



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 4, 2020

Mr. Justin Marks
Clark Hill
1001 Pennsylvania Avenue, NW
Suite 1300
Washington, DC 20004

Re: Docket No. FD 36406, Port Authority of Kansas City – Construction and
Operation Exemption–In Jackson and Clay Counties Mo.; Waiver of Six-Month
Prefiling Notice

Dear Mr. Marks:

Thank you for your May 29, 2020 letter requesting waiver of the six-month prefiling notice generally required for rail construction projects under 49 C.F.R. § 1105.10(a)(l). Pursuant to 49 C.F.R. § 1105.10(c), the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is granting your request.

On April 23, 2020, OEA met with the Port Authority of Kansas City (Port KC) representatives regarding the proposed construction and operation of a new rail line in Jackson and Clay Counties, Missouri. Port KC's representatives provided OEA with an overview of the project, and OEA discussed the Board's environmental review process.

Port KC proposes to construct approximately and operate a 1.7-mile rail line on a 415-acre tract on the east side of Kansas City. The new rail line would support Port KC's Missouri River Terminal Project, a planned multi-modal freight center. The terminal would utilize rail, barge, and motor carrier transportation to increase regional capacity for efficient management of intermodal containers between the local freight area and coastal ports. It would also offer transloading of grains and seeds used in vegetable oil production. Port KC's proposed rail line would extend from the Missouri River to an interchange point with the Kansas City Terminal Railway Company, a Class III railroad that serves as a terminal railroad for its five Class I owners: Union Pacific Railroad Company, BNSF Railway Inc., Kansas City Southern Railway, Norfolk Southern Railway, and Canadian Pacific Railway.

Based on the information provided by Port KC and the discussion of the Board's environmental review process, OEA believes that it has adequate information and that Port KC is sufficiently aware of the environmental review process to grant this request.

In addition, your letter indicates that the proposed project would not have significant environmental impacts and suggests that an Environmental Assessment (EA) should be prepared instead of an Environmental Impact Statement (EIS). As acknowledged in footnote 1 of your letter, it is premature for OEA to determine the appropriate level of environmental documentation for the project. OEA first sends consultation letters to Federal, state, and local agencies and organizations in the project area requesting their preliminary review of the project. Then OEA, with the results of the consultation letters in hand, conducts a site visit to the project area. After the site visit, OEA is willing to consider a written request to reclassify the project from requiring an Environmental Impact Statement (EIS) to one for which preparation of an Environmental Assessment is appropriate.¹

Thank you again for your letter. If we can be of further assistance, please contact me or Adam Assenza of my staff at (202) 245-0301.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson

Director

Office of Environmental Analysis

¹ If restrictions related to COVID-19 remain in place and OEA is unable to travel to conduct the site visit, we will arrange a virtual site visit using online mapping data and other available information.