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SERVICE DATE - OCTOBER 13, 2000

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-471 (Sub No. 4X)

**South Kansas and Oklahome Railroad Company - Abandonment Exemption and
Discontinuance - In Crawford, Wilson, Elk, and Greenwood Counties, KS and Osage and
Tulsa Counties, OK**

BACKGROUND

In the above entitled proceeding, South Kansas and Oklahoma Railroad Company (SKO) 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 and discontinuance of service over the following three rail line segments: (1) the 35 mile rail line located between milepost 153.0, near Tulsa, and milepost 188.0, near Barnsdall, in Osage and Tulsa Counties, Oklahoma; (2) the 6 mile rail line locate between milepost 359.0, at Pittsburg, and milepost 365.0, at Cherokee, in Crawford County, Kansas; and (3) the 23.5 mile rail line located between milepost 438.5, at Severy, and milepost 415.0, at Fredonia, in Wilson, Elk, and Greenwood Counties, Kansas (the "Lines"). In total, SKO proposes to abandon 64.5 miles of rail line. Maps depicting the Lines in relationship to the areas served is appended to the report. If the notice 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

According to SKO, there has been no service on the Lines for over three years. SKO further states that there are currently no active shippers located along the Lines and that all overhead traffic has been rerouted to other rail lines.

SKO describes the areas traversed by the Lines as being primarily rural with access to road and highway networks. The 35 mile rail line located between Tulsa and Barnsdall parallels State Highway 11 and U.S. Highway 75 is nearby. The 6 mile line located between Pittsburg and Cherokee is located near U.S. Highways 160 and 69, and State Highways 57, 126, and 7. The 23.5 mile line located between Severy and Fredonia is located near State Highways 47, 96, 39, and 99. Therefore, there is little or no likelihood that the rail corridors will be required for conversion to transit or highway corridors.

There are 41 bridges located on the rights-of-way, 14 bridges in Oklahoma and 27 bridges in Kansas, that are potentially 50 years old or older. One of the Oklahoma bridges was constructed in 1905 and the others are of unknown age. Fifteen of the Kansas bridges are older than 50 years and the others are of unknown age.

SKO states that the 41 bridges are of common design and construction and that none has any historical significance. The Kansas State Historical Society has indicated that the proposed abandonment will not affect any property listed on or eligible for listing on the National Register of Historic Places. The Oklahoma Historical Society (OHS) has requested additional information before completing the Section 106 review. The OHS has also requested that a historical survey be completed. SKO has retained a contractor and anticipates completion of the historical survey by December 2000.

If abandonment authority is granted, SKO does not currently have plans to remove any of the bridge structures along the Lines.

ENVIRONMENTAL REVIEW

SKO has submitted an environmental and historic 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. SKO 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. We have also consulted with appropriate agencies and individuals to verify the railroad's environmental and historical report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment.

Comments have been received from the following agencies stating that the proposed abandonment will have no adverse impacts: USDA Department of Agriculture, Natural Resources Conservation Service; U.S. Department of Interior, Fish and Wildlife Service; U.S. Army Corps of Engineers, Tulsa District; Department of Army; and the Elk County, Board of County Commissioners, Kansas.

To date, comments have not been received from the following agencies: The U.S. Department of Commerce, National Geodetic Survey; U.S. Environmental Protection Agency; National Park Service; Kansas Department of Transportation; Oklahoma Department of Transportation; Kansas Department of Health and Environment; Oklahoma Department of Environmental Quality; and the County Commissioners of Crawford, Wilson, and Greenwood Kansas and of Osage and Tulsa Counties, Oklahoma.

CONDITIONS

Because many of the agencies we rely on to complete our environmental analysis have not yet completed their review, we preliminarily recommend the following conditions. A copy of the Environmental Assessment has been sent to those agencies for consideration.

1. The U.S. Environmental Protection Agency (EPA), Regions 6 and 7, has not completed its review of the proposed abandonment. Therefore, we recommend, that South Kansas and Oklahoma Railroad Company consult with each EPA region regarding the discharge of stormwater resulting from the disturbance of more than five acres, the railroad shall consult with the EPA and secure all necessary permits prior to initiation of salvage or disposal activities.
2. The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, we recommend, that South Kansas and Oklahoma Railroad Company consult with the NGS prior to undertaking salvage operations. If salvage operations are expected to destroy or disturb any geodetic station markers the railroad shall notify the NGS in not less than ninety days prior to commencement of such operations.
3. The Oklahoma Historical Society (SHPO) has not completed its review of the proposed abandonment. Therefore, we recommend, that South Kansas and Oklahoma Railroad Company consult with the SHPO prior to salvage of the rail line to determine if the proposed abandonment is consistent with Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
4. The Kansas and Oklahoma Departments of Transportation (DOT) has not completed its review of the proposed abandonment. Therefore, we recommend, that South Kansas and Oklahoma Railroad Company consult with each DOT prior to abandonment to determine the impact of salvage activities on existing highway/rail at-grade crossings.
5. The Kansas Department of Health and the Oklahoma Department of Environmental Quality, collectively known as DEQ, has not completed its review of the proposed abandonment. Therefore, we recommend, that South Kansas and Oklahoma Railroad Company consult with each DEQ prior to abandonment to secure all necessary permits prior to initiation of salvage or disposal activities.
6. The Kansas counties of Crawford, Wilson, and Greenwood and the Oklahoma counties of Oage and Tulsa, collectively known as the Counties, have not completed their review of the proposed abandonment. Therefore, we recommend, that South Kansas and Oklahoma Railroad Company (SKO) consult with each of the Counties prior to abandonment to secure all necessary permits and to address concerns regarding the impact of salvage activities on existing at-grade crossings. Accordingly, we recommend that SKO consult with the Counties prior to conducting salvage activities at or near at-grade crossings.

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

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 Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

_____The U.S. Department of Interior, Fish and Wildlife Service recommends that South Kansas and Oklahoma Railroad Company railbank all three Lines proposed for abandonment.

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 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 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 Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB-471 (Sub No. 4X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Troy Brady at (202) 565-1554.**

Date made available to the public: October 13,2000.

Comment due date: **October 28, 2000 (15 days).**

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

Copies of the Environmental Assessment sent to above-referenced agencies for consideration.

MAPS TO BE SCANNED