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SEC

SERVICE DATE - NOVEMBER 3, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-563 (Sub-No. 1X)

KANSAS EASTERN RAILROAD, INC.--ABANDONMENT
EXEMPTION--IN BUTLER AND GREENWOOD COUNTIES, KS

Decided: November 2, 2000

Kansas Eastern Railroad, Inc. (KER), filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 44.5-mile line of railroad between milepost 438.5 at Severy, and milepost 483.0 near Augusta, in Butler and Greenwood Counties, KS. Notice of the exemption was served and published in the Federal Register on August 25, 1999 (64 FR 46471). The exemption became effective on September 24, 1999. By decision served on July 5, 2000, a decision and notice of interim trail use or abandonment was served that reopened the proceeding to implement interim trail use/rail banking under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d), and provided a 180-day period for the American Trails Association, Inc. (ATA), to negotiate an agreement for portions of the right-of-way between milepost 438.5 and milepost 476.4 and between milepost 476.65 and milepost 483.0. By letter filed on July 7, 2000, KER and ATA notified the Board that they had reached an agreement for interim trail use.

By petition filed on July 21, 2000, the Flint Hills Railroad Association and Phillip W. Landis¹ (collectively, petitioners) sought reopening of this proceeding and a stay of the effectiveness of the August 25, 1999 and July 5, 2000 decisions in order to delay removal of track and interim trail use and to allow continued rail service. They also sought additional time for negotiations and the setting of compensation and conditions by the Board. On August 2, 2000, ATA filed a reply.

By letter filed on October 27, 2000, petitioners request that their petition to reopen and to stay this proceeding be withdrawn. The request will be granted and the petition will be dismissed.

It is ordered:

1. The request to withdraw the petition to reopen and to stay this proceeding filed by the Flint Hills Railroad Association and Phillip W. Landis is granted and the petition is dismissed.

¹ Mr. Landis is the President of the Association.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary