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THOMAS F. MCFARLAND

April 22, 2009

By UPS overnight mail

Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
395 E Street, S.W., Suite 100
Washington, DC 20024

FEE RECEIVED

APR 23 2009

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
APR 23 2009
Part of
Public Record

Re: Docket No. AB-471X, *South Kansas and Oklahoma Railroad, Inc. --
Abandonment Exemption -- in Sumner County, KS*

Dear Ms. Quinlan.

Sunflower Recreational Trails, Inc. (SRT) hereby respectfully requests that the Board issue a Notice of Interim Trail Use (NITU) for the rail line right-of-way involved in the above proceeding between Milepost 257.2 at or near Oxford and Milepost 266.4 at or near Wellington, a distance of 9.2 miles in Sumner County, Kansas (Oxford-Wellington right-of-way [ROW]).

An NITU for the Oxford-Wellington ROW, issued by the Board at the request of SRT in a decision served January 24, 2008, expired on July 22, 2008, and has not been extended. However, where a carrier has not consummated an abandonment at the end of a previously-imposed negotiating period, and indicates its willingness to continue negotiations, the Board retains jurisdiction and the NITU negotiation period may be extended. *Rail Abandonments - Supplemental Trails Act Procedures*, 4 ICC.2d 152, 157-158 (1987). SRT is informed and believes that South Kansas and Oklahoma Railroad, Inc. (SKOL) has not consummated the Oxford-Wellington abandonment, and is agreeable to continuation of trail use negotiations. A copy of this request for NITU is being sent to counsel for SKOL.

Enclosed is a check in the amount of \$450 for the filing fee.

Wherefore, an NITU authorizing trail use negotiations over a 180-day period should be entered.

FILED
APR 23 2009
**SURFACE
TRANSPORTATION BOARD**

Respectfully submitted,

Tom McFarland

Thomas F. McFarland
*Attorney for Sunflower
Recreational Trails, Inc*

THOMAS F. MCFARLAND

Anne K. Quinlan, Esq.

April 22, 2009

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cc: *(by e-mail)*

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