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SERVICE DATE - FEBRUARY 28, 1997

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-406 (SUB-NO. 7X)

CENTRAL KANSAS RAILWAY, LIMITED LIABILITY COMPANY

BACKGROUND

In this proceeding, the **Central Kansas Railway** 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 of A 53.2 mile portion of its Little River Subdivision in Kansas, from milepost 577.1 near Lyons, Kansas to milepost 594.1 near Lorraine, Kansas, then from milepost 20.7 near Lorraine to milepost 56.9 near Galatia, Kansas, in Barton, Ellsworth, and Rice Counties, 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.

DESCRIPTION OF THE LINE

CKR has not used this rail line for local or overhead rail traffic since May 1995. Before then, in 1994, CKR moved 144 carloads. The railroad states that the condition of the line is so poor that continued rail operations would be unsafe. According to CKR, the cost of rehabilitating the line, together with the low demand for rail service, make rehabilitation of the line financially impossible. Traffic previously moving on the line is now moving by truck or other railroad. CKR intends to salvage the line if the Board grants abandonment and reuse materials at other locations.

ENVIRONMENTAL REVIEW

The railroad 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 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 the U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; Kansas Cultural Resources Division; and the County Commissions of Rice, Ellsworth, and Barton Counties.

CONDITIONS

The Kansas Cultural Resources Division has raised a number of questions concerning a depot at Holyrood. Therefore, until a final determination is made on the eligibility of the depot for the National Register of Historic Places, **we recommend imposition of the following condition: Central Kansas Railroad shall retain its interest in and take no steps to alter the integrity of the Holyrood depot until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended condition, 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 Assistance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA directly at (202) 927-6184, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Room 4412, 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 2215, Washington, DC 20423, to the attention of Victoria Rutson, who prepared this environmental assessment. **Please refer to Docket No. AB-406 (Sub-No. 7X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ms. Rutson at (202) 927-6211.

Date made available to the public: February 26, 1997.

Comment due date: March 25, 1997.

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

Vernon A. Williams
Secretary