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SERVICE DATE - JULY 31, 2001

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket NO. AB-33 (SUB-NO. 180X)

Union Pacific Railroad Company--Abandonment Exemption--
in Shawnee 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 and Discontinuances of Service and Trackage Rights to abandon a 1.07-mile line of railroad over the Topeka Industrial Lead from milepost 406.53 to milepost 407.60 in Topeka, Shawnee 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 constructed with 85-pound track material. Applicant states that the title to approximately 30 per cent of the proposed is non-reversionary in nature. The other 70 per cent is reversionary in nature. Almost half of the property lies within public streets. 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 the Transportation Planning Bureau, Kansas Department of Transportation; Kansas Corporation Commission; Kansas Department of Health and Environment; Shawnee County Commissioners; U.S. Environment Protection Agency, Region 7; U.S. Fish and Wildlife Service, Region 6; U.S. Army Engineer Division - Kansas City District; National Park Service; Natural Resource Conservation Service; National Geodetic Survey; Wildlife & Parks Department; Water Resources Division; U. S. Department of Agriculture, Military Traffic Management Command Transportation Engineering Agency; and the State Historic Preservation Office.

The State of Kansas Department of Wildlife & Parks (KDWP) states that UP use appropriate erosion controls and reseeded with native grasses during salvage operations. KDWP also states that if construction is started within one year, and no design changes are made in the project plans, no permits or special authorization will be needed. However, since the Department's recreational land obligation and the State's species listings periodically change, and if construction has not started within that time period, or if design changes are made in the project plan, UP must contact KDWP to verify continued applicability of this assessment report. Therefore, in response to these concerns, we recommend that UP consult with the KDWP prior to salvage operations.

The National Geodetic Survey (NGS) has identified four geodetic station markers that may be affected by the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities in order to plan for their relocation. Therefore, we recommend that UP consult with the NGS and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation.

The U.S. Army Corps of Engineers, Kansas City District (Corps) has indicated that if the abandonment require the discharge of dredge or fill material in any waters, including wetlands, a Department of the Army permit will be required. Therefore, we recommend that prior to engaging in any salvage activities that UP consult with the U.S. Army Corps of Engineers, Kansas City District, to determine if permits are necessary.

CONDITIONS

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

(1) Prior to engaging in any salvage activities, we recommend that UP consult with the State of Kansas Department of Wildlife & Parks.

(2) The National Geodetic Survey (NGS) has identified four geodetic station markers that may be affected by the proposed abandonment. Therefore, we recommend that UP notify NGS 90 days prior to salvage activities in order to plan for their relocation.

(3) 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, 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 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 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

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. 180X) 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: July 31, 2001.

Comment due date: August 15, 2001.

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

Vernon A. Williams
Secretary

Attachment

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MAP TO BE SCANNED