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SERVICE DATE - FEBRUARY 18, 1997
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-3 (SUB-NO. 140X)

Missouri Pacific Railroad Company
-- Abandonment Exemption --
In Cloud and Jewell Counties, KS

NO. AB-486 (SUB-NO. 1X)

Kyle Railroad Company
-- Discontinuance Exemption --
In Cloud and Jewell Counties, KS

BACKGROUND

In this proceeding, the Missouri Pacific Railroad Company (MP) has 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 its railroad line located between MP 496.3 at Jamestown and MP 529.7 at Burr Oak, a distance of 33.4 miles in Cloud and Jewell Counties, KS. The Kyle Railroad Company (Kyle) has jointly filed this petition to discontinue its service over this line. A map depicting the rail line in relationship to the area served is appended to the report. 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 Burr Oak Branch is owned by MP, but, since 1991, KYLE, lessee of the line, has rendered common carrier railroad service. The line was embargoed in 1993 due to flooding. Prior to the embargo, KYLE served three shippers who tendered or received 251 carloads in 1992, and 36 carloads in the first six months of 1993. There are 27 bridges along the line that are 50 years old or older.

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 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 the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, USDA Natural Resources Conservation Service, U.S. Army Corps of Engineers, Kansas Department of Health and Environment, Kansas State Historical Society (SHPO), and the City of Mankato.

CONDITIONS

The Kansas Department of Health and Environment (KSDHE) expressed concern about the potential water quality impacts of the abandonment and stated that MP may be required to obtain a water quality certification from KSDHE, and they recommend that MP prepare a Nonpoint Source Pollution Control Plan.

Therefore, we recommend that the following condition be imposed on any decision granting abandonment authority: **Missouri Pacific shall consult with the Kansas Department of Health and Environment (KSDHE), and, if necessary, comply with KSDHE requirements regarding a water quality certification and a Nonpoint Source Pollution Control Plan.**

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

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 Assistance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA directly at (202) 927-6184, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Room 4412, 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 2215, Washington, DC 20423, to the attention of Mike Dalton, who prepared this environmental assessment. **Please refer to Docket No. AB-3 (Sub No. 140X) and AB-486 (Sub-No. 1X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Mr. Dalton at (202) 927-6197.

Date made available to the public: February 14, 1997.

Comment due date: March 17, 1997.

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

Vernon A. Williams
Secretary