

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-853 (Sub-No. 1X)

KANSAS & OKLAHOMA RAILROAD, INC.–ABANDONMENT EXEMPTION–IN  
HODGEMAN, COMANCHE, KIOWA, AND PRATT COUNTIES, KS

Decided: September 29, 2003

Kansas & Oklahoma Railroad, Inc. (K&O) filed a verified notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon two rail line segments as follows: (1) a 10.7-mile rail line between milepost 36.3 at Hanston, and milepost 47.0 at Jetmore, in Hodgeman County, KS; and (2) a 46.8-mile rail line between milepost 589.2 at Coats, and milepost 636.0 at Protection, in Comanche, Kiowa, and Pratt Counties, KS. Notice of the exemption was served and published in the Federal Register on August 27, 2003 (68 FR 51637). The exemption was scheduled to become effective on September 26, 2003.

The Board's Section of Environmental Analysis (SEA) issued an environmental assessment (EA) in this proceeding which was served on August 29, 2003. In the EA, SEA recommended that no environmental conditions be imposed on any decision granting abandonment authority. However, SEA now states that it has been notified that the National Geodetic Survey (NGS) has identified 32 geodetic station markers that may be affected by the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities in order to plan for the markers' relocation. Therefore, SEA recommends that a condition be imposed requiring K&O to consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any markers in order to plan for their relocation. Accordingly, the recommended condition will be imposed.

As conditioned, 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. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that K&O consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary