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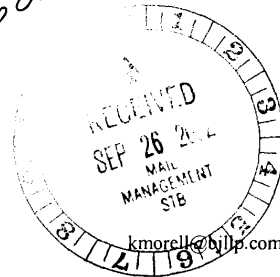
BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947



KARL MORELL

FEE RECEIVED

SEP 26 2002

September 26, 2002

**SURFACE
TRANSPORTATION BOARD**

BY HAND DELIVERY

The Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Suite 715
Washington, DC 20423-0001

FILED

SEP 26 2002

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings

SEP 26 2002

**Part of
Public Record**

Re: STB Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company -- Abandonment Exemption -- In Crawford County,
Kansas

Dear Secretary Williams:

Attached for filing are the original and ten copies of a Notice of Exemption under 49 C.F.R. § 1152.50. Also attached is a check covering the \$2,700 filing fee.

Please time and date stamp the extra copy of the Notice of Exemption and return it with our messenger.

If you have any questions, please call me.

Sincerely,

Karl Morell

Enclosures

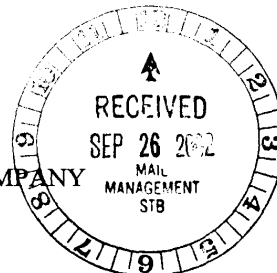
206271

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-471 (SUB-NO. 6X)

SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN CRAWFORD COUNTY, KANSAS



NOTICE OF EXEMPTION

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Office of Proceedings

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Public Record

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TRANSPORTATION BOARD

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SURFACE
TRANSPORTATION BOARD

Karl Morell
Of Counsel
Ball Janik LLP
1455 F St., N.W.
Suite 225
Washington, D.C. 20005
(202) 638-3307

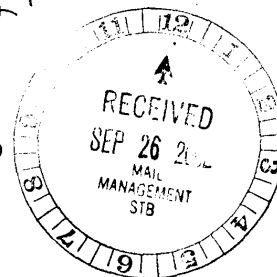
Attorney for:
SOUTH KANSAS AND OKLAHOMA
RAILROAD COMPANY

Dated: September 26, 2002

206271

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-471 (SUB-NO. 6X)



SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN CRAWFORD COUNTY, KANSAS

NOTICE OF EXEMPTION

South Kansas and Oklahoma Railroad Company ("SKO"), files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon its 0.4-mile rail line located between mileposts 134.3 and 134.7, in Pittsburg, Kansas (the "Line").

1. Proposed consummation date.

The proposed consummation date is November 15, 2002.

2. Certification required by 49 C.F.R. § 1152.50(b).

The required certification is attached hereto as Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

- (a) General.

- (1) Exact name of applicant.

South Kansas and Oklahoma Railroad Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

SKO is a common carrier by railroad subject to 49 U.S.C. Subtitle

IV, Chapter 105.

(3) Relief sought.

SKO seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon its 0.4-mile rail line located between milepost 134.3 and milepost 134.7, within the city of Pittsburg, in Crawford County, Kansas. There has been no local traffic on the Line in over two years and the overhead traffic can be rerouted over other routes.

(4) Map.

A map depicting the trackage covered by the proposed abandonment is attached as Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent.

Karl Morell
Ball Janik LLP
1455 F St., N.W., Suite 225
Washington, DC 20005
(202) 638-3307

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses.

The Line traverses ZIP Code: 66762.

(e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The right-of-way is suitable for a recreational trail. SKO's primary purpose in abandoning the Line is to make it available to the City of Pittsburg for a trail. To the best of SKO's knowledge the property underlying the right-of-way is reversionary, which would affect the transfer of the property for other than rail purposes or interim trail use.

4. The level of labor protection.

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

5. Certification.

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report.

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) is attached hereto as Exhibit D. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

7. Historic Report.

The Historic Report containing information required by 49 C.F.R. § 1105.8 is attached hereto as Exhibit E.

Respectfully submitted,



Karl Morell
Of Counsel
Ball Janik LLP
1455 F St., N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

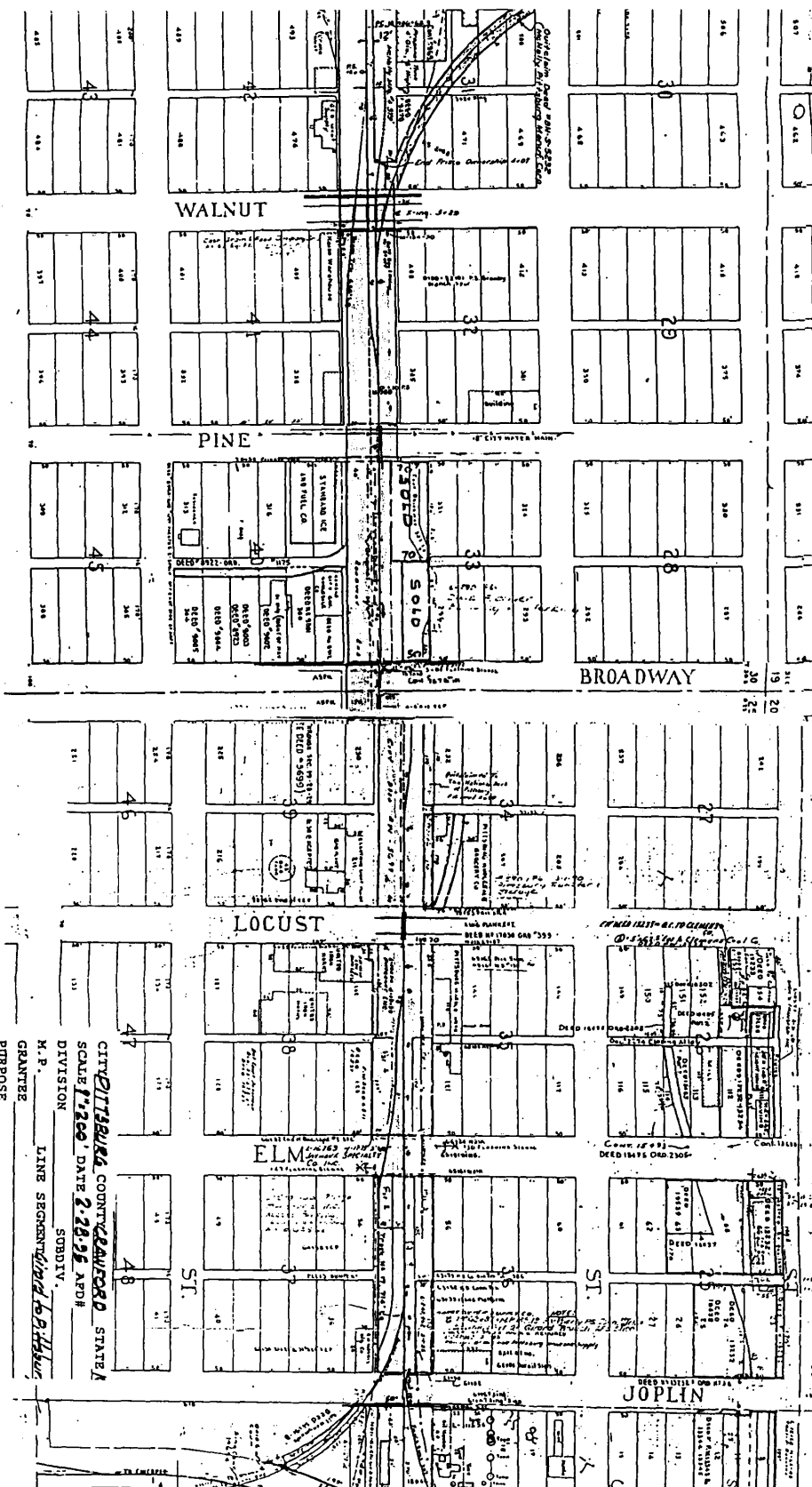
Attorney for:
SOUTH KANSAS AND OKLAHOMA
RAILROAD COMPANY

Dated: September 26, 2002

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

7

Exhibit B



CITY OF PITTSBURG, KANSAS
 SCALE 1"=200' DATE 2-28-95
 DIVISION
 M.P. LINE SEGMENT
 GRANTOR
 FOR DEED
 DRAWING NO. BN 6706

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-471 (Sub-No. 6X) was mailed via first class mail on August 29, 2002 to the following parties:

State Public Service Commission

Dept. of Transportation
Room 800 N
Docking State Office Bldg.
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

Military Traffic Management Command

MTMC TEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA 23606-2574

National Park Service

Mr. Tom Ross
Chief of National Recreation and Trails
U.S. Department of Interior - National Park Service
Recreation Resources Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
800 North Capitol St., N.E.
Room 540
Washington, DC 20002

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250

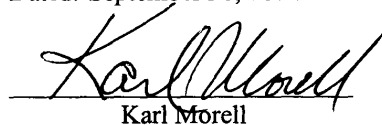
Dated: September 26, 2002


Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-471 (Sub-No. 6X) was advertised on September 24, 2002 in the Girard Press, a newspaper of general circulation in Crawford County, Kansas as required by 49 C.F.R. § 1105.12.

Dated: September 26, 2002


Karl Morell

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-471 (Sub-No. 6X) was mailed via first class mail on August 23, 2002, to the following parties:

Department of Transportation
Room 800 N
Docking State Office Bldg.
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

Crawford County Commissioners
P.O. Box 249
Girard, KS 66743

State Conservationist
USDA Soil Conservation Service
760 South Broadway
Salina, KS 67401

U.S. Fish and Wildlife Service
P.O. Box 25486, Denver Federal Center
Denver, CO 80225

National Park Service
Recreational Resources Assistance Division
P.O. Box 37127
Washington, D.C. 20013-7127

Department of Health and Environment
Division of Environment
Landon State Office Building
901 S.W. Jackson Street
Topeka, KS 66612

U.S. Environmental Protection Agency
901 N. 5th Street
Kansas City, KS 66101

U.S. Army Engineer District, Tulsa
1645 S. 101st East Avenue
Tulsa, OK 74128

The National Geodetic Survey
Department of Commerce/NOAA
SSMC3
Station 9356
1315 E. West Highway
Silver Spring, MD 20910

Date: September 26, 2002

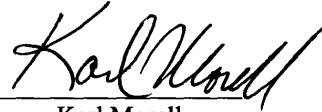

Karl Morell

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-471 (Sub-No. 6X) was mailed via first class mail on August 23, 2002, to the following party:

Kansas State Historical Society
6425 S.W. 6th Avenue
Topeka, KS 66615-1099

Date: September 26, 2002

A handwritten signature in cursive script, appearing to read "Karl Morell", written over a horizontal line.

Karl Morell

EXHIBIT D

ENVIRONMENTAL REPORT

(49 C.F.R. 1105.7)

Docket No. AB-471 (Sub-No. 6X)

SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY

--ABANDONMENT EXEMPTION--

IN CRAWFORD COUNTY, KANSAS

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

South Kansas and Oklahoma Railroad Company ("SKO"), proposes to abandon its 0.4-mile rail line located between milepost 134.3 and milepost 134.7, in Pittsburg, Kansas (the "Line"). Upon receipt of abandonment authority, SKO intends to remove the rail, track material, and crossties. There are no railroad bridge structures along the Line.

The proposed abandonment will not change rail freight operations or maintenance practices on the Line. No local traffic has been handled on the Line since 1991. There currently are no active rail shippers located on the Line. All overhead traffic has been rerouted over other lines.

The only alternative to abandonment would be not to abandon the Line thereby forcing SKO to absorb the opportunity costs of retaining this inactive Line. This would not be a prudent use of carrier resources.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No passenger or freight traffic will be diverted to other modes as a result of the proposed abandonment. No local traffic has been handled on the Line since 1991 and all former overhead traffic has been rerouted over other lines. Since the Line no longer handles rail traffic, the proposed abandonment will have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) SKO believes that the proposed abandonment is consistent with existing land use plans. The City of Pittsburg intends to rail-bank the right-of-way after the Line is approved for abandonment. SKO has contacted the Crawford County Commissioners. See Exhibit 2. To date, no response to this inquiry has been received. A copy of this Report has been mailed to the appropriate local and state agencies for their information and comment.

(ii) SKO notified the State Conservationist of the proposed abandonment and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 3. The Natural Resources Conservation Service determined that the proposed abandonment is not affected by the Farmland Protection Policy Act. See Exhibit 4. A copy of this Report is being supplied to the Natural Resources Conservation Service for its information and further comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) The Line traverses five city blocks within the City of Pittsburgh. Therefore, there is little or no likelihood that the rail corridor is needed for a transit or highway corridor. The City of Pittsburgh, however, intends to rail-bank the Line and convert the right-of-way into an interim trail.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have no effect on overall energy efficiency as no local traffic has been handled on the Line for over 11 years and the overhead traffic was rerouted over other lines.

(iv) The proposed abandonment will not cause any diversions of rail traffic to motor carriage, since no local traffic has been handled on the Line for over 11 years and the overhead traffic was rerouted over other lines.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities,

and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. The removal of the track and track structures from the city street will enhance public safety by eliminating distractions to vehicular traffic moving along or crossing the Line.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor of the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) SKO is confident that the proposed abandonment will not have an adverse affect on endangered or threatened species or areas designated as a critical habitat. SKO notified the U.S. Fish and Wildlife Service of the proposed abandonment and requested assistance in determining

whether endangered or threatened species or areas designated as a critical habitat are likely to be adversely affected. See Exhibit 5. To date, no response has been received from the U.S. Fish and Wildlife Service. A copy of this Report is being supplied to the U.S. Fish and Wildlife Service for its information and comment.

(ii) There are no wildlife sanctuaries or refuges, National or State parks or forests along the Line that would be adversely affected by the proposed abandonment. Nevertheless, SKO notified the National Parks Service of the proposed abandonment and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. See Exhibit 6. To date, no response to this request has been received. A copy of this Report is being supplied to the National Park Service for its information and comment.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) SKO is confident that the proposed abandonment will be consistent with applicable water quality standards. SKO contacted the Kansas Department of Health and Environment and the U.S. Environmental Protection Agency concerning this matter requesting assistance in determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 7. To date, no response to these requests has been received. A copy of this Report is being supplied to the U.S. Environmental Protection Agency and the Kansas Department of Health and Environment for their information and comment.

(ii) SKO is confident that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. SKO contacted the Corps of Engineers concerning these matters. See Exhibit 8. To date, no response to this request has been received. A copy of this Report is being supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) SKO contacted the U.S. Environmental Protection Agency concerning this matter and requested assistance in identifying any potential effects on applicable water quality standards and determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 7. To date, no response to this request has been received. A copy of this Report is being supplied to the U.S. Environmental Protection Agency for its information and comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

SKO does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. SKO will, of course, adhere to any remedial actions suggested by the recipients of this Report and required by the Board.

[illegible]

CITY ELIZABETH COUNTY CLATSOP STATE OR
SCALE 1"=200' DATE 2-28-95 AND # _____
DIVISION _____ SUBDIV. _____
M. P. _____ LINE SEGMENT 1 of 3 _____
GRANTEE _____
PURPOSE _____
DRAWING NO. BN 6706

BALL JANIK LLP

EXHIBIT 2

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

Crawford County Commissioners
P.O. Box 249
Girard, KS 66743

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sirs:

South Kansas and Oklahoma Railroad Company ("SKO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about September 24, 2002, for SKO to abandon its 0.4-mile rail line located between milepost 134.3, and milepost 134.7, in Pittsburg, Kansas. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on existing land use plans. We must determine whether the proposed abandonment is inconsistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

State Conservationist
USDA Natural Resources Conservation Service
760 South Broadway
Salina, KS 67401-4642

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sir/Madam:

South Kansas and Oklahoma Railroad Company ("SKO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about September 24, 2002, for SKO to abandon its 0.4-mile rail line located between milepost 134.3, and milepost 134.7, in Pittsburg, Kansas. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on prime agricultural land.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company



**United States Department of Agriculture
Natural Resources Conservation Service**

2917 West Highway 50
Emporia, KS 66801-5140

Phone: 620-343-7276
FAX: 620-343-7871
www.ks.nrcs.usda.gov

August 13, 2002

Karl Morell, Attorney
Ball Janik LLP
1455F Street, NW Suite 225
Washington, D.C. 20005

Dear Mr. Morell:

Thank you for the opportunity to review the proposed abandonment of 0.4 mile of rail line of the South Kansas and Oklahoma Railroad Company in Pittsburg, Kansas.

Since the proposed project is physically located within the city limits of Pittsburg, this project is not affected by the Farmland Protection Policy Act and therefore an AD-1006 Form is not required.

I see no other adverse environmental effects for which the Natural Resources Conservation Service is responsible for evaluating.

We wish you well with your project and if our local Natural Resources Conservation Service (NRCS) office in Girard, KS can be of any assistance don't hesitate to call. Their phone number is 620-724-6227.

If I can be of further assistance please let me know.

A handwritten signature in black ink, appearing to read "Jeffrey L. Gross", is written over the typed name and title.

JEFFREY L. GROSS
Assistant State Conservationist

Cc:
Randy J. Bennett, District Conservationist, NRCS, Girard, KS
Rodney D. Egbarts, Soil Conservationist, NRCS, Salina, KS

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

U.S. Fish and Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in determining whether it is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

National Park Service
Recreational Resources Assistance Division
P.O. Box 37127
Washington, D.C. 20013-7127

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sir/Madam:

South Kansas and Oklahoma Railroad Company ("SKO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about September 24, 2002, for SKO to abandon its 0.4-mile rail line located between milepost 134.3, and milepost 134.7, in Pittsburg, Kansas. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

Department of Health and Environment
Division of Environment
Landon State Office Building
901 S.W. Jackson Street
Topeka, KS 66612

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sir/Madam:

South Kansas and Oklahoma Railroad Company ("SKO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about September 24, 2002, for SKO to abandon its 0.4-mile rail line located between milepost 134.3, and milepost 134.7, in Pittsburg, Kansas. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. SKO does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
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KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

U.S. Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, KS 66101

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sir/Madam:

South Kansas and Oklahoma Railroad Company ("SKO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about September 24, 2002, for SKO to abandon its 0.4-mile rail line located between milepost 134.3, and milepost 134.7, in Pittsburg, Kansas. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. SKO does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company

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KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

U.S. Army Engineer District, Tulsa
1645 S. 101st East Avenue
Tulsa, OK 74128-4609

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sir/Madam:

South Kansas and Oklahoma Railroad Company ("SKO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about September 24, 2002, for SKO to abandon its 0.4-mile rail line located between milepost 134.3, and milepost 134.7, in Pittsburg, Kansas. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on designated wetlands or 100-year flood plains. SKO does not believe any permits under Section 404 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company

EXHIBIT E

HISTORIC REPORT
(49 C.F.R. 1105.8)
Docket No. AB-471 (Sub-No. 6X)
SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN CRAWFORD COUNTY, KANSAS

The Historic Report should contain the information required by 1105.7(e)(1) of the Environmental Report. The following is excerpted from the Environmental Report prepared for the proposed abandonment:

Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

South Kansas and Oklahoma Railroad Company ("SKO"), proposes to abandon its 0.4-mile rail line located between milepost 134.3 and milepost 134.7, in Pittsburg, Kansas (the "Line"). Upon receipt of abandonment authority, SKO intends to remove the rail, track material, and crossties. There are no bridge structures along the Line.

The proposed abandonment will not change rail freight operations or maintenance practices on the Line. No local traffic has been handled on the Line since 1991. There currently are no active rail shippers located on the Line. All overhead traffic has been rerouted over other lines.

The only alternative to abandonment would be not to abandon the Line thereby forcing SKO to absorb the opportunity costs of retaining this inactive Line. This would not be a prudent use of carrier resources.

A map of the proposed abandonment is attached hereto as Exhibit 1.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

A map of the Line has been supplied to the Kansas State Historical Society ("KSHS")

There are no railroad structures of any age on the Line. See Exhibit 2.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right-of-way is approximately 66 feet in width. The 0.4-mile line traverses five city blocks in Pittsburg along E 2nd Street between Joplin Street and Walnut Street. The Line was constructed sometime between 1877 and 1880.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediate surrounding area;

There are no railroad structures on the Line.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

There are no railroad structures on the Line.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Line was acquired in 1996 by the Southeast Kansas Railroad Company ("SEK") from The Burlington Northern Railroad Company ("BN"). *See* STB Docket No. AB-6 (Sub-No. 367X), *Burlington Northern Railroad Company – Abandonment Exemption – In Crawford*

County, KS, *In the Matter of an Offer of Financial Assistance* (not printed), served August 11, 1996. The SEK was subsequently merged into the SKO. See STB Finance Docket No. 33898, *Watco Company, Inc., South Kansas and Oklahoma Railroad Company, Palouse River & Coulee City Railroad, Inc., Southeast Kansas Railroad Company, and Blue Mountain Railroad, Inc. – Corporate Family Transaction Exemption* (not printed), served July 24, 2000. SEK and SKO have not originated or terminated any traffic along the Line since it was acquired from BN. According to BN records, the Line was out of service since 1991. SKO has no information as to carrier operations on the Line prior to 1991.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

There are no railroad structures on the Line.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

There are no railroad structures on the Line. SKO is not aware of any archeological resources or railroad related historic properties in the project area. Attached as Exhibit No. 3 is the response SKO received from the KSHS. According to the KSHS, the proposed abandonment will not affect any property listed on the National Register of Historic Places or otherwise having historical significance.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological

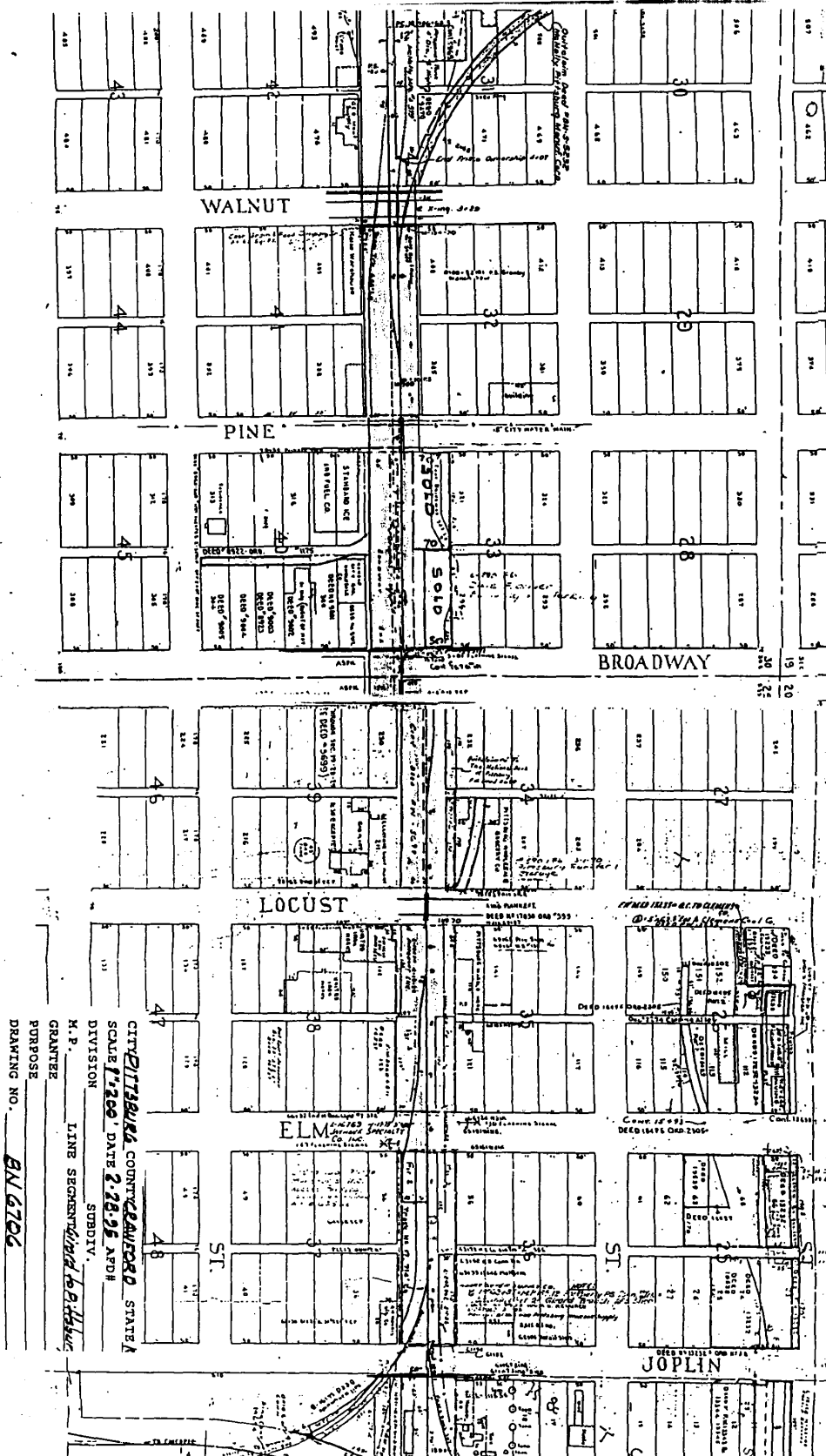
recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

There are no existing records as to the nature of any known subsurface ground disturbance or fill, or environmental condition that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e. prehistoric or native American).

SKO does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line abandonment other than previously submitted. If additional information is requested, SKO will promptly supply the necessary information.

EXHIBIT 1



CITY OF PITTSBURG, KANSAS, PLAT NO. 1
 SCALE 1"=200' DATE 2-28-95 APD
 DIVISION SUBDIV.
 M.P. LINE SEGMENT 10 to 11
 GRANTEE
 PURPOSE
 DRAWING NO. **BN 6726**

BALL JANIK LLP

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KARL MORELL

kmorell@dc.bjllp.com

July 31, 2002

Kansas State Historical Society
6425 S.W. 6th Avenue
Topeka, KS 66615-1099

**RE: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma
Railroad Company--Abandonment Exemption--In Crawford
County, Kansas**

Dear Sir/Madam:

South Kansas and Oklahoma Railroad Company ("SKO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about September 24, 2002, for SKO to abandon its 0.4-mile rail line located between milepost 134.3, and milepost 134.7, in Pittsburg, Kansas. One of the requirements for this filing with the STB is that the carrier contact the State Historic Preservation Office regarding the proposed abandonment.

Enclosed is a map depicting the area where the rail line is located. The proposed abandonment will involve the removal of the rail, track material, and crossties. There are no structures along the track associated with the abandonment.

The line segment SKO seeks to abandon is located in the County of Crawford beginning at milepost 134.3 and extending generally in a westerly direction to milepost 134.7, in Pittsburg, KS. The line traverses five city blocks between Joplin Avenue and Walnut Street in downtown Pittsburg.

There are no bridges or other structures on the Line associated with the abandonment.

Burlington Northern Railroad Company ("BN") obtained authority from the STB to abandon this same line in 1996, as part of a somewhat longer rail-line abandonment. A copy of BN's Historic Report and your agency's comments are attached for your convenience.

July 31, 2002
Page 2

We will send you a copy of SKO's Historic Report as soon as it is completed. If I can of further assistance regarding this matter, please call me at (202) 638-3307.

Sincerely,

Karl Morell
Attorney for:
South Kansas and Oklahoma Railroad Company



**KANSAS
STATE
HISTORICAL
SOCIETY**

◆
Cultural Resources Division
Extension 240

◆
6425 S.W. 6th Avenue
Topeka, Kansas
66615-1099
PHONE# (785) 272-8681
FAX# (785) 272-8682
TTY# (785) 272-8683
◆

KANSAS HISTORY CENTER

Administration
Center for Historical Research
Cultural Resources
Education / Outreach
Historic Sites
Kansas Museum of History
Library & Archives

HISTORIC SITES

John Brown Cabin
Constitution Hall
Cottonwood Ranch
First Territorial Capitol
Fort Hays
Goodnow House
Grinter Place
Hollenberg Station
Kaw Mission
Marais des Cygnes Massacre
Mine Creek Battlefield
Native American Heritage Museum
Pawnee Indian Village
Pawnee Rock
Shawnee Indian Mission
William Allen White House

KSR&C No. 02-08-011

EXHIBIT 3

August 6, 2002

Karl Morell
Ball Janik LLP
1455 F Street NW Ste 225
Washington DC 20005

Re: Docket No. AB-471 (Sub-No. 6X), South Kansas and Oklahoma Railroad
Company, Abandon 0.4 Mile Rail Line in Pittsburg
Crawford County

Dear Mr. Morell:

We have reviewed the project identified above and have determined that it should not affect any property listed on the National Register of Historic Places or otherwise identified in our files as having historical significance. This office has no objection to implementation of the project.

Sincerely yours,

Mary R. Allman
State Historic Preservation Officer

Richard Pankratz, Director
Cultural Resources Division

clg