

**SURFACE TRANSPORTATION BOARD**  
**OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS,**  
**AND ADMINISTRATION**

## MEMORANDUM

TO: Ann Newman, Environmental Coordinator  
Office of Proceedings

FROM: Elaine K. Kaiser, Chief  
Section of Environmental Analysis

SUBJECT: AB-471 (SUB-NO. 1X), South Kansas and Oklahoma  
Railroad, Inc. – Abandonment Exemption – In Neosho and  
Wilson Counties, Kansas

RECOMMENDATION: National Geodetic Survey Notification  
Condition, Kansas Department of Health and  
Environment Consultation Condition

Subject to the recommended conditions, the attached environmental assessment prepared for this proceeding concludes that the proposed abandonment, if implemented, will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

The National Geodetic Survey (NGS) has reviewed the proposed abandonment and identified 14 geodetic station markers that may be affected by the proposed abandonment. SKO's legal representative has received a list of these markers, and the list has been placed in the public record for this proceeding. **Therefore, we recommend that a condition be placed on any decision granting abandonment authority requiring the railroad to provide NGS with at least 90 days' notification before undertaking any activities that would disturb or destroy the 14 markers identified by NGS.**

The Kansas Department of Health and Environment has determined that abandonment of rail lines may affect water quality, particularly in areas where tracks are located near streams, floodplains, wetlands or other aquatic areas sensitive

to pollution. Therefore, we recommend that SKO consult with the

Kansas Department of Health and Environment, Division of Environment, Bureau of Water in Topeka, Kansas prior to removing track materials on this line.

Attachment

cc: Secretary's Office 1 copy)  
Service Rm. (EA only)  
SEA Chron

25540

SERVICE DATE - JUNE 3, 1997  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-471 (SUB-NO. 1X)  
SOUTH KANSAS AND OKLAHOMA RAILROAD, INC  
- ABANDONMENT EXEMPTION -  
IN NEOSHO AND WILSON COUNTIES, KANSAS

### BACKGROUND

In this proceeding, the South Kansas and Oklahoma Railroad, Inc. (SKO) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line located between milepost 130.0, near Chanute, and milepost 149.0, near Fredonia, a distance of 19 miles in Neosho and Wilson Counties, Kansas. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way. SKO states that if abandonment authority is granted, it intends to remove the rail, track material, and crossties, but would leave bridge structures in place along the line.

No local traffic has been handled on this line for more than seven years and no shippers are located on the line.

### ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that 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 railroad has 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 contacted 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 the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, the National Geodetic Survey, the Kansas State Historical Society, and the Neosho and Wilson County Commissioners.

## **CONDITIONS**

The National Geodetic Survey (NGS) has reviewed the proposed abandonment and identified 14 geodetic station markers that may be affected by the proposed abandonment. SKO's legal representative has received a list of these markers, and the list has been placed in the public record for this proceeding. **Therefore, we recommend that a condition be placed on any decision granting abandonment authority requiring the railroad to provide NGS with at least 90 days' notification before undertaking any activities that would disturb or destroy the 14 markers identified by NGS.**

The Kansas Department of Health and Environment has determined that abandonment of rail lines may affect water quality, particularly in areas where tracks are located near streams, floodplains, wetlands or other aquatic areas sensitive to pollution. **Therefore, we recommend that SKO consult with the Kansas Department of Health and Environment, Division of Environment, Bureau of Water in Topeka, Kansas prior to removing track materials on this line.**

## **CONCLUSIONS**

Based on the information provided from all sources to date and subject to the recommended condition, 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**

If abandonment and salvage of the rail line does take place, 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 exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. 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.

#### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Victoria Rutson, who prepared this environmental assessment. **Please refer to Docket No. AB-471 (Sub-No. 1X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ms. Rutson at (202) 565-1545.

Date made available to the public: May 30, 1997.

**Comment due date: June 13, 1997.**

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

Vernon A. Williams  
Secretary