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SERVICE DATE - MAY 23, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-437 (Sub-No. 1)

KANSAS SOUTHWESTERN RAILWAY, L.L.C.—ABANDONMENT—IN SUMNER,  
HARPER, BARBER, RENO AND KINGMAN COUNTIES, KS

Decided: May 18, 2001

A decision and certificate of interim trail use (CITU) served June 10, 1999, authorized the Kansas Southwestern Railway, L.L.C. (KSW) to abandon: (1) its 57.85-mile Hardtner Branch, extending from milepost 514.00 at Conway Springs to milepost 571.85 at Kiowa, KS; and (2) a 50.97-mile portion of its Stafford Branch, extending from milepost 559.028 at Conway Springs to milepost 610.00 at Olcott, KS. The CITU stated that, if consummation had not been effected by KSW's filing of a notice of consummation by June 10, 2000, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

In a letter dated March 24, 2000, KSW notified the Board that it had consummated abandonment of: (1) its Hardtner Branch between milepost 514.25 and milepost 571.85; and (2) the portion of its Stafford Branch between milepost 593.31, at Kingman, KS, and milepost 610.00, at Olcott. KSW also indicated that it would subsequently notify the Board about the status of the remaining portion of the Stafford Branch between milepost 559.028 and milepost 593.31.

Decisions served June 13, 2000, and November 30, 2000, granted KSW's requests to extend, until June 8, 2001, the time to consummate the abandonment and file its notice of consummation for the portion of the Stafford Branch between milepost 559.028 and milepost 591.8.<sup>1</sup> KSW had explained that it was working with the State of Kansas to relocate a portion of its rail line near Kingman, and that it was uncertain which portion of the line approved for abandonment would not be needed for future operations until after completion of the relocation project.

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<sup>1</sup> The November 30, 2000 decision further indicated that the City of Kingman, KS, had reached an interim trail use/rail banking agreement with KSW for the portion of the Stafford Branch between milepost 591.8 and milepost 593.4.

In a letter dated May 4, 2001, KSW's successor, the Central Kansas Railway, L.L.C. (CKR),<sup>2</sup> notified the Board that, on May 3, 2001, it had consummated the abandonment of the portion of the Stafford Branch between milepost 583.3, near Alameda, and milepost 591.8 at Kingman. CKR indicates further that it will not exercise abandonment authority for the portion of the Stafford Branch between milepost 559.028, at Conway Springs, and milepost 583.3, near Alameda. CKR states that the Conway Springs-Alameda portion is being rehabilitated and will remain in service as an alternate route to and from Wichita, KS. CKR requests that the Board dismiss this abandonment proceeding as to the Conway Springs-Alameda portion.<sup>3</sup> The request will be granted.

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

It is ordered:

1. The request by CKR to dismiss this proceeding as to the Conway Springs-Alameda portion is granted.
2. This decision is effective on the date served.

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

Vernon A. Williams  
Secretary

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<sup>2</sup> KSW was merged into CKR on or shortly after April 26, 2000, pursuant to a notice of exemption in OmniTRAX, Inc. Central Kansas Railway, L.L.C., and Kansas Southwestern Railway, L.L.C.—Corporate Family Transaction Exemption, STB Finance Docket No. 33868 (STB served and published May 8, 2000 (65 FR 26658)).

<sup>3</sup> Dismissing the Conway Springs-Alameda portion from this proceeding satisfies one of the conditions imposed by the Board in Central Kansas Railway, L.L.C.—Abandonment Exemption—in Sedgwick County, KS, STB Docket No. AB-406 (Sub-No. 14X) (STB served Apr. 10, 2001), slip op. at 10, 13.