

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-103 (Sub-No. 22X)

**The Kansas City Southern Railway Company – Abandonment Exemption –
In East Feliciana Parish, LA**

BACKGROUND

In this proceeding, the Kansas City Southern Railway Company (KCSR) has filed a notice of exemption under 49 C.F.R. § 1152 Subpart F seeking to abandon a 1.63 mile line of railroad extending from milepost D-202.70 to milepost D-204.33, in East Feliciana Parish, LA (Line). The Line traverses United States Postal Zip Code 70748 and does not contain any Federally granted rights-of-way. If the Surface Transportation Board (Board) should approve this abandonment, KCSR intends to remove the track, ties, and other track materials. A map depicting the proposed abandonment in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

KCSR has submitted an environmental report that concludes that neither the proposed abandonment nor post-abandonment activities, such as salvage and disposition of the right-of-way, would significantly affect the quality of the human environment. KCSR served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules (49 C.F.R. § 1105.7(b)).¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to KCSR, no traffic has moved over the Line in over two years. Moreover, KCSR states that it has never operated over the Line and that the Line was in fact out of service at the time it was acquired in 1992. KCSR also believes that much of the track and material have either already been removed or been covered by overgrowth. Consequently, salvage of any remaining track materials could be impractical.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-103 (Sub-No. 22X).

Prior to 1968, the Line was owned and operated by a company known as the South Shore Railway Company (SSR). In 1968, Louisiana and Arkansas Railway Company (L&A) acquired SSR's interests in the Line and operated it as an industrial or spur track. L&A subsequently merged with KCSR in 1992.

KCSR explains that it owns all of the land underlying the Line with the exception of a portion of the right-of-way that lies within the boundaries of a parcel owned the Mills Family. If the abandonment is approved, KCSR intends to execute a formal release of rights on that portion of the Line within the boundaries of the property owned by the Mills Family. KCSR understands that the Mills Family would then convey fee title to a portion of the parcel(s) on which the Line is located to Colonial Pipeline Company (CPC), which holds an option to buy and intends to purchase some of the property. This transaction would allow CPC to expand its tank farm, which is located adjacent to the Line. Because of the possibility of the tank farm expansion, KCSR believes that the right-of-way is not suited for other public purposes.

KCSR states that the only reasonable alternative to the proposed abandonment would be to allow the Line to remain in place and, by extension, to allow KCSR's easement rights to remain. KCSR believes that this alternative would not be in its interests nor that of the Mills Family or that of CPC.

Salvage Activities

If the Board were to grant abandonment of the Line, KCSR would salvage the rails, ties, and other track materials if practicable. According to KCSR any salvage activities that might occur would be accomplished by use of its right-of-way in conjunction with existing public and private at-grade crossings. As explained above, KCSR also states that it may not engage in any salvage activities because much of the track has either already been removed or has deteriorated to the point that it would not be practicable to salvage.

KCSR states that it believes that the proposed abandonment is not inconsistent with local or regional land use plans. Furthermore, KCSR believes that the proposed abandonment would promote existing land use plans by allowing CPC to acquire additional land for its business/industrial development.

According to KCSR, the proposed abandonment would not have any adverse impact on prime agricultural land. KCSR states that the Line passes through an area north of Baton Rouge, LA, that consists primarily of wooded and open land, with some limited residential use and an industrial site (CPC). Although KCSR notes that some of the land may be used for agricultural purposes, it does not believe that the proposed abandonment would have any adverse impact on prime agricultural lands.

KCSR states that it has consulted the on-line resources of the Louisiana Department of Natural Resources (LADNR) and does not believe that the Line traverses a designated coastal zone. KCSR has sent a copy of its Environmental Report to LADNR for its review.

KCSR is not aware of any hazardous waste site or sites on the Line where hazardous materials spills have occurred.

KCSR believes that because the Line traverses forested/open land, residential, agricultural, and industrial areas, that the proposed abandonment would not have any adverse impact on endangered or threatened species or areas designated as critical habitat. Furthermore, KCSR states that it is not aware of any wildlife sanctuary or refuge, or any National or State park or forest adjacent to the Line. In a letter dated March 3, 2010, the U.S. Fish and Wildlife Service, Louisiana Field Office, states that the project, as proposed, would have no effect on the Federal trust resources under its jurisdiction and currently protected by the Endangered Species Act.

According to KCSR, the Line does not cross any streams, rivers, or other bodies of water and therefore is confident that the abandonment would be consistent with all applicable water quality standards. Therefore, KCSR believes that no permits under sections 402 and 404 of the Clean Water Act would be required.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

In an e-mail dated March 23, 2010, the National Geodetic Survey states that there are no known geodetic survey markers located in the area of the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, KCSR states that it is unaware of when the Line was constructed or by whom. As explained above, in 1968 the L&A entered into an agreement to acquire property from SSR, an intrastate rail carrier and merged with KCSR in 1992. KCSR also states that it has not operated over the Line since acquiring it from L&A. Some track connecting to the Line has also been out of service for many years.

According to KCSR, the Line does not contain any structures that are 50 years old or older. If the abandonment is approved, KCSR would salvage the rails, ties and other track materials.

KCSR has submitted the historic report to the Louisiana Department of Culture, Recreation & Tourism (SHPO), pursuant to 49 C.F.R. § 1105.8(c).² In a letter dated March 18, 2010, 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 within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 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 through posting on the Board's web site at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database indicated that there are no Federally recognized tribes that may have ancestral connection to the project area.

Based on the information available to date, SEA does not believe that salvage activities would cause significant impacts to historic or cultural resources.

CONDITIONS

SEA recommends that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line would 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.

² Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

PUBLIC USE

KCSR states that it does not believe that the right-of-way is suitable for other public purposes, given the expansion plans of the CPC tank farm. Nevertheless, should the tank farm's plans not materialize, the right-of-way may be suitable for other public use following abandonment and salvage of the rail line. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 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. 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at 202-245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

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 Troy Brady, 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-103 Sub No. 22X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: April 9, 2010.

Comment due date: April 26, 2010.

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

Attachment