

29480

SERVICE DATE - AUGUST 19, 1998
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket NO. AB-33 (SUB-NO. 124X)

Union Pacific Railroad Company--Abandonment
Exemption--in Sedgwick County, KS

BACKGROUND

In the above entitled proceeding, the 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 and Discontinuance of Service and Trackage Rights of a 0.56-mile line of railroad on the Midland Valley Industrial Lead from the end of the line at milepost 312.09 to milepost 312.65 in Wichita, Sedgwick 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.¹

DESCRIPTION OF THE LINE

The right-of-way extends generally in a north-south direction in Wichita, KS, mostly 100 feet in width and is located to the west of the Arkansas River in the out-lying area of the City. In its application, 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)]. We reviewed and investigated the record in this proceeding.

¹ The line will be conveyed to the City of Wichita, KS (City) pursuant to a Memorandum of Understanding (MOU) between UP and the City, which was approved in Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company - Control and Merger - Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company, Finance Docket No. 32760, (STB served July 8, 1998).

The Department of the Army, Kansas City District, Corps of Engineers (Corps) has indicated that if the abandonment require excavation or the discharge of dredged fill material in any waters, including wetlands, a Department of the Army permit will be required. Therefore, we recommend that a condition be imposed requiring UP to consult with the U.S. Army Corps of Engineers, Kansas City District prior to salvaging the right-of-way to determine if permits are required under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

CONDITIONS

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

Prior to engaging in any salvage activities, we recommend that UP consult with the U.S. Army Corps of Engineers, Kansas City District, to determine if permits are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended condition, 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 discontinuance 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 rial 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 the petition for 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

STB Docket No. AB-33 (Sub-No. 124X)

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, 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, Room 2215, Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub-No. 124X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1629.

Date made available to the public: August 19, 1998.

Comment due date: September 3, 1998.

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

Vernon A. Williams
Secretary

Attachment

STB Docket No. AB-33 (Sub-No. 124X)

PLEASE SCAN MAP