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SERVICE DATE - JUNE 4, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub. No. 412X)

**The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption –
in Ponca City, Kay County, OK**

BACKGROUND

In this proceeding, The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for BNSF to abandon 4.14 miles of rail line located between Milepost 138.00 and Milepost 142.14 in and near Ponca City, in Kay County, Oklahoma. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, BNSF will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to BNSF, the line proposed for abandonment was acquired by the Hutchinson & Southern Railway Company (H&S) in 1899 and later by The Atchison Topeka and Santa Fe Railway Company (ATSF). In 1995, ATSF merged with the Burlington Northern Railroad Company (BN) to become BNSF. BNSF states that there is now no demand for or prospect of rail service over the line, and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

According to BNSF, the line begins in the western portion of Ponca City and extends through a rural area to the west of the city. The right-of-way width for the line varies from 100 to 200 feet. BNSF and the Surface Transportation Board (the Board) have received correspondence from Mark Friesenhahn of Ponca City regarding the continued use of the existing rail line as a transportation museum and mock disaster training center as an alternative to abandonment of the line. BNSF suggests that, following abandonment, the rail line may be suitable for public purposes such as a trail. However, they indicate that for part of the properties along the line, title consideration may impact any conveyances of land for other than railroad purposes. Where BNSF does not own the right-of-way, the owner, local zoning, and development ordinances will control future land use. Based on information available to BNSF, the line does not contain federally granted rights-of-way.

BNSF states that it does not intend to appreciably remove or alter the contour of the

roadbed underlying the rail line to be abandoned although the action may require the removal of track material such as rails and ties. BNSF records indicate that there are four bridge structures on the line 50 years old or older. One of the bridges was built in 1902 while the other three were constructed in 1909. The rail line crosses Bois d'Arc Creek and several unnamed streams and passes through the 100-year flood plains associated with these waterways. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment.

ENVIRONMENTAL REVIEW

BNSF 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. BNSF served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has identified three geodetic markers along the rail line and requests 90 days notice to plan relocation of any markers which may be disturbed or destroyed.

The Army Corps of Engineers, Tulsa District, the City of Ponca City Community Development Department, and the Oklahoma Department of Environmental Quality state that the proposed actions will result in no discharge of fill or dredged material nor impact flood levels along the line. They also indicate that no Federal, state or local water permits will be required for the proposed abandonment activities.

HISTORIC REVIEW

BNSF submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the Oklahoma State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITION

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

The National Geodetic Survey (NGS) has identified three geodetic station markers that may be affected by the proposed abandonment. Therefore, BNSF shall notify NGS 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, and if the recommended condition is imposed, 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 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 Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub No. 412X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov

Date made available to the public: June 4, 2004.

Comment due date: **June 21, 2004 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

