

BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

SUITE 1000
915 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2318
TELEPHONE: (202) 637-9499
FACSIMILE: (202) 637-9394

August 15, 2003

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

208 724



**Re: Proposed Abandonment by Paducah & Louisville Railway, Inc.
Docket No. AB-468 (Sub-No. 6X)
Environmental and Historic Reports**

Dear Mr. Secretary:

Please find enclosed for filing in the above-captioned docket an original and ten (10) copies of the Environmental Report and the Historic Report prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, with the corresponding Certificates of Service pursuant to 49 C.F.R. §§ 1105.7(c) and 1105.11. Color copies of maps and photographs are included.

Paducah & Louisville anticipates filing a Notice of Exemption in this matter on or about September 10, 2003. Please contact either myself or my colleague, Christine Sommer, if you have any questions or concerns.

ENTERED
Office of Proceedings

AUG 18 2003

Part of
Public Record

Sincerely,


William A. Mullins

Enclosures

CONTAINS COLOR MATERIAL

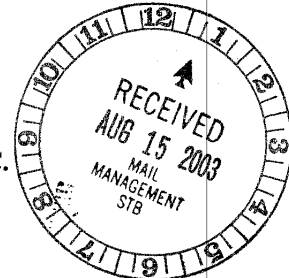
BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-468 (SUB-NO. 6X)

PADUCAH & LOUISVILLE RAILWAY, INC.
-- ABANDONMENT EXEMPTION --
IN HOPKINS COUNTY, KY

NOTICE OF EXEMPTION

ENVIRONMENTAL REPORT



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Office of Proceedings
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Public Record

The following information is provided in accordance with 49 C.F.R. § 1105.7(e):

(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.

Paducah & Louisville Railway, Inc. ("P&L") proposes to abandon approximately 4.81 miles of rail line between MP J-159.6 (near Ilsley, KY) and MP J-164.41 (near Dawson Springs, KY), located in Hopkins County, Kentucky (the "Line"). There has been no originating or terminating traffic on the Line during the last two years and any overhead traffic on the Line has been rerouted over another parallel line.

Abandonment of the Line will result in the removal of the rail, crossties, other track material, and ballast. Maintenance of the Line will cease. There are currently no plans to remove the bridge structures along the Line.

The only alternative would be not to abandon and to pass both the lost opportunity costs of remaining on the Line and the costs of continued maintenance to all other P&L customers. This would not be a prudent utilization of carrier resources.

A map which delineates the proposed project is attached (See Attachment 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.

There is no P&L passenger or freight traffic on the Line. Hence, there will be no effect on existing regional or local transportation systems or 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.**

P&L does not consider the proposed abandonment to be inconsistent with existing land use plans. P&L has contacted Richard L. Frymire, County Judge/Executive, Country Courthouse, 10 South Main Street, Madisonville, KY 42431 regarding this proposed abandonment. See Attachment 2. A copy of this report has been supplied to Richard L. Frymire, County Judge/Executive, for his information and comment.

- (ii) **Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

P&L does not believe that the proposed abandonment will have any adverse impact on prime agricultural land. P&L has contacted the U.S.D.A. Natural Resources Conservation Service in Lexington, Kentucky regarding this proposed abandonment and requested assistance in identifying any potential effects on prime agricultural land. See Attachment 3. A copy of this report has been supplied to the U.S.D.A. Natural Resources Conservation Service in Lexington, Kentucky, for its information and comment.

- (iii) **If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.**

The Commonwealth of Kentucky does not have a coastal zone management program.

- (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. 10906 and explain why.**

In the opinion of P&L, the properties proposed for abandonment might be suitable for other public purposes or for utility corridor usage.

(4) ENERGY

- (i) Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (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. To minimize the production of repetitive data, the information on overall efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information in § 1105.7(e)(4)(iv) is required.**

There will be no diversion of rail traffic to motor carriage.

(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.**

The above thresholds will not be exceeded.

- (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.

The above thresholds will not be exceeded.

- (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.

Not applicable.

(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.

The above thresholds will not be exceeded.

(7) **SAFETY**

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

There will be no grade crossings eliminated by this abandonment.

- (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.

The proposed abandonment will not impact the transportation 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.**

P&L is unaware of any hazardous waste sites or sites where there have been hazardous material spills on this 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.**

P&L is confident that the proposed abandonment will not have an adverse impact on endangered or threatened species or areas designated as a critical habitat. P&L contacted the U.S. Fish and Wildlife Service at Atlanta, Georgia (with jurisdiction over Kentucky) regarding 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 impacted. See Attachment 4. A copy of this report has been supplied to the U.S. Fish and Wildlife Service for its information and comment.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the Line is not within any wildlife sanctuary or refuge, National or State parks or forests. P&L has contacted the National Park Service regarding the proposed abandonment and requested assistance in determining whether the proposed abandonment will have any potential effects on wildlife sanctuaries or refuges, or National or State parks or forests. See Attachment 5. A copy of this report has been 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.**

P&L is confident that the proposed abandonment will be consistent with applicable water quality standards. P&L contacted the Kentucky Department for Environmental Protection 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 Attachment 6 and 7. A copy of this report is being supplied to the

Kentucky Department for Environmental Protection and the U.S. Environmental Protection Agency for their information and further comment.

- (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.**

P&L is confident that no designated wetlands or 100-year flood plains will be adversely impacted by the proposed abandonment. P&L contacted the U.S. Army Engineer District, Louisville concerning these matters. See Attachment 8. A copy of this report is being supplied to the U.S. Army Engineer District, Louisville for its information and comment.

- (iii) **State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)**

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. P&L does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the Line and will not be discarded along the right of way nor placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering and waterways.

Based upon this course of action, Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

P&L contacted the U.S. Environmental Protection Agency and the Kentucky Department for Environmental Protection concerning this matter and requested assistance in identifying any potential impacts on applicable water quality standards and determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Attachments 6 and 7. A copy of this report is being supplied to the U.S. Environmental Protection Agency and the Kentucky Department for Environmental Protection for its information and comment.

(10) PROPOSED MITIGATION

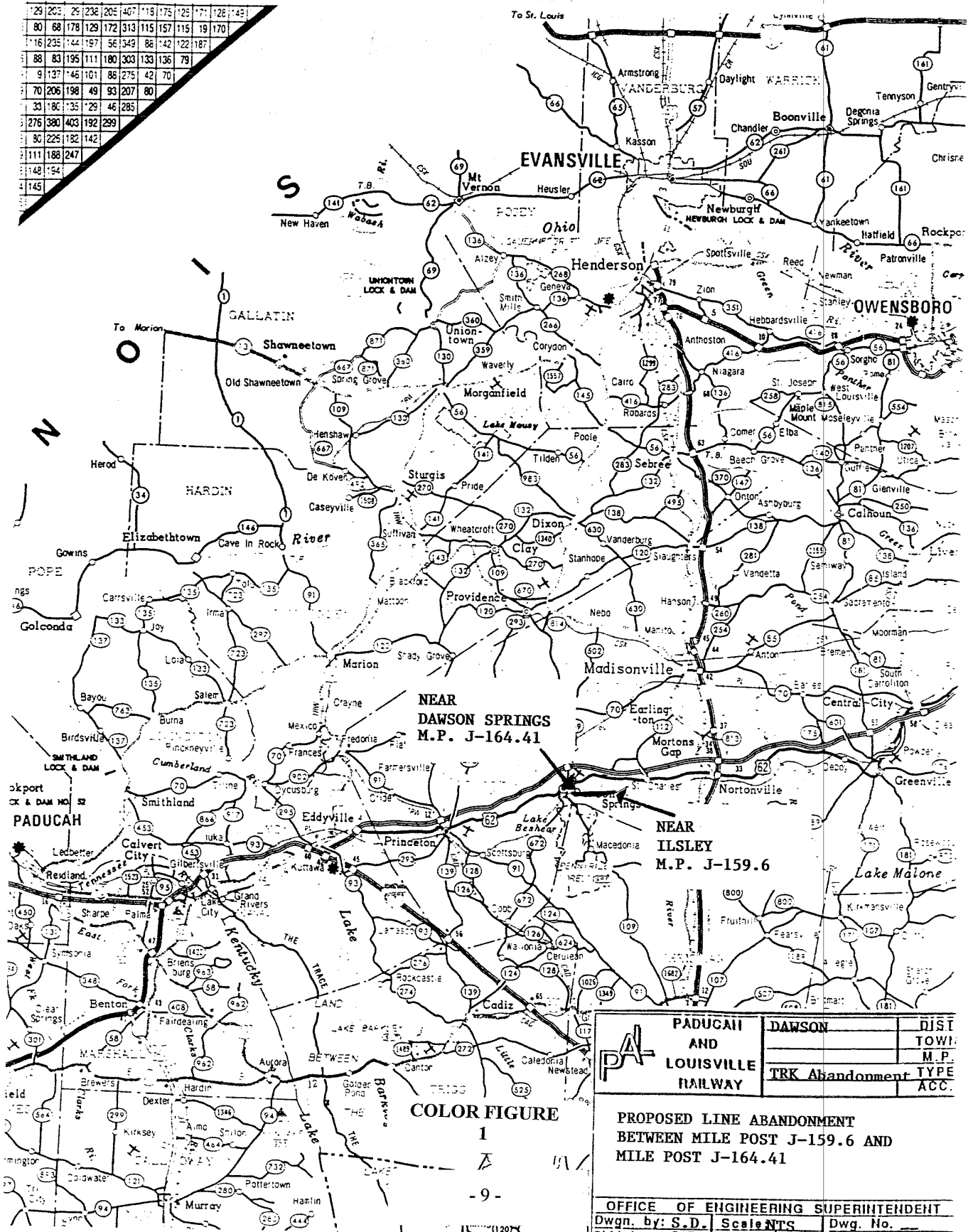
Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore, mitigating action will not be necessary.

CONTAINS COLOR MATERIAL

Environmental Report
Attachment 1 - Map

29	203	29	236	205	407	118	175	125	171	128	149
80	68	178	129	172	313	115	157	115	19	170	
16	235	44	197	56	349	86	142	122	187		
88	83	195	111	180	303	133	136	79			
9	137	146	101	86	275	42	70				
70	206	198	49	93	207	80					
33	180	35	29	46	285						
276	380	403	192	299							
80	225	182	142								
111	188	247									
148	154										
145											



COLOR FIGURE

1

- 9 -

 PADUCAH AND LOUISVILLE RAILWAY	DAWSON	DIST
		TOWN
		M.P.
	TRK Abandonment TYPE	
		ACC.

**PROPOSED LINE ABANDONMENT
BETWEEN MILE POST J-159.6 AND
MILE POST J-164.41**

OFFICE OF ENGINEERING SUPERINTENDENT		
Dwn. by: S.D.	Scale: NTS	Dwg. No.
10/11/1914 10/11/1914		

Environmental Report
Attachment 2
Letter to Richard L. Frymire

BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

SUITE 1000
915 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2318
TELEPHONE: (202) 637-9499
FACSIMILE: (202) 637-9394

August 14, 2003

Richard L. Frymire
County Judge / Executive
County Courthouse
10 South Main Street
Madisonville, KY 42431

**Re: Proposed Abandonment by Paducah & Louisville Railway, Inc.
In Hopkins County, KY – Docket No. AB-468 (Sub-No. 6X)
Environmental Report**

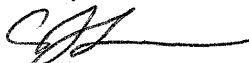
Dear Sir:

The Paducah & Louisville Railway, Inc. ("P&L") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB" or "Board") on or about September 10, 2003 for P&L to abandon approximately 4.81 miles of rail line located in Hopkins County, Kentucky, running from milepost J-159.6 (near Ilsey) to milepost J164.41 (near Dawson Springs). A map of the line segment that is proposed for abandonment is enclosed. Also find enclosed a copy of the Environmental Report submitted to the STB.

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. Specifically, 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 assistance. If you have any questions, please do not hesitate to contact me.

Sincerely,


Christine J. Sommer

Enclosures

Environmental Report
Attachment 3
Letter to U.S.D.A. Natural Resources Conservation Service

BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

SUITE 1000
915 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2318
TELEPHONE: (202) 637-9499
FACSIMILE: (202) 637-9394

August 14, 2003

David Sawyer, State Conservationist
U.S.D.A. Natural Resources Conservation Service
771 Corporate Drive, Suite 110
Lexington, KY 40503

**Re: Proposed Abandonment by Paducah & Louisville Railway, Inc.
In Hopkins County, KY – Docket No. AB-468 (Sub-No. 6X)
Environmental Report**

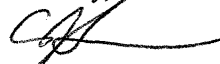
Dear Mr. Sawyer:

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Sincerely,



Christine J. Sommer

Enclosures

Environmental Report
Attachment 4
Letter to U.S. Fish and Wildlife Service at Atlanta, Georgia

BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

SUITE 1000
915 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2318
TELEPHONE: (202) 637-9499
FACSIMILE: (202) 637-9394

August 14, 2003

U.S. Fish and Wildlife Service
Southeast Region / Regional office
1875 Century Boulevard
Suite 200
Atlanta, GA 30345

**Re: Proposed Abandonment by Paducah & Louisville Railway, Inc.
In Hopkins County, KY – Docket No. AB-468 (Sub-No. 6X)
Environmental Report**

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Sincerely,



Christine J. Sommer

Enclosures

Environmental Report
Attachment 5
Letter to National Park Service

BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

SUITE 1000
915 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2318
TELEPHONE: (202) 637-9499
FACSIMILE: (202) 637-9394

August 14, 2003

National Park Service
Recreational Resources Assistance Division
P.O. Box 37127
Washington, DC 20013

**Re: Proposed Abandonment by Paducah & Louisville Railway, Inc.
In Hopkins County, KY – Docket No. AB-468 (Sub-No. 6X)
Environmental Report**

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Sincerely,



Christine J. Sommer

Enclosures

Environmental Report
Attachment 6
Letter to Kentucky Department for Environmental Protection

BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

SUITE 1000
915 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2318
TELEPHONE: (202) 637-9499
FACSIMILE: (202) 637-9394

August 14, 2003

Department of Natural Resources and Environmental Protection
Cabinet Department for Environmental Protection
Fort Boone Plaza
14 Reilly Road
Frankfort, KY 40601

**Re: Proposed Abandonment by Paducah & Louisville Railway, Inc.
In Hopkins County, KY – Docket No. AB-468 (Sub-No. 6X)
Environmental Report**

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Sincerely,



Christine J. Sommer

Enclosures

Environmental Report
Attachment 7
Letter to U.S. Environmental Protection Agency

BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

SUITE 1000
915 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2318
TELEPHONE: (202) 637-9499
FACSIMILE: (202) 637-9394

August 14, 2003

U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, SW
Atlanta, GA 30303

**Re: Proposed Abandonment by Paducah & Louisville Railway, Inc.
In Hopkins County, KY – Docket No. AB-468 (Sub-No. 6X)
Environmental Report**

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Sincerely,



Christine J. Sommer

Enclosures

Environmental Report
Attachment 8
Letter to U.S. Army Engineer District, Louisville

BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

SUITE 1000
915 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2318
TELEPHONE: (202) 637-9499
FACSIMILE: (202) 637-9394

August 14, 2003

U.S. Army Engineer District – Louisville
P.O. Box 59
Louisville, KY 40201

**Re: Proposed Abandonment by Paducah & Louisville Railway, Inc.
In Hopkins County, KY – Docket No. AB-468 (Sub-No. 6X)
Environmental Report**

Dear Sir / Madam:

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Sincerely,



Christine J. Sommer

Enclosures

Environmental Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(c), the undersigned hereby certifies that a copy of the Environmental Report in Finance Docket No. AB-468 (Sub-No. 6X) was mailed via first class mail on August 14, 2003, to the following parties:

Kentucky State Clearinghouse
Capital Plaza Tower
12th Floor
300 Washington Street
Frankfort, KY 40601

Department of Natural Resources and
Environmental Protection
Cabinet Department for Environmental
Protection
Fort Boone Plaza
14 Reilly Road
Frankfort, KY 40601

Richard L. Frymire
County Judge/Executive
County Courthouse
10 South Main Street
Madisonville, KY 42431

U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-3104

U. S. Fish and Wildlife Service
Southeast Region/regional office
1875 Century Boulevard
Suite 200
Atlanta, GA 30345

U.S. Army Engineer District - Louisville
P.O. Box 59
Louisville, KY 40201-0059

Recreation Resource Assistance Div.
National Park Service
U.S. Department of Interior
1849 C Street, NW
Washington, DC 20240

David Sawyer
State Conservationist
U.S.D.A. Natural Resources Conservation
Service
771 Corporate Drive, Suite 110
Lexington, KY 40503

National Geodetic Survey
Department of Commerce/NOAA
SSMC3
Station 9356
1315 E. West Highway
Silver Spring, MD 20910

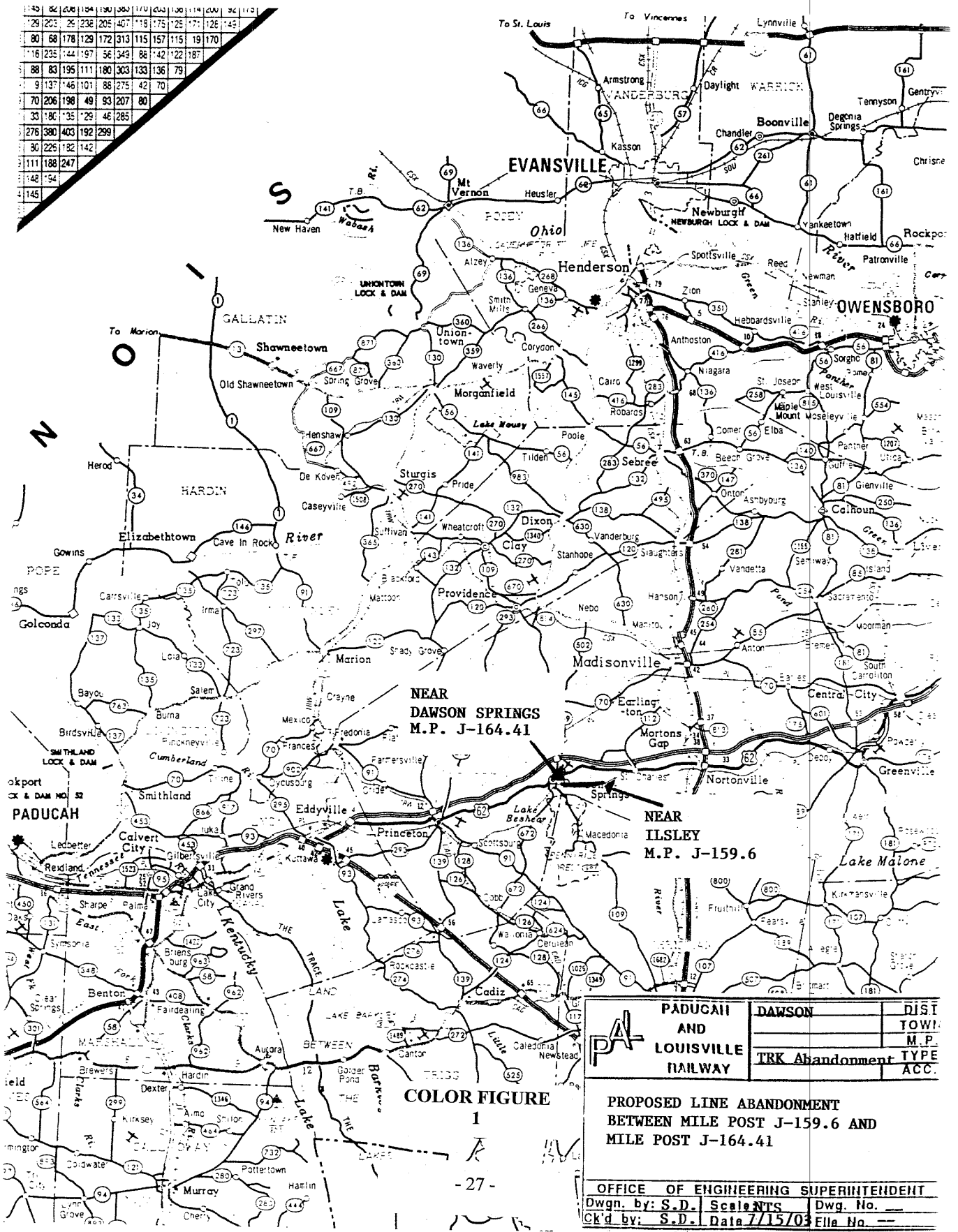
Kentucky Heritage Council
Capital Plaza Tower
12th Floor
300 Washington Street
Frankfort, KY 40601


William A. Mullins

Date: August 15, 2003

Appendix of Color Materials

145	62	206	184	190	180	170	200	136	140	92	110
29	203	26	236	205	140	119	175	125	71	128	145
80	68	178	129	172	313	115	157	115	19	170	
16	235	144	197	56	349	88	142	122	187		
88	83	195	111	180	303	133	136	79			
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70	206	198	49	93	207	80					
33	180	135	29	46	285						
278	380	403	192	299							
80	225	182	142								
111	188	247									
148	154										
145											

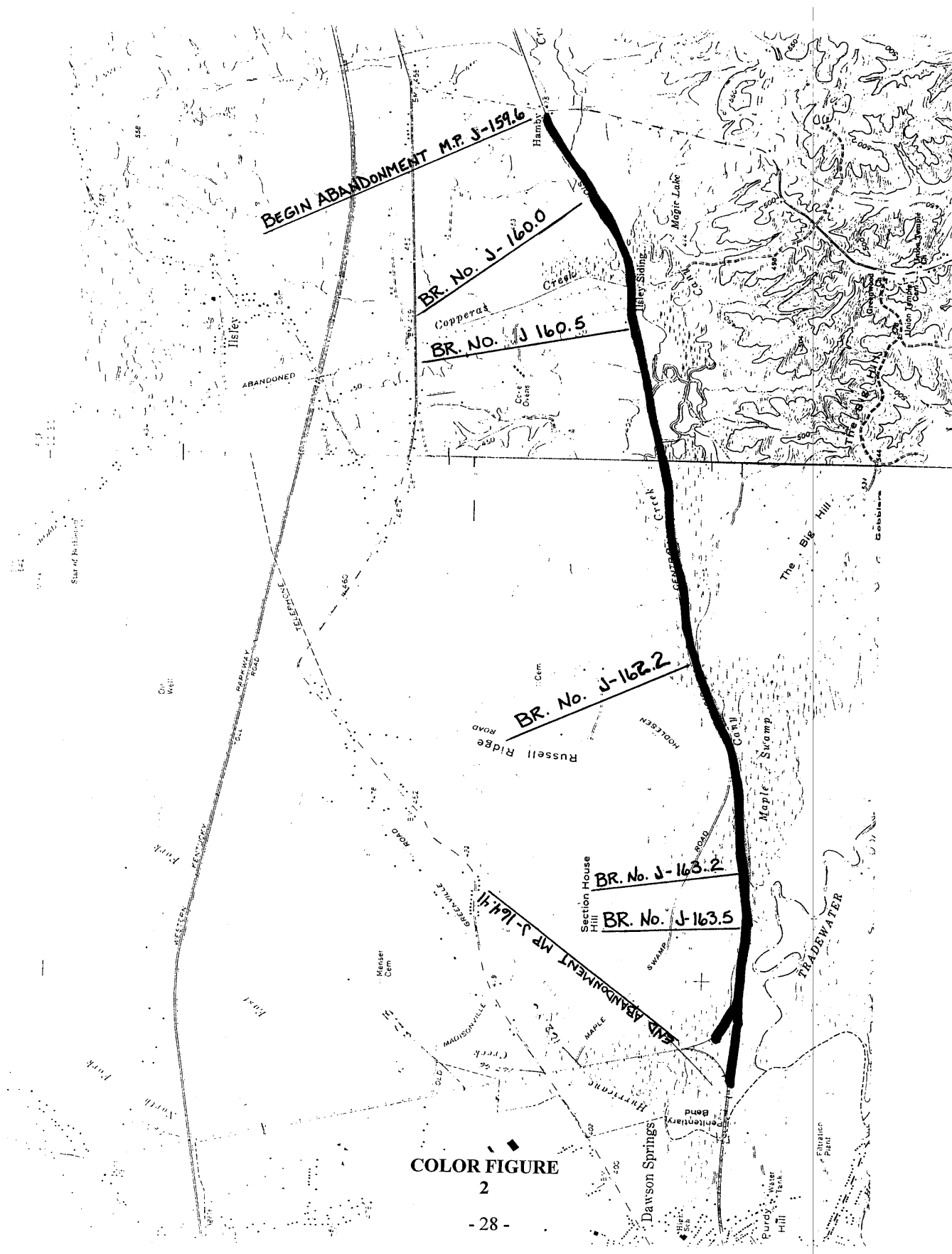


 PADUCAH AND LOUISVILLE RAILWAY	DAWSON	DIST
		TOW
	TRK Abandonment	M.P.
		TYPE
		ACC.

**PROPOSED LINE ABANDONMENT
BETWEEN MILE POST J-159.6 AND
MILE POST J-164.41**

OFFICE OF ENGINEERING SUPERINTENDENT		
Dwgn. by: S.D. Scales	Dwg. No. —	
Ch'd by: S.D. Data 7/15/03	File No. —	

**COLOR FIGURE
1**



COLOR FIGURE

2