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ORIGINAL



March 12, 2007

VIA HAND DELIVERY - RETURN COPY

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

218779

ENTERED
Office of Proceedings

MAR 12 2007

Part of
Public Record

Dear Secretary Williams:

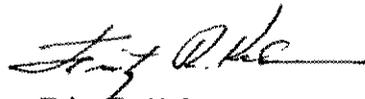
Enclosed for filing in STB Docket No. AB-603 (Sub-No. 1X), V and S Railway, Inc.—Abandonment Exemption—In Barber County, KS. are the original and ten copies of the Notice of Intent to Terminate Trail Use of American Trails Association, Inc.

Additional copies of this letter and of the Notice are enclosed for you to stamp to acknowledge your receipt of them and to return to me via the messenger.

V and S Railway, Inc. and American Trails Association, Inc. have been served by facsimile transmitting and mailing then copies of this letter and the Notice.

If you have any question concerning the foregoing or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz R. Kahn

enc.

218779

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423



STB Docket No. AB-603 (Sub-No. 1X)

V AND S RAILWAY, INC.
- ABANDONMENT EXEMPTION -
IN BARBER COUNTY, KS

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NOTICE OF INTENT TO TERMINATE TRAIL USE
OF
AMERICAN TRAILS ASSOCIATION, INC.

American Trails Association, Inc., ("ATA"), pursuant to 49 C.F.R. 1152.29(d)(2), gives notice of its intent to terminate its trail use of a segment of the railroad line's right-of-way acquired by ATA, namely, between Milepost 22 at or near Medicine Lodge, KS 66736, and Milepost 41 at or near Sun City, KS 67143, formerly of the V and S Railway, Inc., a distance of 19 miles in Barber County, KS.

2. ATA intends to remain the trails operator of the segment of the line between Milepost 21 at or near Medicine Lodge, KS 66736, and Milepost 22 at or near Medicine Lodge, KS, 66736, and to abide by its Statement, filed January 26, 2004.

3. A copy of the Board's Decision and Notice of Interim Trail Use or Abandonment, served February 27, 2004, is attached.

4. ATA asks that the Decision, insofar as it relates to the above-described line segment, be vacated as of July 20, 2007.

5. Copies of the reissued Decision and Notice of Interim Trail Use or Abandonment should be sent, as follows:

a. The abandonment exemption applicant:

V and S Railway, Inc.
P. O. Box 26421
Salt Lake City, UT 84126

b. The owner of the right-of-way and trail user:

American Trails Association, Inc.
P. O. Box 26421
Salt Lake City, UT 84126

WHEREFORE, the trail user, American Trails Association, Inc., asks that it be relieved of its obligations under the Trails Act with respect to the above-described line segment.

Respectfully submitted,

AMERICAN TRAILS ASSOCIATION, INC.

By its attorney,



Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Dated: March 12, 2007

CERTIFICATE OF SERVICE

I certify that I this day have served copies of the foregoing pleading upon each of the parties by facsimile transmission and by mailing them copies thereof, with first-class postage prepaid.

Dated at Washington, DC, this 12 th day of March 2007.



Fritz R. Kahn

34425
DO

SERVICE DATE - FEBRUARY 27, 2004

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-603 (Sub-No. 1X)

V AND S RAILWAY, INC.—ABANDONMENT EXEMPTION—IN BARBER COUNTY, KS

Decided: February 24, 2004

By decision served on August 13, 2003 (August 13 decision), the Board granted V and S Railway, Inc. (VSR), an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 20-mile line of railroad extending from milepost 21, at Medicine Lodge, to the end of the line at milepost 41, at Sun City, in Barber County, KS, subject to standard employee protective conditions. The exemption became effective on September 12, 2003.

On January 26, 2004, American Trails Association, Inc. (ATA), late-filed a request for the issuance of a notice of interim trail use (NITU) for the entire line under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), in order to negotiate with VSR for acquisition of the right-of-way for use as a trail.¹ ATA submitted a statement of its willingness to assume financial responsibility for the management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for payment of any and all taxes that may be levied or assessed against the right-of-way, as required by 49 CFR 1152.29, and acknowledged that the use of the right-of-way for trail purposes is subject to future reconstruction and reactivation for rail service. By letter filed on February 19, 2004, VSR indicated that it has not consummated the abandonment of the line and that it is willing to negotiate with ATA for interim trail use.

Because ATA's request complies with the requirements of 49 CFR 1152.29 and VSR is willing to negotiate for trail use, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If the parties reach a mutually acceptable final

¹ Requests for trail use/rail banking under 49 CFR 1152.29 were due no later than June 11, 2003. The Board's policy is to accept filings after the due date when good cause is shown. See Aban. and Discon. of R. Lines and Transp. Under 49 U.S.C. 10903, 1 S.T.B. 894 (1996) and 2 S.T.B. 311 (1997). Because there is no indication that ATA's late-filed request will prejudice any party, it will be accepted. See Wheeling & Lake Erie Railway Company—Abandonment Exemption—in Starke County, OH, STB Docket No. AB-227 (Sub-No. 10X), slip op. at 1 n.1 (STB served Nov. 7, 1997).

agreement, no further Board action is necessary. If no agreement is reached within 180 days, VSR may fully abandon the line, provided the previously imposed labor protective conditions are met. See 49 CFR 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

As conditioned, this decision and notice will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. ATA's late-filed request for a NITU under 16 U.S.C. 1247(d) is accepted.
3. Upon reconsideration, the decision served on August 13, 2003, exempting the abandonment of the line described above is modified to the extent necessary to implement interim trail use/rail banking as set forth below for a period of 180 days from the service date of this decision and notice (until August 25, 2004).
 4. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.
 5. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations for the right-of-way.
 6. If interim trail use is implemented, and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.
 7. If an agreement for interim trail use/rail banking is reached by August 25, 2004, interim trail use may be implemented. If no agreement is reached by that time, VSR may fully abandon the line, provided the previously imposed labor protective conditions are met.

8. This decision and notice is effective on its date of service.

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

Vernon A. Williams
Secretary