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SERVICE DATE - MAY 28, 1999

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: May 26, 1999

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. 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. 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 Louisianans for Parks and Tourism (LPT) to negotiate an interim trail use/rail banking agreement with KCS. At the request of LPT, the negotiating period under the NITU was extended by decision served December 4, 1998. The latest extension expires on May 31, 1999.

By letter dated May 18 1999, LPT requests an additional 180-day extension of the negotiation period to November 27, 1999. LPT states that negotiations between the parties have progressed to an agreement concerning the general terms of a purchase contract (with an immediate lease until closing), and the sale price for the real estate for the rail corridor. LPT also states that discussions are continuing concerning the details of the agreement, including the inclusion in the sale of certain properties that are associated with the corridor. By letter filed May 20, 1999, KCS agreed to the extension request.¹

¹ The official filing date of LPT's letter was May 24, 1999, but KCS clearly was aware of it earlier than that, as reflected by its response filed on May 20, 1999.

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As KCS has indicated a willingness to continue to negotiate, the extension request will be granted. The requested extension will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).

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 November 27, 1999.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary