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VIA HAND DELIVERY

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

ENTERED
Office of Proceedings

OCT 25 2007

Part of
Public Record

October 25, 2007



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

STB Docket No. AB-471 (Sub-No. 1X), South Kansas and Oklahoma
Railroad, Inc.--Abandonment Exemption--In Neosho and
Wilson Counties, KS

STB Docket No. AB-471 (Sub-No. 3X), South Kansas and Oklahoma
Railroad, Inc.--Abandonment Exemption--In Cherokee and
Allen Counties, KS

STB Docket No. AB-853 (Sub-No. 1X), Kansas & Oklahoma
Railroad, Inc.--Abandonment Exemption--In Hodgeman, Comanche,
Kiowa and Pratt Counties, KS

Dear Secretary Williams:

The Notices of Intent to Terminate Rails Use of American Trails Association,
Inc. filed yesterday, failed to have attached to them the relevant Decision and Notice of
Interim Rails Use or Abandonment. Eleven copies of each are enclosed.



I apologize for the omission and any inconvenience it may have occasioned.

Sincerely yours,


Fritz R. Kahn

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

220543

STB Docket No AB-471 (Sub-No 3X)

SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN CHEROKEE AND ALLEN COUNTIES, 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 trail use of the right-of-way acquired by ATA (1) between Milepost 110.5 at Iola and Milepost 117.0 at Humboldt, a distance of 6.5 miles in Allen County, Kansas, and (2) between Milepost 382.0 at Sherwin and Milepost 387.0 at Faulkner, a distance of 5 miles in Cherokee County, Kansas

1. Copies of the Decisions and Notices of Interim Trail Use or Abandonment, served November 3, 2006, and March 13, 2001, are attached
2. ATA asks that the Decisions and Notices of Interim Trail Use or Abandonment be vacated as of November 5, 2007.
3. Copies of the Board's Decision should be sent, as follows
 - a. The abandoning railroad

South Kansas and Oklahoma Railroad Company
315 West 3rd Street
Pittsburg, KS 66762

b The trail operator

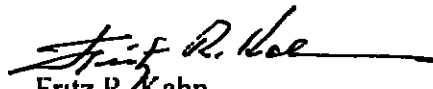
American Trails Association, Inc
P. O. Box 26421
Salt Lake City, UT 84126

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

Respectfully submitted,

AMERICAN TRAILS ASSOCIATION, INC

By its attorney,

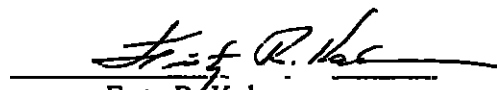

Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036
Tel (202) 263-4152

Dated: October 24, 2007

CERTIFICATE OF SERVICE

I certify that I this day have served a copy of the foregoing Notice upon each of the parties by facsimile transmitting and mailing, by prepaid first-class postage, copies thereof to their representatives.

Dated at Washington, DC, this 24th day of October 2007


Fritz R. Kahn

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-471 (Sub-No. 3X)

SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY--
ABANDONMENT EXEMPTION--IN CHEROKEE
AND ALLEN COUNTIES, KS

Decided: November 3, 2006

South Kansas and Oklahoma Railroad Company (SKO) has filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon: (1) an 8-mile line of railroad between milepost 109.0 at Iola and milepost 117.0 at Humboldt, in Allen County, KS, and (2) a 5-mile line of railroad between milepost 382.0 at Sherwin and milepost 387.0 at Faulkner, in Cherokee County, KS. Notice of the exemption was served and published in the Federal Register on December 4, 2000 (65 FR 75817). By decision and notice of interim trail use or abandonment (NITU) served on March 13, 2001, the proceeding was reopened, and a 180-day period was authorized for the American Trails Association, Inc. (ATA) to negotiate an interim trail use/rail banking agreement with SKO for the right-of-way involved in this proceeding, pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act).¹ In a letter filed on March 21, 2001, ATA notified the Board that an interim trail use/rail banking agreement had been reached.

In a joint motion filed on October 27, 2006, ATA and the City of Iola (Iola) request Board authorization for substitution of Iola as the new trail user, and the termination of ATA as the interim trail manager, for the portion of the right-of-way between milepost 109 near Lincoln Road and milepost 110.5 at South Nevada Road, a distance of 1.5 miles in Allen County, KS. ATA and Iola request that the authorization be made effective on November 1, 2006.²

Iola submitted a statement of willingness to assume financial responsibility for interim trail use and rail banking in compliance with 49 CFR 1152.29 and acknowledged that the right-of-way as a trail is subject to possible future reconstruction and reactivation of the right-of-way.

¹ By decision served January 2, 2001, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to the condition that SKO not conduct salvage activities or dispose of the line until the completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

² ATA states that it will continue to be the trail operator of the remainder of the right-of-way between milepost 110.5 at Iola and milepost 117.0 at Humboldt.

for rail service. Iola has made the required showing under 49 CFR 1152.29(f) for the substitution of interim trail user. Accordingly, the requested relief will be granted.

This decision 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. The NITU served on March 13, 2001, is vacated for the portion of the right-of-way between milepost 109 and milepost 110.5.
3. A replacement NITU is issued designating Iola as the new trail user effective on November 1, 2006, subject to the environmental condition imposed in the decision served January 2, 2001, for the 1.5-mile portion of the right-of-way between milepost 109 and milepost 110.5.
4. *The new trail user is required 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 identified portion of the right-of-way.*
5. Interim trail use/rail banking is subject to the future restoration of rail service and to the new user continuing to meet the financial obligations for the right-of-way.
6. If the new trail user intends to terminate trail use, it must send the Board a copy of the NITU and request that trail use be vacated on a specific date.
7. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

31603
DO

SERVICE DATE - MARCH 13, 2001

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-471 (sub-No. 3X)

SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY--
ABANDONMENT EXEMPTION--IN CHEROKEE AND ALLEN COUNTIES, KS

Decided: March 8, 2001

South Kansas and Oklahoma Railroad Company (SKO) has filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon (1) an 8-mile line of railroad between milepost 109.0 at Iola and milepost 117.0 at Humboldt in Allen County, KS; and (2) a 5-mile line of railroad between milepost 382.0 at Sherwin and milepost 387.0 at Faulkner, in Cherokee County, KS. Notice of the exemption was served and published in the Federal Register on December 4, 2000 (65 FR 75817). The exemption became effective on January 3, 2001.¹

On January 10, 2001, American Trails Association, Inc. (ATA) late-filed a request for issuance of a notice of interim trail use (NITU), under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), in order to negotiate with SKO for use of the line as a trail.² ATA submitted a statement indicating its willingness to assume full financial responsibility for the management of, for any legal liability arising out of the transfer or use of, and for payment of any and all taxes that may be levied or assessed against, the right-of-way, as required at 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 reply filed March 6, 2001, SKO indicated that the abandonment has not been consummated and that it is willing to negotiate with ATA for interim trail use and rail banking for the entire line.

By decision served January 2, 2001, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to the condition that SKO shall not conduct salvage activities or dispose of the line until the completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

² The December 4 notice provided that trail use/rail banking requests had to be filed no later than December 14, 2000. However, in Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, STB Ex Parte No. 537 (STB served Dec. 24, 1996, and June 27, 1997), the Board retained the policy of accepting filings after the due date when good cause is shown. 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).

ATA's request complies with the requirements of 49 C.F.R. 1152.29 and SKO is willing to negotiate. Therefore, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If the parties reach mutually acceptable final agreement, no further Board action is necessary. If no agreement is reached within 180 days, SKO may fully abandon the line, provided that the environmental condition imposed in the decision served January 2, 2001, is met. Use of the right-of-way for trail purposes is subject to restoration for railroad purposes. See 49 C.F.R. 1152.29(d)(2).

This decision 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. Upon reconsideration, the notice of exemption published in the Federal Register on December 4, 2000, 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 September 9, 2001), subject to the environmental condition imposed in the January 2, 2001 decision.
3. 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.
4. 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.
5. 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.
6. If an agreement for interim trail use/rail banking is reached by September 9, 2001, interim trail use may be implemented. If no agreement is reached by that time, SKO may fully abandon the line.

STB Docket No. AB-471 (Sub-No. 3X)

7 This decision is effective on its service date.

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

Vernon A. Williams
Secretary