

SERVICE DATE - JANUARY 21, 1997

21376

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

NO. AB-471X

**SOUTH KANSAS AND OKLAHOMA RAILROAD, INC.
-ABANDONMENT EXEMPTION-
IN SUMNER COUNTY, KANSAS**

BACKGROUND

In this proceeding, the South Kansas and Oklahoma Railroad, Inc. 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 of its railroad line located between milepost 257.2, at Oxford, Kansas, and milepost 266.4, near Wellington, Kansas, a distance of 9.2 miles in Sumner County, Kansas. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

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 contacted 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 Natural Resources Conservation Service; U.S. Fish and Wildlife Service, Kansas Field Office; the State of Kansas Department of Health and Environment; and the Kansas State Historical Society.

CONDITIONS

The Kansas Department of Health and Environment considers this abandonment to be a potential water quality impacting action and therefore subject to the Kansas Water Quality Standards. To avoid adverse impacts on water resources located along the line from the effects of salvaging track and ties, the Kansas Department of Health and Environment recommends that the railroad: (1) take measures to prevent violation of the water quality criteria described in a Kansas statute at K.A.R. 28-16-28e., (2) stabilize abandoned areas with vegetation or other appropriate non-polluting material, and (3) dispose of all waste materials in accordance with the Kansas solid waste management statutes. Furthermore, the Kansas Department of Health and Environment requests that the railroad prepare a Pollution Control Plan to prevent degradation of existing surface water quality.

While SKO states that no water bodies located along the Line will be impacted by the abandonment and that they will comply with the Kansas Department's comments to minimize the effects of the salvaging of the track and ties, **we recommend that a condition be imposed requiring the railroad to consult with the Kansas Department of Health and Environment, Bureau of Water prior to salvaging the right-of-way.**

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

If abandonment and salvage of the rail line does 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 exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. 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.

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 2221, Washington, DC 20423, to the attention of Scott Decker, who prepared this environmental assessment. **Please refer to Docket No. AB-471X in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Scott Decker at (202) 927-6396.

Date made available to the public: January 17, 1997.

Comment due date: January 31, 1997.

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

Vernon A. Williams
Secretary