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SERVICE DATE - OCTOBER 25, 2000

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB-486 (SUB-NO.3X)

THE KYLE RAILROAD COMPANY - PETITION FOR EXEMPTION - In MARSHALL,
WASHINGTON AND CLOUD COUNTIES, KS.¹

BACKGROUND

In this proceeding, the Kyle Railroad Company (KYLE) proposes to discontinue service and Union Pacific Railroad Company (UP) proposes to abandon, (collectively, the Applicants). The Applicants have filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of service between Frankfort Branch, KS at milepost 409.1 and Ames, KS, at railroad milepost 472.0, of a total distance of 60.12² miles of railroad line in Marshall, Washington, and Cloud Counties, KS. A map depicting the rail line in relationship to the area served is appended to the report. (See Attachment A.) If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The east-west rail line proposed for abandonment traverses through small rural towns in the north-eastern tier of Kansas, near the border with Nebraska. The line passes through mostly pasture and agriculture land while crossing the Blue River and other unnamed waterways.

The Applicants state that there are thirty-one (31) bridges on the right-way, each more than 50 years old.

¹This case embraces STB Docket No. AB-33 (Sub-No. 155X), Union Pacific Railroad Company - Abandonment Exemption - Marshall, Washington, and Cloud Counties, KS.

²The Applicants state in the application that a milepost equation near Blue Rapids, 421.10=423.88, makes the line 2.78 miles shorter than what was noted in both the environmental and historic report.

According to the Applicants, currently, there are six shippers on the right-of-way. Annual carloads of grain shipments along the proposed right-of-way are as follows:

<u>Shipper</u>	<u>Carloads Shipped 1998</u>	<u>Carloads Shipped 1999</u>
Beattie Farms Coop.	28	6
Farmers Coop Grain	41	62
Farmers Coop Elevator	67	38
Palmer Grain	0	0
Palmer's Coop Shipping	37	10
A&K Railroad Materials ³	1	0
Boettcher Enterprise	2	0
Total	176	116

***The mean railcars of 1998 and 1999 is 146.**

Alternative modes of transportation are available for the six remaining patrons via Kansas Highway 9 that is immediately adjacent to the right-of-way. Additionally, rail service is available on other rail lines that are a relatively short distance away. If the six patrons on the line elect to use the area highway network, the mean rail traffic of 1999 and 1998 indicates that 146 railcars will be diverted to approximately 817.6⁴ additional trucks annually, or 3.4 trucks per day during a 240-day year. This additional truck traffic on the highway network (Kansas Highway 9) is not expected to be significant.

ENVIRONMENTAL REVIEW

The Applicants have submitted an environmental report that

³According to the Applicants, A&K Railroad materials in 1998 shipped 1 carload of rail, ties and other track materials removed from another abandoned railroad line but really cannot be regarded as one of the shippers on the right-of-way.

⁴SEA used a conversion of 5.6 trucks per railcar - railcars carry 100 tons and most trucks carry 18 tons.

concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The Applicants have served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b).

We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, National Geodetic Survey, U.S. Department of Agriculture, Kansas Department of Health and Environment (Kansas DH&E), Kansas State Historical Society (Kansas SHPO), Kansas Department of Transportation, Kansas Corporation Commission, National Park Service.

The Kansas DH&E has expressed concern regarding abandonment and salvage of the rail line, contending that track abandonment is considered a water quality impacting action and may require a Kansas DH&E water quality certification. In addition, the Kansas DH&E advises that preparation of a Nonpoint Pollution Control Plan is needed to ensure abandonment and salvage of the rail line will not threaten Kansas water resources. (See Attachment B.)

The Kansas SHPO has indicated that the bridge at milepost 471.4 is eligible for inclusion in the National Register of Historic Places, pursuant to the National Historic Preservation Act, 36 CFR Part 800 Criterion C. (See Attachment C.)

CONDITIONS

We recommend the following environmental conditions be placed on any decision granting abandonment authority:

1. The Kansas State Historic Preservation Officer (SHPO) has indicated that the bridge located at milepost 471.4 is eligible for listing in the National Register of Historic Places. Therefore, SEA recommends that a condition be placed on any decision granting abandonment authority requiring the Applicants to retain their interest in, and take no steps to alter the historic integrity of the bridge located at milepost 471.4 until completion of the Section 106 Process of the National Historic Preservation Act, 16 U.S.C. 470f.

2. The Kansas Department of Health and Environment (DH&E) has indicated that the proposed abandonment and salvage of the 60.12-mile rail line is likely to threaten Kansas water resources, and may require a Kansas Department of Health and Environment water quality certification. Therefore, we recommend that prior to abandonment and salvage of the 60.12-mile rail line, the Applicants further consult with Kansas DH&E to; (1) develop a Nonpoint Source Pollution Control Plan and, (2) determine if a Kansas Department of Health and Environment water quality certification is required.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended condition(s), we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to

questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Bernard L. Brown, who prepared this environmental assessment. **Please refer to Docket No. AB-486 (Sub No. 3X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Bernard L. Brown at (202) 565-1539.

Date made available to the public: October 24, 1999.
Comment due date: November 23, 2000.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachments

MAP NEEDS TO BE SCANNED.

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