

33598
DO

SERVICE DATE – MAY 13, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-471 (Sub-No. 6X)

SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY–
ABANDONMENT EXEMPTION–IN CRAWFORD COUNTY, KS

Decided: May 12, 2003

South Kansas and Oklahoma Railroad Company (SKO) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.4-mile line of railroad between milepost 134.3 and milepost 134.7, within the city of Pittsburg, in Crawford County, KS. Notice of the exemption was served and published in the Federal Register on October 16, 2002 (67 FR 63963-64). On November 14, 2002, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the City of Pittsburg (City) to negotiate an interim trail use/rail banking agreement with SKO for the right-of-way involved in this proceeding. The negotiating period under the NITU is scheduled to expire on May 14, 2003.¹

On May 2, 2003, SKO filed a request to extend the negotiating period for an additional 180 days. SKO states that it has not consummated the abandonment of the line and is continuing to negotiate with the City.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiation period may be extended.² Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended for an additional 180 days from May 14, 2003 (until November 10, 2003).

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

¹ The November 14 decision also imposed a 180-day public use condition that expires on May 14, 2003.

² See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. SKO's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to November 10, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary