

Marc A. Elster

2030 E. 25th Place
Lawrence, KS 66046
marcelster@yahoo.com
(913) 226-9740

300347

ENTERED
Office of Proceedings
February 4, 2020
Part of
Public Record

February 4, 2020

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: STB Docket No. 853 (Sub-No. 1X) - South Kansas & Oklahoma Railroad
Petition to Reopen

Dear Ms. Brown,

I recently read the decision in Docket No. AB 1065 (Sub No. 1X) dated January 27, 2020. That case is similar to mine, but significantly different.

In the recent decision the railroad opposed the abandonment of the line. In my case the railroad did not oppose the abandonment. The railroad did not even file a response. Clearly the railroad has no interest in this line.

Also, in my case the railroad previously not only physically abandoned the line, as were the facts in the 2020 decision, but in my case the railroad took steps to transfer the right of way to third parties. The railroad filed a Quitclaim Deed to third party individuals in 1987, prior to seeking permission to abandon. (See Exhibit G to the Petition to Reopen.) The recipients of the Quitclaim Deed have constructed a residence on the property Quitclaimed to them, obstructing the right of way and destroying its usefulness. (See Exhibit F to the Petition to Reopen.)

In addition, the railroad reported that "The Lines are stub-ended and, therefore, not capable of handling overhead traffic." We are not examining lines that are capable of being used somehow as functioning railroad lines. The lines are beyond physical abandonment. Their basic railroad purpose and use has been destroyed.

For these lines to languish in this condition of disuse for over 30 years is inequitable and a legal travesty that this Board should not condone. Please exercise your authority over this railroad to do what should have done years before now.

Sincerely,



Marc Elster

cc:

Kansas & Oklahoma Railroad, L.L.C.
WATCO Companies
c/o Karl Morell & Associates
655 15th Street, NW, Suite 225
Washington, DC 20005
(202) 595-9045
karlm@karlmorell.com

Clark Coan
Sunflower Rails-Trails Conservancy, Inc.
P.O. Box 44-2043
Lawrence, Kansas 66044
(785) 842-3458
clarkcoan@yahoo.com

Doug Davis, General Counsel
American Trails Association, Inc
Tel: 801.977.6347 | Cell: 801.815.1689
PO Box 30076, Salt Lake City, UT 84130
ddavis@akrailroad.com

Thomas F. Mcfarland, P.C.
Sunflower Rails-To-Trails Conservancy, Inc.
208 South Lasalle Street, Suite 1666
Chicago, IL 60604-1228
Tel: 312-236-0204
mcfarland@aol.com