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SERVICE DATE - JUNE 21, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-103 (Sub-No. 11X)

THE KANSAS CITY SOUTHERN RAILWAY COMPANY--ABANDONMENT
EXEMPTION--IN HEMPSTEAD, LAFAYETTE AND COLUMBIA COUNTIES, AR

Decided: June 15, 2001

On January 9, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Director of Parks, Recreation and Tourism for the City of Hope, AR (HPRT), to negotiate an interim trail use/rail banking agreement with the Kansas City Southern Railway Company (KCS) for its line of railroad between milepost 4.00 at or near Hope, and milepost 46.78 at the Arkansas-Louisiana State Line, a distance of 42.78 miles, in Hempstead, Lafayette and Columbia Counties, AR.¹ The negotiation period was extended several times; the latest extension is scheduled to expire on June 22, 2001.²

On June 14, 2001, HPRT requested an extension of the negotiation period for an additional 180 days, until December 22, 2001.³ HPRT states that it has applied for and been approved for federal funds, through the Arkansas State Highway and Transportation Department and the Transportation Equity Act for the 21st Century, to acquire the right-of-way for trail use. By letter filed June 13, 2001, KCS agreed to the extension request.⁴

The negotiation period under the NITU will be extended to December 22, 2001. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), the requested extension will be granted. The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails.

¹ Notice of the exemption under 49 CFR 1152 Subpart F--Exempt Abandonments was served and published in the Federal Register on June 4, 1997 (62 FR 30667).

² The negotiation period under the NITU was extended by decisions served July 20, 1998, January 6, 1999, June 11, 1999, January 12, 2000, August 4, 2000, and December 1, 2000.

³ Because the NITU is scheduled to expire on June 22, 2001, a 180-day extension would run until December 19, 2001.

⁴ The official filing date of HPRT request was June 14, 2001, but KCS clearly was aware of it earlier than that, as reflected by its response filed on June 13, 2001.

See Policy Statement of Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).⁵

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The negotiating period under the NITU is extended to December 22, 2001.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

⁵ Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company--Abandonment Exemption--Jackson, Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).