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SERVICE DATE - JANUARY 18, 2000

SURFACE TRANSPORTATION BOARD

DECISION AND CERTIFICATE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB-425

LONE STAR RAILROAD, INC.--ABANDONMENT AND DISCONTINUANCE
OF TRACKAGE RIGHTS--IN WICHITA, ARCHER, BAYLOR,
KNOX, HASKELL AND JONES COUNTIES, TX

Decided: January 12, 2000

By decision served and published in the Federal Register on June 9, 1995 (60 FR 30584), the Interstate Commerce Commission (ICC) granted Lone Star Railroad, Inc. (Lone Star) authority: (1) to abandon a portion of its line of railroad between milepost 142.8 near Lanius, TX, and milepost 8.0 near Howard, TX; and (2) to discontinue trackage rights over the line of Burlington Northern Railroad Company between milepost 8.0 near Howard and milepost 0.0 at Valley Junction, TX, and from Valley Junction east for 331 feet to the switching point in Sunshine Yard at Wichita Falls, TX, a total distance of 142.86 miles in Wichita, Archer, Baylor, Knox, Haskell and Jones Counties, TX.¹ On November 3, 1995, a decision and certificate of interim trail use or abandonment (CITU) was served, which authorized a 120-day period for the American Trails Association, Inc. (ATA), to negotiate an interim trail use/rail banking agreement with Lone Star for the 128.5-mile portion of the right-of-way between milepost 8.0 in Wichita Falls and milepost 136.5 in North Abilene. By decision served May 11, 1998, the proceeding was reopened and the CITU was vacated with respect to the line segments between milepost 111.27 at the Haskell County-Jones County boundary line and milepost 136.5 near the City of Hawley, a distance of 25.23 miles in Jones County, TX, effective November 1, 1997. In the same decision, the North Texas Rural Rail Transportation District (NTR) was substituted as the new trail user pursuant to 49 CFR 1152.29(f), for the approximately 7-mile portion of the right-of-way between milepost 8 near Howard and milepost 15 in Wichita and Archer Counties, TX.

By letter filed December 17, 1999, ATA requests that the Board vacate the CITU for the portion of the right-of-way between milepost 15 and milepost 111.27 in accordance with ordering paragraph 6 on page 2 of that decision, which states "if the new trail user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date." ATA requests that the partial vacation be made effective December 15, 1999.

¹ In the same decision, in Docket No. AB-426, Southern Switching Company--Discontinuance of Service--In Wichita, Archer, Baylor, Knox, Haskell and Jones Counties, TX, the ICC granted authority to Southern Switching Company to discontinue service that it performed over the 142.86-mile rail line pursuant to an operating agreement with Lone Star.

Under 49 CFR 1152.29(d)(2), whenever a trail manager intends to terminate trail use over a portion of a right-of-way and sends the Board a request that a CITU be vacated, the Board will reopen the exemption proceeding, vacate the CITU, and issue a decision reinstating the abandonment authorization for that portion of the right-of-way.

ATA has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate the CITU. Therefore, this proceeding will be reopened and the partial vacation of the CITU will be granted.

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

It is ordered:

1. This proceeding is reopened.
2. The CITU (a) is vacated with respect to the line segment between milepost 15 and milepost 111.27, and Lone Star may fully abandon this line segment; and (b) remains in effect for the 7-mile portion of the right-of-way between milepost 8 and milepost 15, with NTR as the trail user.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary