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SERVICE DATE – NOVEMBER 13, 2007

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-471X

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

Decided: November 9, 2007

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 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 (NITU) pursuant to the National Trails System Act, 16 U.S.C. 1247(d), for the right-of-way involved in this proceeding. On April 1, 1997, a notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the American Trails Association, Inc. (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.

By decision served on February 7, 1997, the proceeding was reopened at the request of the Boards 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 October 24, 2007, ATA filed a request to terminate trail use for the right-of-way. ATA requests that the NITU be vacated as of November 5, 2007.

ATA has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate a NITU. Whenever a trail manager intends to terminate trail use over the right-of-way and sends the Board a request that a NITU be vacated, the Board will reopen the proceeding and vacate the NITU. Therefore, ATA's request to vacate the NITU will be granted, effective November 5, 2007, as requested.

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. ATA's request to vacate the NITU is granted.
3. The NITU served April 1, 1997, is vacated, effective November 5, 2007. SKO may fully abandon the line, after compliance with the environmental conditions imposed in the February 7, 1997.

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

Vernon A. Williams
Secretary