English communities. At Enterprise, passengers board the train to return to the Abilene Depot. The railroad also provides occasional dinner trains. Advanced reservations are required for the special excursion and dinner trains.

The Union Pacific had intended to abandon this segment between Abilene and Enterprise, but the Abilene and Smoky Valley Railroad acquired the line in 1993. As ridership increased, the railroad also acquired the track from Enterprise to Woodbine. The purchase and refurbishing of the rail line was made possible through Transportation Enhancement funds under the federal Surface Transportation Program. The tourist train has been a popular attraction and compliments Abilene's many historical attractions. Approximately 12,000 passengers rode for the year 2005.

Figure 9

ABILENE & SMOKY VALLEY RAILROAD



Blackwell Northern Gateway Railroad Co.
120 South Main, P.O. Box 150
Blackwell, Oklahoma 74631
Telephone: (580) 363-2934
Fax: (580) 363-1704
Web Page: www.blackwellrr.com

Locomotives	2
Freight Cars	0
Track Miles	18 miles

Railroad and Connections

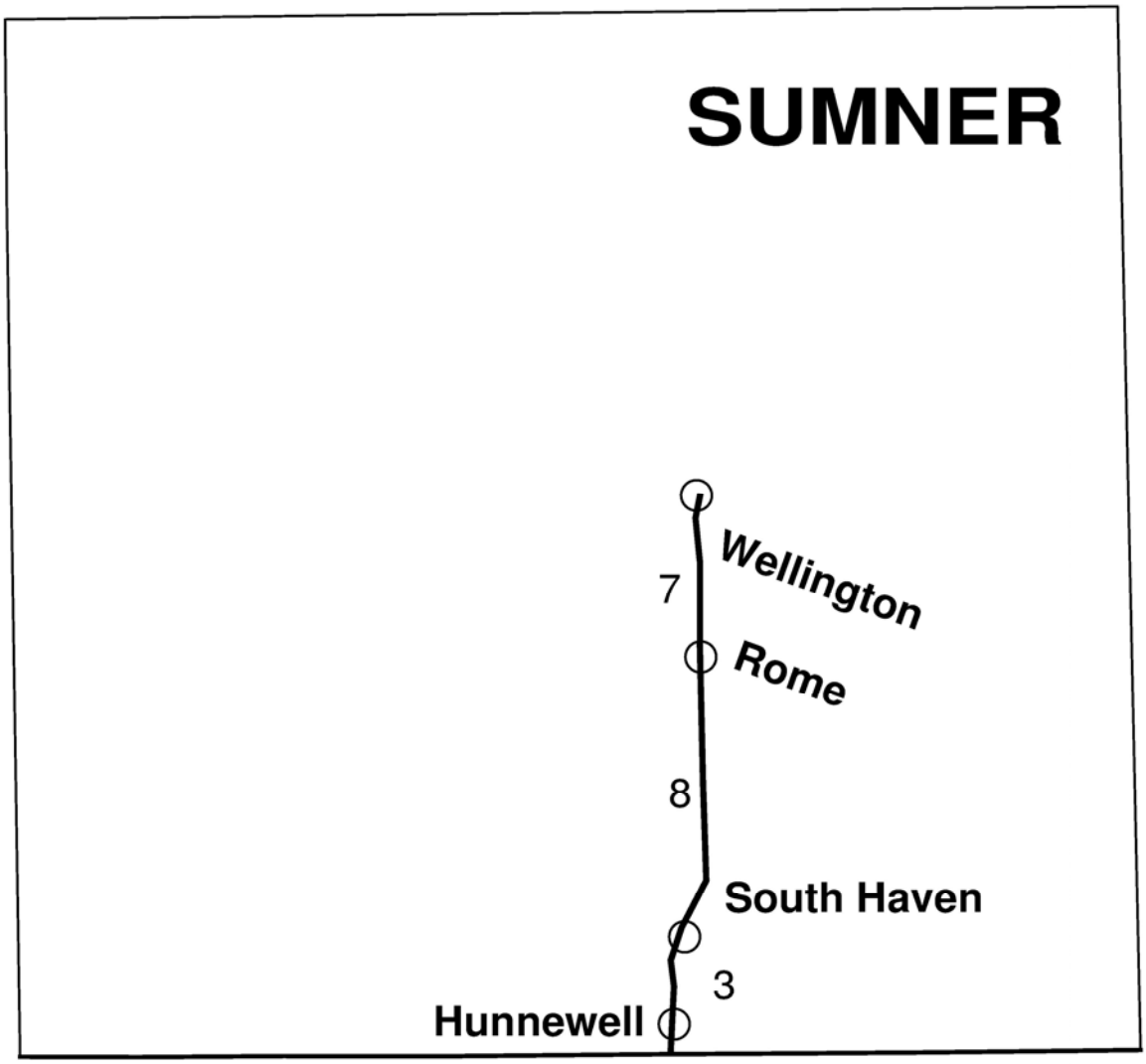
BNSF Railway	**Union Pacific**
Wellington	Wellington

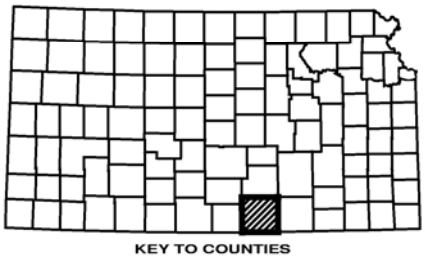
Profile

The Blackwell Northern Gateway Railway Co. (BNGR) is an 18-mile long rail line operated by the Blackwell Industrial Authority. During 2005, the chief commodities hauled included fertilizer, foundry industrial sand, wheat and white flour. The Blackwell Northern Gateway Railroad also provides car storage facilities.

Figure 10

BLACKWELL NORTHERN GATEWAY RAILROAD





0 10 MILES

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Blue Rapids Railroad
2127 Highway 77
Blue Rapids, Kansas 66411
Telephone: (785) 363-7767
Fax: (785) 363-7705

Locomotives	0
Freight Cars	0
Passenger Cars	0
Track Miles	10 miles

Railroad and Connections

Union Pacific

Marysville

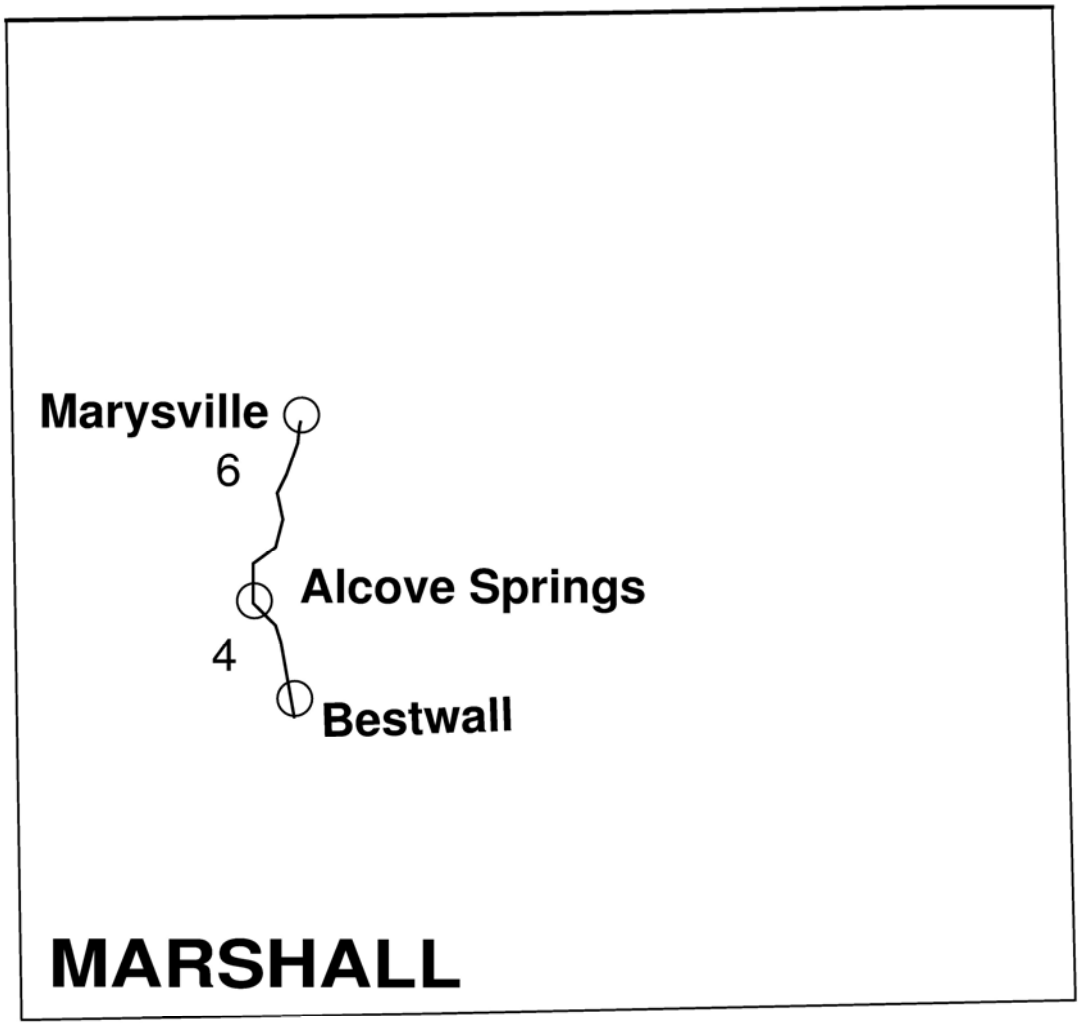
Profile

The 10 mile stretch of track running south from Marysville to the Georgia Pacific Gypsum Corporation manufacturing facility at Blue Rapids was purchased by the Blue Rapids Railroad (BRRR) in the mid-1980's. Since then it has been used to move railcars loaded with industrial gypsum plasters and wallboard from the plant to the rail yard in Marysville and then on to customers across the country. In 2005, the plant moved 687 railcars, or approximately 63,000 tons, of finished plaster products on this line.

The Blue Rapids Railroad does not own any locomotives or rolling stock. It relies on the Union Pacific to perform the task of switching railcars on a once to twice a week schedule.

Figure 11

BLUE RAPIDS RAILROAD




KEY TO COUNTIES

0 10 MILES

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Boothill and Western Railway
P.O. Box 38
Wright, Kansas 67882
Telephone: (620) 227-8611
Fax: (620) 225-6151

Locomotives	2
Freight Cars	0
Track Miles	10 miles and 1 mile of trackage rights

Railroad and Connections

BNSF Railway	**Union Pacific**
Dodge City	Bucklin

Profile

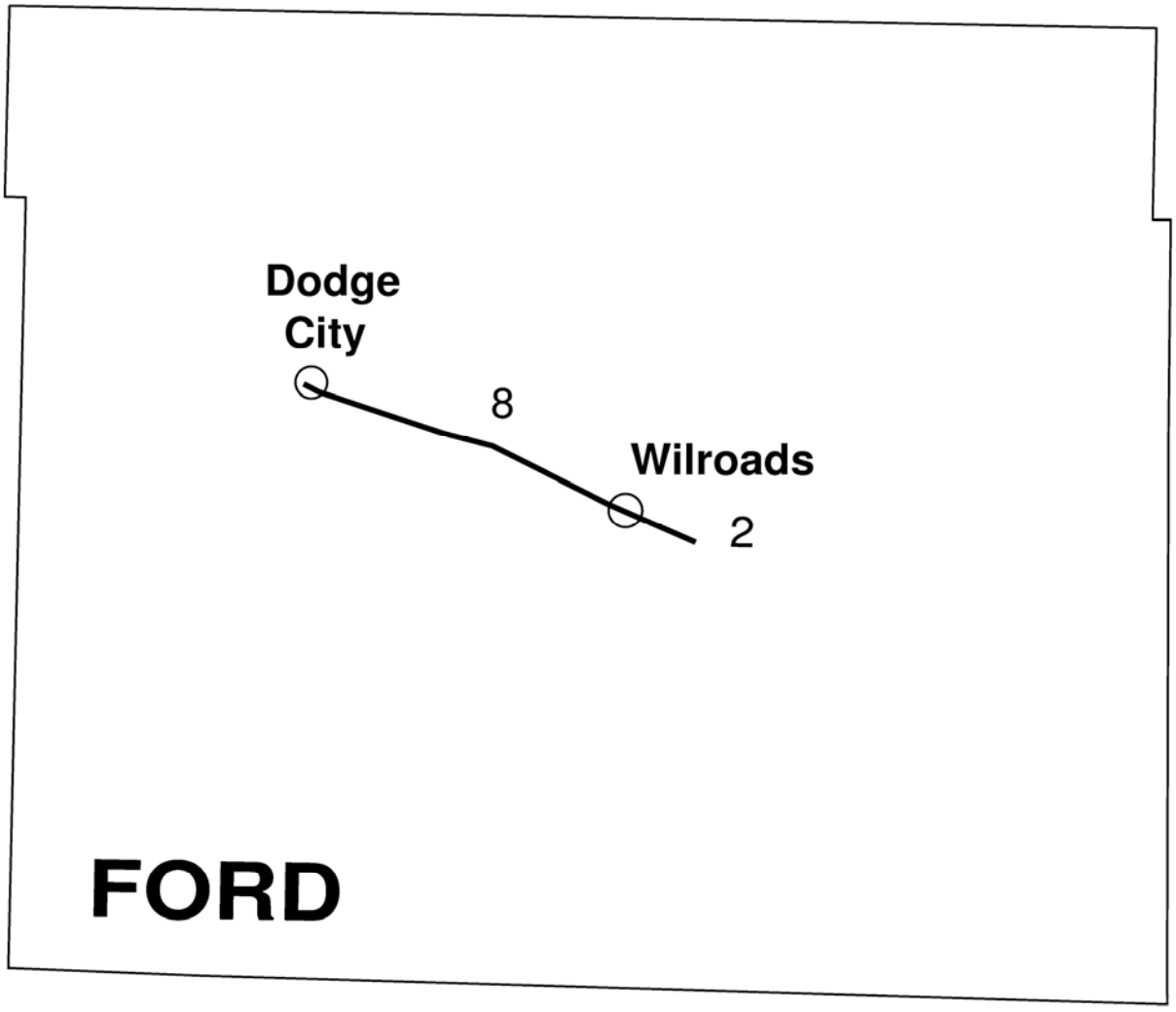
The Boothill and Western Railway (BH & W) was created from part of the old Chicago, Rock Island, and Union Pacific Railroad connecting Dodge City to Bucklin.

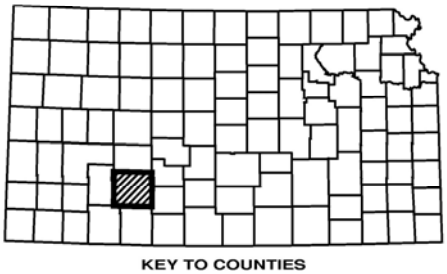
The Boothill and Western Railway is dedicated to hauling primarily carloads of wheat for the elevators located along the existing line for shipments to points in Kansas, as well as points outside the state. The railway has two locomotives and does not own or lease any cars. BH & W depends on Union Pacific and BNSF Railway connections to supply cars needed to serve shippers. During 2005, 524 carloads were hauled. Primary commodities moved included wheat and white wheat.

The Boothill and Western Railway interchanges with BNSF Railway at Dodge City and the Union Pacific at Bucklin.

Figure 12

BOOTHILL AND WESTERN RAILWAY




KEY TO COUNTIES

10 0 10 20 30 MILES

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Cimarron Valley Railroad
P.O. Box 249, U. S. Highway 56
Satanta, Kansas 67870
Telephone: (620) 649-3280
Fax: (620) 649-3281

Locomotives	6
Freight Cars	1
Track Miles	182 miles and 4 miles trackage rights

Railroad and Connections

BNSF Railway

Boise City, Oklahoma

Dodge City, Kansas

Profile

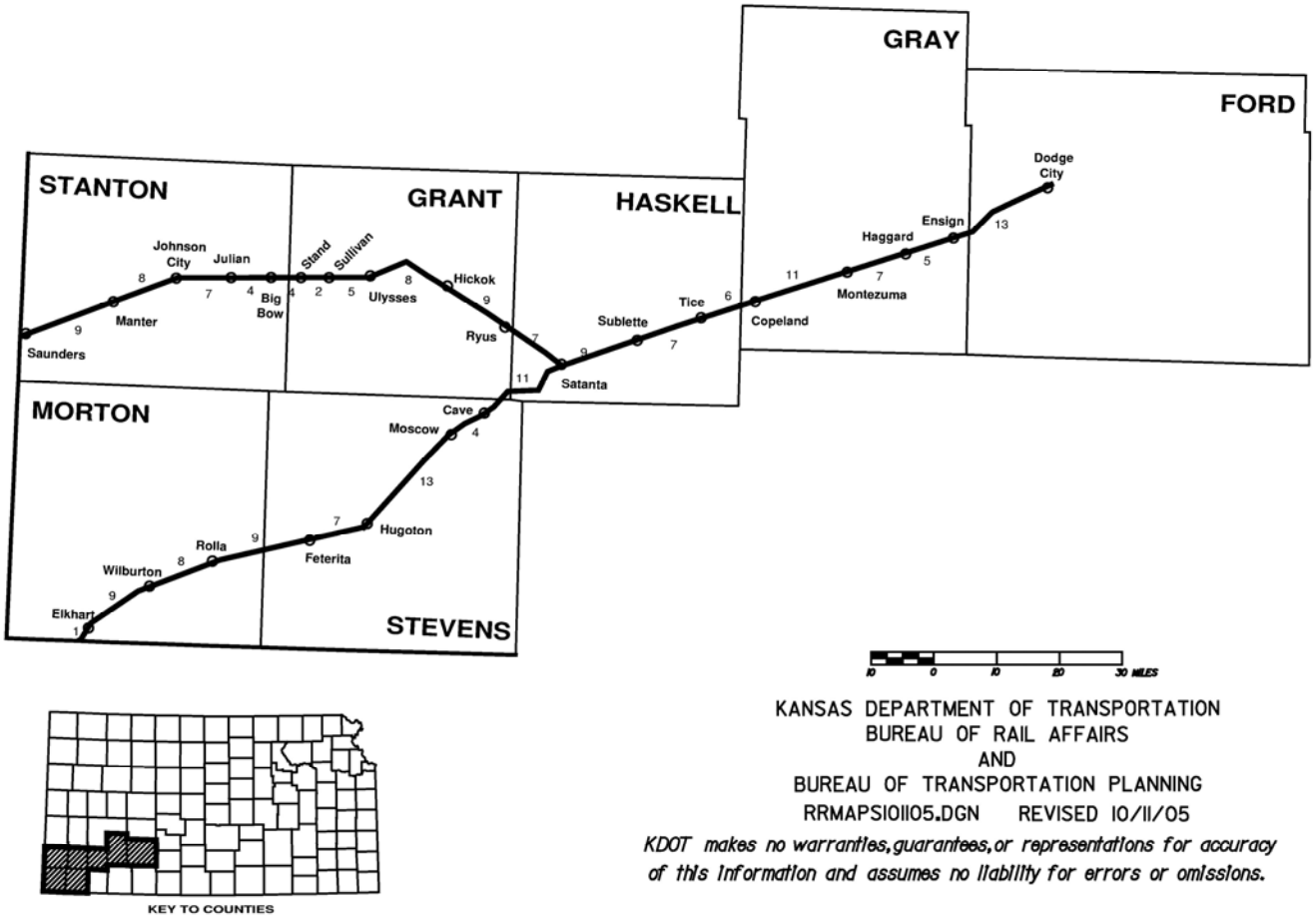
The Cimarron Valley Railroad (CVR) is a subsidiary of the Western Group, located in Ogden, Utah. The Western Group owns six other railroads and a construction company. The Cimarron Valley line runs southwest out of Dodge City to Satanta. At Satanta, the line splits and the southern route goes to Boise City, Oklahoma. The western route continues to Springfield, Colorado. The railroad's operating plan calls for a two-engine operation. Other engines may be added during grain season to accommodate the harvest.

The CVR operates a total of 254 miles of railroad and owns 182 miles of track in Kansas. The CVR has 16 employees in Kansas. Other business involvement includes a car repair shop in Satanta, Kansas.

The primary commodities shipped on this line include grain and grain-related products. Secondary commodities shipped are fertilizer, carbon black, other chemicals, and various miscellaneous shipments. Major shippers on the rail line in Kansas include Johnson Coop, Johnson; Sublette Coop, Sublette; Elkhart Coop, Elkhart; Columbian Chemical, Hickok; Dodge City Coop, Ensign and Montezuma; and Seaboard Farms, Hugoton. The Cimarron Valley Railroad handled approximately 10,105 carloads in 2005.

Figure 13

CIMARRON VALLEY RAILROAD



The Garden City Western Railway, Inc.
(Corporate Office)
1318 South Johanson Road
Peoria, Illinois 61607
Telephone: (309) 697-1400
Fax: (309) 697-5387
Web Page: www.pioneer-railcorp.com

The Garden City Western Railway, Inc.
(Operating Headquarters)
708 North VFW Road
Garden City, Kansas 67846
STB Number: 543

Locomotives	3
Freight Cars	0
Track Miles	45 miles

Railroad and Connections

BNSF Railway

Garden City

Profile

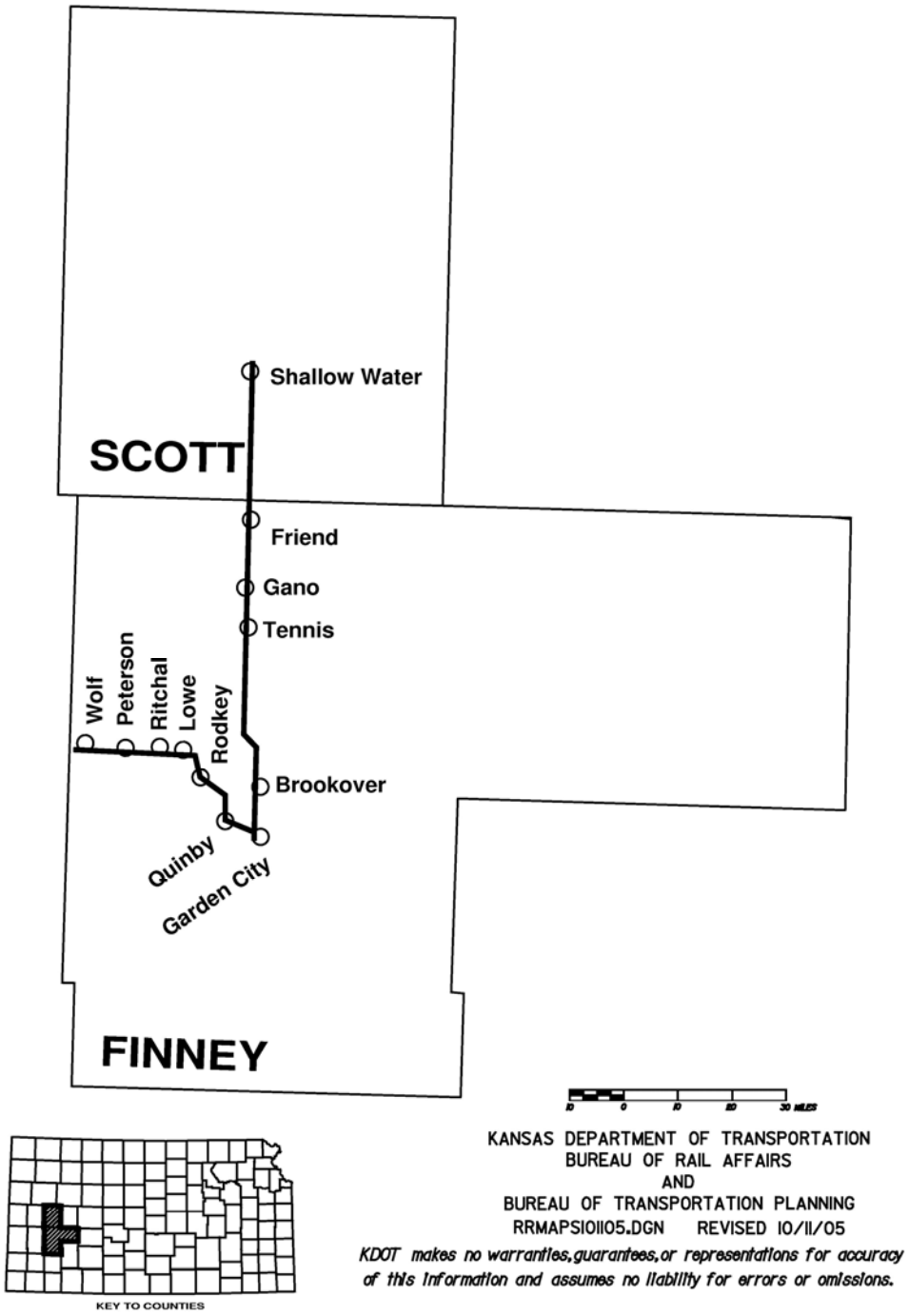
The Garden City Western (GCW) has been in business since 1916, serving the agricultural market of southwestern Kansas by connecting Garden City to Wolf. The rail line has 11 active customers shipping grain (wheat and milo), farm equipment, feed ingredients, molasses, peanut meal, fertilizers, frozen foods, and petroleum products. In addition, several other products such as utility poles are shipped in and out of a large rail-to-truck transfer facility located on the GCW in Garden City. In 2005, the railroad handled approximately 1,000 carloads of freight. Currently, the rail operation employs four full-time railroad employees.

GCW's corporate parent, Pioneer Railcorp, is a short line railroad holding company, which owns 16 railroads totaling over 535 miles in ten states. Pioneer roads serve over 250 customers, including some of the largest industrial corporations in the United States.

Through Pioneer Railroad equipment Co., Ltd., Pioneer Railcorp currently has a fleet of over 1,250 owned railcars and presently owns 99 locomotives and numerous pieces of specialized track maintenance equipment.

Figure 14

THE GARDEN CITY WESTERN RAILWAY, INC.



Kansas and Oklahoma Railroad
Operations Office: 1825 W. Harry Street
Wichita, Kansas 67213
Phone: (316) 263-3113 Fax: (316) 263-5563

Corporate Office: Watco Companies, Inc.
315 West 3rd Street
Pittsburg, KS 66762
Phone: (620) 231-2230 Fax: (620) 231-0812
Web Page: *www.watcocompanies.com/railroads*

Locomotives	31 (27 owned; 4 leased)
Freight Cars	981 (252 owned; 729 leased)
Track Miles	642 miles owned; 111 miles leased; and 36 miles of trackage rights*

Railroad and Connections

BNSF Railway	Kyle	South Kansas and Oklahoma	Union Pacific	Wichita Terminal Association
Abilene	Osborne	Wichita *	McPherson	Wichita
Hutchinson			Salina	
Newton			Wichita	
Wichita			Hutchinson	

* Via Union Pacific trackage rights

Profile

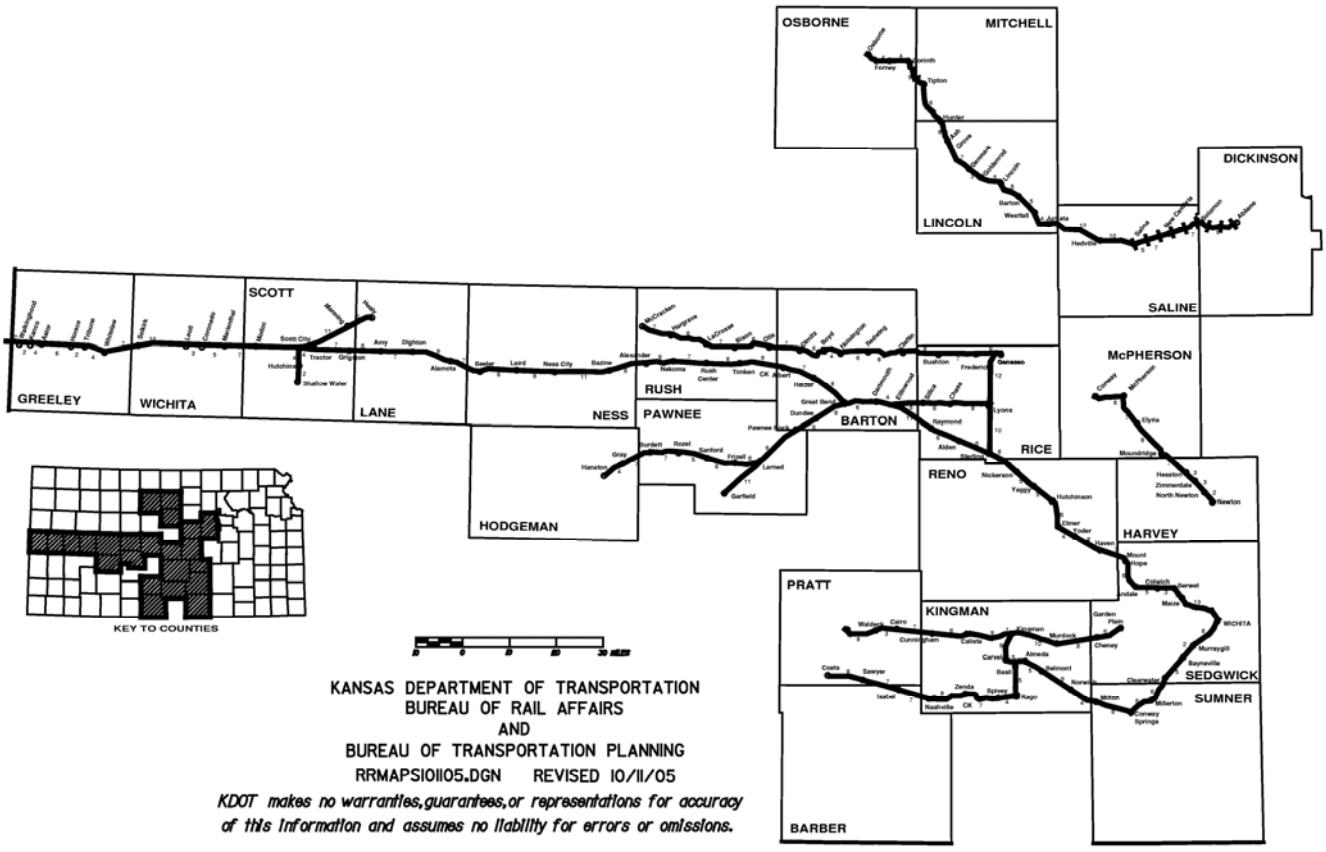
The Kansas and Oklahoma Railroad (KO) is a subsidiary of Watco Companies, Inc. (Watco), a Pittsburg, KS based company. As of November, 2006, Watco owns and operates 16 railroads nationwide, including the KO, South Kansas and Oklahoma Railroad (SKOL) and Kaw River Railroad (KAW) in Kansas. More than 1,200 people are employed by Watco and its subsidiaries nationwide.

Watco purchased the KO June 29, 2001, making it one of the largest short-lines in the industry. The KO operates 877 track miles in three directions, originating from Wichita and extending to the Colorado state line. More than 55,000 carloads of agricultural and industrial products such as corn, wheat, fertilizers, lumber, cement, sand, and rock are transported annually on the KO.

The KO serves customers such as Vulcan Chemicals, Wichita; DeBruce Grain, Wichita; Cargill Corporation, Salina; and Collingwood Grain, Leoti.

Figure 15

KANSAS AND OKLAHOMA RAILROAD



Kansas City Terminal Railway Company
4505 Kansas Avenue
Kansas City, Kansas 66106
Telephone: (913) 551-2181
Fax: (913) 551-2167

Locomotives	0
Freight Cars	0
Track Miles	87 miles (25 miles in Kansas and 62 miles in Missouri)

Railroad and Connections

BNSF Railway	**Kansas City Southern**	**Norfolk Southern**	**Union Pacific**	**Amtrak**	**ICE**
Kansas City	Kansas City	Kansas City	Kansas City	Kansas City	Kansas City

Profile

The Kansas City Terminal Railway Company (KCT) was formed in 1906 with 85 miles of main and switching tracks for the 12 original Kansas City railroads operating into Union Station and around the surrounding Kansas City, Kansas and Kansas City, Missouri area.

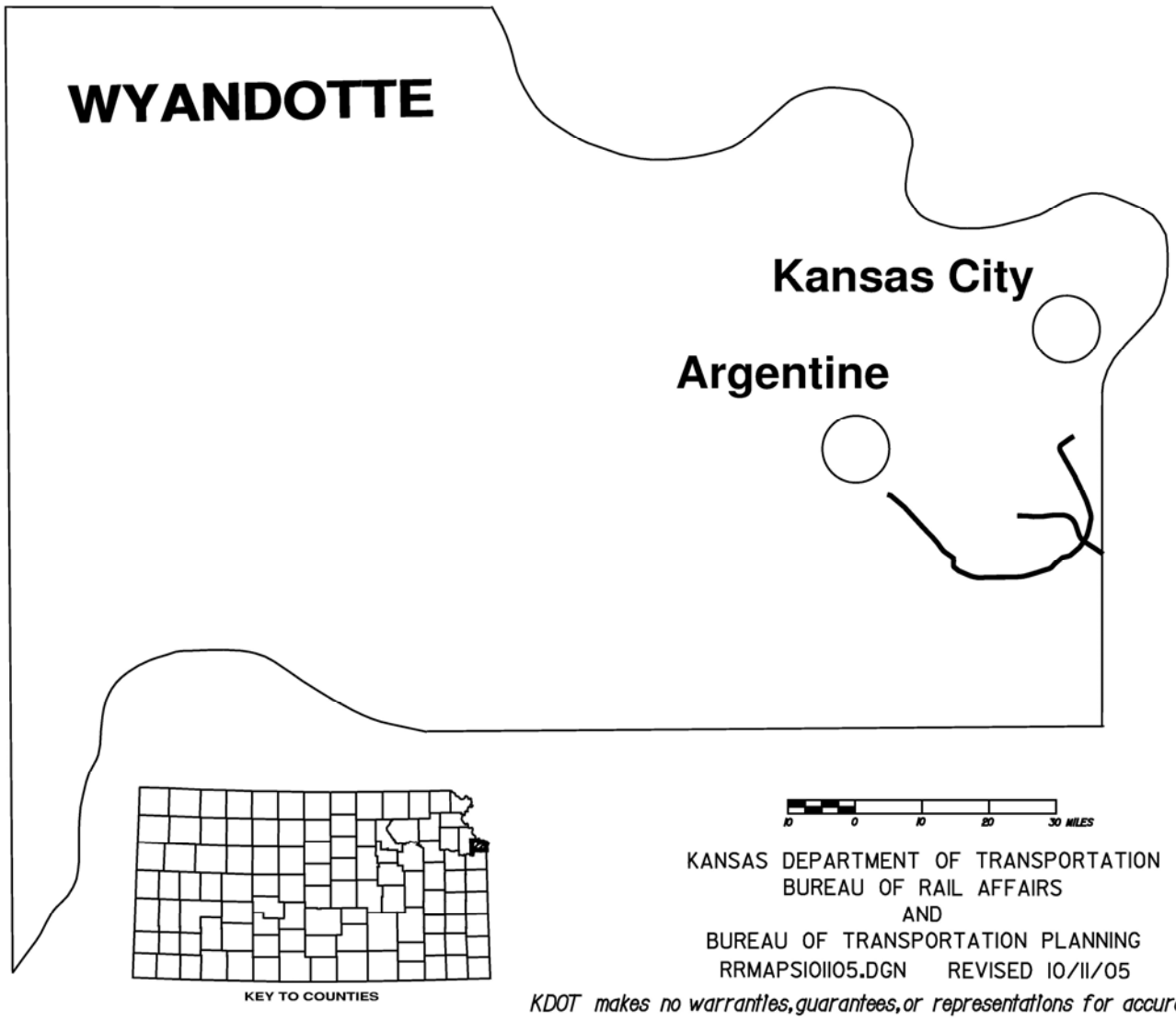
The KCT dispatches and coordinates main line operations through Kansas City and switching activities for major railroads in the Kansas City, Kansas and Kansas City, Missouri area.

In 1994, maintenance of way activities were contracted to the BNSF Railway. In March of 2006, the KCT formed a new corporation, "Kansas City Transportation Company; the industry switching operation is performed by this new company.

The KCT administers the accounting functions for the joint use of the KCT by the railroads listed above.

Figure 16

KANSAS CITY TERMINAL RAILWAY COMPANY



Kyle Railroad Company
P.O. Box 566
Third and Railroad Avenue
Phillipsburg, Kansas 67661
Telephone: (785) 543-6527
STB Number: 486
Web Page: www.railamerica.com

Locomotives	16 leased
Freight Cars	1,195 (none owned, 800 leased (Long Term), 395 leased (Short Term))
Track Miles	447 miles (16 owned, 255 leased from Mid States Port Authority, and 176 leased from Union Pacific) and 13 miles of trackage rights

Railroads and Connections

BNSF Railway	Kansas and Oklahoma	Nebraska Kansas Colorado RailNet	Union Pacific
Concordia	Osborne	Norton	Limon, CO.
Courtland		Oronoque	Near Solomon

Profile

The Kyle Railroad is owned by Rail America, of Boca Raton, Florida. Rail America is the largest operation of regional and short line railroads in North America. In North America, the Company's railroads operate in 27 states, 5 Canadian provinces and the Nothwest Territories. Principle commodities hauled include coal, farm products, lumber, paper, fertilizer, food grain products, roofing materials, frozen food, minerals, chemicals, forestry and steel products.

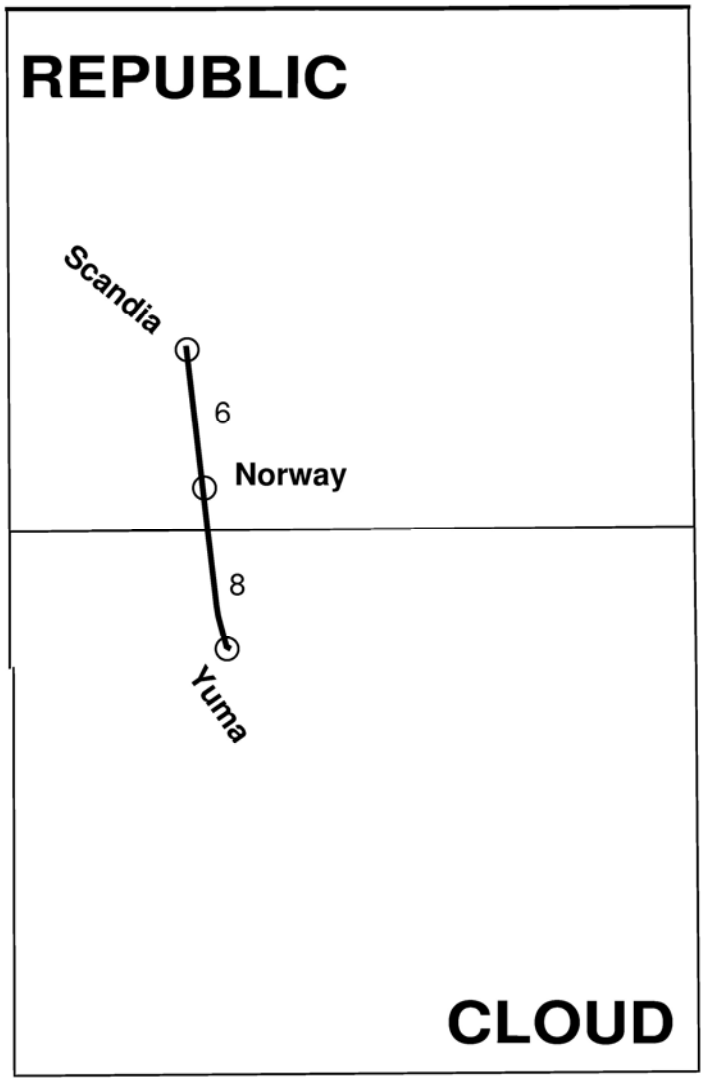
In Kansas, the Kyle operates 431 miles of track in the northwestern/north central section of the state with 87 miles into Colorado. The Kyle Railroad is based in Phillipsburg, Kansas, where extensive locomotive and repair shops are maintained. Other offices are located in Beloit, Concordia, and Goodland, Kansas. The railroad operates under a lease/purchase agreement with the Mid States Port Authority (255 miles), a lease/trackage rights agreement with the Union Pacific Railroad (176 miles) and owns 16 miles of track. Kyle's lease/purchase agreement with the Mid States Port Authority will expire in the year 2009.

Four interchanges with two Class I carriers, along with two additional interchanges to neighboring short lines, offer several routing choices for inbound and outbound freight. Kyle interchanges with the BNSF at Courtland, and the Union Pacific at Salina, Kansas, and Limon, Colorado. Kyle and another short line, Nebraska, Kansas and Colorado RailNet, have interchange facilities at Norton and connections with the Kansas and Oklahoma Railroad at Osborne.

The commodities shipped include aggregates, building materials (shingles), corn, fertilizer, millet, milo, petroleum (asphalt), sunflowers, sunflower oil, sunflower seeds, and wheat. In 2005, the Kyle handled 20,805 carloads of freight. Kyle employs 77 full time and 4 part time summer employees in Kansas and Colorado.

Figure 17

KYLE RAILROAD COMPANY



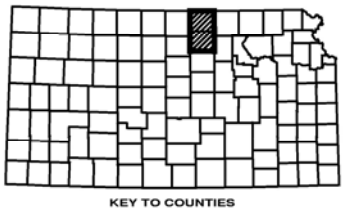


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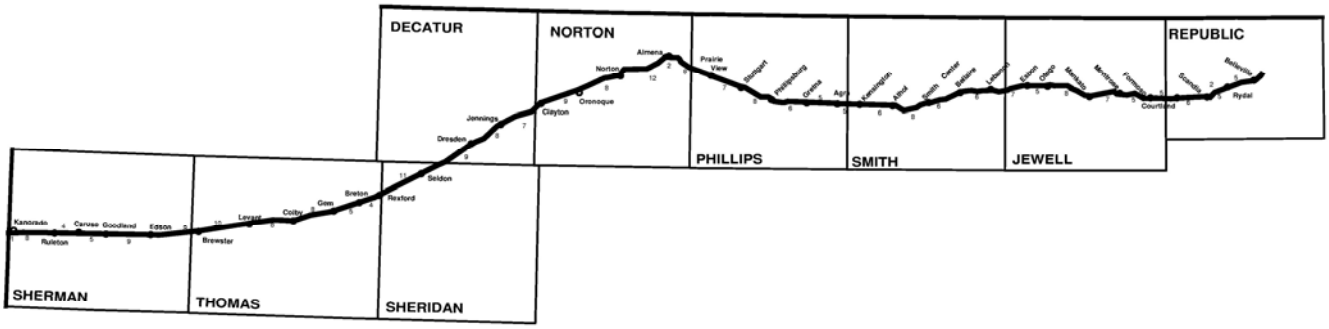
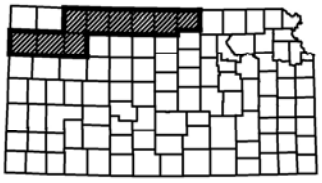
Figure 18

KYLE RAILROAD COMPANY

MID STATES PORT AUTHORITY LINE





KEY TO COUNTIES

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Figure 19

KYLE RAILROAD COMPANY
UNION PACIFIC LEASE LINE

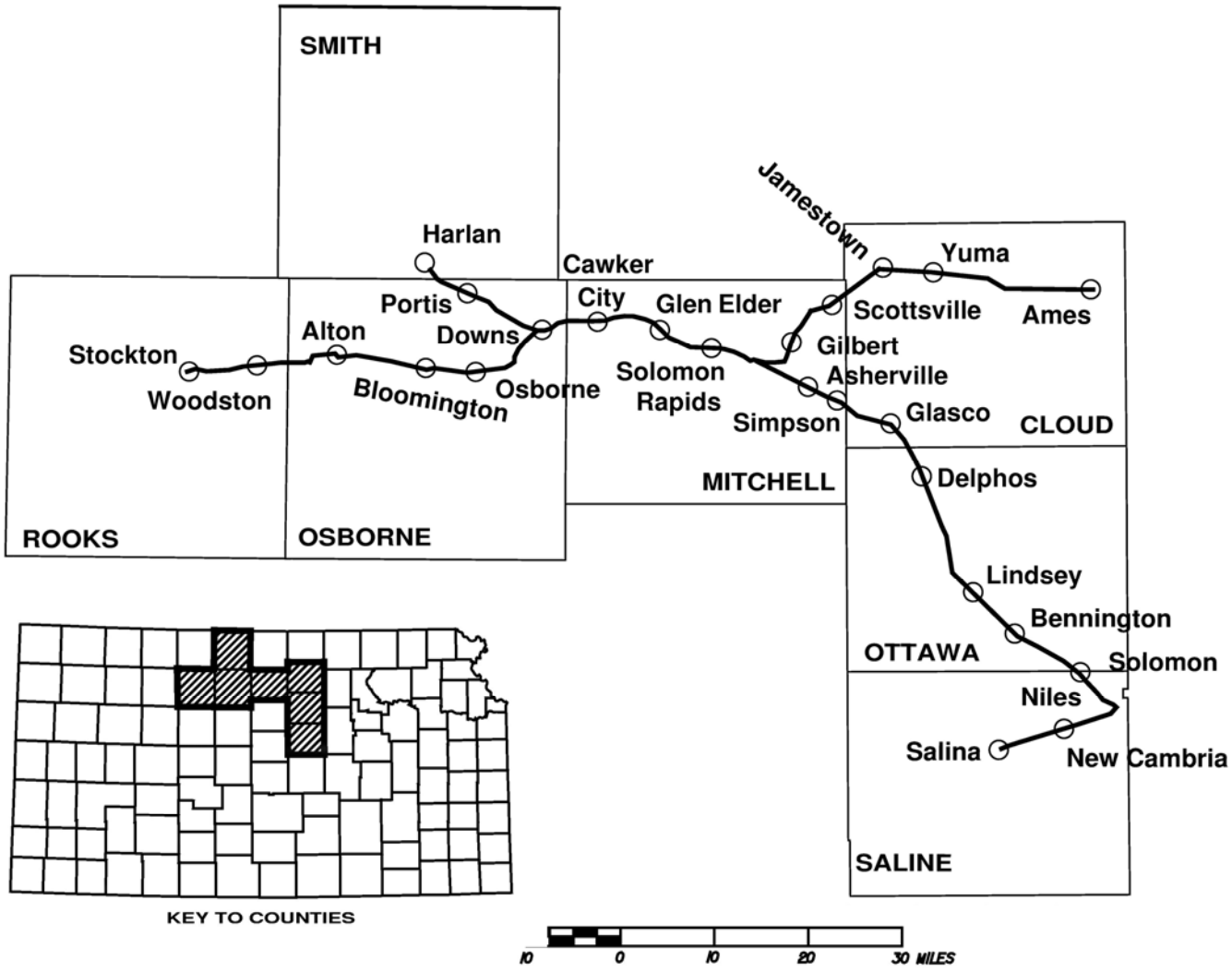

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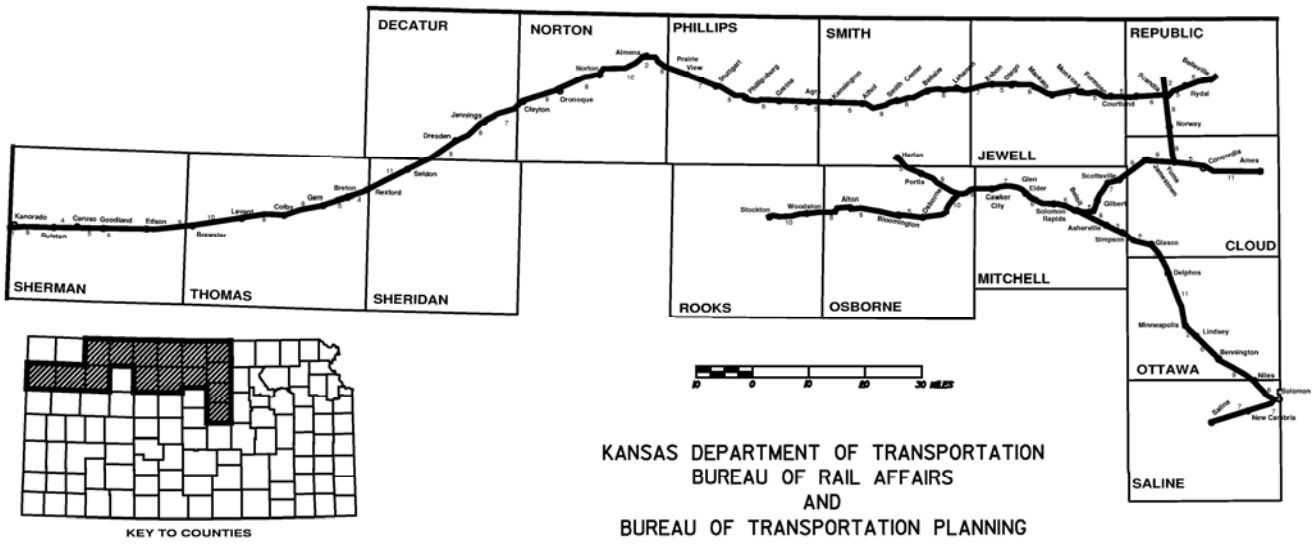
Figure 20

KYLE RAILROAD COMPANY
MID STATES PORT AUTHORITY LINE
UNION PACIFIC LEASE LINE



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Midland Railway
P.O. Box 5
Baldwin City, Kansas 66006
Telephones: (800) 651-0388 or (913) 371-3410
Web Page: www.midland-ry.org/midland.html

Locomotives	7
Passenger Cars	13
Track Miles	11 miles

Profile

The Midland Railway operates an excursion train on a line originally constructed in 1867. Trains began running in August 1988 on an 11 mile roundtrip from Baldwin City through scenic eastern Kansas farmland and woods using vintage equipment. The entire railroad operates between Baldwin City and Ottawa.

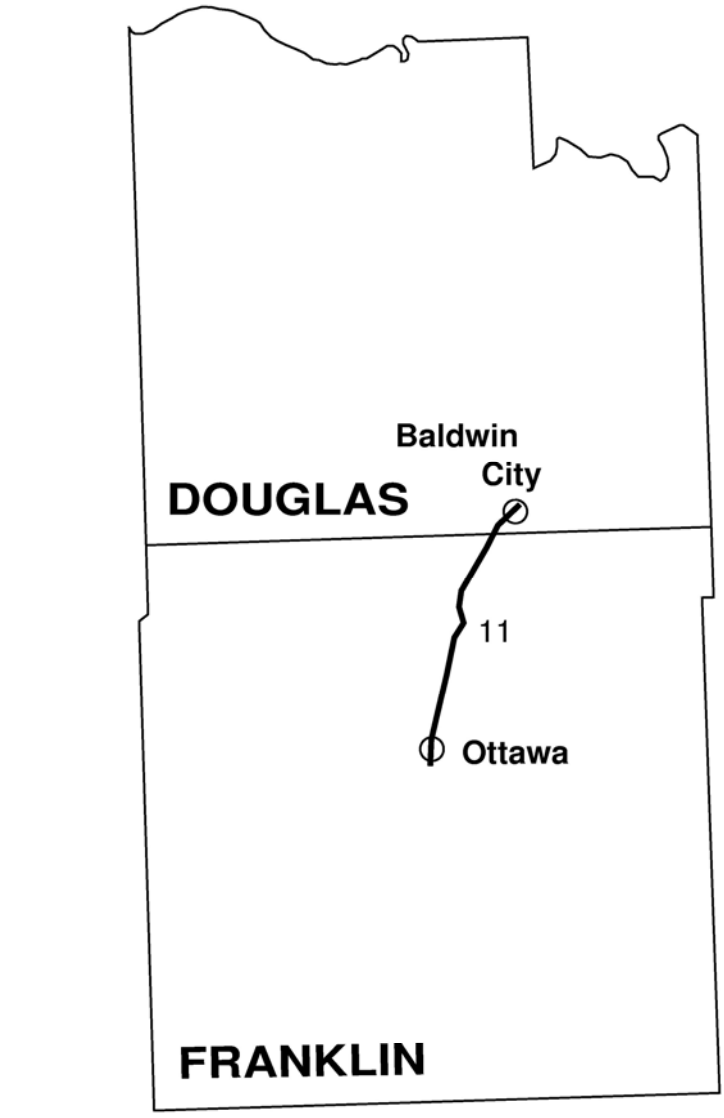
The Midland Railway is a project of the Midland Railway Historical Association and the Santa Fe Trail Historical Society. Both organizations are non-profit, operated by volunteers, and educational in purpose. Funds for operations and development come from fares, sales, donations, and memberships. Midland Railway applied for and received Transportation Enhancement Funds from the Federal Surface Transportation Program to refurbish the rail line. This project was completed in 1998 and allowed operation of the first passenger train to Norwood, Kansas, since 1938. Midland Railway received a grant through TEA-21 in 2000. This grant allowed restoration of the line from Norwood to Ottawa, allowing for through service from Baldwin City to Ottawa.

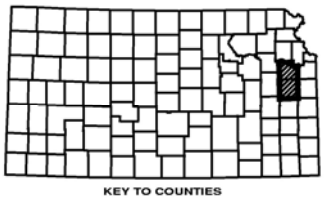
Normal operations begin Memorial Day weekend and continue through October 30 on Thursdays, Saturdays, Sundays, and Holidays (Memorial Day weekend, Independence Day and Labor Day). Midland also offers special runs on Fridays in April, May, September and October. For groups on regularly scheduled excursion trains of eight or more paid passengers, there is $1.00 off each paid fare. Other special group rates, discounts, and charter rates are available at the web site listed above or by calling 1-800-651-0388. The Midland Railway Historical Association provides a program for scouting-type organizations. A Railroading Weekend is a Midland only experience provided by their Train-Camp Program. Under this program, scouts can experience first-hand work with track and equipment and can work towards earning a railroad merit Boy Scout badge.

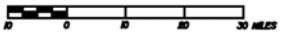
Volunteers operate the Midland Railway and memberships are available. The Railway has numerous special events throughout the year and provides insight to historic train operations with its 1930's steam engine and historic depot.

Figure 21

MIDLAND RAILWAY







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Missouri and Northern Arkansas Railroad
P.O. Box 776
514 North Orner
Carthage, Missouri 64836
Telephone: (417) 358-8800
Fax: (417) 358-6005
STB Number: 456
Web Page: www.railamerica.com

Locomotives	23
Freight Cars	217 Leased
Track Miles	8 miles (all leased)

Railroad and Connections

BNSF Railway	**Kansas City Southern**	**Union Pacific**
Ft. Scott, Kansas (not in use for carrier convenience)	Joplin, Missouri	Kansas City, Missouri
Missouri locations (Lamar, Joplin, and Aurora)		Newport, Arkansas

Profile

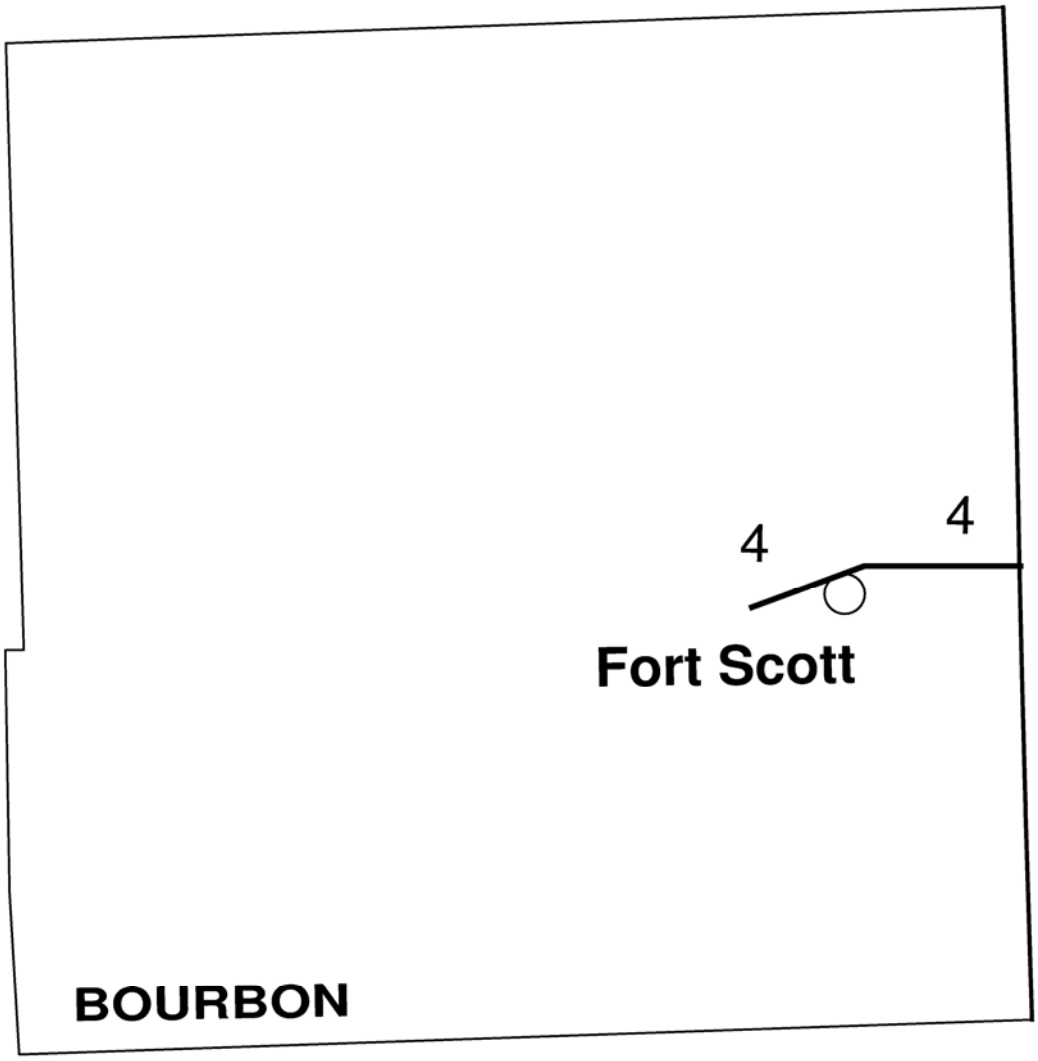
The Missouri and Northern Arkansas Railroad (M & NA) or also known as (MNAR) has approximately 520 miles of track in Missouri and Arkansas and leases eight miles of Union Pacific line in Kansas. The eight-mile branch line in Kansas is the former Missouri, Kansas, and Texas Railroad.

The railroad, a part of RailAmerica, Inc. (North American system in the Heartland) since the February 2000 merger with RailTex, carries approximately 110,000 carloads of freight in Missouri, Arkansas, and Kansas. Rail America is headquartered in Boca Raton, Florida, and is the largest operator of regional and short line railroads in North America. The company owns 49 railroads operating approximately 17,700 route miles in the United States, Canada, Australia, Chile and Argentina. In North America, the Company's railroads operate in 27 states, 5 Canadian provinces and the Nothwest Territories. Rail America has an additional 4,300 miles under track access arrangements in Australia and Argentina. Principle commodities hauled include coal, farm products, lumber, paper, fertilizer, food grain products, roofing materials, frozen food, minerals, chemicals, forestry and steel products.

Currently on the Kansas line, there is no freight moving between Fort Scott, Kansas, and Nevada, Missouri (connection to main line of the M & NA). The coal that formerly moved over this route for Kansas City Power and Light is now routed via Union Pacific to M & NA at Kansas City, Missouri.

Figure 22

MISSOURI & NORTHERN ARKANSAS RAILROAD

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Nebraska Kansas Colorado Railway, Inc.
P.O. Box 159
128 First Street
Grant, Nebraska 69140
Telephone: (308) 352-4810
Fax: (308) 352-4474
Web Page: www.nkcrail.com or www.omnitrax.com

Locomotives	9
Freight Cars	59
Track Miles	122 miles and 17 miles of trackage rights

Railroad and Connections

BNSF Railway	**Kyle**
Holdrege, Nebraska	Almena
Orleans, Nebraska	Norton
Sterling, Colorado	Oronoque

Profile

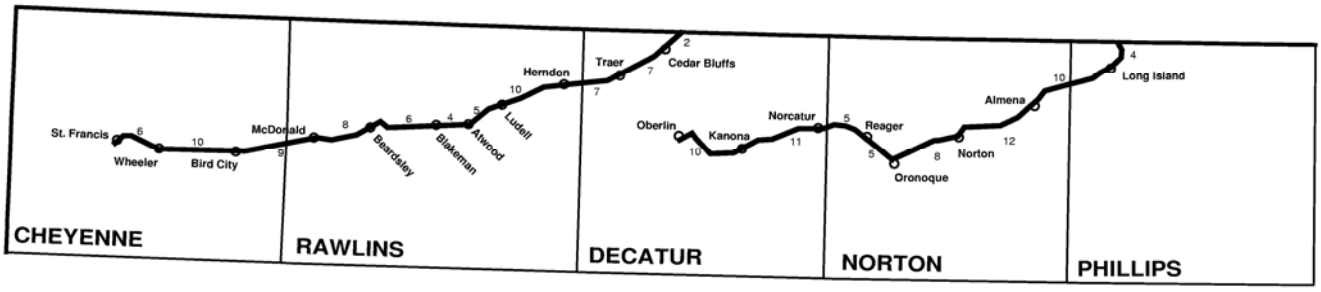
The Nebraska, Kansas Colorado Railway, Inc. (NKC) has two branch lines located in the northwest section of Kansas. One line connects St. Francis and Cedar Bluffs (entering Nebraska); the other line connects Oronoque to Reager, Kansas. The NKC uses trackage rights over the Kyle to Almena then to Long Island where the second branch line enters Nebraska. The majority of the traffic on these lines is outbound grain and inbound agriculture support commodities.

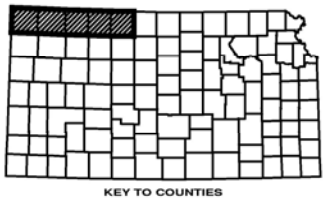
The NKC is dependent upon the BNSF (the connecting Class I Railroad) for car supply, marketing and rates. NKC's success will be dependent upon the success of the shippers along its lines and BNSF's initiatives to support these shippers.

The primary commodities moved on these lines are grain and farm products. The major grain is wheat, which moves to the northwest United States for shipments to Asia. In 2005, NKC moved 1,353 carloads of freight.

Figure 23

NEBRASKA KANSAS COLORADO RAILWAY





10 0 10 20 30 MILES

KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF RAIL AFFAIRS
AND
BUREAU OF TRANSPORTATION PLANNING
RRMAPS10I105.DGN REVISED 10/11/05

KDOT makes no warranties, guarantees, or representations for accuracy of this information and assumes no liability for errors or omissions.

New Century AirCenter Railroad/JCAX
One New Century Parkway
New Century, Kansas 66031
Telephone: (913) 782-5338

Locomotives	1
Freight Cars	0
Track Miles	5 miles

Railroad and Connections

BNSF Railway

Gardner

Profile

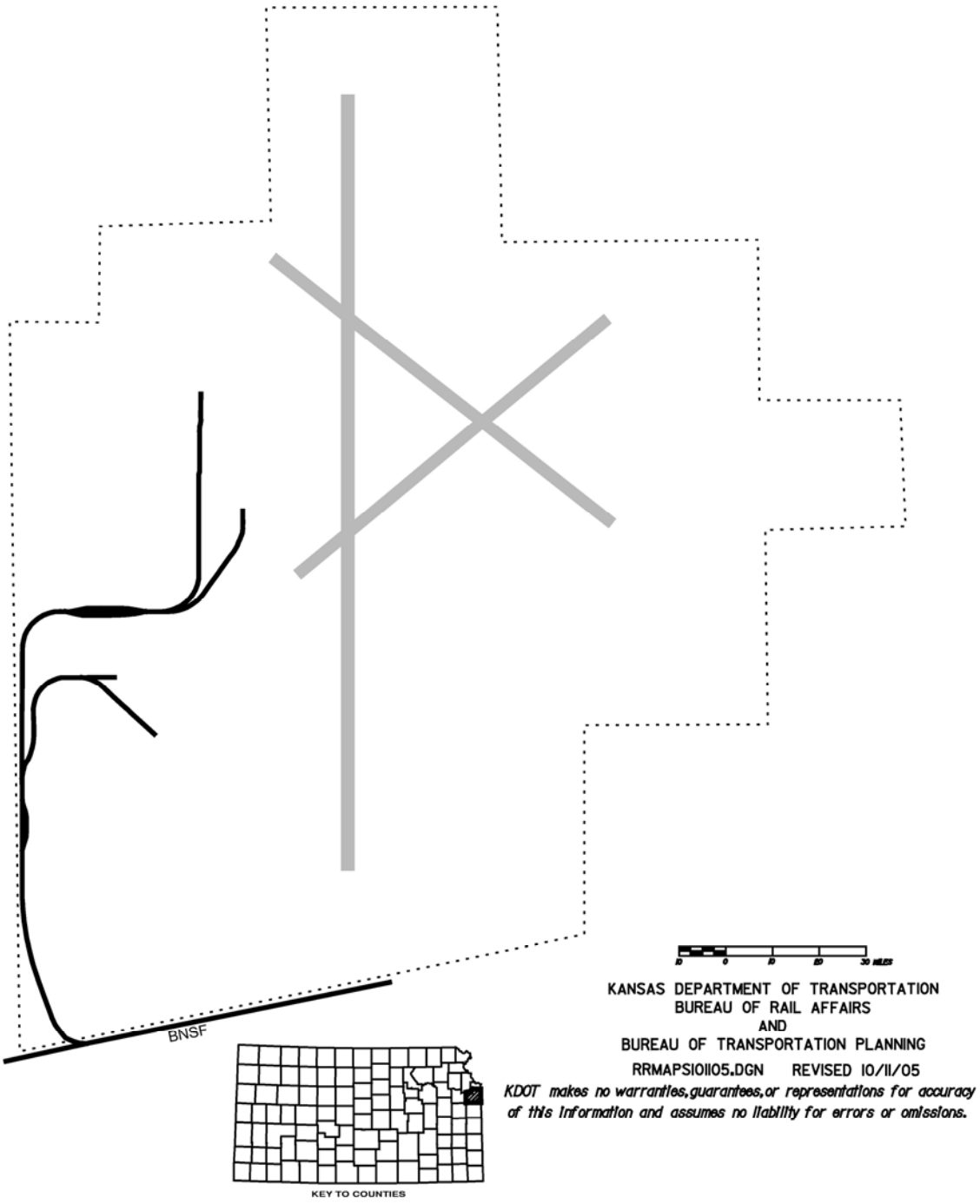
New Century AirCenter/JCAX is a 2,300 acre inland port located along the I-35 NAFTA corridor. Rail service is provided by the New Century AirCenter Railroad (NCA) which interchanges with the BNSF Railway main line.

New Century AirCenter provides switching to meet intra-plant requests – usually within twenty minutes during normal business hours and as otherwise requested.

The industrial park maintains a certified track scale for special weighing requirements and has recently installed in-motion railcar weight scales with computerized railcar identification and reporting systems. 3,225 carloads entered the park in 2005.

Figure 24

New Century AirCenter Railroad/JCAX



South Kansas and Oklahoma Railroad
Operations Office: 123 Depot Road
Cherryvale, Kansas 67213
Phone: (620) 336-2291 Fax: (620) 336-2712

Corporate Office: Watco Companies, Inc.,
315 W. 3rd Street
Pittsburg, KS 66762
Phone: (620) 231-2230 Fax: (620) 231-0812
Web Page*:* ***www.watcocompanies.com/railroads***

Locomotives	29 (25 owned; 4 leased)
Freight Cars	485 (285 owned; 200 leased)
Track Miles	305 miles and 72 miles of trackage rights

Railroads and Connections

BNSF Railway	Union Pacific	Kansas City Southern	Kansas and Oklahoma
Columbus	Coffeyville	Pittsburg	Wichita
Winfield	Winfield		

Profile

The South Kansas and Oklahoma Railroad (SKOL) is a subsidiary of Watco Companies, Inc. (Watco), a Pittsburg, Kansas based company. As of November, 2006, Watco owns and operates 16 railroads nationwide, including the (SKOL), Kansas and Oklahoma Railroad (KO) and Kaw River Railroad (KAW) in Kansas. More than 1,200 people are employed by Watco and its subsidiaries nationwide.

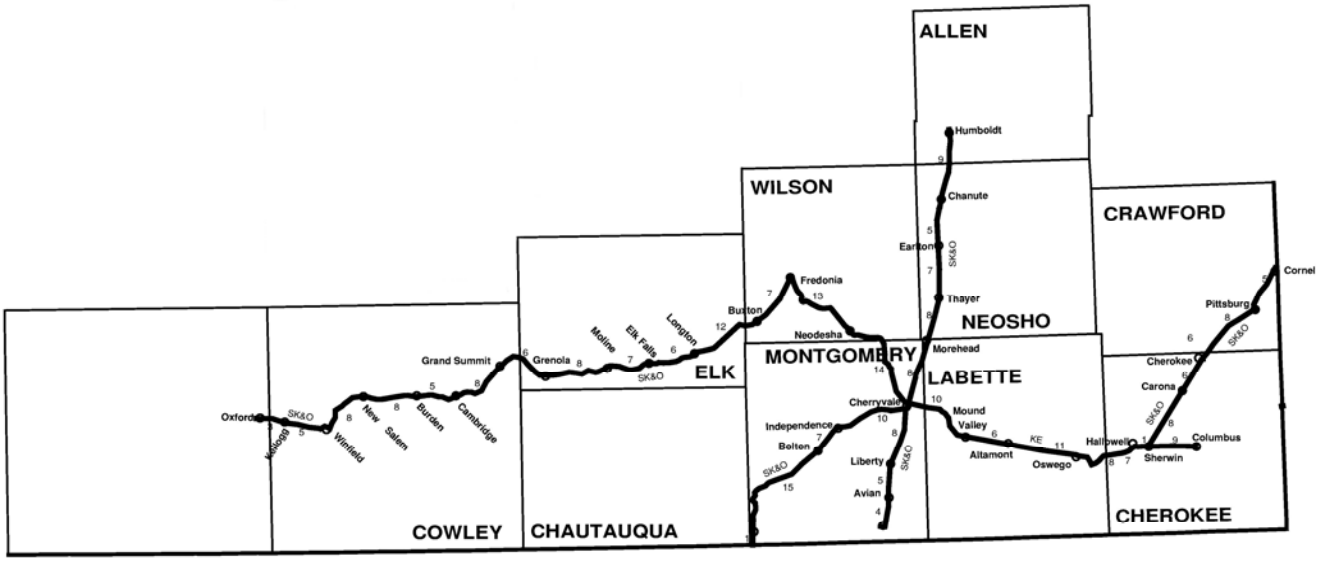
The SKOL was the first shortline railroad operated by Watco and was purchased in 1987. The SKOL operates 305 track miles, originating from Cherryvale, Kansas and serves customers primarily in southeastern Kansas and northeastern Oklahoma.

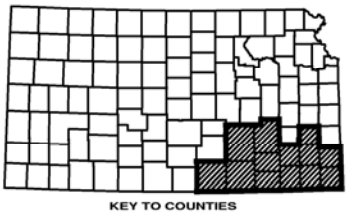
More than 43,000 carloads of agricultural and industrial products such as corn, wheat, fertilizers, lumber, cement and sand are transported annually.

The SKOL serves customers such as Beachner Grain with several locations in southeast Kansas; Ash Grove Cement in Chanute, KS; and Bartlett and Company in Coffeyville.

Figure 25

SOUTH KANSAS & OKLAHOMA RAILROAD, INC.





KEY TO COUNTIES

10 0 10 20 30 MILES

KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF RAIL AFFAIRS
AND
BUREAU OF TRANSPORTATION PLANNING
RRMAPS10I105.DGN REVISED 10/11/05

KDOT makes no warranties, guarantees, or representations for accuracy of this information and assumes no liability for errors or omissions.

V & S Railway LLC
520 West Kansas Street, Medicine Lodge, Kansas 67104
3100 Carey Boulevard, Hutchinson, Kansas 67501
Telephone: (620) 886-3836
Fax: (620) 886-3895

Locomotives	2 (Medicine Lodge); 1 (Hutchinson)
Rock Cars	0
Track Miles	21 (Medicine Lodge to Attica); 3 (City of Hutchinson)

Railroad and Connections

BNSF Railway	**Union Pacific**	**Kansas & Oklahoma**
Attica	Hutchinson	Hutchinson
Hutchinson		

Profile

This 21-mile line is located in Barber and Harper Counties between the cities of Attica and Medicine Lodge.

The railroad's primary shipper is the National Gypsum Company of Medicine Lodge, which manufactures Gold Bond Building Products. Commodities transported include sheet rock and bagged plaster. In 2005, the V & S hauled 1,693 carloads. Currently the railway has three employees and two locomotives. The V & S Railway connects with the BNSF Railway at Attica, Kansas in Harper County.

In November 2005 the Hutchinson and Northern Railroad was purchased by Pacific Western Railway. In January 2006 V & S Railway LLC began operating the railroad on behalf of Pacific Western Railway. In May 2006, V&S acquired the 3-mile line, located in Hutchinson, and currently operates the line in conjunction with its operations in Medicine Lodge. Major commodities shipped on the line include salt and scrap iron. A freight car repair facility is also located on the line.

Figure 26

V & S RAILWAY, INC

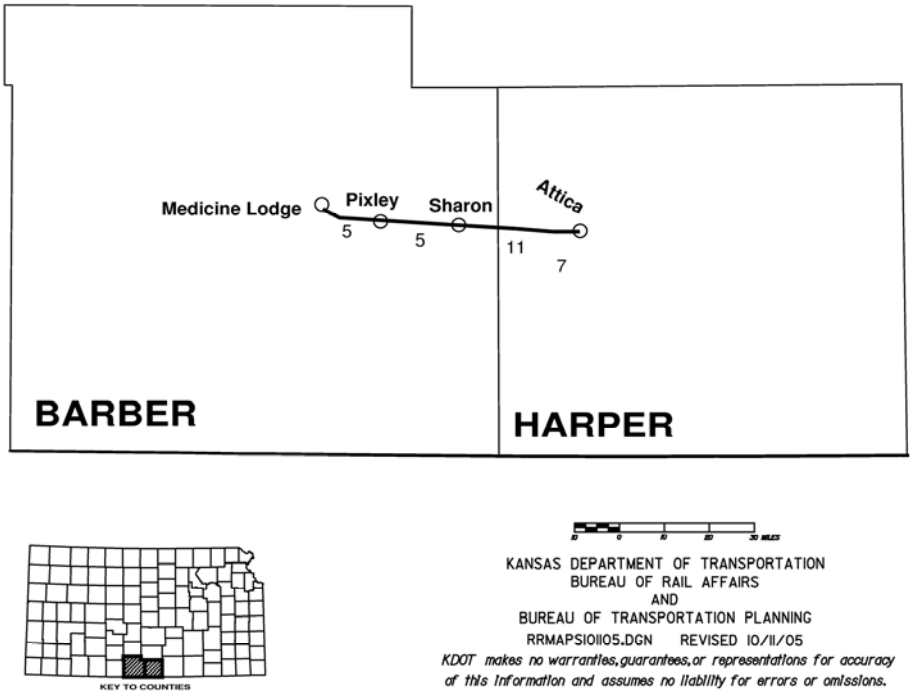
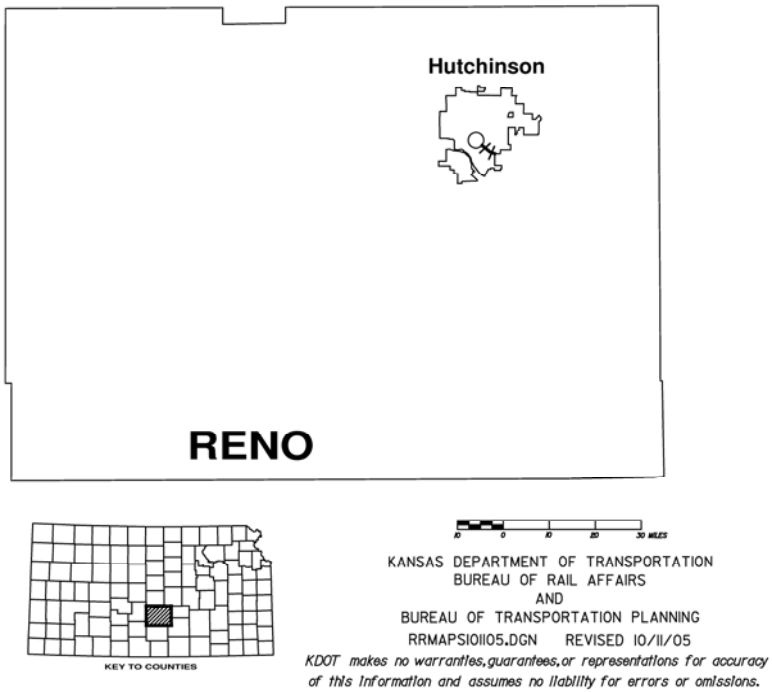


Figure 27



Wichita Terminal Association Railroad, Inc.

1537 Barwise
Wichita, Kansas 67214
Telephone: (316) 262-0441
Fax: (316) 269-1480

Locomotives	1 switcher
Freight Cars	0
Track Miles	3 miles

Railroad and Connections

BNSF Railway	**Kansas and Oklahoma**	**Union Pacific**
Wichita	Wichita	Wichita

Profile

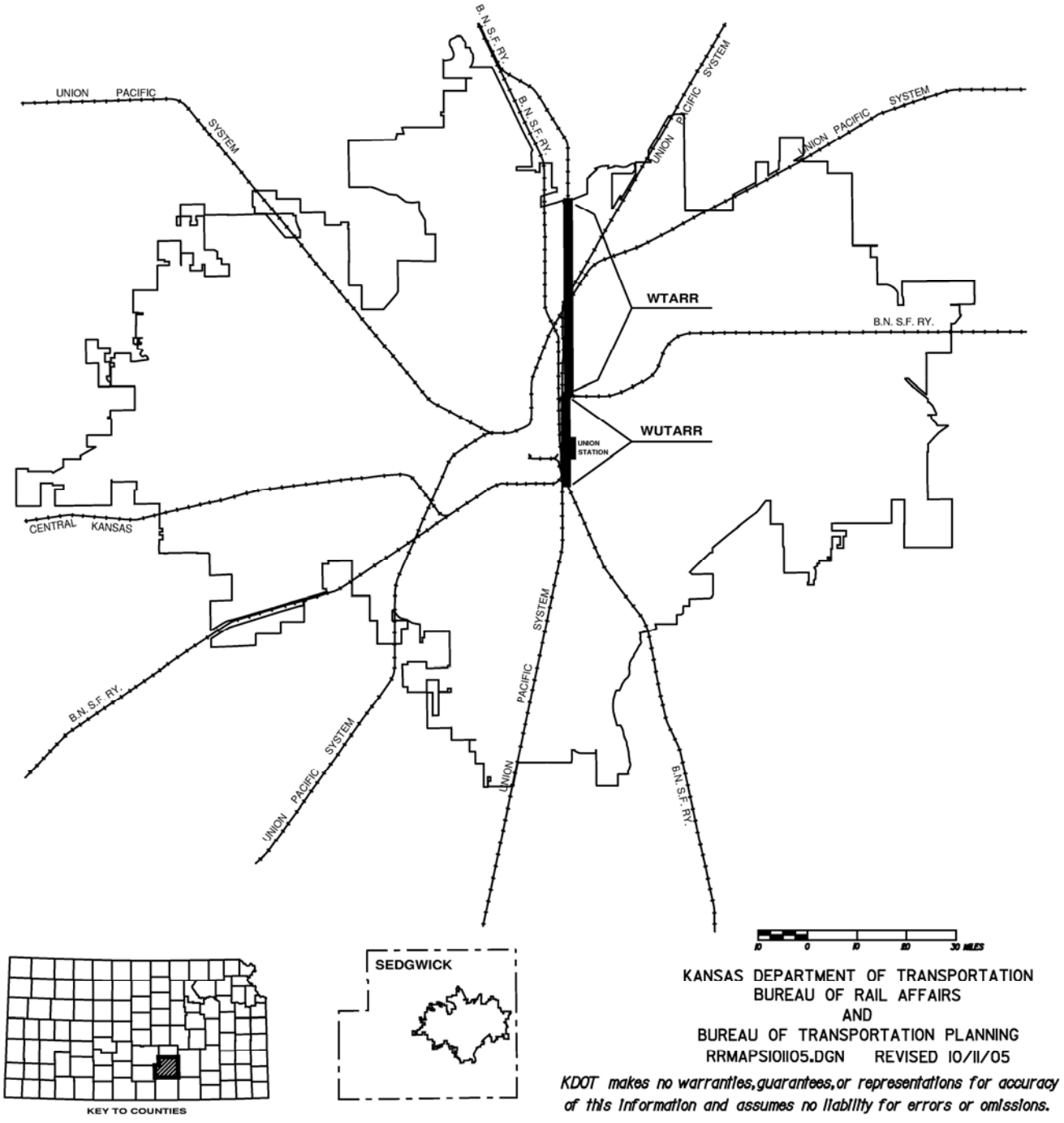
The Wichita Terminal Association Railroad Inc. (WTA) was formed in 1889, this two miles is to service the stockyards in Wichita, Kansas. The railroad is owned by a partnership between the BNSF Railway (BNSF) and Union Pacific (UP). The BNSF Railway handles the maintenance and dispatching on the line. The railroad is primarily a switching concern, which handles grain and grain-related products including wheat for flourmills. Often shipments of grain involve subsequent moves as related to the processing of flour products. Some scrap steel is also moved.

The Wichita Union Terminal comprises only about two miles of track owned jointly by the BNSF and UP railroads. Wichita Union Terminal has no employees or rolling stock of its own. It is merely a bridge line shared by the above carriers.

The Wichita Union Terminal should not be confused with the Wichita Terminal Association (a partnership consisting of the BNSF and UP). The latter provides maintenance for the Wichita Union Terminal and also switching service on about 27 miles of track. It serves about two dozen shippers in the area formerly occupied by the stockyards. The tracks over which the Wichita Terminal Association crews operate have no physical connection with the Wichita Union Terminal's tracks.

Figure 28

WICHITA TERMINAL ASSOCIATION RAILROAD, INC.



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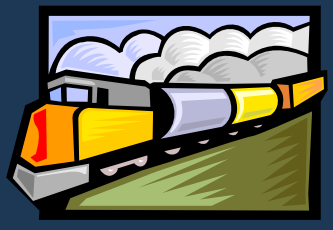
3

Passenger Rail



PASSENGER RAIL TRANSPORTATION

Inter-City Passenger Rail Service

The National Railroad Passenger Corporation, commonly known as Amtrak, a quasi-public corporation, provides passenger rail service in Kansas. Congress established Amtrak in 1970 when the major rail carriers chose to discontinue passenger service after first class mail hauling was shifted to air. Amtrak operates more than 22,000 route miles and serves more than 500 stations in 46 states. It owns 650 route miles, primarily between Washington D.C. and Boston, and in Michigan. In other parts of the country Amtrak operates over tracks owned by freight railroads.

Since its inception, Amtrak has relied on federal subsidies to meet the costs of operating its system. In recent years, progress has been made in efforts to increase the percentages which passenger fare revenues contribute to Amtrak's total budget. In Amtrak's Fiscal Year 2005, total revenue was $1.89 billion dollars. Amtrak ridership in 2005 was 25.4 million passengers.

The long distance Amtrak Train serving Kansas, the Southwest Chief, operates between Los Angeles and Chicago with daily service in each direction. Boarding/deboarding takes place at six points in the state: Lawrence, Topeka, Newton, Hutchinson, Dodge City, and Garden City.

The economic impact of Amtrak for goods and services in Kansas totaled just over $17 million in FY 2005. Large portions of those purchases were made in Wichita, where expenditures totaled just over $16.9 million. Amtrak employs 22 Kansas residents whose FY 2005 total wages totaled just over $1.1 million.

Amtrak ridership during 2005 in Kansas increased 10 percent compared to 2004. Continuation or future expansion of Amtrak service in Kansas will depend on developments at the national level as well as on any state or local initiative to support the cost of passenger rail service to Kansas communities. Following is a chart showing a comparison of the ridership figures for fiscal years 2004 and 2005 for the six Kansas cities served by Amtrak.

Amtrak Ridership in Kansas

Kansas Cities with Amtrak Service	2004 Fiscal Year Ridership	2005 Fiscal Year Ridership	Numbers Change	Percent Change
Dodge City	**3,282**	**3,559**	**+277**	**+8%**
Garden City	**5,150**	**5,523**	**+373**	**+7%**
Hutchinson	**3,149**	**3,632**	**+483**	**+15%**
Lawrence	**2,999**	**3,347**	**+348**	**+12%**
Newton	**11,005**	**12,580**	**+1,575**	**+14%**
Topeka	**5,964**	**6,112**	**+148**	**+2%**
Total Kansas Ridership	**31,549**	**34,753**	**+3,204**	**+10%**

4

Railroad Abandonments

RAILROAD ABANDONMENTS

History of Abandonments

Approximately 4,625 miles of railroad have been abandoned in Kansas from 1920 to the present. In the 1980's alone, more than 800 miles were abandoned. Between 2000 and 2005, approximately 667 miles were abandoned (Figure 31 on page 83).

The abandoned miles refer to line-haul routes. In some instances portions of line-haul tracks were retained for spur or business tracks. A few corridors of former railroad track in Kansas have been converted by rail banking and interim trail use under the National Trails System Act of 1983. This alternative is discussed in a later section.

Causes of Abandonment

Rail lines carrying less than one million gross ton-miles per mile are often referred to as light density lines. These lines are generally considered at risk for potential abandonment at some time in the future. The branch lines of major carriers are usually light density lines. Including the miles operated by short lines, Kansas has roughly 2,000 miles of light density rail lines–approximately 50 percent of the total railroad mileage in the state.

In 1988, Mike Hayden, Governor of Kansas, established an interagency working group to study the problem of railroad abandonments. The working group subsequently issued a report entitled *Kansas Rail Lines at Risk: A Report to the Governor on Rail Abandonment* (June 1989). The report suggested the state could lose nearly half of its rail system within the next several decades if current public policies regarding rail transportation continue.

In recent years, the major rail carriers have eliminated numerous light density and unprofitable branch lines from their operations by sales to short line operators or by abandonment. The Staggers Rail Act of 1980 and Surface Transportation Board (STB) streamlined abandonment procedures.

The susceptibility of many branch lines to abandonment depends on the volume of traffic and revenue along with such factors as the cost of labor contracts, the kinds of commodities hauled, condition of the track and whether bridge or overhead traffic can be rerouted without incurring excess route circuitry. Many rail lines in the state have suffered from deferred maintenance; as a result, rehabilitation is a major consideration in Class I rail carriers' decisions about continuing rail service or abandonment.

The decline in rail freight traffic is often a gradual process, evidenced by diminished rail service and neglect of repair or maintenance of railroads. Directly contributing to the decline is the intense competition by highway motor carriers. In the 10-year period between 1981 and 1991, the proportion of the four major grains (wheat, corn, sorghum, and soybeans) shipped from Kansas elevators by rail decreased from 75 percent in 1982 to 57 percent in 1991. In 1999 only 42 percent of the four major crops were shipped by rail from Kansas elevators. However, this was up from 1998 and returned to the levels seen in 1997. In the period between 1991 and 2005, 1,738 track miles were abandoned reflecting a trend of Class III railroads to abandon marginally profitable and non-profitable lines that had been purchased from major carriers. (Kansas Agricultural Statistics, Kansas Grain Transportation, Data for 1999 Crop.)

The Interstate Commerce Commission (ICC) becomes the Surface Transportation Board (STB)

In December 1995, Congress eliminated the Interstate Commerce Commission (ICC) and replaced it with the Surface Transportation Board (STB). The majority of duties of the STB involve rail issues dealing with maximum rate regulation, mergers, abandonments and line sales. Reflecting these changes made by Congress, the STB has implemented/prepared rule making changes in abandonments. For more information the web site is http://www.stb.dot.gov/.

Kansas Current Abandonments

In Kansas, there has been significant interest in abandonment and preservation of the railroad right-of-way.

The STB identifies three abandonment categories: Category I, abandonment application is expected to be filed within three years; Category II, abandonment under study; and Category III, abandonment application filed with the STB. The following is a table noting the Kansas rail miles and category. (Table 7 on page 73)

Table 7

KANSAS RAIL MILES DESIGNATED FOR ABANDONMENT

OWNER RAIL LINE SEQMENT		ABANDONMENT CATEGORY	RAIL MILES
BNSF Railway			
(1)	Neva to Lost Springs	III	25.5
Kansas and Oklahoma Railroad			
(2)	Chase to Silica	III	4.0
		Total	**29.5**

Category I = Abandonment application is expected to be filed within three years.

Category II = Abandonment under study.

Category III = Abandonment application filed with the STB.

Figure 29

Kansas Current Abandonment Railroad Map

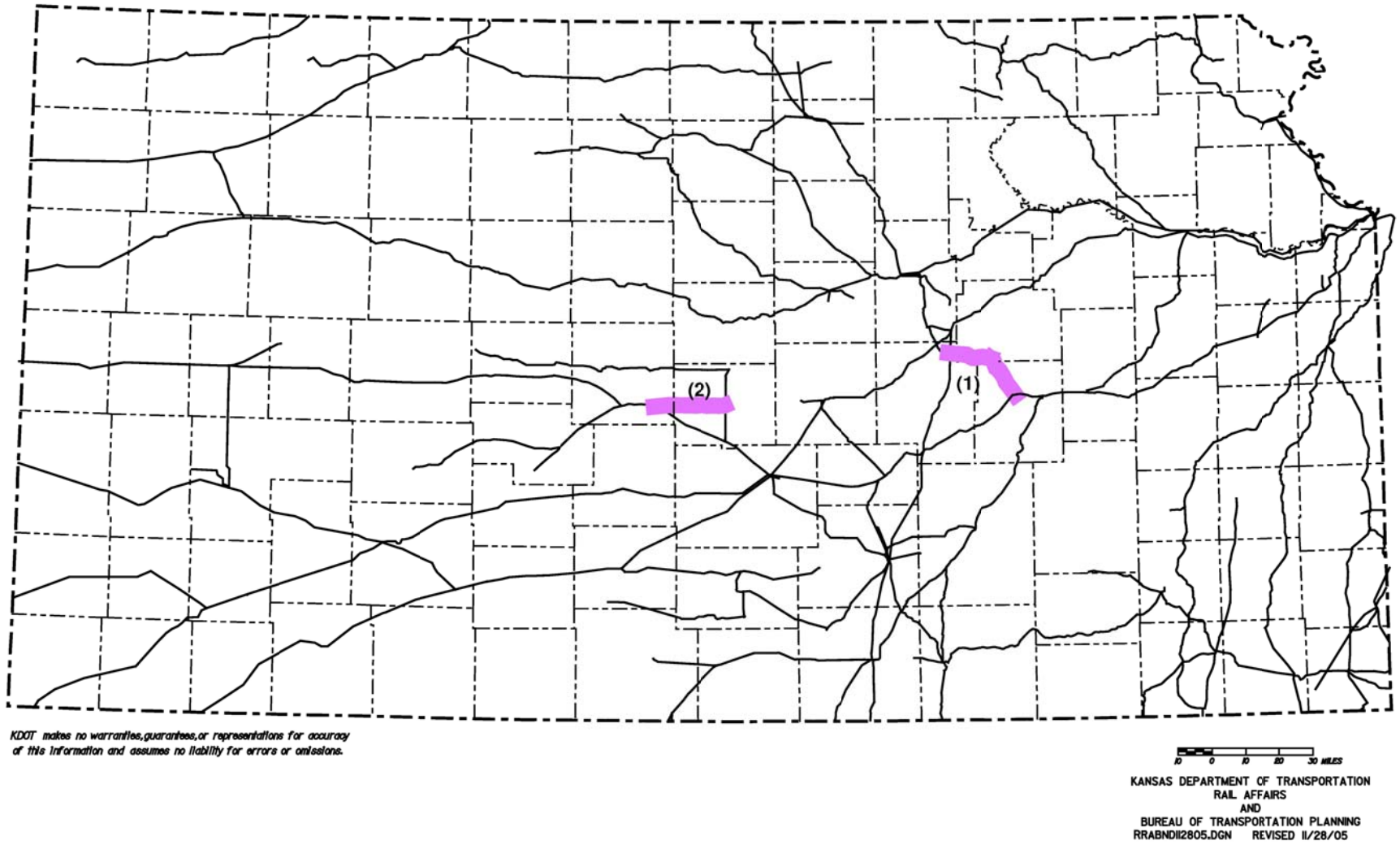


Figure 30

Rail Abandonments in Kansas After 1920

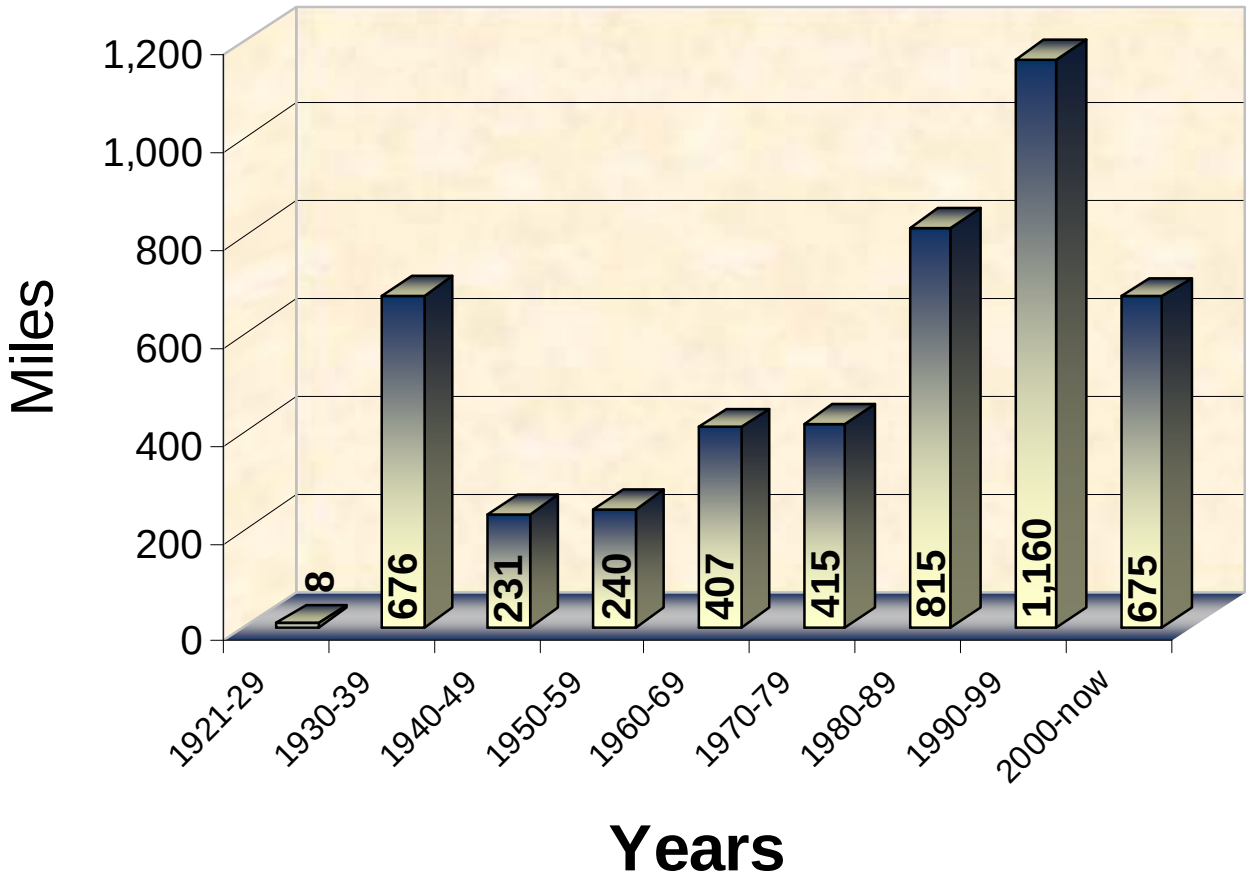


Table 8

CURRENT TO JANUARY 1, 2006
RAILROAD ABANDONMENTS BEFORE THE TRANSPORTATION ACT OF 1920 WHICH PLACED REGULATORY CONTROL WITH THE INTERSTATE COMMERCE COMMISSION now the Surface Transportation Board (STB)

Name of Carrier	Description of Track Abandoned	Kansas Mileage	Abandonment Year
St. Joseph & Topeka Railway	Wathena to Doniphan (1)	13.5	1878
L & E Railway	Carbondale East to Carbon Hill (1)	1.5	1879
St. Louis & San Francisco Railway	Hunnewell Jct. S.E. to Oklahoma	2.5	1891
Kansas City Northwestern Railroad	S. Leavenworth to Fort Leavenworth	4.4	1893
Lawrence & Emporia Railway	North Lawrence to Carbondale	29.5	1894
Dodge City, Mont. & Trinidad Railway	Dodge City to Montezuma (1)	26.4	1894
Kansas City, Clinton & Springfield Railway	Cedar Jct. (Corliss) to Olathe	11.5	1894
Wichita & Southwestern Railway	Sedgwick to Halstead	8.9	1895
The Wichita & Western Railway	Pratt to West Line of Kiowa County	45.2	1895
The Chicago, Rock Island & Pacific Railway	Missouri-Ft.Leavenworth-Leavenworth	1.8	1895
The Chicago, Kansas & Western Railroad	Scott City to Selkirk (Crosby)	35.7	1896
The Burlingame & Northwestern Railway	Alma to Manhattan	22.6	1898
The Chicago, Kansas & Western Railroad	Holyrood to W. Line of Ellsworth City.	4.0	1899
The Chicago, Kansas & Western Railroad	Ellinor to North of Gladstone	3.3	1899
The Chicago, Kansas & Western Railroad	Strong City to Neva	5.9	1899
The Kansas Southwestern Railway	Iuka to West Line of Iuka Township	4.8	1902
Marion Belt & Chingawasa Railroad	Marion North to Mud Creek (1)	6.0	1902
Marion Belt & Chingawasa Railroad	Marion Northeast to Quarry (1)	2.5	1902
St. Louis & San Francisco Railroad	Litchfield to Litchfield Junction	3.3	1906
The Missouri Pacific Railway	Marmaton to Gilfillan Stone Quarry (1)	2.4	1910
Kansas City, Mexico & Orient Railway	Wichita Station to Wichita South Jct.	0.7	1914
The Atchison, Topeka & Santa Fe Railway	Wichita North Jct. to Wichita S. Jct.	1.5	1914
The Chicago, Rock Island & Pacific Railway	Wichita North Jct. to Wichita S. Jct.	1.7	1914
The Atchison, Topeka & Santa Fe Railway	W. of Solomon to A.B. Jct. (East Salina)	10.4	1915
Kansas Southern & Gulf Railroad	Westmoreland to Blaine (1)	8.3	1915
Missouri, Kansas & Texas Railway	West Mineral East to Folsom (1)	4.1	1915
The Chicago, Rock Island & Pacific Railway	Abilene to West of Solomon	9.8	1915
Colorado, Kansas & Oklahoma Railroad	Scott City to Winona (1)	50.5	1917
The Atchison, Topeka & Santa Fe Railway	Frisco Jct. SW. to S. Olathe (S.F.) (1)	1.6	1917
St. Louis-San Francisco Railway	P.&C. Jct. (N.W. Pittsburg) to Kramer	5.0	1918
The Atchison, Topeka & Santa Fe Railway	N. Wellington-Caldwell-Oklahoma	21.8	1918
Kansas City Northwestern Railway	Kansas City-M. Jct.-Summerfield-Neb.	129.4	1919
Kansas City Northwestern Railway	Menager Jct. to South Leavenworth	11.6	1919
Union Pacific Railroad	Detroit to Enterprise (1)	2.0	1920
Missouri Pacific Railroad	Yates Center to Yates Center Jct. N. (1)	5.1	1920
TOTAL MILEAGE ABANDONED BEFORE 1920		499.2	

TABLE 8 (CONTINUED)

CURRENT TO JANUARY 1, 2006

RAILROAD ABANDONMENTS SUBSEQUENT TO THE TRANSPORTATION ACT OF 1920 THAT PLACED REGULATORY CONTROL WITH THE INTERSTATE COMMERCE COMMISSION now the STB

Name of Carrier	Description of Track Abandoned	Kansas Mileage	Abandonment Year
St. Louis-San Francisco Railway	Linton East to Missouri	4.5	1926
St. Louis-San Francisco Railway	Stanley East to Missouri	3.4	1928
The Atchison, Topeka & Santa Fe Railway	S. Harper to Anthony (Old H. & S.)	8.9	1930
Leavenworth & Topeka Railway	Leavenworth to Meriden Jct.	46.6	1931
C., B. & Q. Railroad	Atchison-White Cloud-Nebraska	37.2	1933
The Atchison, Topeka & Santa Fe Railway	Colony to Yates Center	24.7	1933
The Atchison, Topeka & Santa Fe Railway	Quenemo to Osage City	20.1	1933
Missouri Pacific Railroad	South Fredonia to Peru Jct.	39.8	1933
Union Pacific Railroad	Wathena to Appleton	5.5	1934
The Chicago, Rock Island & Pacific Railway	Missouri Line Elwood West of Wathena	7.0	1934
St. Louis-San Francisco Railway	Olathe to Stanley	8.2	1934
Missouri Pacific Railroad	Yates Center to Yates Center Jct. S.	5.6	1934
Missouri Pacific Railroad	Fort Scott to Lomax	90.5	1934
Missouri Pacific Railway	Fort Scott (Wall Street N. to N. Jct.)	0.5	1934
Missouri Pacific Railroad	Blue Mound to LeRoy Jct. S.	34.2	1934
St. Louis-San Francisco Railway	Empire Jct.-North Galena-Missouri	2.2	1934
The Atchison, Topeka & Santa Fe Railway	Abilene to West of Solomon	9.8	1934
The Chicago, Rock Island & Pacific Railway	West of Solomon to East Salina	10.6	1934
St. Louis-San Francisco Railway	Weir City North to Weir Jct.	2.9	1934
St. Louis-San Francisco Railway	Weir City West to Mackie	2.7	1934
Union Pacific Railroad	Knox-Holton-Clay Center	144.2	1934
Union Pacific Railroad	Clay Center-Lawrenceburg-Concordia	37.5	1934
Union Pacific Railroad	Lawrenceburg to Belleville	17.1	1934
The Atchison, Topeka & Santa Fe Railway	Medicine Lodge to Gerlane	7.6	1934
The Atchison, Topeka & Santa Fe Railway	Arkansas City to Geuda Springs	6.3	1934
Missouri Pacific Railroad	Mound City to Blue Mound	12.5	1934
The Chicago, Rock Island & Pacific Railway	Anthony-Waldron-Oklahoma	14.7	1936
The Atchison, Topeka & Santa Fe Railway	Mulvane to Viola	22.5	1937
Kansas & Oklahoma Railroad	Oklahoma-Liberal-Woods	18.5	1937
The Atchison, Topeka & Santa Fe Railway	Southwest of Havana to Cedar Vale (2)	38.3	1938
Wichita Northwestern Railway	Pratt-Tregallas Jct.-Iuka	6.0	1940
Wichita Northwestern Railway	Tregallas Jct.-Trousdale-Kinsley	47.5	1940
Wichita Northwestern Railway	Trousdale-Larned-Vaughn	46.5	1940
Missouri Pacific Railroad	LeRoy Jct. N.-LeRoy Jct. W.-Madison	30.1	1941
The Atchison, Topeka & Santa Fe Railway	Florence-Oil Hill-El Dor. (MOP Conn.) (2)	30.1	1942
The Atchison, Topeka & Santa Fe Railway	ElDorado (MOP Con.) to S ElDorado Jct. (2)	1.0	1942
The Atchison, Topeka & Santa Fe Railway	Kiowa to Gerlane	9.9	1942
The Atchison, Topeka & Santa Fe Railway	Anthony-Waldron-Oklahoma	14.3	1943
The Atchison, Topeka & Santa Fe Railway	Virgil to Benedict Jct.	30.6	1944
The Atchison, Topeka & Santa Fe Railway	Cottonwood Falls to Gladstone	3.3	1947
Missouri Pacific Railroad	Missouri-Pleasanton-Mound City	12.0	1949
TOTAL MILEAGE THIS PAGE		915.4	

TABLE 8 (CONTINUED)

CURRENT TO JANUARY 1, 2006

RAILROAD ABANDONMENTS SUBSEQUENT TO THE TRANSPORTATION ACT OF 1920 THAT PLACED REGULATORY CONTROL WITH THE INTERSTATE COMMERCE COMMISSION now the STB

Name of Carrier	Description of Track Abandoned	Kansas Mileage	Abandonment Year
The Atchison, Topeka & Santa Fe Railway	Pittsburg to Chicopee	3.6	1950
Frisco	Kramer to 2.1 Miles west	2.1	1952
Union Pacific Railroad	Stout to Highland	7.2	1952
C., B. & Q. Railroad	Southwest of Almena to Oronoque	17.3	1953
Missouri-Kansas-Texas Railroad	Piqua to Junction City	112.6	1957
Union Pacific Railroad	Manhattan to Schroyer (2)	49.9	1958
Missouri-Kansas-Texas Railroad	Missouri-Louisburg-Paola	17.6	1958
Missouri Pacific Railroad	Winfield to Belle Plaine	20.7	1959
St. Louis-San Francisco Railway	Girard to P. & C. Jct.(N.W. Pittsburg)	8.5	1959
St. Louis-San Francisco Railway	Opolis to Missouri	0.2	1959
St. Louis-San Francisco Railway	Dennis to Cherryvale	9.6	1960
The Atchison, Topeka & Santa Fe Railway	Leavenworth to Hawthorne	23.3	1960
Missouri-Kansas-Texas Railroad	Moran to Iola (2)	13.2	1962
Missouri-Kansas-Texas Railroad	East of Iola to Bassett	2.0	1962
Kansas, Oklahoma & Gulf Railroad	Baxter Junction to Oklahoma	0.8	1962
The Atchison, Topeka & Santa Fe Railway	Virgil to Madison Junction	10.0	1963
The Atchison, Topeka & Santa Fe Railway	Independence to Longton (2)	24.4	1963
Union Pacific Railroad	Junction City-Clay Center-Miltonvale (2)	51.9	1964
The Atchison, Topeka & Santa Fe Railway	India to Baldwin	13.0	1964
Missouri Pacific Railroad	Bronson-Fort Scott-Missouri	28.1	1965
Missouri Pacific Railroad	Fort Scott to Cornell	30.3	1965
Missouri Pacific Railroad	Roper to North Fredonia	10.1	1965
Midland Valley Railroad	Arkansas City to Adamsville	12.5	1965
Missouri Pacific Railroad	Radium to Larned	11.3	1966
The Atchison, Topeka & Santa Fe Railway	Viola to East Harper (Old K.C.M. & O.)	25.0	1966
Missouri Pacific Railroad	Yaggy Junction to Sterling	12.9	1966
The Chicago, Rock Island & Pacific Railway	Horton-Bern-Nebraska	38.5	1967
St. Louis-San Francisco Railway	Cravensville-Scammon-Carona (Old N.E.O.)	19.4	1967
St. Louis-San Francisco Railway	Baxter Jct. SE. to Oklahoma (Old N.E.O.)	1.2	1967
The Atchison, Topeka & Santa Fe Railway	Frontenac to Pittsburg	3.9	1967
Texas & Pacific Railway	Silverdale to Oklahoma	7.2	1968
Texas & Pacific Railway	Wichita to Adamsville (2)	39.4	1969
The Atchison, Topeka & Santa Fe Railway	Florence to East Marion	10.1	1969
Missouri-Kansas-Texas Railroad	South Humboldt to Chanute	9.2	1969
The Kansas City Southern Railway	Crestline Jct.-Military-Baxter Jct.	12.0	1970
St. Louis-San Francisco Railway	Columbus Jct. to Cravensville (Old N.E.O.) (1)	1.6	1971
St. Louis-San Francisco Railway	P & C Jct.(NW Pittsburg) to MOP Crossing (1)	1.0	1972
The Atchison, Topeka & Santa Fe Railway	B. N. Jct.(South Ottawa) to Gridley	52.0	1972
The Atchison, Topeka & Santa Fe Railway	Metcalf to Geuda Springs	36.8	1972
The Atchison, Topeka & Santa Fe Railway	Little River to Lorraine	20.5	1972
Missouri Pacific Railroad	Kanbrick to Great Bend	7.5	1973
The Atchison, Topeka & Santa Fe Railway	Burlingame to Alma	33.8	1973
Union Pacific Railroad	Appleton Spur to Troy	1.0	1973
Union Pacific Railroad	Leavenworth to Knox	3.1	1974
The Kansas & Missouri Railway & Term.	3rd & New Jersey to Matoon Yard (K.C.) (2)	5.6	1974
The Atchison, Topeka & Santa Fe Railway	South Emporia to Moline	82.3	1975
St. Louis-San Francisco Railway	West Parsons to Dennis	6.8	1976
Union Pacific Railroad	Cochrane to Tonganoxie	16.5	1976
St. Louis-San Francisco Railway	Missouri Line Southwest to Pittsburg	6.0	1976
St. Louis-San Francisco Railway	Beaumont to Northeast Winfield	42.0	1977
Missouri Pacific Railroad	Bronson to Iola	17.2	1977
Union Pacific Railroad	Tonganoxie to Lawrence (2)	13.8	1977
Missouri-Kansas-Texas Railroad	Parsons to Coffeyville	30.7	1978
Missouri-Kansas-Texas Railroad	Labette Jct. to Columbus	24.6	1979
TOTAL MILEAGE THIS PAGE		1,061.8	

TABLE 8 (CONTINUED)

CURRENT TO JANUARY 1, 2006

RAILROAD ABANDONMENTS SUBSEQUENT TO THE TRANSPORTATION ACT OF 1920 THAT PLACED REGULATORY CONTROL WITH THE INTERSTATE COMMERCE COMMISSION now the STB

Name of Carrier	Description of Track Abandoned	Kansas Mileage	Abandonment Year
Missouri Pacific Railroad	Walnut River (S Ark City)-Dexter Jct.	23.2	1980
Missouri Pacific Railroad	Dexter-Jct. to 3.8 Mi E Winfield	15.8	1980
Burlington Northern Railroad	Westville-Treece-Oklahoma (Old N.E.O.)	2.8	1980
Missouri Pacific Railroad	Dearing to Dexter	69.0	1981
Burlington Northern Railroad	Concordia-Hanover-Nebraska	65.0	1982
The Atchison, Topeka & Santa Fe Railway	South Hutchinson to N.D. Jct.	0.6	1982
Burlington Northern Railroad	Kramer (Sinclair) SW. to Weir City	3.2	1982
Burlington Northern Railroad	East Pittsburg to Opolis	6.6	1982
The Atchison, Topeka & Santa Fe Railway	Clonmel-SF-Crossing (Viola-Anness)	7.7	1982
The Atchison, Topeka & Santa Fe Railway	Viola to Arness	4.6	1982
Burlington Northern Railroad	N. Winfield-Arkansas City-Oklahoma	20.2	1982
Union Pacific Railroad	Colby to West End of Track in Colby	0.3	1983
Missouri Pacific Railroad	Greenleaf to Washington	7.0	1983
Rock Island Trustee	Troy to S.J. Jct. (North Topeka) (2)	75.3	1983
Rock Island Trustee	McFarland to Clay Center	56.4	1983
Union Pacific Railroad	1.5 Miles W. of Bridgeport to Lindsborg	3.5	1983
Burlington Northern Railroad	Mertz-Mulberry-Missouri	1.0	1984
The Atchison, Topeka & Santa Fe Railway	Manchester to Barnard	43.1	1984
Missouri Pacific Railroad	Geneseo to Kanopolis	14.2	1984
Burlington Northern Railroad	Medora to Lyons	26.3	1985
Burlington Northern Railroad	Lorraine to Ellsworth	13.8	1985
Missouri Pacific Railroad	1.9 Miles North of Scandia to Nebraska	16.8	1985
Missouri Pacific Railroad	Hoisington to Kanbrick	2.5	1985
The Atchison, Topeka & Santa Fe Railway	Strong City to Cottonwood Falls	1.8	1985
Burlington Northern Railroad	Pittsburg to East Pittsburg (1)	0.6	1985
The Atchison, Topeka & Santa Fe Railway	Metcalf to Anthony	16.0	1986
Missouri Pacific Railroad	Trigo to Marquette	22.2	1986
Burlington Northern Railroad	Baxter Jct SW to Oklahoma (Old M.M.B.) (1)	2.6	1986
Missouri-Kansas-Texas Railroad	Chanute to Parsons	26.2	1986
Chicago & North Western Tr. Co.	In Leavenworth	0.5	1986
Chicago & North Western Tr. Co.	In Kansas City	0.4	1986
Burlington Northern Railroad	Arcadia to Mertz	6.8	1987
Texas North Western Railway	Liberal South to Oklahoma (Old R.I.)	2.6	1987
Burlington Northern Railroad	Baxter Springs-Empire-S. Galena-Missouri (2)	9.7	1987
Burlington Northern Railroad	Missouri to Leavenworth	0.9	1987
Missouri Pacific Railroad	Iola to Piqua	8.4	1987
The Atchison, Topeka & Santa Fe Railway	South Lawrence to India	1.1	1987
The Atchison, Topeka & Santa Fe Railway	Lawrence to South Lawrence	1.5	1988
The Atchison, Topeka & Santa Fe Railway	A. U. Jct.(South Chanute) to Frontenac	49.1	1988
The Atchison, Topeka & Santa Fe Railway	Wilder to Leavenworth	22.0	1988
Missouri-Kansas-Texas Railroad	Griffith to Parsons (3)	45.7	1988
Oklahoma, Kansas & Texas Railroad	North Herington to Woodbine (3)	7.5	1988
Missouri-Kansas-Texas Railroad	Coffeyville to Oklahoma Line (3)	2.8	1988
Missouri Pacific Railroad	El Dorado to Whitewater (3)	19.7	1988
Missouri Pacific Railroad	Conway Springs to Riverdale (3)	14.6	1988
The Atchison, Topeka & Santa Fe Railway	KCM&O Jct. (W. Wichita) to Clonmel	12.3	1989
Missouri Pacific Railroad	Overbrook to 0.6 Miles S. of Berryton	15.9	1989
Missouri Pacific Railroad	Pauline(50th St.) to S. Topeka (30th St)	2.9	1989
Missouri Pacific Railroad	Topeka(16th Street) North to End of Track	1.9	1989
Burlington Northern Railroad	Cherokee to West Parsons	26.8	1989
Missouri Pacific Railroad	East Salina to Salina(Old Rock Island) (2)	1.6	1989
Missouri Pacific Railroad	S.A. Jct.(W. Gypsum) to East Salina	11.5	1989
	TOTAL MILEAGE THIS PAGE	814.5	

TABLE 8 (CONTINUED)

CURRENT TO JANUARY 1, 2006

RAILROAD ABANDONMENTS SUBSEQUENT TO THE TRANSPORTATION ACT OF 1920 THAT PLACED REGULATORY CONTROL WITH THE INTERSTATE COMMERCE COMMISSION now the STB

Name of Carrier	Description of Track Abandoned	Kansas Mileage	Abandonment Year
Burlington Northern Railroad	Baxter Jct. SW. to Oklahoma (Old N.E.O.)	1.5	1990
Missouri Pacific Railroad	Vliets to Parnell	66.7	1990
The Atchison, Topeka & Santa Fe Railway	North Ottawa Jct. to Ottawa (2)	1.1	1990
The Atchison, Topeka & Santa Fe Railway	Anness to Rago	19.7	1990
KCT Railway	Ottawa to North Iola	50.0	1991
The Atchison, Topeka & Santa Fe Railway	Emporia to South Emporia	1.3	1991
Missouri Pacific Railroad	Belle Plaine to Riverdale	6.2	1992
Missouri Pacific Railroad	Piqua to Humboldt	9.8	1993
Missouri Pacific RR	Kinsley to 1.7 Miles NE of Kinsley (2)	1.7	1993
South Kansas & Oklahoma Railroad	Coffeyville to South Coffeyville (1)	1.2	1993
South Kansas & Oklahoma Railroad	N. Iola to Iola (1)	1.5	1993
T & P Railway	North Topeka to Parnell	41.0	1993
Burlington Northern Railroad	Valley Center to Medora	36.1	1994
Central Kansas Railway	Spring to Oklahoma Line	3.8	1994
Central Kansas Railway	Belvidere Jct. to 1.0 W. of Sun City	8.0	1994
Central Kansas Railway	Garfield to Kinsley	12.0	1994
Missouri Pacific Railroad	4.3 to 4.9 Miles East of Salina	0.6	1994
Missouri Pacific Railroad	Salina to 0.8 Miles East of Salina	0.8	1994
Missouri Pacific Railroad	Durand to Piqua	8.9	1994
Missouri Pacific Railroad	1.8 W. of Osage C. to 0.4 W. of Council Gr.	38.9	1994
Missouri Pacific Railroad	West Yates Center to East El Dorado	65.8	1994
The Atchison, Topeka & Santa Fe Railway	E.. Harper to S. Harper (Old KCM&O)	1.9	1994
The Atchison, Topeka & Santa Fe Railway	Atchison to West Atchison (2)	2.0	1994
The Atchison, Topeka & Santa Fe Railway	Topeka to North Topeka (2)	3.0	1994
The Atchison, Topeka & Santa Fe Railway	West Atchison to Parnell	4.6	1994
The Kansas City Southern Railway	Missouri SW. to Crestline Jct.	6.2	1994
Union Pacific Railroad	Salina to East of 1.5 E. of Plainville	102.0	1994
Central Kansas Railway	Harper to Anthony (2)	9.7	1995
Kyle Railroad	Belleville to 1 mile So Clay Center (2)	47.7	1995
Missouri Pacific Railroad	3.9 to 4.3 Miles East of Salina	0.4	1995
Missouri Pacific Railroad	In East Winfield	0.9	1995
Missouri Pacific Railroad	Lomax to Overbrook	13.3	1995
Missouri Pacific Railroad	W. of Council Grove to W. Herington	26.4	1995
Missouri Pacific Railroad	W. Osawatomie Jct.-1.8 W. of Osage City (2)	54.0	1995
Union Pacific Railroad	Lindsborg to McPherson (2)	15.0	1995
Burlington Northern Railroad	MOP Crossing East to Pittsburg	1.0	1996
Central Kansas Railway	Protection to Track End W. of Englewood	31.7	1996
Central Kansas Railway	Marion to McPherson (2)	33.7	1996
K & E	Kiowa South to Oklahoma Line	1.2	1996
Missouri Pacific RR	So. Topeka (30th Street) to 16th	1.8	1996
Topeka Lynn Creek & Berryton	So. Berryton to Pauline	4.2	1996
Central Kansas Railway	Lyons to Galatia (2)	56.5	1997
Kyle Railroad	Jamestown Jct. to Burr Oak (2)	33.7	1997
South East Kansas	Coffeyville to Faulkner (2)	37.2	1997
South Kansas & Oklahoma	Oxford to Wellington	9.2	1997
South Kansas & Oklahoma	AU Jct., to Fredonia (2)	24.5	1997
Union Pacific Railroad	Bridgeport to 1.5 miles Southwest (2)	1.5	1997
Union Pacific Railroad	E. of Plainville to E. Colby	99.0	1997
Union Pacific Railroad	Whitewater to Newton (2)	12.1	1998
Union Pacific Railroad	Hope to Bridgeport (2)	31.9	1998
Central Kansas Railway	Anthony to Spring	8.0	1999
Kansas Southwestern	Iuka to Olcott Junction	20.2	1999
Kansas Southwestern	Radium to Olcott	44.1	1999
Kansas Eastern Railroad	Augusta to Severy	44.5	1999
	TOTAL MILEAGE THIS PAGE	1,159.7	

TABLE 8 (CONTINUED)

CURRENT TO JANUARY 1, 2006

RAILROAD ABANDONMENTS SUBSEQUENT TO THE TRANSPORTATION ACT OF 1920 THAT PLACED REGULATORY CONTROL WITH THE INTERSTATE COMMERCE COMMISSION now the STB

Name of Carrier	Description of Track Abandoned	Kansas Mileage	Abandonment Year
Kansas Southwestern	Kingman to Olcott	16.7	2000
Kansas Southwestern	Conway Springs to Kiowa	57.6	2000
South Kansas & Oklahoma Railroad	Sherwin to Faulkner	5.0	2000
Union Pacific Railroad	Marietta to Nebraska Line	3.9	2000
Central Kansas Railway	Alameda to Kingman	8.5	2001
Central Kansas Railway	Rago to Harper	11.5	2001
Central Kansas Railway	Garden Plain to Wichita	16.0	2001
Central Kansas Railway	Conway to Lyons	19.6	2001
Central Kansas Railway	Hutchinson to Kingman	27.5	2001
Kyle Railroad	Ames to Frankfort	61.9	2001
Kyle Railroad	Lenora to Harlan	70.3	2001
South Kansas & Oklahoma Railroad	Humboldt to Iola	9.1	2001
South Kansas & Oklahoma Railroad	Severy to Fredonia	24.4	2001
Southeast Kansas Railroad	Pittsburg to Cherokee	6.0	2001
Union Pacific Railroad	Lindsborg to Salina	10.9	2001
Union Pacific Railroad	Geneseo to Lindsborg	28.0	2001
Burlington Northern & Santa Fe Railroad	In Ottawa	0.2	2002
Burlington Northern & Santa Fe Railroad	Columbus to Missouri State Line	12.1	2002
Central Kansas Railway	In Wichita	1.0	2002
Kiowa, Hardtner & Pacific	Kiowa to Hardtner	9.9	2002
South Kansas & Oklahoma Railroad	In Pittsburg	0.4	2002
Union Pacific Railroad	In Topeka	1.0	2002
Union Pacific Railroad	Marysville to Marietta	8.0	2003
Burlington Northern & Santa Fe Railroad	Wichita to Valley Center	5.9	2003
Burlington Northern & Santa Fe Railroad	In Wichita	11.0	2003
Victoria and Sourthern Railroad	Medicine Lodge to Sun City	20.0	2003
Kansas and Oklahoma Railroad	Coats to Protection	46.8	2003
Kansas and Oklahoma Railroad	Hanston to Jetmore	10.7	2003
Burlington Northern & Santa Fe Railroad	South Hutchinson	2.9	2004
Union Pacific Railroad	Vilets to Frankfort	5.3	2004
Butler County	Augusta to Andover	10.6	2004
Union Pacific Railroad	McCracken to Healy	58.5	2004
Burlington Northern & Santa Fe Railroad	Reynolds, NE to Superior	40.0	2004
Union Pacific Railroad	Elwood to Robinson	31.0	2004
Boothill and Western Railway	Wilroads to Bucklin	15.8	2005
Kansas and Oklahoma	Silica to Chase	6.0	2006
Union Pacific Railroad	Near Coffeyville	0.8	2006
Union Pacific Railroad	Durand Industrial Lead – Yates Center	1.6	2006
	TOTAL MILEAGE THIS PAGE	675.3	

TOTAL MILEAGE ABANDONED IN KANSAS BEFORE THE TRANSPORTATION ACT OF 1920	499.2
TOTAL MILEAGE ABANDONED SUBSEQUENT TO THE TRANSPORTATION ACT OF 1920	4,626.6
GRAND TOTAL OF ALL KANSAS MILEAGE ABANDONED FROM 1878 TO PRESENT DATE	5,125.8

EXPLANATION OF NOTES AND ABBREVIATION MARKS

(1) Exact date not ascertainable. Approximate date used after viewing all available material
(2) Includes trackage not abandoned but reclassified as industrial track.
(3) Abandoned as part of the M-K-T and the Union Pacific merger.

Source: "A History of Railroad Construction and Abandonment Within the State of Kansas" Published by the Kansas Corporation Commission, produced by Vernon Wenger, Transportation Manager.
Rail-bank information provided by Office of Rail Affairs.

TABLE 9

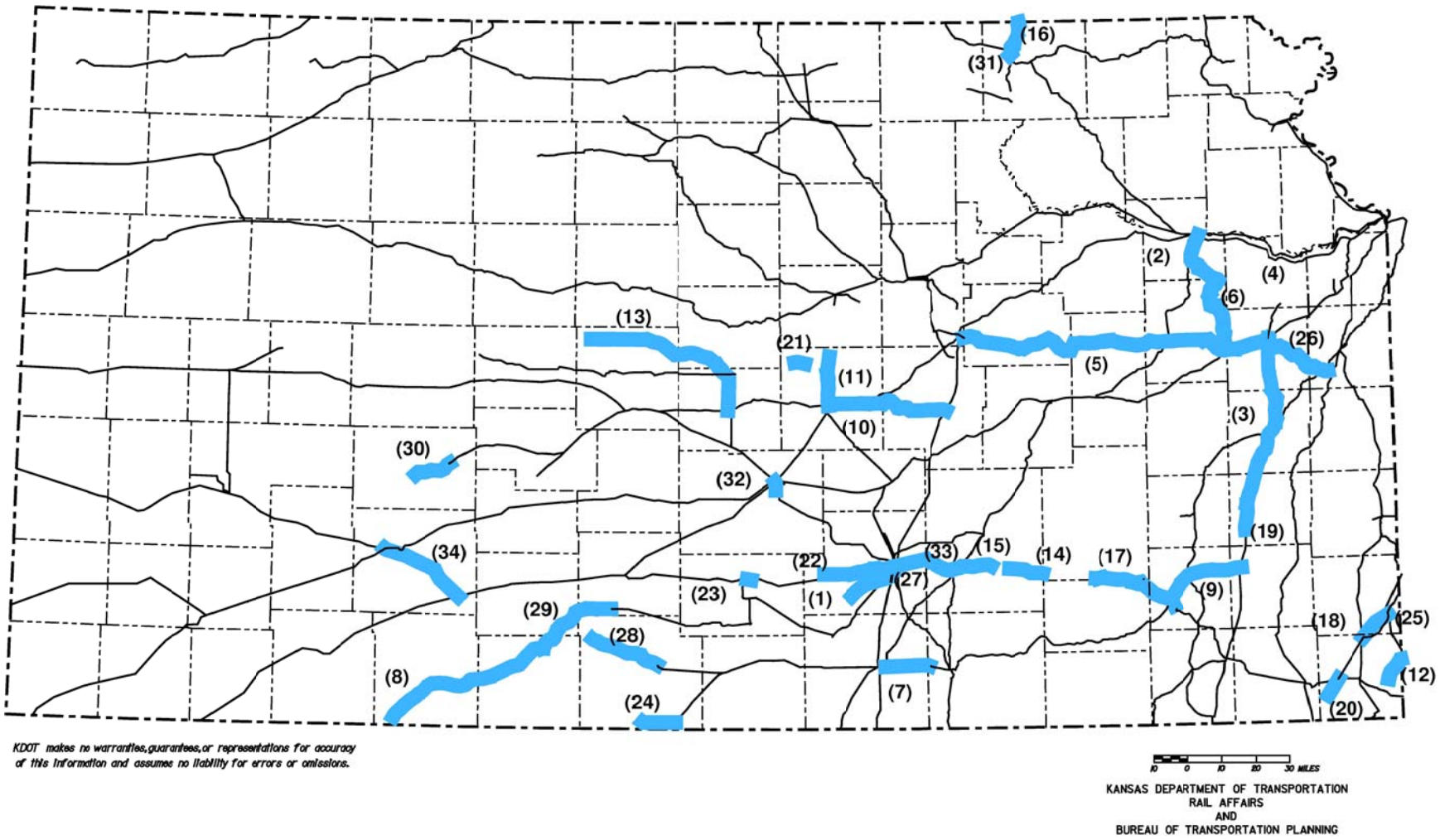
KANSAS LINE SEGMENTS AND MILES PRESERVED

Kansas currently has 612.2 miles of railroad rail banked for future use. Presented below are the segments and approximate miles preserved for future use.

	RAIL LINE SEGMENT	MILES PRESERVED
(1)	Wichita to Clonmel	11.0
(2)	Topeka to Overbrook	23.6
(3)	Ottawa to Iola	50.2
(4)	Lawrence	1.4
(5)	Herrington to Osawatomie	116.1
(6)	Lomax to Overbrook	13.5
(7)	Oxford to Wellington (pending)	9.2
(8)	Englewood to Protection	30.4
(9)	Chanute to Fredonia (pending)	19.0
(10)	McPherson to Marion	33.4
(11)	McPherson to Lindsborg	15.0
(12)	Crestline to Waco (Missouri) (pending)	16.0
(13)	Lyons to Galatia (pending)	53.2
(14)	Beaumont to Leon (pending)	13.1
(15)	US-54 to Augusta (pending)	6.4
(16)	Marietta to Jamaica (Nebraska)	4.5
(17)	Fredonia to Severy	23.5
(18)	Pittsburg to Cherokee (pending)	6.0
(19)	City of Iola	1.5
	Iola to Humbolt	6.5
(20)	Sherwin to Faulkner	5.0
(21)	Marquette	2.0
(22)	Wichita to Garden Plain	15.0
(23)	Kingman	1.6
(24)	Kiowa to Hardtner	9.9
(25)	Pittsburg	0.4
(26)	Ottawa	0.2
(27)	Wichita (BU/SG County Line to Hydraulic St)	9.8
(28)	Medicine Lodge to Sun City	20.0
(29)	Coats to Protection	46.8
(30)	Hanston to Jetmore	10.7
(31)	Marysville to Marietta	8.1
(32)	South Hutchinson	2.9
(33)	Augusta to BU/SG County Line	10.6
(34)	Bucklin to Wilroads	15.8
	Total	**612.2**

Figure 31

Kansas Rail-Banked Miles Map 2005



SURFACE TRANSPORTATION BOARD

ABANDONMENTS AND ALTERNATIVES TO ABANDONMENTS

I. OVERVIEW

By the mid-1970s, our nation's rail transportation system was in dire financial condition. Rail carriers were faced with increased competition from other modes of transportation such as trucking, rising labor cost, fuel and maintenance expenses, and regulation that made it difficult for rail carriers to liquidate unprofitable lines. These conditions had contributed to the bankruptcy of several prominent rail carriers.

Against this background, Congress enacted a series of new laws, most notably the Staggers Rail Act of 1980. Together with the implementing regulations issued by the Interstate Commerce Commission, the Surface Transportation Board's (STB) predecessor, this legislation sought to increase the role of the marketplace, rather than government regulation, in shaping rail transportation. In essence, the Staggers Act gave railroads more flexibility to set prices, adjust service as the market requires and become more competitive. At the same time, the necessity for some regulatory protection was recognized because rail carriers still have significant market power and rail transportation has a vital public interest. The current regulatory scheme governing abandonments and acquisitions to preserve service seeks to balance these competing considerations.

Under the more detailed abandonment application process for active lines, the STB balances the economic burden of continued operation against the public's need for the service. An authority will usually be granted to abandon lines on segments with significant operating losses. On the other hand, the railroad's ability to earn more money by divesting from a line and reinvesting the assets elsewhere usually is not sufficient evidence to allow abandonment in the face of a strong public need for service. Although it may be easier for carriers to abandon unprofitable rail lines, it is also now much easier for states and private parties to preserve rail service. Once an abandonment application is filed for a line, financially responsible parties can offer to subsidize the carrier's service or force the railroad to sell them the line for continued rail service.

In addition to this general background, specific types of abandonments will be discussed in the following parts that pertain to standards and procedures that govern formal applications to abandon a line. Other parts to be discussed are exemptions, a widely used alternative to the more detailed abandonment application process; and alternative ways of preserving rail service, including the purchase or subsidy of lines slated for abandonment. The role of labor will be examined and finally, alternative means of preserving rail right-of-way through rail banking.

II. ABANDONMENTS

Under the ICC Termination Act of 1995, a railroad may abandon a line only with the STB's permission. The STB must determine whether the present or future public convenience and necessity require or permit the abandonment. In making this determination, the STB balances two competing factors. The first is the need of local communities and shippers for continued service. That need is balanced against the second factor of freeing railroads from financial burdens of unprofitable rail lines that are a drain on their overall financial condition.

To support its abandonment, the railroad first must show how continued operation of the line would be a financial burden to it. If the railroad cannot establish this, the abandonment will be denied. However, the railroad does not have to show an actual operating loss. It may also calculate its opportunity costs for the line. These are the costs of the railroad's assets in the line.

If the railroad does demonstrate a financial burden, then evidence of the public's need for continued service is examined. The effect on local businesses, surrounding communities, the local economy, and the environment may be considered. Parties opposing abandonment should present public need evidence and should also challenge the railroad's financial data.

With this general introduction, the following will address in more detail the steps in the abandonment process and the kinds of factors and evidence the STB considers in deciding these cases.

A. Steps in the Abandonment Process

The 49 U.S.C. 10904 establishes strict filing and procedural requirements for abandonment applications. The STB has adopted regulations to implement these requirements. These regulations are found at 49 CFR 1152.

Once an abandonment application is filed, interested parties have 45 days to file protests. Yet, an effective opposition to abandonment requires substantial preparation. The Act, therefore, also gives communities and shippers advance notice of a railroad's abandonment plans.

1. System Diagram Map

The earliest indication that a railroad intends to abandon a line comes from the railroad's system diagram map. (49 C.F.R. 1152.10-13) This regulation requires a rail carrier to maintain a map of all its rail lines. A Class III carrier may choose to prepare a narrative description of its lines instead of a map. On this system diagram map or in its narrative report, the carrier must identify separately (1) any line for which it expects to file an abandonment application within the next three years, and, (2) any line that it considers to be a potential candidate for abandonment. The Board will reject an abandonment application if any part includes a line that has not been identified as a Category I line (abandonment application planned within three years) for at least 60 days before the carrier filed the abandonment application. A carrier must publish its system diagram map or narrative in a newspaper of general circulation in each county containing a rail line in Category I, and publish all subsequent changes to its system diagram map. (The system diagram map rules are found at 49 U.S.C. 10903(c)(2) and 49 CFR 1152.10-13.)

2. Notice of Intent

In addition to the system diagram map requirement, the STB requires the railroad to file a Notice of Intent to abandon. The railroad must publish this notice once a week for three consecutive weeks in general circulation newspapers in each county where the line is located. They must also send it to each of the significant shippers on the line and send it to the state agency responsible for rail transportation planning, and post it at each agency station and terminal on the line. All these notice requirements must be fulfilled 30 days before the application is filed at the STB.

The complete form and all the information this notice must contain are set out in 49 C.F.R. Section 1152.21 of the regulations. The notice describes when and how to file a protest to the proposed abandonment. It also explains how to obtain information on possible subsidy or purchase of the line. Once the Notice of Intent to abandon is received, shippers, communities, and interested citizens should organize their activities concerning the abandonment and prepare to present their position to the STB and the railroad. For help in preparing a Notice of Intent or preparing an opposition to an abandonment, contact the STB's Office of Public Services (OPS) at (202) 565-1592.

3. Abandonment Application

The abandonment application must contain detailed information about the costs and revenues on the line to be abandoned and the overall financial condition of the railroad. (A complete recitation of what must be in the application is found at 49 CFR 1152.22.) Any interested person may request a copy of the application from the railroad, and persons planning to protest should obtain a copy as soon as the application is filed and immediately begin to examine the information carefully.

Abandonment applications may contain pages of figures, tables, charts, and graphs, some of which may be less important than other parts. Opponents should make an effort to verify and, if appropriate, recalculate and reconcile key figures and totals. Shippers and small communities often lack the expertise to analyze out rail financial data or the money to hire experts to do it for them. State rail officials can help in this area and should be contacted for assistance.

A railroad may ask the STB to waive certain informational requirements. For example, a railroad is normally allowed to exclude data concerning overhead or bridge traffic (shipments not actually originated or terminated on the line sought to be abandoned) if it would retain that traffic by rerouting it over other routes. However, an opponent who believes relevant information has been left out, should appeal the waiver explaining why the information is necessary. If the Board agrees, it will rescind the waiver and require the information.

4. Protests or Comments to the Proposed Abandonment

Once an application is filed, protestants have only 45 days to submit protests. 49 CFR 1152.25(a) of the regulations lists all the information that should be in the protest. Protests should quantify the harm to shippers and the community and explain each protestant's interest in continued service. If possible, they should also try to critically evaluate the railroad's financial evidence. Section 1151 .25(a) of the regulations lists all the information that should be in the protest.

All larger shippers and every community on the line should submit statements describing in detail their use of the line and the impact a loss of rail service will have on their operations. Opposition from elected officials from both the local and national level is also very helpful.

Shippers should submit car loading data and estimates of future use, showing projected increased traffic. They should also point out any defects in the carrier's cost data. Communities and shippers should make every effort to quantify the harm from abandonment.

Protestants should describe their interest in the proceeding in as much detail as possible. If the line sought to be abandoned is used for grain shipments and the protestant is a grain producer, the statement should at least specify the number of years in farming, the farm's size, the amount of grain produced and shipped by rail, and the number of people employed directly on the farm. Also, the availability of alternative (whether rail, truck, or barge) transportation, the cost of alternative transportation compared to the cost of using this line, and any other factors believed to be relevant should be included. In addition, protestants should present any evidence they may have developed that contradicts the revenue and cost evidence the railroad has submitted. Always use specific numbers, facts and figures when possible, and explain where the information was derived and how it was developed. Cost and revenue information is usually critical. Remember, that if it is shown that the line is not a financial burden to the railroad, abandonment will be denied.

Again, protests and comments to the proposed abandonment must be received at the STB within 45 days after the filing of the application. An original and 10 copies of each comment or protest must be filed with the Board. A copy must be mailed to the applicant railroad, and each copy must contain a Certificate of Service (a statement that the railroad was mailed a copy of the comment or protest). No set form exists for protest and many letter protests are received. However, the more detailed a protest is, the more weight it will receive.

5. Modified Procedure and Oral Hearings

The STB will either set the proceeding for an oral hearing or, more often, for what is called modified procedure. Modified procedure means that no oral hearing is held, and all evidence is filed in writing. Oral hearings are for the primary purpose of cross-examining witnesses who have filed verified statements in the proceeding. See 49 CFR 1152.25(a). With this in mind, requests for oral hearing should specify any factual matters, which are likely to be disputed and require cross-examination.

Regardless of whether modified procedure or oral hearing is used, the core of both the railroad's and protestant’s cases will come in the form of written evidence.

After receiving the protests and the railroad's reply, the STB must issue its decision within 110 days after the application is filed.

6. Appeals

If a party is dissatisfied with the STB's Director of the Office of Proceedings decision, it may ask the STB to reconsider the matter. Director's decisions are made during certain stages of the proceeding. For example, the Director makes the determination whether or not an Offer of Financial Assistance is bona fide, pursuant to 49 CFR 11 52.25(e).

A party that is dissatisfied with a decision of the full STB may seek judicial review of the STB's decision by filing a petition for review in the appropriate United States Court of Appeals.

In situations where the abandonment application was protested but approved, a dissatisfied party may ask the STB to reopen the case if it can show material error, new evidence, or substantially changed circumstances. In an unprotested case, the only recourse for a dissatisfied party is if it can show that the railroad's abandonment application was defective (for failure to provide the required notices, for example) in which case it can ask the STB to vacate the abandonment certificate.

B. Issues in Abandonments

Important issues in rail abandonments and the factors the Board weighs in deciding these cases will now be discussed.

As explained earlier, the standard used in deciding abandonment cases is whether the railroad's financial burden of continued service outweighs the public's current and future need for the service.

The railroad first must establish that it is indeed suffering a financial loss or burden from the line. If it fails to prove this, the abandonment will be denied. However, the railroad does not have to demonstrate an operating loss. The Board also considers the annual opportunity costs of owning and operating the line. This is the cost of the railroad's assets in track, land, and materials on the line. It is calculated by multiplying the carrier's investment in the line (including the net liquidation value of the track and land) by an appropriate annual rate of return. Where there is evidence of public need, the Board may refuse to grant abandonment based only on opportunity cost losses. If the railroad does show a financial loss or burden, then the protestants' evidence of public need is examined.

The statute specifically directs the STB to consider whether the abandonment will have a serious, adverse impact on rural and community developments [49 U.S.C. 10903(d)]. Protestants can address this factor through evidence showing the economic impact abandonment would have on the area. This can be done by computing (1) markets that would be lost without rail service, (2) the number of business failures or relocations and lost jobs that would result from abandonment, and

(3) the number of current or future ventures (such as industrial parks) that depend upon continued rail service. Likely sponsors of this type of testimony would be shippers (using data from their own business), development experts from local or state governments, elected or appointed officials, and Chamber of Commerce representatives. In sparsely populated areas, for example, discontinuance of rail service may cause a significant loss of jobs and reduce the tax base upon which the community depends to support its local school system and other important public services.

A critical factor in assessing the impact of abandonment on a rail shipper's farm or business is the possible transportation alternatives available after abandonment. If shippers have already switched to truck transportation for part of their traffic, then truck transportation may be a suitable alternative for all their traffic. Yet, truck rates may be higher than rail rates, bringing into question whether businesses can survive with higher transportation costs. Also, sufficient trucks may not be available in the area to handle the increased traffic, or the local road system may not be capable of handling the increased wear and tear of truck transportation. These issues need to be fully explored and developed by protestants. This is another area where state transportation specialists can provide shippers and local communities with invaluable assistance.

Local shippers also should be able to present testimony concerning past and future use of the rail line. Reasons for the low levels of past rail shipments, such as sporadic business fluctuations, drought or other local disaster, should be explained. If shippers are expecting increased rail shipments, based on sound and defensible business forecasts, this should be documented.

Besides the economic impact of the proposed abandonment, protestants may also point out any effect that the abandonment would have on the environment. For example, increased use of alternative modes of transportation, such as trucks, might adversely affect noise levels in congested areas or pose safety problems. The environmental consequences of abandonment are assessed by the STB's Section of Energy and Environment (SEE). For more information about environmental issues you can contact SEE at (202) 565-1538. Also see the STB's regulations at 49 CFR 1105.

The balancing test the STB employs to decide abandonments has factors on both sides of the equation. To be successful, protestants should not only present the harm that they will suffer from abandonment, but they should also attempt to discredit the railroad's evidence of losses or burden from operating the line.

C. Evaluating Railroad Financial Data

Opponents of an abandonment should clearly examine the railroad's financial data. The railroad must show it is incurring financial losses or a burden. The railroad will attempt to show that (1) it is not receiving, and cannot reasonably expect in the future to earn, sufficient revenues from the line; and/or (2) it expects to face such significant costs on the line in the future that it will not be able to recover. Normally, the past revenue generated by the line can be determined fairly accurately based on carrier and shipper records. Other data is subject to interpretation by the parties, however. These include: (1) projecting the revenues for the line; (2) isolating the historical expenses of operating and maintaining the line, and projecting future operating, maintenance and rehabilitation expenses; and (3) calculating the opportunity costs of operating the line.

Protestants who can critically evaluate this data will have a better chance of success. The assistance of a CPA or rail cost analyst is useful and can be critical. Even if there is insufficient time or money to analyze the financial data thoroughly, there are a number of key issues that should be examined.

Railroads are required to include in their abandonment applications projections of their revenues and costs on the line for a forecast year, with the 12-month period beginning the first day of the month the application is filed. To project future revenues and costs, the railroad must necessarily make assumptions. Those assumptions should be evaluated critically. Nobody can predict the future with certainty, and in many instances the protestants may be in as good or better position than the railroad to make accurate predictions. For example, a substantial component of revenues usually consists of the number of shipments originating or terminating on the line. Shippers on the line presumably know their own businesses and future transportation needs and may be able to dispute the railroad's projections of future traffic. Wherever possible, protestants should provide specific facts and figures to support their own projections.

Of course, projections as to the future usually are based upon prior experience. Thus, the railroad's historical data should also be examined. Again, there are some issues that can be explored even if a rail cost analyst or other expert is not available.

First, confirm that all the data is from the relevant periods. Historical cost and revenue data must be submitted for a so-called base year. The base year is the most recent 12 month period for which data has been collected at the branch level, ending no earlier than six months prior to the filing of the application.

Second, be alert to circumstances that may make the historical data unrepresentative. For example, was the carrier's ability to meet requests for service

impaired by a shortage of rail cars? Or was there a recession or drought that resulted in lower, unrepresentative traffic volumes and revenues?

Third, confirm that actual costs and revenues are used where required by the regulations. Maintenance-of-way expenses usually cannot be estimated by prorating expenses from a larger section of track; actual expenses incurred on the line sought to be abandoned are normally required. Similarly, depreciation of equipment, the return on investment for locomotives, and fuel costs must be based upon the type of locomotive and freight cars actually used on the line. The use of summary data based upon Road and Yard categories is generally unacceptable, because it tends to overstate costs when, as is often the case, a local or way train serves the branch line.

Fourth, if there are high rehabilitation or deferred maintenance costs, a qualified individual should examine the railroad's work papers and physically inspect the properties. It may be possible to further defer maintenance-of-way expenses for yet another year, taking those costs out of the forecast year. Usually only those rehabilitation costs necessary to meet Federal Railroad Administration minimum Class I standards are allowed. As a rule of thumb, rehabilitation costs and maintenance-of-way expenses vary inversely. That is, if rehabilitation costs are high, then maintenance-of-way costs should be low, and vice-versa.

Fifth, as with the actual and projected revenue and cost information, the railroad's claimed opportunity costs should also be examined thoroughly by an analyst. Even if this is not possible, several key components of opportunity costs can be examined.

For example, land values are usually an important factor in calculating opportunity costs. Protestants should check with the Register of Deeds to make sure the land included in the railroad's calculations is and would still be owned by the railroad in the event of an abandonment. In some cases, ownership of the land reverts automatically to adjoining landholders. In addition, local bankers and real estate agents can supply accurate information on land values that may contradict the railroad's estimate of the value of its land holdings. Protestants should also (1) verify the tons of track material that will result from salvaging the line; (2) obtain an estimate of the scrap value in dollars per ton, and (3) see whether the cost of dismantling the track was deducted from the railroad's estimated sales proceeds.

It should be noted that a carrier may either calculate its own (pre-tax) cost of capital or use the industry-wide (pre-tax) cost of capital figure that is determined annually by the STB. To obtain the STB's latest cost of capital determination, call the STB's Section of Costing and Financial Information at (202) 565-1533.

Finally, the railroad's projected gains or losses on its rail assets should be examined. Local real estate agents or brokers can check projections of changes in value of land, and the railroad's projections can also be compared to the index price series for historical sales of rail assets maintained by the STB. The railroad must justify departures from these trends.

III. EXEMPTIONS TO THE ABANDONMENT PROCESS

UNDER 49 CFR 1152.50

The STB's power to exempt rail lines from the normal abandonment procedures is found in the ICC Termination Act, 49 U.S.C. 10502. Section 10502 gives the Board a broad grant of authority to exempt carriers, services and transactions from almost any and all kinds of STB regulation. The STB must exempt a carrier, service or transaction from regulation if it finds (1) that continued regulation is unnecessary to carry out the national rail transportation policy of 49 U.S.C. 10101, and (2) that either the transaction or service is of limited scope or application of the regulatory scheme is unnecessary to protect shippers from an abuse of market power. Congress clearly contemplated that the STB would use this general exemption power broadly. The legislative history reflects Congress' desire that the STB actively exempt railroads from unnecessary regulation, particularly regulations restricting changes in rates and services. But Congress also provided the STB with authority to revoke exemptions that it has issued if and when the Board finds that its regulation is indeed necessary.

The STB and it’s predcesor, the ICC have both used broad exemption authority to facilitate the abandonment of lines where it believes that closer regulatory scrutiny is unnecessary, through both class exemptions and individual line exemptions. As a class, the STB has exempted the abandonment of lines over which no local traffic has moved for at least two years without formal complaint about a lack of service. Where a line has generated traffic within the last two years, the railroad may seek to persuade the STB that an exemption is nevertheless appropriate for that individual line. These exemptions are widely used.

A. Class Exemption: Out-of-Service Lines

To invoke the class exemption for out-of-service lines, a carrier must file a notice at the STB certifying that (1) no local traffic has moved on the line for the past 2 years; (2) any overhead traffic that has

moved over the line can be rerouted over other lines; and (3) no formal complaint about a lack of service is pending or has been decided in favor of the shipper.

Unlike the traditional application process, no Notice of Intent to abandon or system diagram map or narrative notice is required. However, 10 days before filing the exemption notice with the STB, the railroad must notify the affected state's Public Service Board or equivalent agency of its intention to do so. The railroad must also send an advance environmental notice to the state, in accordance with STB regulation 49 CFR 1105.11.

The STB will publish the exemption notice in the Federal Register within 20 days after it is filed. Thirty days after the Federal Register notice, the railroad may abandon the line, unless the Board stays the exemption.

Stay requests that raised transportation concerns must be filed within 10 days after the exemption notice is published in the Federal Register. Stay requests based on environmental or historic preservation concerns may be filed at any time but must be filed sufficiently in advance of the effective date for the STB to consider and act on the petition before the notice becomes effective. Offers to subsidize or purchase the line must be filed within 30 days after the Federal Register publication.

In addition, parties may ask the STB to reject the notice or reconsider the exemption as it applies to a particular line. Petitions to reject or reconsider may be filed within 20 days after the Federal Register notice. After the exemption takes effect, parties may ask the STB to revoke the exemption. Petitions to revoke may be filed at any time.

The STB will reject the notice if the information contained in the request is false or misleading. Therefore, if local traffic has moved on the line within the last two years, the exemption will be rejected. Although environmental concerns, public need for continued service, and other issues can be raised in a petition to reconsider or revoke, the STB will disallow the exemption only in extraordinary cases.

If use of the class exemption is disallowed for a line, the railroad is still free to apply for abandonment of the line under the regular application procedures discussed previously (or seek an individual exemption under the procedures discussed later). The complete regulations applying to this class exemption are found at 49 CFR 1152.50. Also see the attached STB Timetable (Appendix II on page 99) for class exemption proceedings.

B. Individual Exemptions under 49 CFR 1152.60

As with the out-of-service line exemption, no Notice of Intent to abandon or system diagram map or narrative notice is required when a request for an individual exemption is filed. The only notice a railroad must give before filing an individual exemption request is an environmental notice to the designated state agency in each state where abandonment is proposed. To obtain the name and address of the designated agency in your state call the STB's Section of Energy and Environment at (202) 565-1538 or visit the web site http://www.stb.dot.gov/.

The STB must publish notice of the proposed exemption in the Federal Register 20 days after it is filed. No further public notice is given even if the petition is denied. Carriers frequently will serve a copy of their petition to any shippers on the line but are not required to give notice when the petition is granted or denied. Interested persons can be notified individually by the STB, if they ask that their names be placed on the STB's service list in a particular case. Parties of record (applicants and protestants) are placed on the service list automatically, but other interested persons should notify the Board's Office of the Secretary, 1925 K Street NW, Washington, DC 20423 of their desire to be served with copies of all decisions in a particular case.

A petition for an exemption generally will include only a brief description of the relevant facts. It need not be, and typically is not, accompanied by detailed financial or other information.

Persons opposing an exemption must file an opposition within 20 days after publication of the Federal Register notice. Offers to purchase or subsidize the line must be filed 10 days after the filing of the petition or exemption or 10 days after the service of the STB's decision granting the exemption, whichever occurs sooner. To receive a copy of that decision, you must have notified the Office of the Secretary of your interest in the case and have asked to be put on the service list as instructed, supra.

Petitions to stay the effective date of the decision may be filed in either Petition (individual exemption) or Notice (class exemption cases). It should be noted that administrative agencies, like the courts, have developed firm criteria for staying administrative action. To justify a stay, a petitioner must demonstrate that:

(1) there is a strong likelihood that petitioner will prevail on the merits;

(2) petitioner will suffer irreparable harm in the absence of a stay;

(3) other interested parties will not be substantially harmed by the issuance of a stay; and

(4) the public interest supports the granting of the stay.

The STB, as do the courts, gives very careful consideration to each of the above criteria and has required a strong substantive showing on all of the four factors. While the showing of irreparable injury may vary from case to case, the key consideration is irreparable. Injuries that can be corrected later (however substantial in terms of money, time and energy) may not be enough to justify a stay. Similarly, in determining the public interest factor, the interests of private litigants must give way to the realization of public purposes. The burden of making a strong showing on all four of the above factors rests with the petitioner to convince the courts or the STB that such extraordinary relief is warranted.

Where possible, parties opposed to the exemption should file an opposition or a protest with the STB before it acts on the exemption request. Even in the absence of a formal notice requirement, community leaders and shippers often are aware of a railroad's plan to seek an exemption before the carrier files its petition.

Protests and petitions for reconsideration of individual exemptions should include essentially the same kind of facts that would be included in a regular abandonment case. For instance, shippers should explain their business operations, quantify their use of the involved rail line, discuss the availability and any additional cost of alternative transportation services, and explain the impact loss of the rail service would have on their businesses and the community. To the extent possible, protestants also should try to critically evaluate any financial information and traffic projections submitted by the railroad.

If the Board denies a carrier's request for an exemption, the carrier is free to file for authority to abandon under the regular application procedures discussed earlier.

IV. ALTERNATIVES TO ABANDONMENT

Users and interested parties should consider alternatives to abandonment at the first sign a carrier may be contemplating abandonment. The fact that the existing railroad believes the line is no longer economically viable does not necessarily mean the line cannot continue operations under other arrangements. There are many examples of small short line railroads operating on lines that the main line railroad sought to abandon. Congress and the STB have made it easier to preserve rail service by acquiring or subsidizing rail lines. These options will be briefly outlined below.

A. Forced Sales and Subsidies

To encourage continued service, Congress and the STB have adopted procedures that make it possible to force the sale or subsidy of lines slated for abandonment where the parties cannot agree on the price or terms of a subsidy.

1. Lines Approved for Abandonment

Under the "Offer of Financial Assistance" (OFA) procedures, any financially responsible party seeking to continue service on a line approved for abandonment (or exempted) may compel the railroad to sell or conduct subsidized operations over the line. The statutory requirements and STB regulations concerning offers of financial assistance are contained at 49 U.S.C. 10904 and 49 CFR 1152.27, respectively.

Parties may request data on subsidy and acquisition costs from applicants in abandonment proceedings as soon as the Notice of Intent to abandon is filed. This includes (1) an estimate of the minimum purchase price or annual subsidy needed to keep the line in operation, (2) reports on the physical condition of the line, and (3) traffic and other data necessary to determine the amount of annual financial assistance needed to continue service. Any one who believes subsidy or acquisition is a possibility should request this information immediately and begin a thorough feasibility study. Often the state will assist the railroad by providing substantial money for rehabilitation of the line.

In class exemption cases, where the railroad files a Notice of Exemption, an OFA must be filed within 10 days of the publication of the Notice of Exemption in the Federal Register. In individual exemption cases where the carrier files a Petition for Exemption and in cases where the carrier files a full abandonment application, an OFA must be filed within 10 days of the service date of the Board's order granting the exemption or abandonment application or within 120 days after the application or petition for exemption is filed, whichever is sooner. It is very important for a potential offeror to be aware of both the filing date and the date of the Board's decision. To do this, the potential offeror should ask to be placed on the Board's service list for the relevant abandonment proceeding, so that the offeror will be advised as soon as any decision in the case is served.

Each OFA is reviewed by the STB to determine whether the offeror is financially responsible and whether the offer itself is reasonable. A copy of the offeror's annual report or other financial statements should be submitted with the offer to show its financial responsibility. The STB assumes a state or local government entity to be financially responsible.

As to the reasonableness of the offer, a subsidy should cover the railroad's avoidable operating losses on the line, plus a reasonable return on the value of the line.

An offer to purchase should equal the acquisition cost of the line (the net liquidation or going concern value of the line, whichever is higher). The offeror should explain how its offer was calculated and explain any disparity between its offer and the railroad's estimate. If the Board finds that the offeror is financially responsible and the offer is reasonable, it will postpone the abandonment and give the parties an opportunity to negotiate.

If negotiations are successful and the parties voluntarily enter into a purchase (or subsidy) agreement, which will result in continued rail service, the STB is required to approve the transaction and dismiss the abandonment application.

Should the parties fail to agree on the amount or terms of subsidy or purchase, either party may ask the STB (within 30 days after the offer is filed) to establish terms and conditions. The Board must issue a decision setting the terms and conditions within 30 days after the request is made. The offeror then has 10 days to accept or reject the STB's terms and conditions. If the offeror chooses to accept them, then the railroad, by law, is forced to comply with them.

When a railroad receives more than one OFA, it can select the offeror with whom it wishes to transact business. Moreover, if the STB establishes terms and conditions at the request of an offeror who subsequently withdraws, then any other qualified offeror may take its place, forcing the railroad to go through with the subsidy or sale under those terms and conditions. Certain conditions apply to sales under Section 10904(f)(4)(A). A purchaser may not transfer the line or discontinue service over the line for at least two years after consummation. After that time period, the purchaser may transfer the line back to the selling carrier, but it must wait at least five years before it can sell the line to others.

The financial assistance provisions of Section 10904 also apply where the STB exempts an abandonment from the formal application process. There are some differences however, particularly as to timing. For example, in exemption proceedings, persons interested in purchasing or subsidizing the line must first submit to the STB and the railroad a written expression of their intent to make such an offer. This expression of intent must be received within 10 days after notice of the exemption is published in the Federal Register. Once the expression of intent is received, the exemption will be automatically stayed for 40 days. The offer itself is due 30 days after the Federal Register notice. For more information on these procedures see the STB's regulations at 49 CFR 1152.27.

2. Purchase of Lines Potentially Subject to Abandonment

The feeder railroad development program was designed as an alternative to abandonment. Congress envisioned it as a method of allowing shippers, communities, or other interested parties to acquire rail lines before an abandonment application is filed. If a rail line has been listed on a carrier's system diagram map as potentially subject to abandonment, a financially responsible party can compel the STB to require a railroad to sell it the line. The price for such a sale is either agreed to by the parties or set by the Board. The statutory procedures for this program are found at 49 U.S.C. 10907 and the STB's regulations are detailed at 49 CFR 1151.

In short, a proceeding commences upon the filing of a feeder line application with the Board. The applicant must show, among other things, that it can (1) pay the net liquidation value of the line or its going concern value, whichever is higher, and (2) provide adequate service for at least three years. The Board has 15 days to reject the application if it does not contain the prescribed information or to accept it by filing a Notice in the Federal Register no later than 30 days after the application is filed. Within 30 days after the application is accepted, any other interested party may file a competing application to acquire all or any portion of the same line. The owning railroad and other interested parties may submit verified statements containing their evidence and arguments within 60 days after the initial application is accepted. Within 80 days after the initial application is accepted, offerors may file verified replies. The STB must publish its decision in the Federal Register within 10 days of the service date of the decision, and the offeror must file a notice with the STB and the owning railroad either accepting or rejecting the Board's terms. If two or more offerors accept the STB's terms, the owning railroad has 15 days from the service date of the Board's decision to select the offeror with whom it wishes to transact business and to notify the STB and offerors. If the parties agree on a price then that price will be the final sale price.

In theory, this program has two major advantages. It allows the parties to save the time and expense involved in the abandonment process, and it allows the new owners to take over operation of a line before further downgrading occurs. The program however, has not lived up to its potential, in part because it places the railroad and new short line owner in an adversarial relationship from the outset. It forces the railroad to sell at a price it may not agree upon and requires the newly created short line to then develop a relationship with the railroad (with whom it must interchange traffic to reach the main line) in order to function in its new venture.

B. Voluntary Sales and Operations

Parties interested in preserving rail service need not wait until abandonment is approved to negotiate a voluntary purchase of a line proposed for abandonment, or for that matter, any active rail line. To make purchases of lines that might otherwise be abandoned more attractive to potential buyers, the STB has exempted these purchases from regulation. Special provisions have also been adopted to encourage continued service on abandoned lines acquired by states.

1. Class Exemptions

The statutory standards for voluntary acquisitions are found in 49 U.S.C. 10901, 10902, and 11323. Section 10901 applies only when (l) a non-carrier acquires a rail line and (2) an existing carrier acquires an inactive line (a line that is already lawfully abandoned). Acquisitions of active rail lines by existing carriers fall under Section 10902 or 11323. These formal application procedures are seldom used to preserve rail service on lines threatened with abandonment. Instead, voluntary purchases of lines subject to abandonment are almost always consummated under exemptions to the formal acquisition procedures. These exemptions are discussed below.

a. Section 10901 Acquisitions

Following the Staggers Act and deregulation of the railroads, large Class I carriers began to sell or abandon unprofitable or marginally profitable lines. Requests to acquire and continue service over these lines were usually unopposed and were almost always approved because they were in the public interest. This led the ICC to promulgate broad class exemption procedures in 1986. The current rules are found in 49 CFR 1150 Subpart D. Most non-carrier acquisitions and operations are now exempt from formal regulation under Section 10901, as are all carrier acquisitions of abandoned lines. When a Class II or Class III carrier acquires a line, it is governed by 49 U.S.C. 10902.

To invoke the class exemption, the acquiring party must file a verified notice including general information about the transaction, and a caption summary, which will be used to provide public notice of the transaction. The exemption procedures differ depending on the carrier's size (in terms of gross revenue). If the transaction will create a Class III (smallest size) railroad, the exemption will be effective seven days after the notice is filed.

b. Section 11323 Transactions

Class exemptions have also been established for seven kinds of transactions that would otherwise require approval under 49 U.S.C. 11323 -- the statute applicable to carrier acquisitions of active rail lines. The most important for our discussion here are;

1) acquisition of a line which has already been approved for abandonment and would not constitute a major market extension,

2) acquisition of non-connecting lines, and

3) acquisition of trackage rights. (The last two categories do have some qualifications not relevant here.) See 49 CFR 1180.2(d).

To invoke these exemptions, the carrier must file a verified notice, at least one week before the transaction is to be consummated, containing the information listed in the Board's regulations at 49 CFR 1180.4(g)(1). To qualify for an exemption for acquisition or renewal of trackage rights agreements, a caption summary must be filed as well. See 49 CFR 1180.4(g)(2)(i).

2. Individual Exemptions

Where no class exemption applies, an individual exemption may be sought for almost any small rail acquisition or operation, under the Board's general exemption authority at 49 U.S.C. 10502. Such requests for individual exemptions should be tailored to the particular situation involved.

The statute itself exempts some types of rail operations and transactions from STB regulation. The acquisition or use of spur, industrial, team, switching or sidetracks is exempt under 49 U.S.C. 10906. These statutory exemptions are defined narrowly and the facts of each situation must be carefully examined to determine if the exemption applies.

V. LABOR ISSUES

No discussion of the acquisition and abandonment of rail lines would be complete without recognizing the increased importance rail labor plays in many of these cases. Labor witnesses often take an active role in opposing abandonment applications and other proceedings. In addition, the ICC Termination Act provides certain protection for employees of railroads engaging in some major changes in operations. It requires railroads to protect their employees from financial loss for a period of up to six years and to provide other protection relating to benefits and seniority.

Labor issues may arise in any rail transaction. The STB imposes labor protective conditions (LPC) in most abandonments.

The conditions have been crafted differently for each situation. Generally there are the Oregon Short Line conditions imposed in abandonment cases, the

Mendocino Coast conditions imposed in lease transactions, and the New York Dock conditions imposed in line sales to existing carriers. When imposed, these conditions obligate the selling or abandoning railroad and, in some cases, can also be imposed on the acquiring railroad. When the acquiring entity is an established railroad or is a wholly owned subsidiary that is not independent from its rail parent, conditions may be imposed on both the acquiring and selling carriers. But, where there is an acquisition of a line by a non-carrier or a Class III carrier, the employees are not entitled to any labor protection. Moreover, LPC are not imposed for forced sales under the offer of financial assistance provisions of Section 10904 and are imposed only on the seller when there is a forced sale under the Feeder Railroad Development Program.

The STB is not allowed to use its exemption powers under 49 U.S.C. 10502 to excuse carriers from providing employees with the LPC they are due.

It is important at the beginning of any abandonment or acquisition proceeding to determine what position, if any, rail labor intends to take. There are some abandonments which will have minimal or no effect on rail jobs. In those cases, rail labor often decides not to participate. There are other situations in which labor plays an active role, challenging railroad costing testimony and providing convincing data in such areas as labor costs, track maintenance, and the current condition of the track and rolling stock.

VI. ALTERNATIVE USES FOR RAIL RIGHTS-OF-WAY

The ICC Termination Act and the National Rails to Trails Act, along with the STB's regulations, give interested parties the opportunity to negotiate voluntary agreements to use a railroad right-of-way that otherwise would be abandoned, for recreational trail or other public use, such as a commuter rail service or a highway. These methods of preserving a railroad corridor are known as "rail banking", meaning that the right-of-way is preserved for potential future use as a railroad. Many railroads do not own the land on which their tracks lie. Rather, they have easements over the land of adjoining property owners. Unless those easements are rail-banked by converting them to a trail or other public use, they are extinguished. Some rights-of-way, which were banked, have been reactivated. The rules for filing a request for a public use condition are slightly different from those that apply to the filing of a trails use request. Proponents often ask for both conditions in the same request in order to take advantage of the benefits of each type of condition. The disadvantage of this approach is that the request for a trails use condition has a filing fee, while a request for public use condition does not. Since filing fees change at least once a year, to determine the current fee, before filing any pleading, it is advisable to contact the Board's Office of Public Services at (202) 565-1592.

A. Public Use Conditions

Under the terms of the ICC Termination Act in 49 U.S.C. 10905, when the STB approves or exempts an abandonment it must determine whether the rail line is suitable for alternative public use, such as highways, other forms of mass transit, conservation, energy production or transmission, or recreation. If it is, the STB may prohibit the railroad from selling or otherwise disposing of the rail corridor for up to 180 days after the effective date of the decision or notice authorizing abandonment. During the 180-day period, interested persons may negotiate with the railroad to acquire the property for public use. The railroad's consent is unnecessary for the imposition of this negotiating period. If the parties fail to reach an agreement within the 180 day period, the Board must allow the railroad to fully abandon the line and dispose of its property. It cannot require the railroad to sell its property for public use.

The Board will only impose a public use condition when it has received a request to do so pursuant to 49 CFR 1152.28. The request must:

(1) state the condition sought;

(2) explain the public importance of the condition;

(3) state the period of time for the condition (which cannot exceed 180 days);

(4) provide justification for the requested period of time;

(5) Include a Certificate of Service indicating that a copy of the public use request has been served on the carrier seeking abandonment at its address of record.

An original and 10 copies must be submitted to the Board.

Timing is important. In an application for abandonment, the public use proponent must file the request within 45 days of the filing of the application, i.e. 25 days after the notice of the application appears in the Federal Register. In exemption cases, whether the exemption is a class exemption (notice) or an individually sought exemption (petition), the public use condition request must be filed within 20 days after the Federal Register publication appears.

B. Request for Trail Use Conditions

To begin the trail use process, a trail proponent must file a trail use request in the proceeding initiated by the railroad to abandon the line. A trail use request has no effect on the STB's decision whether to give a railroad permission to abandon. It is considered only after the STB has decided to permit the abandonment.

Under 49 CFR 1152.29, the trail use request must include:

(1) A map which clearly identifies the rail corridor (including mileposts) which is proposed for trail use;

(2) A statement of willingness to accept financial responsibility which indicates the proponent's willingness to manage the trail, pay property taxes on the trail, and accept responsibility for any liability arising from the use of the rail corridor as a trail;

(3) An acknowledgment that trail use is subject to the user continuing to meet the above obligations, and the possibility of future reactivation of rail service on the corridor;

(4) A Certificate of Service indicating that a copy of the trails use request has been served on the carrier seeking abandonment at its address of record.

An original and 10 copies of the request must be filed with the STB and a copy served on the railroad.

Unlike the public use condition, the trail use condition will only be imposed if the railroad consents. If the railroad does agree, then a condition is imposed which prohibits the rail carrier from otherwise disposing of the rail corridor for 180 days while the parties negotiate an agreement. The Board has granted an extension of that 180-day period in cases where the parties jointly request it, indicating that they are close to agreement.

As with the public use condition request, timing is very important. In an abandonment application, trail use requests must be filed within 45 days of the filing of the application, i.e., 25 days after the publication of the application in the Federal Register. The rail carrier seeking abandonment authority then has 15 days to notify the STB whether and with whom (if more than one proponent has submitted a request) it intends to negotiate a trail use agreement. In class exemption cases, a trails use request must be filed within 10 days of the appearance of the notice in the Federal Register. Note that this is 10 days earlier than a public use condition request is due. In an individual exemption case (petition), a trail use request must be filed within 20 days of the appearance of the Federal Register notice. In both types of exemption cases the carrier has 10 days after the trails use request is received to notify the STB of whether and with whom it intends to negotiate a trails use agreement.

Appendix I

SYNOPSIS OF ABANDONMENT REGULATIONS

1. Effective Date: Regulations effective on 1/23/97

2. Uniform Schedule:

Day – 60 Deadline for identifying line as Category I on the Surface Diagram Map (SDM).

Day – 30 Opportunity to file Notice of Intent.

Day – 20 Due date for railroad to file environmental and/or historic reports on required agencies.

Day 0 Application filed, including applicant's case in chief.

Day +10 Due date for oral hearing requests.

Day +15 Due date for STB decision on oral hearing requests.

Day +20 Due date for Notice of Application to be published in the Federal Register (FR).

Day +45 Due date for protests and comments, including opposition case in chief, and for public use and trail use requests.

Day +60 Due date for applicant's reply to opposition case and for applicant's response to trail use requests.

Day +110 Due date for service of decision on the merits.

Day +120 Due date for offers of financial assistance, except that if an application has been granted by decision issued sooner than Day 110, the offer of financial assistance shall be due 10 days after service of the decision granting the application.

Important Changes from the Old Regulations:

a. The STB will publish a notice of an abandonment application or a petition for an individual exemption in the Federal Register 20 days after the application or petition is filed.

The notice will:

1) Describe the proposal;

2) Advise the public regarding due dates for OFAs and requests for public use and trail use conditions, and explain how to participate in the proceedings. The railroad must file a draft notice on a disk.

b. SDM is a one-time filing unless extensive changes are made. Class III carriers have the option of only filing a narrative. The line must be identified on Category I for 60 days.

c. Summary application and special procedures for bankrupt carriers have been eliminated. However, there is a special provision for bankrupt railroads: all pleadings and STB decisions must be filed with the court; and special processing schedules should be established to meet court deadlines, if possible.

d. Due dates for filing public use and trail use requests:

1) Abandonment applications: Both requests filed 45 days after the application is filed. Applicant must respond to trail use request within 15 days.

2) Petitions for individual exemptions: Both requests filed within 20 days after FR publication. Petitioner must respond to trail use request within 10 days after the request is filed.

3) Abandonments by class exemption remain the same. Trail use requests must be filed within 10 days after FR publication and public use requests must be filed within 20 days after FR publication. The railroad must respond to trail use request within 10 days after the request is filed.

e. A one-year time limit by which a railroad must exercise the authority to abandon is established. The railroad must inform the Board and the proper state agencies by sending a consummation notice.

f. OFAs:

1) Initially, the Board need only find that the offeror is a financially responsible person.

2) Requesting party submits its case in chief at the time it makes its request and serves the other parties by overnight mail. A five day time duration is allowed for reply.

3) Changes made regarding subsidies: STB imposed subsidy agreements only for one year, subsidizer's final responsibility may be limited.

4) Since some abandonments may be finalized in less than a full 4 months, any party showing prejudice can petition the STB for the full time provided by statute.

Appendix II

STB TIMETABLE FOR CLASS EXEMPTION PROCEEDINGS

Abandonments and Discontinuance of Service and Trackage Rights

F -10 days	Notice of exemption procedure filed with State and other agencies.
F	Notice of exemption filed with STB. (Filing Date)
P (F up to 20 days)	Notice of exemption proceeding published with Federal Register.
P +10 days	Petition to stay effective date of exemption due. Request for Trails Use Condition Due.
P +20 days	Petitions for reconsideration due. Comments due. Requests for Public Use Condition Due.
P +30 days	Exemption effective/abandonment or discontinuance may occur (unless stayed for reconsideration).

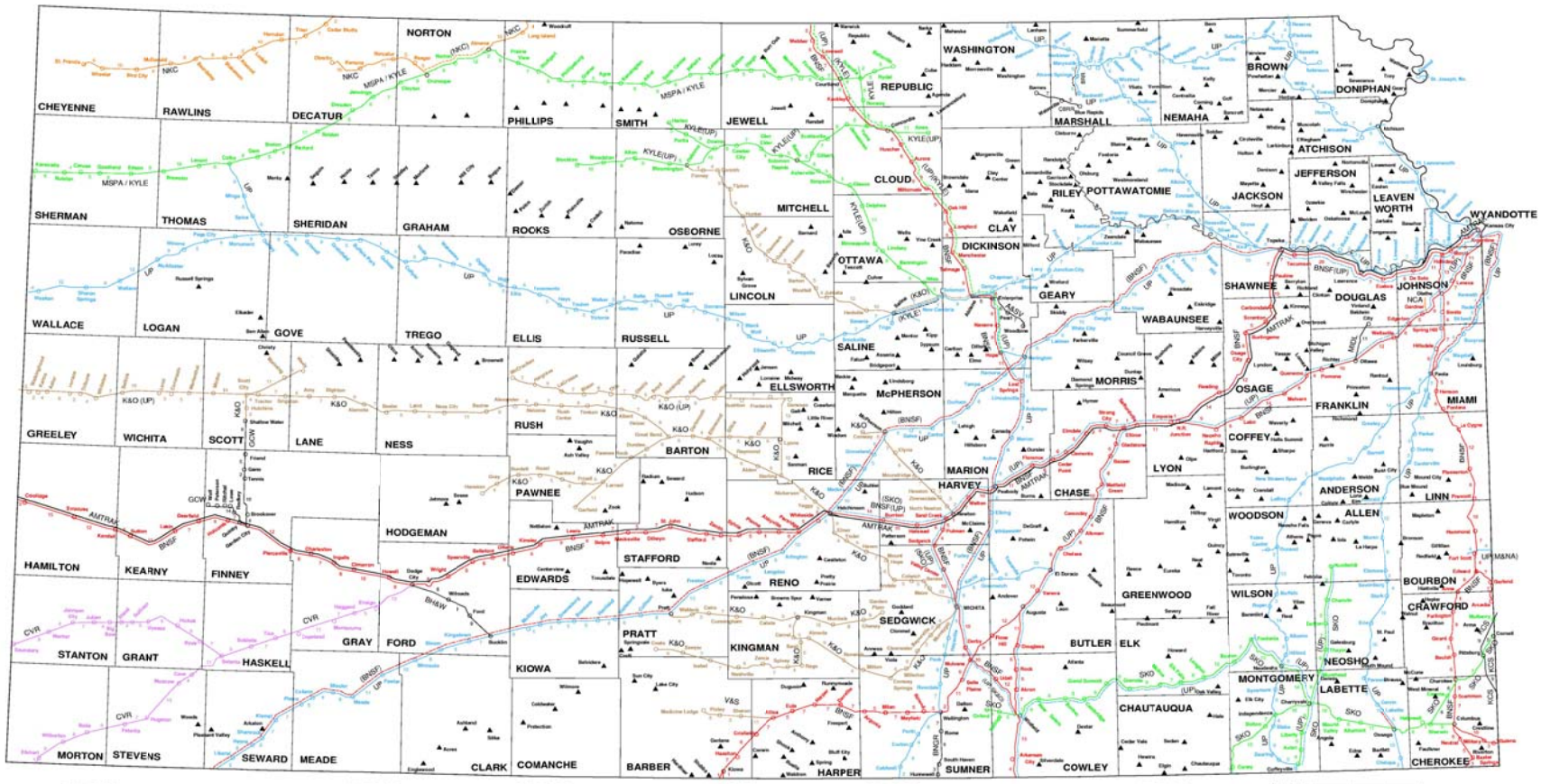
SOURCE: 49 CFR, Section 1152.50

F = Filing date

P = Petition

Figure 32

Kansas Historic Rail Abandonment Map



	RAILROAD	MILEAGE
A&SV	ABILENE & SMOKY VALLEY RAILROAD	18
BNGR	BLACKWELL NORTHERN GATEWAY RAILROAD CO.	18
BH&W	BOOTHILL & WESTERN	10
BNSF	BNSF RAILWAY	1,237
BRR	BLUE RAPIDS RAILROAD	10
CBRR	CENTRAL BRANCH RAILROAD	12
CVR	CIMARRON VALLEY RAILROAD	182
GCW	GARDEN CITY WESTERN	45
K&O	KANSAS & OKLAHOMA RAILWAY	642
K&O (UP)	KANSAS & OKLAHOMA RAILWAY (LEASED FROM UP)	111

	RAILROAD	MILEAGE
KCS	KANSAS CITY SOUTHERN	18
KCTR	KANSAS CITY TERMINAL RAILWAY	25
KYLE	KYLE RAILROAD SYSTEM	
KYLE	KYLE (OWNED)	16
MSPA/KYLE	LEASED FROM MSPA	255
(UP) KYLE	LEASED FROM UP	176
MIDL	MIDLAND RAILWAY	11
M&NA	MISSOURI & NORTHERN ARKANSAS	8
NKC	NEBRASKA KANSAS COLORADO	122
NCA	NEW CENTURY AIRCENTER RAILROAD	5

	RAILROAD	MILEAGE
NS	NORFOLK SOUTHERN RAILWAY (TRACKAGE RIGHTS ONLY)	
SK&O	SOUTH KANSAS & OKLAHOMA	305
UP	UNION PACIFIC SYSTEM (MKT, MP, OKT, UP)	1,535
UP (BRR)	LEASED FROM BLUE RAPIDS RR	10
V&S	VICTORIA & SOUTHERN RAILWAY	24
WTA	WICHITA TERMINAL ASSOCIATION	3

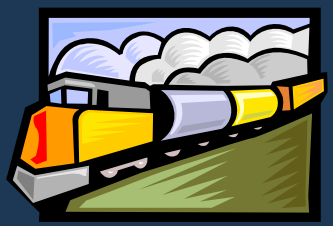
Mileage figures are owned main line route miles unless indicated otherwise
KDOT makes no warranties, guarantees, or representations for accuracy of this information and assumes no liability for errors or omissions.

KANSAS DEPARTMENT OF TRANSPORTATION
RAIL AFFAIRS UNIT
BUREAU OF TRANSPORTATION PLANNING
RRMAPI20706.DGN REVISED 12/07/06

- DASHED LINES INDICATE TRACKAGE RIGHTS ONLY
- AMTRAK
- PRESENT DAY RAILROAD STATIONS
- INLAND COMMUNITIES THAT ONCE WERE SERVED BY ONE OR MORE RAILROADS

5

Rail Assistance Programs



To help short line railroads in Kansas rehabilitate poor track conditions and possibly prevent abandonments, the KDOT Office of Rail Affairs has implemented a railroad assistance program through the State's Comprehensive Transportation Program.

Federal Local Rail Freight Assistance to States (LRFA)

In 1989, the Kansas Legislature granted KDOT the authority to loan Federal Railroad Administration (FRA) funds to short line railroads through the Local Rail Freight Assistance (LRFA) program. The LRFA program provided a low-interest, revolving loan program below the prime interest rate.

There are currently no funds available in this program. Table 10, on page 101, shows the details of the LRFA grant/loan program by year, federal funds allocated, distribution of funds, and entity receiving funds.

State Rail Service Improvement Funds (SRSIF)

The State Comprehensive Transportation Program (CTP) was set up to provide for multi-modal transportation needs in Kansas. Through the CTP the State Rail Service Improvement Fund (SRSIF) was established to provide short line railroads operating in Kansas with low-interest, 10-year revolving loans to be used primarily for track rehabilitation. Governor Bill Graves signed the new CTP (House Bill 2071), into law on May 10, 1999. The SRSIF has been designed and operated similar to the federal LRFA program. This program which began on July 1, 1999, provides $3 million in loans per year for eight years. SRSIF will become self-sufficient at the end of the eight-year period through the payment of principal and interest by the railroads. This will allow ongoing opportunities for railroads to improve their system and service, and benefit the economy of the state. During fiscal years 2005 and 2006, ten rehabilitation projects and one acquisition project were completed. Table 11 on page 102 details this program by year, distribution of funds, and entity receiving funds.

Railroad Rehabilitation and Improvement Financing (RRIF)

Railroad financing is also available through the new federal credit program known as the Railroad Rehabilitation and Improvement Financing (RRIF) program. The Transportation Equity Act for the 21st Century provided for this program for the purpose of acquisition, improvement and rehabilitation of intermodal, rail equipment or facilities, including track, components of track, bridges, yards, buildings and shops. Additional purposes include refinancing existing debt and the development of new intermodal or railroad facilities. One unique feature of the RRIF program is the payment of a credit risk premium prior to an appropriation of funds. The credit risk premium is a cash payment, determined by the Federal Rail Administration (FRA) to be provided by a non-federal entity. The repayment of RRIF loans can be up to 25 years. At the present time, there are no current RRIF loan applications in the State of Kansas.

Congestion Mitigation and Air Quality Improvement Program (CMAQ)

The federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) was developed to reduce transportation-related emissions by providing options to the state departments of transportation and local governments to fund different emission reduction strategies. The CMAQ program enables communities to increase public awareness concerning the links between transportation choices and air pollution; provide technological applications to improve transportation system efficiency; increase transit services; or implement ozone programs. Most of the eligible categories of CMAQ projects are Transportation Control Measures (TCMs) and include a wide variety of measures to decrease vehicle emissions, primarily by reducing the total amount of vehicle miles traveled in an area. Legislation prohibits vehicle retirement programs and highway capacity expansion projects. Highway maintenance and reconstruction projects are also excluded because such projects preserve the existing level of service and continue to contribute to poor air quality. Primarily, CMAQ funds have been used to support public transportation projects in three categories: (1) service or service expansion, (2) provision of new transit service, and (3) financial incentives to use exiting transit services. Metropolitan light rail projects providing passenger transportation may qualify for CMAQ funding.

Table 10

LOCAL RAIL FREIGHT ASSISTANCE PROGRAM

Federal Fiscal Year	Entity Receiving Funds	Grants	Loans	Totals of Grants and Loans by Year
1981	MKT Railroad	1,462,400		1,462,400
1983	Kyle Railroad OKT Railroad	1,003,193 589,086		1,592,279
1984	Kyle Railroad	265,275		265,275
1985	Kyle Railroad OKT Railroad	87,424 300,000		387,424
1986	DCF & B Railroad H & N Railroad	86,647 139,600		226,247
1987	GCW Railroad DCF & B Railroad	50,000 211,340		261,340
1989	Kyle Railroad	48,000		48,000
1990	Kyle Railroad H & N Railroad	35,892 86,100		121,992
1991	NEKM Railroad	36,000		36,000
1992	Kyle Railroad KSW Railroad	36,000	906,114	942,114
1993	GCW Railroad CK Railroad Kyle Railroad CK Railroad	36,000 553,392	 263,000 553,392	1,405,784
1994	H & N Railroad SK & O Railroad SEK Railroad Kyle Railroad	36,000	 230,000 457,456 289,699	1,013,155
1995	GCW Railroad KSW Railroad	36,000	 429,318	465,318
1998	SK & O Railroad		300,000	* 300,000
1999	SK & O Railroad		241,815	* 241,815
2002	K & O Railroad	684,621		* 684,621
2004	Kyle Railroad	423,733		* 423,427
2006	Kyle Railroad	160,622		160,622
Grand Totals		**$ 6,367,325**	**$ 3,670,794**	**$ 10,038,119**

* Repaid loan funding from principal and interest

Table 11

STATE RAIL SERVICE IMPROVEMENT FUNDS PROGRAM

State Fiscal Year	Entity Receiving Funds	Loans	Grants	Totals of Grants and Loans	Purpose	Total Miles
2000	CK Railroad	435,811.75			Rehabilitation	22.2
	Kyle Railroad	386,002.40			Rehabilitation	62.0
	NKC Railroad	443,097.75			Rehabilitation	73.2
	SK & O Railroad	249,615.64			Rehabilitation	28.4
	SK & O Railroad	225,834.07			Rehabilitation	23.6
	NCAC Railroad	210,000.00			Rehabilitation	5.0
				1,950,361.61		
2001	Kyle Railroad	226,984.80	170,238.60		Rehabilitation	59.0
	K & O Railroad		2,000,000.00		Acquisition	725.0
				2,397,223.40		
2002	BH & W Railroad	246,548.00	184,911.00		Rehabilitation	9.0
	K & O Railroad	395,250.00	296,438.00		Rehabilitation	50.0
	K & O Railroad	148,800.00	111,600.00		Rehabilitation	10.0
	K & O Railroad		2,000,000.00		Acquisition	
	Kyle Railroad	266,513.89	199,885.42		Rehabilitation	85.0
	SK & O Railroad	215,100.00	188,325.00		Rehabilitation	27.0
	SK & O Railroad	300,120.49	2,225,090.37		Rehabilitation	29.8
				4,778,581.67		
2003	K & O Railroad	183,681.36	137,761.02		Rehabilitation	17.0
	K & O Railroad	175,076.51	131,307.38		Rehabilitation	13.5
	K & O Railroad		1,500,000.00		Acquisition	
	Kyle Railroad	406,929.60	305,197.20		Rehabilitation	36.0
	SK & O Railroad	55,281.00	41,460.75		Rehabilitation	0.25
	SK & O Railroad	190,117.56	142,588.17		Rehabilitation	26.7
	SK & O Railroad	247,207.16	185,405.37		Rehabilitation	37.2
	SK & O Railroad	163,721.00	122,790.75		Rehabilitation	20.0
	SK & O Railroad	178,076.27	133,557.20		Rehabilitation	18.1
	NCAC Railroad	217,197.20	162,897.90		Rehabilitation	5.0
				4,680,253.40		

Table 11 (CONTINUED)

State Fiscal Year	Entity Receiving Funds	Loans	Grants	Totals of Grants and Loans	Purpose	Total Miles
2004	K & O Railroad		1,500,000.00		Acquisition	
	K & O Railroad	170,031.78	127,523.84		Rehabilitation	16.4
	K & O Railroad	150,441.50	112,831.12		Rehabilitation	1.2
	K & O Railroad	178,390.15	133,792.61		Rehabilitation	15.0
	K & O Railroad	208,126.80	156,095.10		Rehabilitation	17.5
	Kyle Railroad	232,548.33	174,411.25		Rehabilitation	14.0
	SK & O Railroad	83,915.56	62,936.67		Rehabilitation	8.0
	NCAC Railroad		200,072.08		Rehabilitation	5.0
				3,491,116.79		
2005	K & O Railroad		1,500,000.00		Acquisition	
	K & O Railroad	1,132,833.64			Rehabilitation	64.0
	SK & O Railroad	383,004.78			Rehabilitation	19.1
	SK & O Railroad	196,142.20			Rehabilitation	11.1
	V & S Railroad	232,927.24			Rehabilitation	10.0
				3,471,614.28		
2006	K & O Railroad		1,500,000.00		Acquisition	
	K & O Railroad/PPO	600,000.00			Rehabilitation	35.3
	K & O Railroad	379,469.61			Rehabilitation	14.0
	K & O Railroad	462,927.92			Rehabilitation	25.0
	SK & O Railroad	308,933.87			Rehabilitation	13.0
	SK & O Railroad	430,264.38			Rehabilitation	22.0
	SK & O Railroad	763,733.46			Rehabilitation	33.0
				4,445,329.24		
Grand Totals		**$ 11,480,658**	**$ 13,707,116**	**$ 25,187,774**	Rehabilitation	981
					Acquisition	725
					Total	**1,706**

Class III Railroad Rehabilitation Projects

Kansas and Oklahoma Railroad – Wichita to West Andale



V & S Railway – Medicine Lodge to Sharon



South Kansas and Oklahoma Railroad – Chanute to Humboldt



South Kansas and Oklahoma Railroad – Fredonia to Moline



6

Railroad Safety

Railroad Safety

The Operation Lifesaver program is a national, non-profit, safety educational and awareness program dedicated to prevention of collisions, fatalities and injuries at highway-rail grade crossings. For acquiring more information the web site is **http://www.oli.org**. To accomplish this goal, the Operation Lifesaver promotes the following:

EDUCATION: Operation Lifesaver strives to increase public awareness of the dangers around railroads. The program seeks to educate both drivers and pedestrians to make safe decisions at crossings and around railroad tracks.

ENGINEERING: Operation Lifesaver encourages continued engineering of traffic research and innovations to improve the safety of railroad crossings.

ENFORCEMENT: Operation Lifesaver promotes active enforcement of traffic laws relating to crossing signs and signals and private property laws related to trespassing.

History of Operation Lifesaver

Operation Lifesaver began in 1972 in Idaho when the national average of collisions at highway-rail grade crossings exceeded 12,000 each year. To lower this alarming rate of collisions, the Office of the Governor of Idaho, the Idaho Peace Officers, and the Union Pacific Railroad joined together in a one-time, one-state, six-week public awareness campaign called Operation Lifesaver.

Due to its success, this program was extended, and during the campaign's first year, crossing related fatalities in Idaho dropped by 43 percent. Nebraska adopted the Operation Lifesaver campaign the following year and the state's collision rate was reduced by 26 percent. Kansas was the third state to adopt the campaign in 1974 and experienced similar success within the first year. The Kansas Operation Lifesaver, goal remains the same even after 31 years later – to end tragic collisions, fatalities and injuries on railroad property and at highway-rail crossings.

Between 1978 and 1986, while Operation Lifesaver operated under the auspices of the National Safety Council (NSC), all 49 continental states started independent Operation Lifesaver programs. There are also Operation Lifesaver programs in Canada, Mexico, England, and Argentina now. In 1986, the national program was released from NSC and incorporated as a national, non-profit, 501(c)(3) educational organization. The founding sponsors of Operation Lifesaver, Inc. (OLI), the Railway Progress Institute, Amtrak and the Association of American railroads continue to serve on OLI's 11-member board of directors. The organization is still active in 50 states nationwide, and collisions at highway-rail grade crossings continue to decrease nationwide.

Highway-Rail Grade Crossing Facts

- Nationwide in 2005, at least 357 people were killed and 991 seriously injured in 3,040 highway-rail grade crossing collisions (combined public and private crossings).
- Nationwide at least 476 people were killed and 407 were injured while trespassing on railroad right-of-way and property.
- Approximately every two hours, a train in the United States strikes either a vehicle or pedestrian. That's 12 incidents each day.
- A motorist is 20 times more likely to die in a crash involving a train than in a collision involving another motor vehicle.
- There are approximately 254,000 public, private and pedestrian at-grade highway-rail crossings in the United States.
- More people die in highway-rail grade crossing crashes in the United States each year than in all commercial and general aviation crashes combined.
- Nearly 50 percent of vehicle/train collisions occur at crossings with active warning devices (gates, lights and bells).
- Most crashes occur within 25 miles of the motorist's home.
- Trains cannot stop quickly. The average freight train stopping distance at 55 miles per hour = a mile or more or approximately 18 football fields long to stop.
- The majority of highway-rail crashes occur when the train is traveling less than 30 miles per hour.
- Railroad tracks, trestles, yards and equipment are private railroad property. Walking or playing on them is illegal-trespassers are subject to arrest and

fines. Too often the penalty for trespassing on railroad tracks can mean serious injury or death.

(2005 Preliminary Federal Railroad Administration Statistics)

Railroad Facts and Tips

- Railroad tracks, trestles, yards, and equipment are private property. Walking or playing on them is illegal – trespassers are subject to arrest and fines. Too often the penalty is serious injury or death.
- There are approximately **200,000** miles of railroad tracks in the United States.
- In the last fifteen years, more than 7,500 people have been killed nationwide while trespassing on railroad right-of-way and property.
- Trains cannot stop quickly. A freight train moving at 55 miles per hour or an eight car passenger train moving at 79 miles an hour can take a mile or more to come to a complete stop.
- **DO NOT** walk, run, bicycle, cycle or operate all terrain vehicles (ATVs) on railroad tracks, the right-of-way, or through tunnels.
- Cross tracks **ONLY** at designated pedestrian or roadway crossings. Observe and obey all warning signs and signals.
- **DO NOT** hunt, fish or bungee jump from railroad trestles. They are not designed to be sidewalks or pedestrian bridges; there is only enough clearance on the tracks for a train to pass.
- **DO NOT** attempt to hop aboard railroad equipment at any time. A slip of the foot can cost you a limb or your life.
- **ALWAYS EXPECT A TRAIN!** Freight trains **DO NOT** follow set schedules.
- Remember: rails and recreation **DO NOT** mix!

(2005 Preliminary Federal Railroad Administration Statistics)

Operation Lifesaver Driving Tips

- Never drive around lowered gates – it's illegal and deadly. If you suspect a signal is malfunctioning, then call the 1-800 telephone number posted on or near the crossing signals or your local law enforcement agency (by calling 911).
- Never race a train to the crossing, even if you tie, you lose.
- Do not get trapped on the tracks. Only proceed through a highway-rail grade crossing if you are sure you can completely clear the crossing without stopping. Remember, the train is three feet wider than the tracks on both sides.
- If your vehicle stalls on a crossing, immediately get everyone out and far away from the tracks. Call your local law enforcement agency for assistance. Look for a 1-800 emergency notification number nearby to contact the railroad.
- At a multiple track crossing waiting for a train to pass, watch out for a second train on the other tracks approaching in either direction.
- **ALWAYS EXPECT A TRAIN!** Freight trains do not follow set schedules.
- Be aware that trains cannot stop quickly. Even if the locomotive engineer sees you, a freight train moving at 55 miles per hour can take a mile or more to stop once the emergency brakes are applied. . . That's 18 football fields!
- Do not be fooled by the optical illusion. The train you see is closer and faster moving than you think. If you see a train approaching, wait for it to go by before you proceed across the tracks.

(2005 Preliminary Federal Railroad Administration Statistics)

KANSAS OPERATION LIFESAVER, INC.

Highway-Rail Grade Crossing Safety Program

The Kansas Operation Lifesaver program is an effort to prevent the incident of collisions between vehicles and trains at highway-rail grade crossings in Kansas and curb trespassing on railroad tracks, property, and trains. This educational and public awareness organization continues to be growing, grass roots, volunteer-oriented public safety program introduced in Kansas in 1974. Operation Lifesaver is coordinated through the Kansas Department of Transportation with assistance from other state and federal public safety agencies and railroads, and is delivered through dedicated volunteers and law enforcement officers by means of educational programs for all ages. More information on Kansas Operation Lifesaver is available at: **www.ksoli.org/**.

The Kansas Operation Lifesaver Program in 2005

Railroad safety is an important issue in Kansas. Trains always have the right of way, and any time is train time. With the help of Operation Lifesaver Inc. and the presenters that are informing the public (young and old), we are dedicated to ending tragic train incidents.

The Kansas Operation Lifesaver, Inc. Executive Director is Darlene Osterhaus, at the Kansas Department of Transportation, Office of Rail Affairs, 700 SW Harrison Street, Dwight D. Eisenhower State Office Building, 2nd Floor Tower, Topeka, KS 66603-3754. You may call Darlene Osterhaus at (785) 296-7121, to schedule a *FREE* presentation for any group. Presentations are available for anyone who lives or ever travels over train tracks. Kansas Operation Lifesaver officers are: John Simpson (UP Railroad), President; Herman Jones (Kansas Highway Patrol), Secretary and Treasurer, along with the eight other members on the Board of Directors.

In 2005, volunteers gave a total of 963 Operation Lifesaver presentations throughout the state. An estimated 48,285 people were contacted with the educational program on highway-rail grade crossing safety and the dangers of trespassing on railroad tracks and rail property. Kansas Operation Lifesaver has approximately 70 presenters delivering the highway railroad at-grade crossings and trespassing safety messages all across the state.

During 2005, there were 52 collisions between highway vehicles and trains at highway railroad at-grade crossings according to statistics provided by the Kansas Department of Transportation. The Federal Railroad Administration also keeps statistics on railroad incidents. According to the Kansas Department of Transportation, all crossings collisions in 2005 involved freight trains, 85% occurred in clear weather, with 85% occurring during daylight hours and 32% occurring during night time hours.

Kansas has 5,421 public highway railroad at-grade crossings: 1,723 have flashing light warning systems, and 1,306 have automatic gates. The remaining 3,698 include passive signage with cross-bucks, advance warning signs, and pavement markings on paved routes. There are also several passive crossings that are marked with stop signs.

Kansas law enforcement agencies partnered with Sonic Drive Ins in Kansas to promote a sixth year of the "Positive Enforcement" highway-grade crossing safety awareness campaign. The Kansas Highway Patrol took the lead in this program that was originally designed by a Kansas Federal Railroad Administration inspector. During the program, officers across the state conducted educational lanes near highway-rail grade crossings. Law enforcement officers, rail safety officials and Operation Lifesavers volunteers contacted drivers and pedestrians with the railroad safety message. Brochures were handed out about railroad safety and the Sonic Corporation donated coupons for free medium Cherry Limeade drink at the Sonic Drive In restaurants near by.

In 2005, Burlington Northern Santa Fe Railroad and the Union Pacific Railroad donated numerous promotional items with railroad safety messages. With the support of numerous other railroads within Kansas the next year, the program is expected to continue with more events due to the tremendous success throughout the entire state.