

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-471 (Sub-No. 3X)

SOUTH KANSAS AND OKLAHOMA RAILROAD, INC.—ABANDONMENT
EXEMPTION—IN CHEROKEE AND ALLEN 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: (1) an 8-mile line of railroad between milepost 109.0 at Iola and milepost 117.0 at Humboldt, in Allen County, KS; and (2) a 5-mile line of railroad between milepost 382.0 at Sherwin and milepost 387.0 at Faulkner, in Cherokee County, KS. Notice of exemption was served and published in the Federal Register on December 4, 2000 (65 FR 75817). By petition filed on January 10, 2001, 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 March 13, 2001, 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 entire line. On March 20, 2001, ATA notified the Board that an interim trail use/rail banking agreement had been timely reached.

By decision served February 7, 1997, the proceeding was reopened at the request of the Boards Section of Environmental Analysis and the exemption was made subject to the condition that SKO not conduct salvage activities or dispose of the line until the completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

On October 24, 2007, ATA filed a request to terminate trail use of the right-of-way between milepost 110.5 at Iola and milepost 117.0 at Humboldt, in Allen County, and to terminate trail use of the 5-mile line in Cherokee County.¹ 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

¹ By decision served November 3, 2006, in this proceeding, the City of Iola was substituted for ATA as the interim trail manager for that part of the line between milepost 109.0 and milepost 110.5.

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 March 13, 2001, is vacated, effective November 5, 2007, for the right-of-way between milepost 110.5 at Iola and milepost 117.0 at Humboldt, and for the 5-mile right-of-way in Cherokee County. SKO may fully abandon those portions of the line, after compliance with the environmental conditions imposed in the decision served January 2, 2001.

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

Vernon A. Williams
Secretary