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SERVICE DATE - JUNE 18, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No. 172X)

**Union Pacific Railroad Company – Abandonment Exemption –
in Marshall County, KS**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon and discontinue service over a 5.3-mile line of railroad known as the Vliets Industrial Lead, which extends from Milepost 409.10 near Frankfort, to Milepost 403.80 near Vliets, in Marshall County, KS. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, UP will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

The line, known as the Vliets Industrial Lead, was constructed in 1868 by the Central Branch Union Pacific Railroad. UP states that the line is constructed with 112-pound continuous welded rail; however, the first mile is laid with 85-pound jointed rail. The line extends through rolling, agricultural and rural land in a lightly populated area of Kansas, and the right-of-way is typically 100 feet in width. In addition, there are five bridge structures on the line that are 50 years old or older. These bridges were constructed between 1897 and 1950 and range from 27 feet to 176 feet in length.

According to UP, the line has generated minimal traffic during the past several years and the last shipment was billed in January 2003. Until January 2003, the only active shipper on the line was Beattie Farmers Union Cooperative Association (Beattie Coop), which utilized a track near the beginning of the line in Frankfort to transport fertilizer. There were no shipments in 2001. In 2002, Beattie Coop received two carloads of diammonium phosphate, and in 2003, Beattie Coop received one carload of diammonium phosphate and one carload of monoammonium phosphate. UP indicates that Beattie Coop has relocated and will continue to receive UP rail service, and there are no other prospects for future rail shipments on the line. Consequently, there will be no diversion of rail traffic to truck traffic as a result of the proposed abandonment.

UP states that the property is not suitable for other public purposes because the area is adequately served by existing roads and utility lines. The main area highways include state route

99, a north-south route running through Frankfort and connecting approximately 12 miles north to U.S. 36, and state route 9, which runs through Frankfort and connects approximately 12 miles west to U.S. 77.

ENVIRONMENTAL REVIEW

UP 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 applicant 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)]. We have reviewed and investigated the record in this proceeding.

The U.S. Army Corps of Engineers, Kansas City District, concluded that the proposed abandonment, as outlined by UP, would not involve the discharge of dredged or fill material in waters of the United States. Therefore, a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

The Kansas Department of Agriculture (KDA) submitted comments on the proposed abandonment and stated that if the project includes the construction of any facility, levee, floodplain, fill, or other structure which controls, regulates or changes the flood waters of a stream or watercourse in Kansas, it will be subject to the provisions of K.S.A. 24-126 or 24-105, both of which require plans for the project to be approved by the Chief Engineer of the Division of Water Resources prior to construction. If the proposed project includes the construction of a dam, or if it in any way changes or diminishes the course, current or cross section of a stream or watercourse in Kansas, the KDA stated that it is subject to the provisions of K.S.A. 82a-301 to 305a, which requires the issuance of a permit and approval by the Chief Engineer prior to construction. The proposed abandonment does not appear to involve construction activities and would not be expected to affect water resources in Kansas. However, SEA recommends that UP contact the Chief Engineer of the Division of Water Resources at the KDA prior to commencement of any salvage activities on this project, in order to address the concerns regarding the construction of levees and dikes (K.S.A. 24-126 or 24-105) and drainage projects (K.S.A. 82a-301 to 305a).

In a January 24, 2001 letter, the State of Kansas Department of Wildlife and Parks (Kansas DWP) stated that it had reviewed the proposed abandonment. In its report, the Kansas DWP indicated that the proposed project would have: 1) no significant impact on crucial wildlife habitats and 2) no impact on any public recreational areas. Moreover, there was no anticipated potential impacts to currently listed threatened or endangered species or species in need of conservation. The Kansas DWP stated that no Department of Wildlife and Parks permits or special authorizations would be needed within one year of its review. However, SEA notes that this assessment report is now several years old. Because the Kansas DWP's recreational land obligations and the State's species listings periodically change, SEA recommends that UP contact

the State of Kansas DWP prior to commencement of any salvage activities on this project, in order to verify the continued applicability of the 2001 assessment report.

Additionally, UP has indicated that all work would take place within the existing right-of-way, erosion control would be utilized, and disturbed areas would be reseeded to native grasses. The Kansas DWP supports these project activities.

The U.S. Department of Interior, Fish and Wildlife Service, Kansas Field Office (USFWS), has reviewed the proposed abandonment and concluded that there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species. Therefore, the USFWS has no objection to the proposed project. However, the USFWS suggested that UP keep the right-of-way in a natural condition for the benefit of native wildlife, plants, and the public.

The U.S. Department of Agriculture, Natural Resources Conservation Service, commented that the proposed abandonment would not have any effect on prime farmland soils. Accordingly, no mitigation measures were suggested.

UP states that it is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests that would be affected by the proposed abandonment.

According to UP, there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the right-of-way.

HISTORIC REVIEW

UP submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. UP served the report on the Kansas State Historical Society Office (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed project should not affect any property listed in the National Register of Historic Places (National Register) or otherwise identified in their files as having historical significance. The SHPO further stated that it has no objection to implementation of the project. SEA has 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 UP'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 the following three (3) conditions be placed on any decision granting abandonment authority:

1. SEA recommends that UP contact the Chief Engineer of the Division of Water Resources at the Kansas Department of Agriculture prior to commencement of any salvage activities on this project, in order to address the concerns regarding the construction of levees and dikes (K.S.A. 24-126 or 24-105) and drainage projects (K.S.A. 82a-301 to 305a).
2. Although the State of Kansas Department of Wildlife and Parks concluded that the proposed abandonment would have no significant impact on wildlife or public recreational areas, SEA recommends that UP contact the State of Kansas Department of Wildlife and Parks prior to commencement of any salvage activities on this project, in order to verify the continued applicability of the 2001 assessment report.
3. The U.S. Department of Interior, Fish and Wildlife Service, Kansas Field Office (USFWS), suggested that UP keep the right-of-way in a natural condition for the benefit of native wildlife, plants, and the public. Accordingly, SEA will recommend a consultation condition requiring that UP contact USFWS prior to commencement of any salvage activities on this project.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, 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, Washington, DC 20423.

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 Christa Dean, 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 Docket No. AB-33 (Sub No. 172X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at deanc@stb.dot.gov.

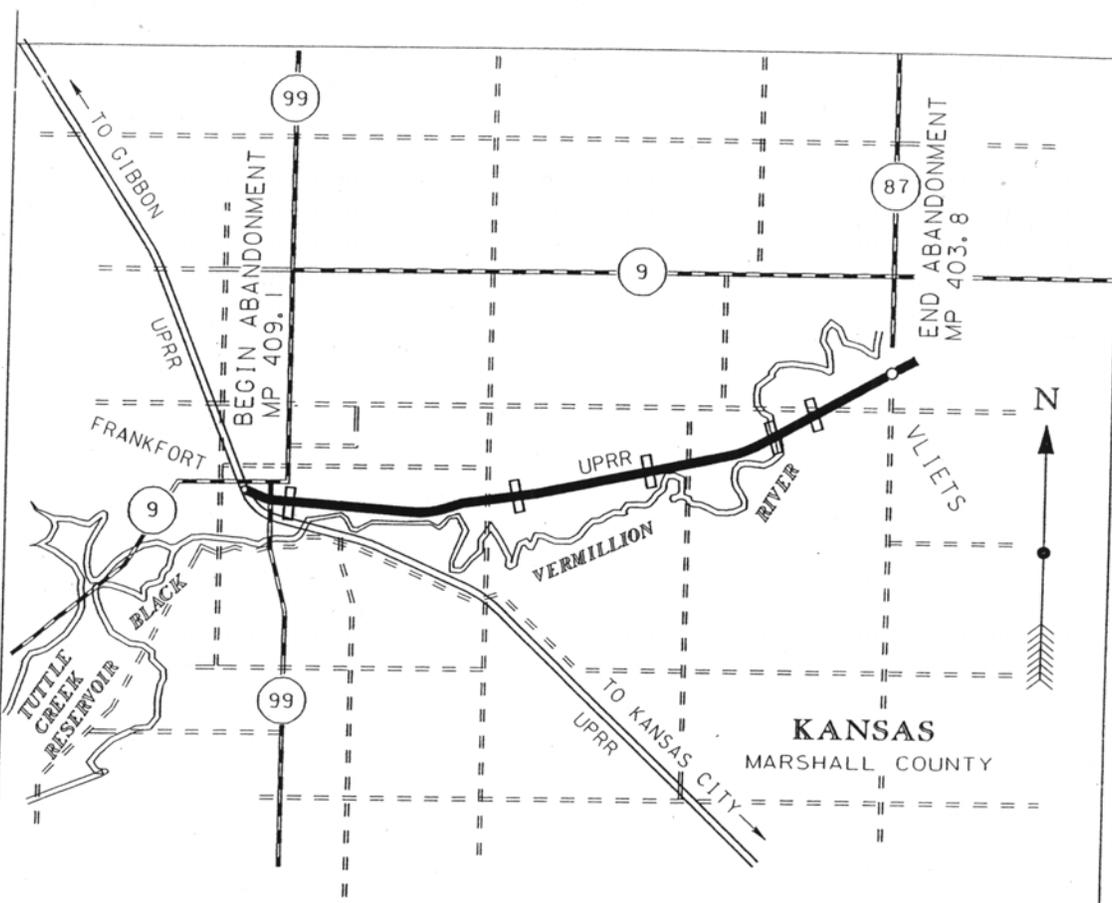
Date made available to the public: June 18, 2004.

Comment due date: July 19, 2004.

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

Vernon A. Williams
Secretary

Attachment



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
404.70	TIMBER PILE TRESTLE /TST-O.D.	27'	1950
405.00	TIMBER PILE TRES /THRU-PL. G. O. D.	176'	1940
406.00	TIMBER PILE TRESTLE /TST-O.D.	126'	1923
407.00	TIMBER PILE TRESTLE /TST-O.D.	42'	1943
408.50	TIMBER PILE TRES. /TST OPEN DECK	34'	1963
	DECK PLATE TRES. /D. P. G. OPEN DECK	52'	1897
	TIMBER PILE TRES. /TST OPEN DECK	37'	1963

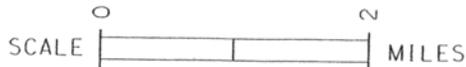
VLIETS INDUSTRIAL LEAD
 MP 403.80 TO MP: 409.1
 VLIETS INDUSTRIAL LEAD A TOTAL OF 5.30 MILES
 IN MARSHALL COUNTY, KS.

STATION	MILE POST	AGENCY
VLIETS	404.00	NO

LEGEND

- UPRR LINES TO BE ABANDONED
- UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.
 VLIETS INDUSTRIAL LEAD
 INCL. 50+ YEAR OLD STRUCTURES



Revised 10-23-03 ab0091 vliets.dgn

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