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SERVICE DATE - JULY 3, 2003

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

AB - 439 (Sub-No. 1X)

Dallas Area Rapid Transit – Abandonment Exemption – In Dallas County, Texas

AB - 103 (Sub-No. 16X)

**The Kansas City Southern Railway Company – Discontinuance of Trackage Rights
Exemption – In Dallas County, Texas**

AB - 585X

**Dallas, Garland and Northeastern Railroad Company – Discontinuance of Trackage Rights
Exemption – In Dallas County, Texas**

BACKGROUND

The Dallas Area Rapid Transit (“DART”), The Kansas City Southern Railway Company (“KCS”) and Dallas, Garland and Northeastern Railroad Company (“DGNO”) filed a joint notice of Exemption pursuant to 49 CFR 1152.50 for DART to abandon, and KCS and DGNO to discontinue trackage rights over, approximately 11.45-miles of rail line between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison in the City and County of Dallas, Texas. 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.

ENVIRONMENTAL REVIEW

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 or any post-abandonment activities, including salvage and disposition of the right-of-way. 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: Department of Transportation, National Park Services, National Geodetic Survey, 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, and Costal Zone Management.

Environmental Analysis

No local or overhead traffic has moved over this line for two years. There will be no diversion of rail traffic to motor carriage. Inconsistency with regional and/or local land use plans is not anticipated. The proposed abandonment and discontinuance should not have adverse impact on prime agricultural land or farmland resources. The Texas General Land Office has advised applicants that the proposed project is outside the Texas Coastal Management Program boundary. The proposed abandonment and discontinuance is not expected to have any effect on the transportation of energy resource. Adverse impacts on air quality and noise level are not expected. No critical habitat or other fish or wildlife resources is expected to be destroyed, altered or affected as a result of the proposed abandonment discontinuance. The Texas Parks and Wildlife Department has indicated that the proposed action is anticipated to produce minimal impact to fish and wildlife resources. The U.S. Fish and Wildlife Service has indicated that the action is not likely to adversely affect federally threatened or endangered species. Any water quality effects from the proposed abandonment and discontinuance should be minimal. No bridges over bodies of water will be removed as part of the proposed action. No wetlands are anticipated to be adversely impacted.

HISTORIC

There is one structure on the line, the a railroad trestle crossing the Trinity river, that is 50 years old or older. The trestle is already subject to a Section 106 Memorandum of Agreement among the Urban Mass Transit Administration (FTA), the Texas Historical Commission (THC) and the Advisory Council on Historic Preservation that was reached in connection with the construction of DART's South Oak Cliff Light Rail Transit Project. THC states that pursuant to the terms of the Section 106 Agreement, DART took all feasible steps to minimize the damage to the ATSF Railroad Trestle during construction of its adjacent light rail bridge.

The THC states in its letter of April 14, 2003, that DART has not yet fulfilled its obligations under the revised memorandum of agreement (MOA) for the South Oak Cliff Corridor project. Further, THC states that abandonment of the trestle absent the mitigation stipulated in the MOA would breach its "no adverse effect" agreement with DART and the FTA regarding the trestle. Under these circumstances, THC recommends that the Applicant retain the line unaltered until completion of the of the terms of the MOA. According, SEA recommends that Applicant retain the line segment to be abandoned unaltered until completion of the terms of the MOA and Section 106 process.

Two geodetic station markers, H 395 and G 395, have been identified that may be affected by the proposed abandonment. If there are any planned activities which would disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

CONDITIONS

There is one structure on the line, the a railroad trestle crossing the Trinity river, that is 50 years old or older. The trestle is already subject to a Section 106 Memorandum of Agreement among the Urban Mass Transit Administration (FTA), the Texas Historical Commission (THC) and the Advisory Council on Historic Preservation that was reached in connection with the construction of DART's South Oak Cliff Light Rail Transit Project.

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Two geodetic station markers, H 395 and G 395, have been identified by the National Geodetic Survey (NGS) that may be affected by the proposed abandonment. If there are any planned activities which would disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

CONCLUSIONS

Based on the information provided from all sources to date and subject to the recommended condition, 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

If abandonment and salvage of the rail line does 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 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 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.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to 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 - 439 (Sub-No. 1X), AB - 103 (Sub-No. 16X), and AB - 585X in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public:7/03/03

Comment due date: July 18, 2003

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

Vernon A. Williams
Secretary

Attachment

