

35082

SERVICE DATE – NOVEMBER 12, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No. 220X)

**Union Pacific Railroad Company - Abandonment Exemption - in Brown and Doniphan
Counties, Kansas**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP or railroad) filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon and discontinue service over the St. Joseph Industrial Lead in Brown and Doniphan counties, Kansas (KS). The rail line proposed for abandonment is located between Milepost 2.52 near Elwood, KS and Milepost 33.60 near Robinson, KS (subject line). The total distance is approximately 30.98 miles. A map depicting the rail line in relationship to the area served is appended to this report.

DESCRIPTION OF THE LINE

The right-of-way of the subject line is typically 100 feet wide. The topography varies from level to hilly. The surrounding land uses include several small towns, farmland and pasture. The subject line is constructed with 90-, 131- or 133-pound rail. UP is not aware of any hazardous waste sites on or along the subject right-of-way. According to UP, the segment of the subject line from Milepost 2.52 to Milepost 7.5 was constructed in 1857 by the Marysville or Palmetto and Roseport Railroad. The segment from Milepost 7.5 to Milepost 13.9 was constructed in 1888 by the Chicago, Kansas & Nebraska Railway Company. The balance of the subject rail line was constructed in 1872 by the St. Joseph and Denver City Railroad Company. There are thirteen bridges on the subject line that are 50 years of age or older. Sunflower Recreational Trails, Inc. has submitted a request for issuance of a Notice of Interim Trail Use.

Wathena Grain has been the only shipper on the subject line for the past two years. It currently uses UP rail service to receive fertilizer. Two railcars of fertilizer were delivered to Wathena Grain in 2002, five railcars in 2003, and one railcar in the first quarter of 2004. According to UP, the subject line is not used for overhead traffic on a scheduled basis.

ENVIRONMENTAL REVIEW

The railroad submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment. The railroad served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service (formerly the Soil Conservation Service) stated that the proposed abandonment would not impact prime farmland.

The Doniphan County Economic Development Commission expressed concerns regarding the proposed discontinuance and abandonment. Wathena Grain requested that the endpoint of the proposed abandonment be moved so that it may retain rail service from UP. Midland Steel Company in Wathena, KS also expressed concern about the proposed abandonment, although it does not currently utilize rail service. The City of Troy, KS stated that the segment of the subject line within the city limits is covered with noxious weeds and that the five crossings in the city lack maintenance. UP stated that the five crossing would be removed during abandonment and salvaging activities.

Because of the minimal volume of rail traffic on the subject line, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

The U.S. Army Corps of Engineers - Kansas City District - (USACE) had not responded to the railroad's environmental report at the time this Environmental Assessment (EA) was prepared. The Kansas Department of Agriculture (KDA) stated that the proposed abandonment would require approval by the Chief Engineer of the Division of Water Resources if abandonment and salvaging activities would alter floodplains or stream channels. Because the subject rail line crosses several streams and UP has not specified the nature of any bridge salvaging activities, SEA has recommended a condition that would require further consultation with the USACE and KDA.

The U.S. Fish and Wildlife Service - Kansas Field Office (USFWS) concluded that the proposed abandonment would not adversely impact fish and wildlife resources including threatened or endangered species. In its response, the USFWS encouraged UP to keep the right-of-way in a natural condition for the benefit of native wildlife, plants and the public. The Kansas Department of Wildlife and Parks (KDWP) concurred with the comments provided by the USFWS. However, KDWP recommended the use of standard erosion control best management practices, temporary weed-free seeding/mulching, and native forbs and grasses to permanently revegetate areas disturbed by abandonment activities. KDWP also stated that if abandonment activities are not initiated within one

year of its response letter, or if abandonment plans change, UP must consult again with KDWP. SEA has recommended conditions that address KDWP's concerns.

The U.S. Environmental Protection Agency - Region 7 had not responded to the railroad's environmental report at the time this EA was prepared.

The U.S. Department of Commerce's National Geodetic Survey has identified twelve geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends a condition to address this concern.

The Kansas State Historical Society (the State Historic Preservation Offices or SHPO) concluded in a June 10, 2004 letter that the proposed abandonment should not affect any property listed on the National Register of Historic Places or otherwise identified in its files as having historical significance. SEA concurs with the SHPO's finding.

CONDITIONS

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

1. Prior to conducting any abandonment and salvaging activities, the railroad shall consult with the U.S. Army Corps of Engineers - Kansas City District on permitting requirements for any abandonment and salvaging activities that may occur within waters of the United States including but not limited to streams, rivers, lakes and wetlands.
2. Prior to conducting any abandonment and salvaging activities, the railroad shall consult with the Kansas Department of Agriculture on approval requirements for any abandonment and salvaging activities that may occur within floodplains and stream channels.
3. In response to concerns of the Kansas Department of Wildlife and Parks, the railroad shall use standard erosion control best management practices, temporary weed-free seeding/mulching, and native forbs and grasses to permanently revegetate areas disturbed by abandonment activities.
4. In response to concerns of the Kansas Department of Wildlife and Parks (KDWP), the railroad shall consult with KDWP if abandonment and salvaging activities are not initiated by August 11, 2005.

5. The National Geodetic Survey (NGS) has identified twelve (12) geodetic station markers that could be affected by the proposed abandonment. Therefore, the railroad shall notify NGS 90 days prior to salvage activities in order to plan for their potential removal.

CONCLUSIONS

Subject to the recommended conditions, and based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the subject 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.

PUBLIC USE

Following abandonment, the ROW 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 Surface Transportation Board, with a copy to the railroad, within 20 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs 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 the 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** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of David Navecky, 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 STB Docket No. AB-33 (Sub-No. 220X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, please contact David Navecky by phone at 202-565-1593, fax at 202-565-9000, or email at naveckyd@stb.dot.gov.

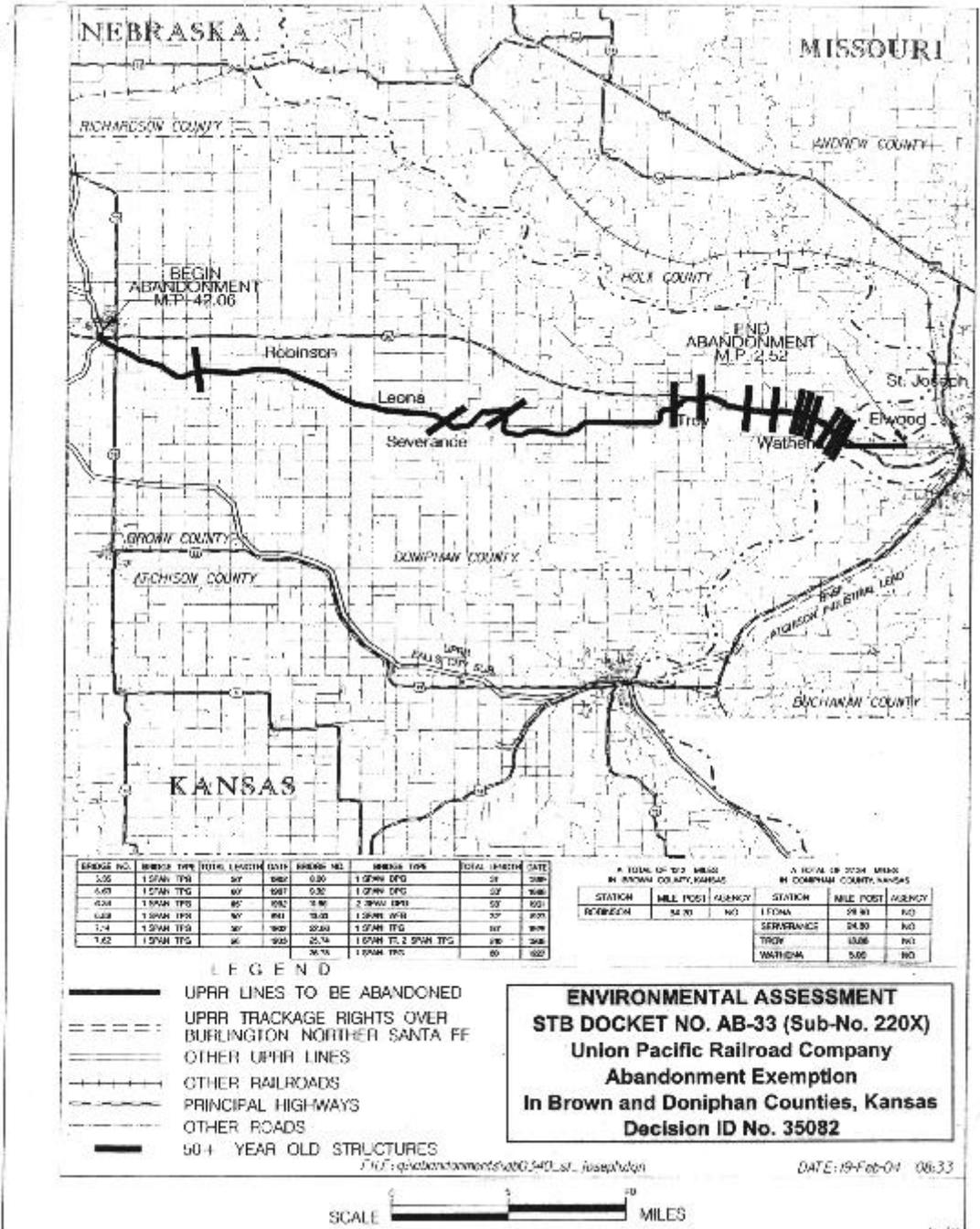
Date made available to the public: November 12, 2004

Comment due date: **December 10, 2004**

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

Vernon A. Williams
Secretary

Attachment



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH (FT)	DATE	BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH (FT)	DATE
5-35	1 SPAN TPG	67	1987	0-20	1 SPAN DPG	21	2000
5-63	1 SPAN TPG	67	1987	0-30	1 SPAN DPG	27	2000
6-24	1 SPAN TPG	65	1982	0-36	2 SPAN DPG	57	2001
6-28	1 SPAN TPG	67	1981	0-33	1 SPAN DPG	37	2001
1-4	1 SPAN TPG	30	2000	0-24	1 SPAN TPG	17	2001
1-62	1 SPAN TPG	36	2000	0-74	1 SPAN TPG, 2 SPAN TPG	100	2000
				0-74	1 SPAN TPG	80	2002

A. TOTAL OF 107 MILES IN BROWN COUNTY, KANSAS			B. TOTAL OF 1024 MILES IN DONIPHAN COUNTY, KANSAS		
STATION	MILE POST	AGENCY	STATION	MILE POST	AGENCY
ROBINSON	54.91	NO	LEONA	28.43	NO
			SEVERANCE	24.50	NO
			TROY	13.66	NO
			WATHEN	5.60	NO

- LEGEND**
- UPRR LINES TO BE ABANDONED
 - UPRR TRackage RIGHTS OVER BURLINGTON NORTHER SANTA FE
 - OTHER UPRR LINES
 - OTHER RAILROADS
 - PRINCIPAL HIGHWAYS
 - OTHER ROADS
 - 50+ YEAR OLD STRUCTURES

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SCALE MILES