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SERVICE DATE - OCTOBER 2, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 403X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY  
COMPANY—ABANDONMENT EXEMPTION—IN SEDGWICK COUNTY, KS

Decided: September 30, 2003

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its line of railroad, between milepost 494.22 and milepost 505.20 in and near Wichita, KS, and from milepost 515.23 to milepost 509.30 between Wichita and Valley Center, in Sedgwick County, KS, a total distance of 16.91 miles. Notice of the exemption was served and published in the Federal Register on March 24, 2003 (68 FR 14272). On April 22, 2003, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the City of Wichita (the City) to negotiate an interim trail use/rail banking agreement with BNSF for a 9.78-mile segment of the right-of-way extending from milepost 494.22 at the Butler County/Sedgwick County line, to milepost 504.00 near Hydraulic Street, in downtown Wichita.<sup>1</sup> The negotiating period under the NITU is scheduled to expire on October 19, 2003.

By letter filed on September 11, 2003, BNSF requests that, due to ongoing negotiations with the City, the NITU negotiating period be extended for an additional 180 days.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).<sup>2</sup> Accordingly, the NITU negotiating period for the 9.78-mile line segment will be extended for an additional 180 days from October 19, 2003 (until April 16, 2004).

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

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<sup>1</sup> The April 22 decision also imposed three environmental conditions.

<sup>2</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. BNSF's request to extend the NITU negotiating period for the 9.78-mile line segment from milepost 494.22 at the Butler County/Sedgwick County line, to milepost 504.00 near Hydraulic Street, in downtown Wichita, is granted.
2. The negotiating period under the NITU is extended for 180 days until April 16, 2004.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary