

SERVICE DATE - AUGUST 29, 2003
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-853 (Sub-No. 1X)

**Kansas & Oklahoma Railroad, Inc.—Abandonment Exemption—
in Hodgeman, Comanche, Kiowa and Pratt Counties, KS**

BACKGROUND

In the above entitled proceeding, Kansas & Oklahoma Railroad, Inc. (K&O) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of two line segments as follows: (1) a 10.7-mile rail line between milepost 36.3, at Hanston, and milepost 47.0, at Jetmore, in Hodgeman County, KS; and (2) a 46.8-mile rail line between milepost 589.2, at Coats, and milepost 636.0, at Protection, in Comanche, Kiowa and Pratt Counties, KS. 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

K&O acquired the lines in June 2001 from Central Kansas Railway, L.L.C.¹ The rights-of-way are predominately 100 feet in width. The lines traverse predominately flat, rural areas. In its notice K&O states that there has been no traffic on the line during the past two years.

ENVIRONMENTAL REVIEW

K&O 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. UP served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)].

¹ See Kansas & Oklahoma Railroad Inc.—Acquisition Exemption—Central Kansas Railway, L.L.C., (STB Finance Docket No. 34030 Served June 12, 2001).

After the acquisition was consummated by K&O, the mileposts on the Englewood Subdivision were renumbered and former milepost 136, at the end of the line at Protection, became milepost 636.

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: Comanche County Clerk; Department of Health and Environment; Department of Transportation; Hodgeman County Clerk; Kansas Corporation Commission; Kansas State Historical Society; Kiowa County Clerk; Pratt County Clerk; National Park Service; Pratt County Commissioners; State Conservationist, The National Geodetic Survey; U.S. Army Engineer District, Kansas City; and the U.S. Environmental Protection Agency.

HISTORIC REVIEW

K&O submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. K&O served the report on the Kansas State Historical Society (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 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 K&O's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITIONS

We recommend that no environmental conditions be placed on any decision 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 abandonment would include denial (and, therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In this case, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line does not take place, 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. However, 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, 1925 K St., N.W., 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, 1925 K. St., N.W., Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-853 (Sub-No. 1X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1657, fax at (202) 565-9000, or e-mail at Ann Newman@STB.dot.gov.

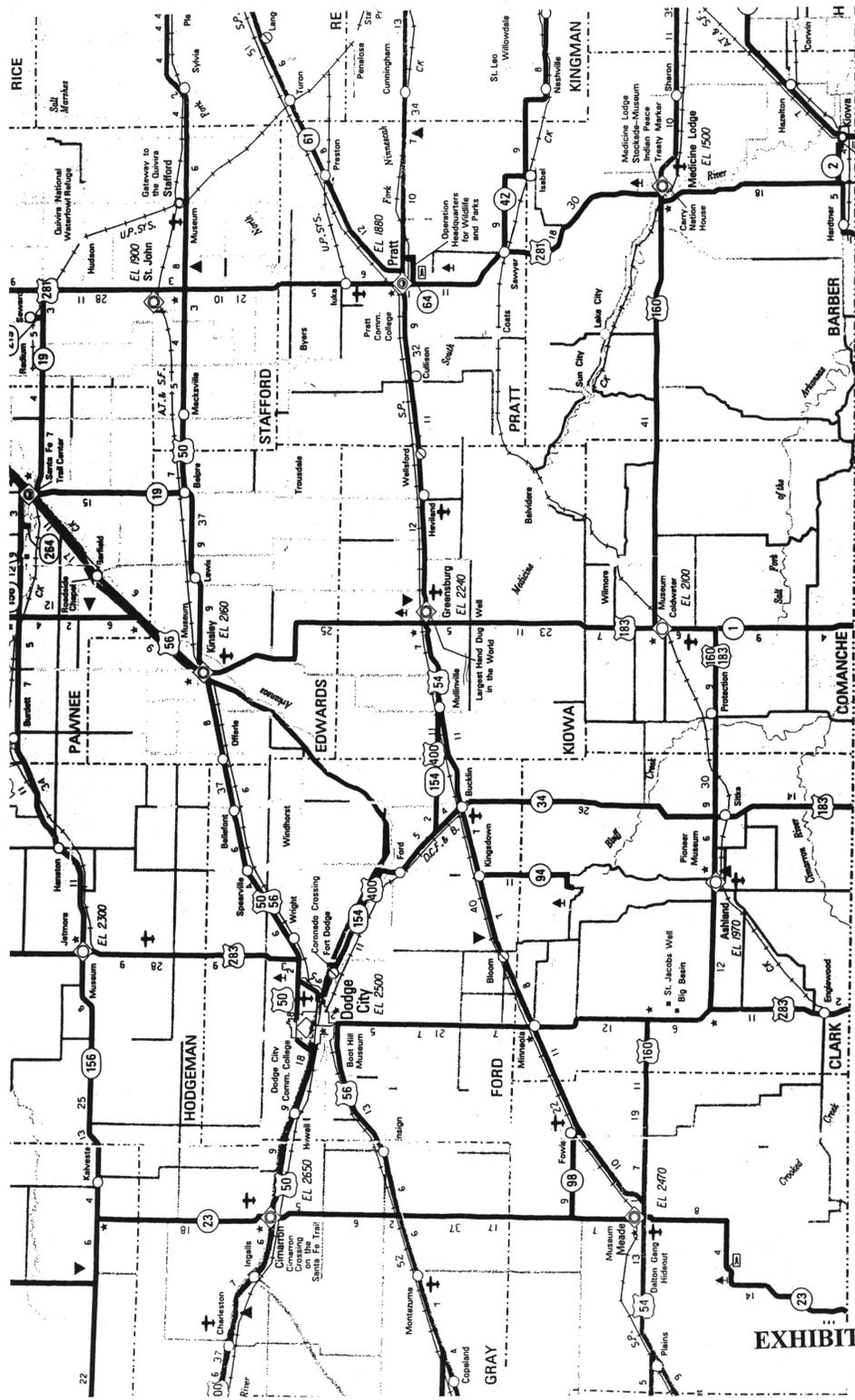
Date made available to the public: August 29, 2003.

Comment due date: September 15, 2003.

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

Vernon A. Williams
Secretary

Attachment



ID No. 33916 STB Doc# J No. AB-853 (Sub-No. 14)

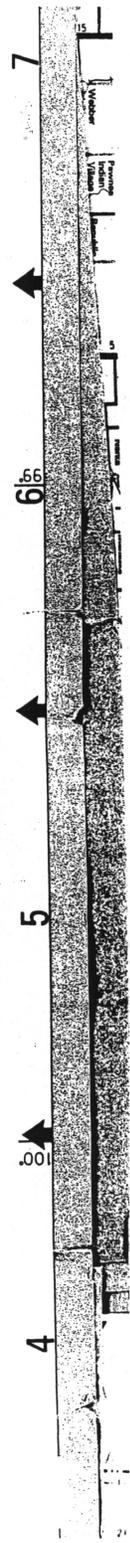


EXHIBIT 1