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SERVICE DATE - JANUARY 2, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-471 (Sub-No. 3X)

SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY--
ABANDONMENT EXEMPTION-- IN CHEROKEE
AND ALLEN COUNTIES, KS

Decided: December 28, 2000

South Kansas and Oklahoma Railroad Company (SKO) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon: (1) a 8-mile line of railroad between milepost 109.0 at Iola and milepost 117.0 at Sherwin and milepost 387.0 at Faulkner, in Cherokee County, KS. Notice of the exemption was served and published in the Federal Register on December 4, 2000 (65 (FR 75817). The exemption is scheduled to become effective on January 3, 2001.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 15, 2000. In the EA, SEA states that the U.S. Fish and Wildlife Service (FWS) has not completed its review of the proposed abandonment. Therefore, SEA recommends imposition of a condition requiring that SKO not conduct any salvage activities or dispose of the line until the completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

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 SKO shall not conduct salvage activities or dispose of the line until the completion of the Section 7 process of the Endangered Species Act, 16 U.S.C. 1531.