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SERVICE DATE - AUGUST 2, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-870X

BUTLER COUNTY, KANSAS—ABANDONMENT EXEMPTION—IN BUTLER COUNTY, KS

Decided: July 28, 2004

Butler County, Kansas (County), filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon its entire 10.6-mile line of railroad between milepost 483.62, at Augusta, and milepost 494.22, near Andover, in Butler County, KS. Notice of the exemption was served and published in the Federal Register on July 2, 2004 (69 FR 40472). The exemption is scheduled to become effective on August 4, 2004.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on July 9, 2004. In the EA, SEA states that the National Geodetic Survey (NGS) has identified six geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends that the County consult with NGS and provide NGS with 90 days' notice before disturbing or destroying any geodetic markers. Comments to the EA were due by July 26, 2004. No comments were received by the due date. Accordingly, the environmental condition recommended by SEA in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that the County consult with NGS and provide NGS with 90 days' notice before disturbing or destroying any geodetic markers.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary