



Surface Transportation Board
Washington, D.C. 20423-0001
300577

Office of the General Counsel

ENTERED 202-245-0260
Office of Proceedings FAX 202-245-0460
April 30, 2020
Part of
Public Record

Meeting under Section 5, STB Reauthorization Act

December 16, 2019

Present: Members Begeman, Fuchs, and Oberman
Staff Rachel Campbell, Allison Davis, Ellen Erichsen, Amanda Gorski, Ted
Hunt, Craig Keats, Evelyn Kitay, Lisa Novins, Candace White, and Scott
Zimmerman

Topic: Docket No. AB-853 (Sub-No. 1), Kansas & Oklahoma Railroad, Inc.—
Abandonment Exemption—in Hodgeman, Comanche, Kiowa, and Pratt Counties,
KS

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff and Board Members discussed a proceeding involving two rail line segments in Kansas, one about 11 and the other about 47 miles long. Both were the subjects of abandonment proceedings, and between 2003 and 2009 the Board issued Notices of Interim Trail Use or Abandonment providing time to negotiate voluntary agreements for interim trail use/rail banking under the National Trails System Act for all or part of the rights-of-way.

In 2019, the Board received a request from an adjoining landowner primarily asking the Board to declare that the portion of the 47-mile line near his property has been fully abandoned. A trail sponsor (Sunflower Rail-Trails Conservancy, Inc.) argued that in fact the 47-mile segment had been successfully railbanked in August 2008, although it could not produce a signed interim trail use agreement. In response to a September 2019 order, the Board received certain additional information.

Staff and Board Members discussed the following issues:

1. Background of the proceeding.
2. The additional information provided by the parties.
3. Agency precedent on various Trails Act issues.
4. Possible next steps.