

31464  
DO

SERVICE DATE - NOVEMBER 30, 2000

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: November 27, 2000

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. Under 49 CFR 1152.29(e)(2), a railroad may, for good cause, request an extension of time to file a notice of consummation in abandonment proceedings.

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. By letter filed June 28, 2000, the City of Kingman, KS (City), advised the Board that it reached an interim trail use/rail banking agreement with KSW for that portion of the Stafford Branch between milepost 591.8 and milepost 593.4.<sup>1</sup>

A decision served June 13, 2000, granted KSW's request to extend, until December 11, 2000, the time to consummate the abandonment and to file its notice of consummation for the portion of the Stafford Branch between milepost 559.028 and milepost 591.8. To justify that extension, KSW 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 after the relocation project is completed.

---

<sup>1</sup> A decision served March 24, 2000, modified the CITU so that it covers the portion of KSW's Stafford Branch between milepost 591.8 and milepost 593.31. In its June 28, 2000 letter, the City states that documents recording the transaction indicate that the interim trail use/rail banking agreement actually covers that portion of the line between milepost 591.8 and milepost 593.4 (rather than milepost 593.31). The City requests that the CITU be further modified accordingly. The request will be granted.

On November 15, 2000, KSW filed a request to further extend, until June 8, 2001, the time to consummate the abandonment and to file its notice of consummation for the portion of the Stafford Branch between milepost 559.028 and milepost 591.8. KSW states that it is continuing to work with the State of Kansas on the relocation project. The carrier indicates that, because engineering plans for the project have not been completed, it remains unclear what portion of the line near Kingman will not be needed for future operations. KSW indicates that it does not want to mistakenly abandon a segment of the track that will be needed for the relocation project and future operations. It requests the additional extension in order to complete its plans with the State of Kansas.

KSW has shown good cause to extend the time to consummate the abandonment and file a notice of consummation in this proceeding. Accordingly, the request will be granted.

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

It is ordered:

1. The City's request to modify the CITU as indicated in the footnote to this decision is granted.
2. KSW's request for an extension of time to consummate the abandonment is granted.
3. The authority to abandon must be exercised on or before June 8, 2001.
4. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary