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SERVICE DATE - DECEMBER 4, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-103 (Sub-No. 12X)

THE KANSAS CITY SOUTHERN RAILWAY COMPANY--ABANDONMENT
EXEMPTION--IN WEBSTER, BIENVILLE, NATCHITOCHEs AND WINN PARISHES, LA

Decided: December 2, 1998

The Kansas City Southern Railway Company (KCS) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 61.62-mile line of railroad between milepost 83.02 at or near Sibley, and milepost 144.64 at or near Carla, in Webster, Bienville, Natchitoches and Winn Parishes, LA. Notice of the exemption was served and published in the Federal Register on June 6, 1997 (62 FR 31188-89). On July 3, 1997, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding to implement interim trail use/rail banking for the entire line under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act) and provided a 180-day period for the National Salvage & Service Corp. to negotiate an interim trail use/rail banking agreement with KCS for the right-of-way involved in this proceeding. The negotiation period under the NITU expired on January 2, 1998.¹ On November 26, 1997, a NITU was served, which authorized a 180-day period for the Louisiana Department of Culture, Recreation and Tourism to negotiate an interim trail use/rail banking agreement with KCS for the right-of-way involved in this proceeding.² The negotiation period under this NITU expired on May 25, 1998. On June 2, 1998, a NITU was served authorizing a 180-day period for the Louisiana Parks and Tourism (LPT) to negotiate an interim trail use/rail banking agreement with KCS. The 180-day period under this NITU expired on November 29, 1998.

By letter dated November 19, 1998, LPT filed a request to extend the negotiation period for an additional 180 days. LPT states that negotiations between the parties have progressed to an agreement concerning the general terms of a purchase contract, but that there are items to be

¹ The July 3 decision also imposed a 180-day public use condition that expired on January 2, 1998, and an environmental condition that required KCS to consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying the 58 geodetic markers identified on the line.

² The NITU ran concurrently with the prior NITU until the prior NITU's expiration on January 2, 1998.

resolved, including continued salvage operations and liability insurance requirements. By letter filed November 24, 1998, KCS agreed to the extension request.³

Because KCS is willing to continue trail use negotiations with LPT and an extension of the negotiation period will promote the establishment of trail use and rail banking consistent with the Trails Act, the requested extension of the negotiation period under the NITU will be granted.⁴ The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim trail use as recreational trails. See Policy Statement of Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

It is ordered:

1. The negotiating period under the NITU is extended to May 31, 1999.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary

³ The official filing date of LPT's letter was November 30, 1998, but KCS clearly was aware of it earlier than that, as reflected by its response filed on November 24, 1998.

⁴ Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiation period and is willing to continue trail use negotiations, the Board retains jurisdiction to extend the NITU negotiation period. See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987); Missouri Pacific Railroad Company--Abandonment in OK, Docket No. AB-3 (Sub-No. 63) (ICC served Jan. 2, 1990); and St. Louis Southwestern Railway Company--Abandonment in Smith and Cherokee Counties, TX, Docket No. AB-39 (Sub-No. 12) (ICC served Mar. 27, 1992).