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SERVICE DATE - MARCH 24, 1999

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket NO. AB-437 (Sub-No. 1)

KANSAS SOUTHWESTERN RAILWAY, L.L.C.--ABANDONMENT--IN
SUMNER, HARPER, BARBER, RENO AND KINGMAN COUNTIES, KS

BACKGROUND

In this proceeding, the Kansas Southwestern Railway L.L.C. (KSW) has filed an application seeking authority under 49 U.S.C. 10903 to abandon: (1) portion of its Stafford Branch between milepost 559.028, at Conway Springs and milepost 610.0, at Olcott and (2) portion of its Hardtner Branch between milepost 514, at Conway Springs and milepost 571.85, at Kowa, a distance of an approximately 108.8 miles in Sumner, Harper, Barber, Reno and Kingman Counties, KS. A map depicting the rail line in relationship to the area served is appended to the report. If the application is approved, the railroad will be able to salvage track, ties and other railroad appurtenances.

DESCRIPTION OF THE LINE

KSW states that no overhead traffic has moved over the Lines since 1991. The Lines traverses predominantly rural, gently rolling plains. The right-of-way is 100 feet in width. There are twenty-one bridges on the Stafford Branch and twenty-eight bridges on the Hardtner Branch that are 50 years old or older. All of the bridges but one of the bridges on each Branch are timber pile or timber frame trestle with open deck. The other is rail girder with open deck.

There are 11 active shippers that generated traffic since January 1, 1996. The Lines generated 301 carloads of traffic in 1997, 354 in 1996, 27 in 1998 and 53 from September 1, 1997 through August 31, 1998 (Base Year). KSW also states that there is no reasonable prospect that traffic will increase in the foreseeable future to justify current operations. The principal commodities handled on the Lines are outbound shipments of wheat and iron and steel scrap and inbound shipments of urea, monoammonium phosphate, anhydrous ammonia, agricultural implements, and nitrogen fertilizer.

ENVIRONMENTAL REVIEW

KSW 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. KSW served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. 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 Kansas Department of Transportation, Kansas Corporation Commission, U.S.D.A. Soil Conservation Service, Reno County Commission,

Kingman County Commission, Barber County Commission, Harper County Commission, Sumner County Commission, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Engineer Division, Department of Health and Environment, National Park Service, The National Geodetic Survey Department of Commerce/NOAA, the Department of Defense, MTMCTEA, the Department of Agriculture and Kansas State Historical Society. We have reviewed and investigated the record in this proceeding.

The U.S. Department of the Army, Kansas City District, Corps of Engineers (Corps) has indicated that if the abandonment require excavation or the discharge of dredged or fill material in any waters of the United States, including wetland, a Department of the Army permit may be required. Therefore, we recommend that a condition be imposed requiring KSW to consult with the U.S. Army Corps of Engineers, Kansas City District, prior to salvaging the right-of-way to determine if permits are required under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

CONDITIONS

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

KSW shall consult with the U.S. Army Corps of Engineers, Kansas City District, prior to salvaging the right-of-way to determine if permits are required under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, and subject to the recommended conditions, we conclude that, as significantly 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 this case, 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 exemption in the Federal Register. However,

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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, 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, Room 711, Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-437 (Sub-No. 1) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1629.

Date made available to the public: **March 24, 1999.**

Comment due date: April 23, 1999.

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

Vernon A. Williams
Secretary

Attachment

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***** MAP HAS TO BE SCANNED *****