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SERVICE DATE - MARCH 16, 2004

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub. No. 406X)

**The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption –
in Reno County, KS**

BACKGROUND

In this proceeding, The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for BNSF to abandon 2.88 miles of rail line located between Milepost 0.62 and Milepost 3.50, in South Hutchinson, Reno County, Kansas. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, BNSF will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to BNSF, the right-way for the line proposed for abandonment was acquired between 1896 and 1899 by the Hutchinson & Southern Railway Company, and later by The Atchison Topeka and Santa Fe Railway Company (ATSF). In 1995, ATSF combined with the Burlington Northern Railroad Company to form the Burlington Northern and Santa Fe Railroad Company (BNSF). The BNSF states that all rail traffic across the line ended over two years ago. As a result, there is now no demand for or prospect of rail service over the line, and no traffic has originated, terminated, or moved overhead on this line segment for at least two years. No rail traffic will be diverted to highway mode as a result of the abandonment.

According to BNSF, the line is just west and southwest of the town of South Hutchinson, a suburb of Hutchinson. The population of the Hutchinson itself is 40,787 while the population of South Hutchinson is 2,539. The land along the right-of-way is flat and is used for rural and suburban purposes. The right-of-way width for the line is a total of 100 feet. The city of South Hutchinson has expressed interest in acquiring the right-of-way for a recreational trail. Where BNSF does not own the right-of-way, the owner, local zoning, and development ordinances will control future land use. BNSF is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes. Based on the information available to BNSF, the line does not contain federally granted rights-of-way.

BNSF does not indicate that it intends to appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. However, they do state that any salvage operations would be completed in accordance with all Federal, state and local laws. In general, the rail line abandonment or any potential subsequent salvage operations do not appear to have the potential to impact any known natural or human resources.

ENVIRONMENTAL REVIEW

BNSF 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. BNSF served the environmental report 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)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has advised us that six geodetic station markers have been identified that may be affected by the proposed abandonment.

HISTORIC REVIEW

BNSF submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. BNSF served the report on the Kansas State Historical Society (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of BNSF's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITIONS

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

1. The National Geodetic Survey (NGS) has identified six geodetic station markers that may be

affected by the proposed abandonment. Therefore, BNSF shall notify NGS 90 days prior to salvage activities in order to plan for their relocation.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, 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

Following abandonment and salvage of the rail line, 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. Nevertheless, 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 Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this environmental assessment. **Please refer to Docket No. AB-6 (Sub No. 406X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Catherine Glidden, the environmental contact for this case by phone at (202) 565-1552, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: March 16, 2004.

Comment due date: **March 31, 2004 (15 days).**

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

Vernon A. Williams
Secretary

Attachment

