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ENTERED
Office of Proceedings

KARL MORELL

AUG 26 2002

**Part of
Public Record**

August 23, 2002



BY HAND DELIVERY

Victoria Rutson
Chief
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W. - Room 504
Washington, DC 20423

Re: STB Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford County,
Kansas

Dear Ms. Rutson:

Attached please find 10 copies of the Environmental Report and Historic Report in the above-captioned matter. South Kansas and Oklahoma Railroad Company expects to file its Notice of Exemption in this matter on or shortly after September 13, 2002.

Sincerely,

Karl Morell

Enclosures

ENTERED
Office of Proceedings

AUG 26 2002

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Public Record

ENVIRONMENTAL REPORT

(49 C.F.R. 1105.7)

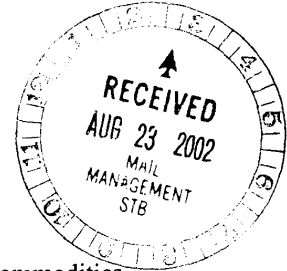
Docket No. AB-471 (Sub-No. 6X)

SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY

--ABANDONMENT EXEMPTION--

IN CRAWFORD COUNTY, KANSAS

EXHIBIT D



(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

South Kansas and Oklahoma Railroad Company ("SKO"), proposes to abandon its 0.4-mile rail line located between milepost 134.3 and milepost 134.7, in Pittsburg, Kansas (the "Line"). Upon receipt of abandonment authority, SKO intends to remove the rail, track material, and crossties. There are no railroad bridge structures along the Line.

The proposed abandonment will not change rail freight operations or maintenance practices on the Line. No local traffic has been handled on the Line since 1991. There currently are no active rail shippers located on the Line. All overhead traffic has been rerouted over other lines.

The only alternative to abandonment would be not to abandon the Line thereby forcing SKO to absorb the opportunity costs of retaining this inactive Line. This would not be a prudent use of carrier resources.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No passenger or freight traffic will be diverted to other modes as a result of the proposed abandonment. No local traffic has been handled on the Line since 1991 and all former overhead traffic has been rerouted over other lines. Since the Line no longer handles rail traffic, the proposed abandonment will have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) SKO believes that the proposed abandonment is consistent with existing land use plans. The City of Pittsburg intends to rail-bank the right-of-way after the Line is approved for abandonment. SKO has contacted the Crawford County Commissioners. See Exhibit 2. To date, no response to this inquiry has been received. A copy of this Report has been mailed to the appropriate local and state agencies for their information and comment.

(ii) SKO notified the State Conservationist of the proposed abandonment and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 3. The Natural Resources Conservation Service determined that the proposed abandonment is not affected by the Farmland Protection Policy Act. See Exhibit 4. A copy of this Report is being supplied to the Natural Resources Conservation Service for its information and further comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) The Line traverses five city blocks within the City of Pittsburgh. Therefore, there is little or no likelihood that the rail corridor is needed for a transit or highway corridor. The City of Pittsburgh, however, intends to rail-bank the Line and convert the right-of-way into an interim trail.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have no effect on overall energy efficiency as no local traffic has been handled on the Line for over 11 years and the overhead traffic was rerouted over other lines.

(iv) The proposed abandonment will not cause any diversions of rail traffic to motor carriage, since no local traffic has been handled on the Line for over 11 years and the overhead traffic was rerouted over other lines.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities,

and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. The removal of the track and track structures from the city street will enhance public safety by eliminating distractions to vehicular traffic moving along or crossing the Line.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor of the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) SKO is confident that the proposed abandonment will not have an adverse affect on endangered or threatened species or areas designated as a critical habitat. SKO notified the U.S. Fish and Wildlife Service of the proposed abandonment and requested assistance in determining

whether endangered or threatened species or areas designated as a critical habitat are likely to be adversely affected. See Exhibit 5. To date, no response has been received from the U.S. Fish and Wildlife Service. A copy of this Report is being supplied to the U.S. Fish and Wildlife Service for its information and comment.

(ii) There are no wildlife sanctuaries or refuges, National or State parks or forests along the Line that would be adversely affected by the proposed abandonment. Nevertheless, SKO notified the National Parks Service of the proposed abandonment and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. See Exhibit 6. To date, no response to this request has been received. A copy of this Report is being supplied to the National Park Service for its information and comment.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) SKO is confident that the proposed abandonment will be consistent with applicable water quality standards. SKO contacted the Kansas Department of Health and Environment and the U.S. Environmental Protection Agency concerning this matter requesting assistance in determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 7. To date, no response to these requests has been received. A copy of this Report is being supplied to the U.S. Environmental Protection Agency and the Kansas Department of Health and Environment for their information and comment.

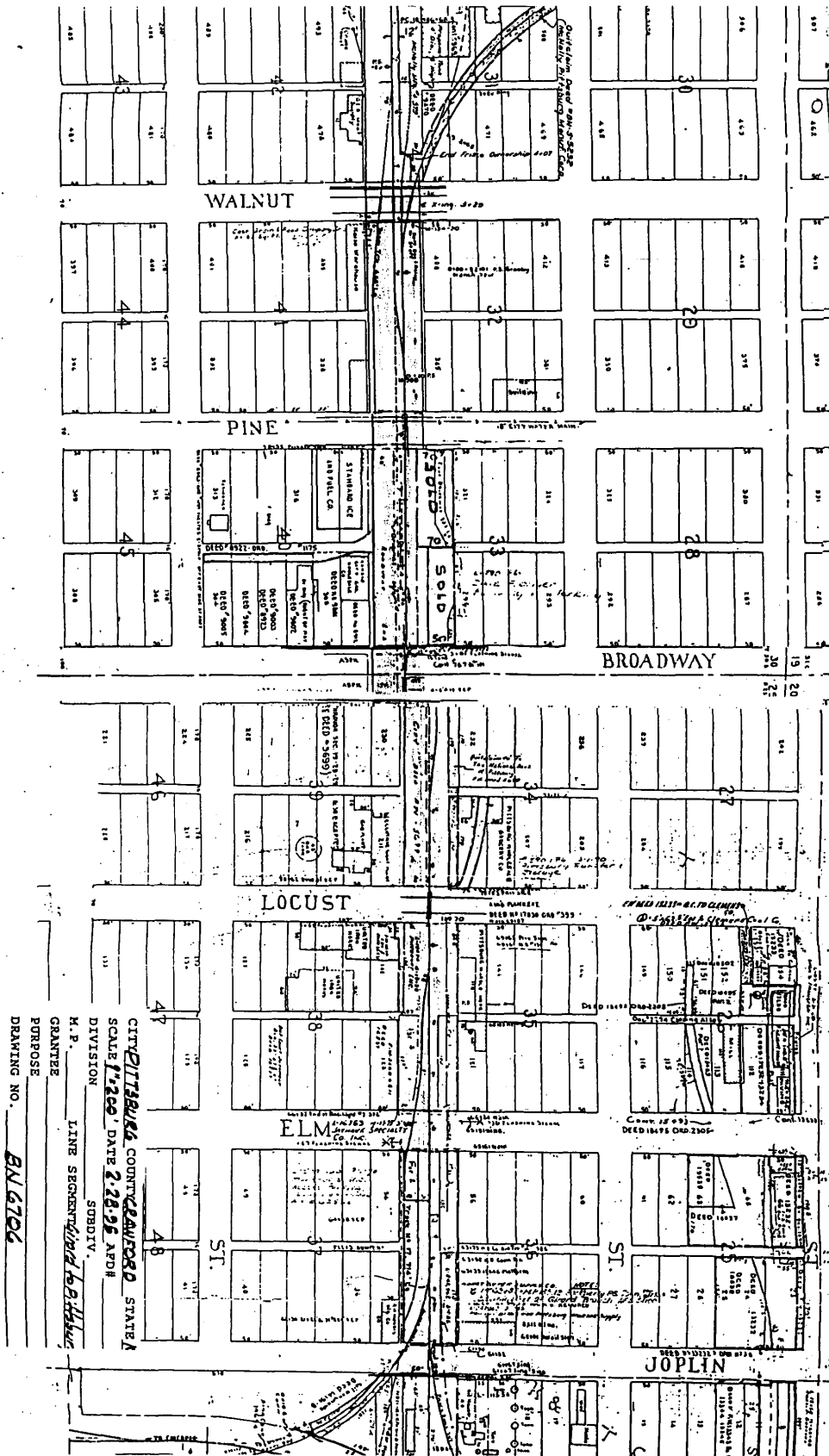
(ii) SKO is confident that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. SKO contacted the Corps of Engineers concerning these matters. See Exhibit 8. To date, no response to this request has been received. A copy of this Report is being supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) SKO contacted the U.S. Environmental Protection Agency concerning this matter and requested assistance in identifying any potential effects on applicable water quality standards and determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 7. To date, no response to this request has been received. A copy of this Report is being supplied to the U.S. Environmental Protection Agency for its information and comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

SKO does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. SKO will, of course, adhere to any remedial actions suggested by the recipients of this Report and required by the Board.

EXHIBIT 1



BALL JANIK LLP

EXHIBIT 2

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KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

Crawford County Commissioners
P.O. Box 249
Girard, KS 66743

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sirs:

South Kansas and Oklahoma Railroad Company ("SKO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about September 24, 2002, for SKO to abandon its 0.4-mile rail line located between milepost 134.3, and milepost 134.7, in Pittsburg, Kansas. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on existing land use plans. We must determine whether the proposed abandonment is inconsistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company

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KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

State Conservationist
USDA Natural Resources Conservation Service
760 South Broadway
Salina, KS 67401-4642

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sir/Madam:

South Kansas and Oklahoma Railroad Company ("SKO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about September 24, 2002, for SKO to abandon its 0.4-mile rail line located between milepost 134.3, and milepost 134.7, in Pittsburg, Kansas. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on prime agricultural land.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company



**United States Department of Agriculture
Natural Resources Conservation Service**

2917 West Highway 50
Emporia, KS 66801-5140

Phone: 620-343-7276
FAX: 620-343-7871
www.ks.nrcs.usda.gov

August 13, 2002

Karl Morell, Attorney
Ball Janik LLP
1455F Street, NW Suite 225
Washington, D.C. 20005

Dear Mr. Morell:

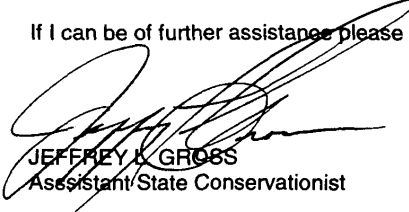
Thank you for the opportunity to review the proposed abandonment of 0.4 mile of rail line of the South Kansas and Oklahoma Railroad Company in Pittsburg, Kansas.

Since the proposed project is physically located within the city limits of Pittsburg, this project is not affected by the Farmland Protection Policy Act and therefore an AD-1006 Form is not required.

I see no other adverse environmental effects for which the Natural Resources Conservation Service is responsible for evaluating.

We wish you well with your project and if our local Natural Resources Conservation Service (NRCS) office in Girard, KS can be of any assistance don't hesitate to call. Their phone number is 620-724-6227.

If I can be of further assistance please let me know.



JEFFREY L. GROSS
Assistant State Conservationist

Cc:
Randy J. Bennett, District Conservationist, NRCS, Girard, KS
Rodney D. Egbarts, Soil Conservationist, NRCS, Salina, KS

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KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

U.S. Fish and Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sir/Madam:

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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in determining whether it is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company

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KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

National Park Service
Recreational Resources Assistance Division
P.O. Box 37127
Washington, D.C. 20013-7127

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sir/Madam:

South Kansas and Oklahoma Railroad Company ("SKO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about September 24, 2002, for SKO to abandon its 0.4-mile rail line located between milepost 134.3, and milepost 134.7, in Pittsburg, Kansas. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

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KARL MORELL

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July 31, 2002

Department of Health and Environment
Division of Environment
Landon State Office Building
901 S.W. Jackson Street
Topeka, KS 66612

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. SKO does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company

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July 31, 2002

U.S. Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, KS 66101

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We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

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KARL MORELL

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July 31, 2002

U.S. Army Engineer District, Tulsa
1645 S. 101st East Avenue
Tulsa, OK 74128-4609

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on designated wetlands or 100-year flood plains. SKO does not believe any permits under Section 404 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

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