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SERVICE DATE - AUGUST 30, 1999

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-563 (Sub-No. 1X)

**Kansas Eastern railroad, Inc.--Abandonment Exemption--
in Butler and Greenwood Counties, KS**

STB Docket No. AB-471 (Sub-No. 2X)

**South Kansas and Oklahoma Railroad, Inc.--Discontinuance of Service
Exemption--in Butler and Greenwood Counties, KS**

BACKGROUND

In this proceeding, Kansas Eastern railroad Inc. (KER) and South Kansas and Oklahoma Railroad, Inc. (SKO) jointly filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for KER to abandon, and SKO to discontinue its trackage rights over a 44.5-mile line of railroad between milepost 438.5, at Severy and milepost 483.0, near Augusta, in Butler and Greenwood Counties, KS.¹ 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 line was used primarily for the transportation of farm products. The line passes through predominately rural area with sparse industrial activity. The right-of-way is 100 feet in width. KER and SKO also state that there have been no traffic on the line during the past two years.

ENVIRONMENTAL REVIEW

KER and SKO 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

¹ KER acquired the involved rail line from Burlington Northern Railroad Company as part of the transaction authorized in Kansas Eastern Railroad, Inc.--Acquisition Exemption--Burlington Northern Railroad Company, Finance Docket No. 33292 (ICC served Dec. 2, 1996).

SKO's trackage rights were the subject of an exemption in South Kansas and Oklahoma Railroad, Inc.--Trackage Rights Exemption--Kansas Eastern Railroad, Inc., Finance Docket No. 33292 (ICC served Dec. 2, 1996).

abandonment activities, including salvage and disposition of the right-of-way. KER and SKO 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 at 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, Military Traffic Management Command; National Park Service; U.S. Department of Agriculture; Butler County Commissioners; Greenwood County Commissioners; State Conservationist, U.S.D.A. Soil Conservation Service; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; U.S. Army Engineer District, Tulsa; Department of Health and Environment, Division of Environment; and the National Geodetic Survey.

The National Geodetic Survey (NGS) has identified 32 geodetic station markers that may be affected by the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities in order to plan for their relocation.

CONDITIONS

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

The National Geodetic Survey (NGS) has identified 32 geodetic station markers that may be affected by the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities in order to plan for their relocation. Therefore, we recommend that KER and SKO consult with NGS at least 90 days prior to salvage activities in order to plan for their relocation.

CONCLUSIONS

Based on the information provided from all sources to date, 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 this case, 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 not take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of

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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-563 (Sub-No. 1X), et al.**, 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: August 30, 1999.

Comment due date: September 14, 1999.

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

Vernon A. Williams
Secretary

Attachment

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MAP NEEDS TO BE SCANNED.