

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-406 (Sub-No. 6X)

CENTRAL KANSAS RAILWAY, LIMITED LIABILITY
COMPANY--ABANDONMENT EXEMPTION--IN MARION AND
MCPHERSON COUNTIES, KS

Decided: April 7, 1997

On April 12, 1996, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for James D. Jennings, dba Jennings & Co. (Jennings) to negotiate an interim trail use/rail banking agreement with Central Kansas Railway Limited Liability Company (CKR) for its 33.4-mile line of railroad known as the McPherson Subdivision from milepost 10 plus 2418 feet at or near Marion to milepost 43 plus 4505 feet at or near McPherson, in Marion and McPherson Counties, KS. The 180-day negotiating period under the NITU was extended to April 7, 1997, by decision served October 21, 1996.

By letter filed April 4, 1997, Jennings requests a 60-day extension of the trail use negotiation period. Jennings asserts that CKR agrees to the extension request.¹ According to Jennings, despite best efforts, it has not been able to conclude negotiations with CKR and with entities that might be affected by the trail.

A 60-day extension of the negotiation period under the NITU will be granted. The extension will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

This action 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 June 6, 1997.
2. This decision is effective on the service date.

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

Vernon A. Williams
Secretary

¹ Jennings certified that a copy of the extension request was served on CKR. In a April 7, 1997 telephone conversation, CKR confirmed that it has agreed to the extension.