

SERVICE DATE - LATE RELEASE DECEMBER 15, 2000
31459

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB-471 (SUB-NO.3X)
THE SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY - ABANDONMENT
EXEMPTION - IN CHEROKEE AND ALLEN COUNTIES, KANSAS.

BACKGROUND

In this proceeding, the South Kansas and Oklahoma Railroad Company (SKO) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of service of, (1) the 8-mile rail line located between milepost 109.0 at Iola, and milepost 117.0, at Humboldt, in Allen County, Kansas, and (2) the 5-mile rail line located between milepost 382.0, at Sherwin, and milepost 387.0 at Faulkner, in Cherokee County, Kansas (collectively, the Lines), a total distance of approximately 13 miles of railroad line. 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 lines traverse through predominantly rural areas. There is no traffic along the right-of-way.

ENVIRONMENTAL REVIEW

The SKO has 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. The SKO has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. 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 U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, National Geodetic Survey, U.S. Department of Agriculture, Kansas Department of Environment and Conservation, Kansas State Historical Commission, National Park Service, and the State Planning Office.

CONDITION

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

1. The U.S. Fish and Wildlife Service (US FWS), has not completed their review of the proposed SKO rail line abandonment. Therefore, SEA recommends that, a condition be placed on any decision granting abandonment authority prohibiting SKO from salvaging or disposing of the entire right-of-way until completion of the Section 7 process of the endangered Species Act, 16 U.S.C.1531.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended condition(s), 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 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Bernard L. Brown, who prepared this environmental assessment. **Please refer to Docket No. AB-471 (Sub No. 3X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Bernard L. Brown at (202) 565-1702.

Date made available to the public: December 8, 2000.
Comment due date: December 26, 2000.

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

Vernon A. Williams
Secretary

MAP TO BE SCANNED