

SERVICE DATE – NOVEMBER 13, 2007

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-471 (Sub-No. 1X)

SOUTH KANSAS AND OKLAHOMA RAILROAD, INC.—ABANDONMENT
EXEMPTION—IN NEOSHO AND WILSON COUNTIES, 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 19-mile portion of its line of railroad between milepost 130.0, near Canute, and milepost 149.0, near Fredonia, in Neosho and Wilson Counties, KS. Notice of exemption was served and published in the Federal Register on May 23, 1997 (62 FR 28533). By petition filed on June 4, 1997, the Kansas Horseman Foundation (KHF) and American Trails Association, Inc. (ATA) each late-filed requests 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 June 19, 1997, a notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for ATA and KHF to negotiate an interim trail use/rail banking agreement with SKO for the 9.2-mile line of railroad.¹ On March 30, 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 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.

¹ The June 19, 1997 decision also imposed environmental conditions requiring SKO: (1) to consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying the 14 identified geodetic markers; and (2) consult with the Kansas Department of Health and Environment, Bureau of Water, in Topeka KS, prior to removing materials on this line.

It is ordered:

1. This proceeding is reopened.
2. ATA's request to vacate the NITU is granted.
3. The NITU served June 19, 1997, is vacated and SKO may fully abandon the line, after compliance with the environmental conditions imposed in the June 19, 1997 decision.

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

Vernon A. Williams
Secretary