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SERVICE DATE - FEBRUARY 16, 2001

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**AB-406 (Sub-No. 14X)**

**Central Kansas Railway, L.L.C. - Abandonment Exemption - In Sedgwick County,  
Kansas**

**BACKGROUND**

In this proceeding, the Central Kansas Railway, L.L.C.(CKR) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment a rail line located between milepost 19.5 near Garden Plain, and milepost 3.5 southeast of the grade crossing at McCormick Avenue in Wichita, a total distance of 16 miles in Sedgwick County, Kansas. 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.

**Contacts and Procedures**

CKR 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<sup>1</sup> 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 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 Kansas Department of Natural Resources, State Historical Society of Kansas, 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, Kansas Coastal Zone Management, Kansas Department of Transportation.

**ENVIRONMENTAL REVIEW**

This Environmental Assessment (EA) evaluates the potential environmental effects

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<sup>1</sup>Defined as removal of track and ties.

that could result from the proposed abandonment. This EA will evaluate the environmental impacts of salvage of the line and how best, if necessary, to mitigate any potential impacts of track salvage within the right-of-way<sup>2</sup>. The Board's Section of Environmental Analysis (SEA) has prepared this document in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321), the Board's environmental rules (49 CFR Part 1105) and other applicable environmental statutes and regulations.

### **Traffic**

In the last three years, the line was used for the movement of 8 carloads in 1998, 3 carloads in 1999 and none in 2000. No overhead traffic has moved over the line in over three years.

Alternative service for local traffic is available to the two rail shippers on the line over the extensive highway network in the area. U.S. Highway 54 is located in close proximity to these shippers and essentially parallels the line. The abandonment would result in a shift of a very small amount of freight from rail to truck. The proposed abandonment would have no adverse effects on local or regional transportation systems or patterns either because the traffic is de minimus or because the traffic that once used the line has been diverted to other transportation modes.

### **Historic**

CKR states that there are two bridges on the Wichita Subdivision between Wichita and Garden Plain that are 50 years old or older. CKR believes that neither bridge is of historic significance is also unaware of any archeological resources.

The Kansas State Historic Preservation Officer has not yet completed their review of the proposed abandonment and discontinuance. Therefore, we recommend that a condition be placed on any decision granting abandonment authority, requiring the CKR to retain its interest in the line until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

### **Biological Resources**

The U.S. Fish and Wildlife Service has concluded that the abandonment should pose no adverse impacts to fish and wildlife resources. However, the U.S. Fish and Wildlife Service encourages CKR to maintain the right-of-way in a natural condition for the benefit of native wildlife, plants, and the public.

### **Habitat Maintenance**

The U.S. Department of Interior, Fish and Wildlife Service requests the CKR maintain the right-of-way in a natural condition that benefits native wildlife, plants, and the public.

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<sup>2</sup>The SEA notes here that the Board's jurisdiction for imposition of mitigating conditions is limited to activities and impacts with railroad the right-of-way.

## **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.

### **Conditions**

1. **The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, Central Kansas Railway, Incorporated shall notify the NGS not less than ninety days prior to commencement of any operations that are expected to destroy or disturb any geodetic station markers.**
2. **The Kansas State Historical Society (SHPO) has not completed its review of the proposed abandonment. Therefore, we recommend, that Central Kansas Railway, Incorporated consult with the SHPO prior to salvage of the rail lines to determine if the proposed abandonment is consistent with Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**
3. **The Kansas Department of Transportation (KS-DOT) requests that Central Kansas Railway, Incorporated (CKR) prepare a track salvage work plan. Therefore, we recommend that CKR consult with KS-DOT prior to initiation of any salvage activities regarding the preparation of a track salvage work plan.**
4. **The Kansas Department of Health and Environment - Bureau of Water (KDHE - BW) states that actions impacting water quality are subject to their review. Therefore, we recommend, that Central Kansas Railway, Incorporated consult with KDHE - BW and prepare a Non-point Source Pollution Control Plan prior to abandonment and secure all necessary permits prior to initiation of salvage or disposal activities.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, 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**

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, Room 848, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB-406 (Sub No. 14X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Troy Brady at (202) 565-1554.

Date made available to the public: 2/16/01.

**Comment due date: 3/19/01.**

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

Vernon A. Williams  
Secretary

MAP NEEDS TO BE SCANNED.