

SERVICE DATE – MAY 8, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-471X

SOUTH KANSAS AND OKLAHOMA RAILROAD, INC.—ABANDONMENT
EXEMPTION—IN SUMNER COUNTY, KS

Decided: May 7, 2009

South Kansas and Oklahoma Railroad, Inc. (SKO) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 9.2-mile portion of its line of railroad between milepost 257.2, at Oxford, and milepost 266.4, near Wellington, in Sumner County, KS. Notice of the exemption was served and published in the Federal Register on January 9, 1997 (62 FR 1358). By petition filed on March 12, 1997, the American Trails Association, Inc. (ATA) late-filed a request for issuance of a notice of interim trail use/rail banking pursuant to the National Trails System Act, 16 U.S.C. 1247(d), for the right-of-way involved in this proceeding.¹ On April 1, 1997, a notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for ATA to negotiate an interim trail use/rail banking agreement with SKO for the 9.2-mile line of railroad. On March 23, 1998, ATA notified the Board that an interim trail use/rail banking agreement had been timely reached.

On October 24, 2007, ATA filed a request to terminate trail use over the right-of-way pursuant to 49 CFR 1152.29(d)(2), and requested that the NITU be vacated, effective November 5, 2007. By decision served on November 13, 2007, the Board reopened the proceeding and granted ATA's request for vacation of the NITU. The Board indicated that SKO may fully abandon the line segments after compliance with the previously imposed environmental conditions.

On December 31, 2007, Sunflower Recreational Trails, Inc. (SRT) filed a request for issuance of a NITU for the entire line. On January 24, 2008, a NITU was served authorizing a 180-day period (until July 22, 2008) for SRT to negotiate an interim trail use/rail banking agreement with SKO for the entire line.

¹ By decision served on February 7, 1997, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and was made subject to the conditions that SKO shall: (a) consult with the Kansas Department of Health and Environment, Bureau of Water, prior to salvaging the right-of-way; and (b) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing any geodetic markers.

On April 23, 2009, SRT filed a request to extend the NITU negotiating period for an additional 180 days. By letter filed April 24, 2009, SRT has requested that its request of April 23, 2009, be withdrawn. The request will be granted.

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

It is ordered:

1. SRT's request for withdrawal of its extension of the negotiating period is granted.
2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary