

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

AB 603 (Sub No. 1X)

V and S Railway, Inc. – Abandonment Exemption – In Barber County, KS

BACKGROUND

In this proceeding, the V and S Railway (VSR), Inc. has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a 20-mile line of railroad extending from milepost 21.0, at Medicine Lodge, to the end of the line at milepost 41.0, at Sun City, in Barber County, KS. The line traverses United States Postal Service Zip Codes 67071, 67104, and 67143. 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 abandon service on the line.

ENVIRONMENTAL REVIEW

Agency Consultation

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment. The railroad 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 contacted 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 Department of Natural Resources, State Historic Preservation Officer, National Park Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, Coastal Zone Management, Department of Transportation, and National Geodetic Survey.

Analysis

VSR seeks to abandon the line because no traffic has been handled on the line in a year and VSR believes that there is no reasonable prospect that traffic will return to the line in the foreseeable future. Furthermore, VSR maintains that operations on the line have been unprofitable since it was acquired by VSR even though all but essential maintenance has been deferred for a number of years. VSR states that the condition of the line has reached the point where significant maintenance expenditures are necessary to keep the line operational. No overhead traffic moves on the line. The proposed abandonment would have no adverse effect on regional or local transportation systems and patterns. It is unlikely that the proposed action would be inconsistent with existing land use plans. The U.S. Fish and Wildlife Service advises that there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species as a result of the proposed abandonment. Water resources are not anticipated to be adversely affected.

Historic

The Applicant submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The Applicant served the report on the Kansas State Historic Preservation Officer (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 applicant's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITIONS

No conditions are recommended on any certificate granting abandonment authority.

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 abandon would include denial (and, therefore, no change in operations) or continued operation by another operator. In this case, 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** Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Phillis Johnson-Ball who prepared this environmental assessment. **Please refer to Docket No. AB-603 (Sub-No. 1X) in all correspondence addressed to the Commission.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: July 1, 2003.

Comment due date: July 30, 2003.

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

Vernon A. Williams
Secretary

V and S Railway

