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SERVICE DATE - SEPTEMBER 11, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 124X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN SEDGWICK COUNTY, KS

Decided: September 9, 1998

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon and discontinue service over a 0.56-mile line of railroad on the Midland Valley Industrial Lead extending from the end of the line at milepost 312.09 to milepost 312.65 in Wichita, Sedgwick County, KS. Notice of the exemption was served and published in the Federal Register on August 14, 1998 (63 FR 43751). The exemption is scheduled to become effective on September 13, 1998.

The Board's Section of Environmental Analysis (SEA) has issued an environmental assessment (EA) in this proceeding, served August 19, 1998. In the EA, SEA states that the U.S. Army Corps of Engineers (Corps) has indicated that if the abandonment requires excavation or the discharge of dredged fill material in any waters, including wetlands, a Department of the Army permit will be required. Therefore, SEA recommends that a condition be imposed requiring UP, prior to engaging in any salvage activities, to consult with the Corps, Kansas City District, to determine if permits are necessary. The condition will be imposed.

With the noted condition, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that UP, prior to engaging in any salvage activities, consult with the U.S. Army Corps of Engineers, Kansas City District, to determine if permits are necessary.

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3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary