

34179

SERVICE DATE - NOVEMBER 21, 2003
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 208X)

Union Pacific Railroad Company—Abandonment Exemption—
in Marshall County, KS

BACKGROUND

In the above entitled proceeding, Union Pacific Railroad Company (UP) 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 a 8.13-mile rail line over the Marietta Industrial Lead from milepost 133.13 near Marysville to milepost 125.00 near Marietta, in Marshall County, 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

The line is generally 100 feet in width and primarily consists of level agricultural land in a lightly populated rural area of Kansas. UP states that the line is laid primarily with 133-pound rail. In its notice UP states that there has been no traffic on the line during the past two years.

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. 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)]. 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: County Commissioners; Department of the Army, Kansas City District Corps of Engineers; Kansas Corporation Commission; Kansas Department of Agriculture; Kansas Department of Health and Environment; Kansas State Historical Society; National Geodetic Survey; National Park Service; U.S. Army Corps of Engineers; U.S. Department of Agriculture; U.S. Department of Interior, Fish and Wildlife Service, Kansas Field Office; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service, Region 6; U.S. Natural Resource Conservation Service; Water Resources Division; and the Wildlife & Parks Department.

The National Geodetic Survey has submitted comments stating that there are several geodetic station markers that have been identified that may be affected by the proposed abandonment. NGS states that if there are any planned activities which will disturb or destroy these markers, it requires not less than 90 days notification in advance of any activities that may disturb or destroy these markers in order to plan for their relocation.

HISTORIC REVIEW

UP submitted a 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 (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 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 the following environmental condition be placed on any decision granting abandonment authority.

1. Based on the comments of NGS, we recommend that the following condition be imposed on any decision granting abandonment authority: UP shall consult with NGS and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended condition is 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 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 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-33 (Sub-No. 208X) 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: November 21, 2003.

Comment due date: December 8, 2003.

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

Vernon A. Williams
Secretary

Attachment

