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SERVICE DATE - MAY 11, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-471 (Sub-No. 4X)

SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY—  
ABANDONMENT EXEMPTION—IN CRAWFORD, WILSON, ELK AND GREENWOOD  
COUNTIES, KS, AND OSAGE AND TULSA COUNTIES, OK

Decided: May 6, 2004

South Kansas and Oklahoma Railroad Company (SKO) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon: (1) a 35-mile line of railroad between milepost 153.0 near Tulsa and milepost 188.0 near Barnsdall, in Osage and Tulsa Counties, OK; (2) a 6-mile line of railroad between milepost 359.0 at Pittsburg and milepost 365.0 at Cherokee, in Crawford County, KS; and (3) a 23.5-mile line of railroad between milepost 438.5 at Severy and milepost 415.0 at Fredonia, in Wilson, Elk, and Greenwood Counties, KS.<sup>1</sup>

By decision served November 3, 2000, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that SKO consult with the Oklahoma Historical Society (Oklahoma SHPO) prior to salvage of the rail line to determine if the proposed abandonment is consistent with the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).<sup>2</sup>

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<sup>1</sup> Notice of the exemption was served and published in the Federal Register on October 6, 2000 (65 FR 59891-92).

<sup>2</sup> Beginning on November 29, 2000, the Board issued a number of subsequent decisions that (a) provided or extended periods during which SKO could negotiate with parties for possible interim trail use under the National Trails System Act, 16 U.S.C. 1247(d), of the rights-of-way at issue in this proceeding, and (b) authorized substitution of qualified trail managers to replace, in certain instances, entities that had previously entered into interim trail use agreements with SKO. As a result, most (and perhaps all) of the rights-of-way at issue in this proceeding are being rail banked.

SEA indicates that a Memorandum of Agreement (MOA) that was developed to mitigate the adverse effects of the proceeding has been signed<sup>3</sup> and submitted to the Advisory Council on Historic Preservation and that the section 106 process under the NHPA is now complete. Therefore, SEA recommends that the section 106 condition imposed in the November 3, 2000 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic condition will be removed.<sup>4</sup>

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

It is ordered:

1. The proceeding is reopened.
2. Upon reconsideration, the section 106 condition imposed in the decision served on November 3, 2000, is removed.
3. All other provisions and environmental conditions imposed in this proceeding will remain in effect.
4. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

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<sup>3</sup> The MOA is signed by the Board, the Oklahoma SHPO, and SKO.

<sup>4</sup> The November 3, 2000 decision also imposed several environmental conditions. Those conditions remain in effect until satisfied.