



Surface Transportation Board

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Meeting under Section 5, STB Reauthorization Act April 30, 2020

January 9, 2020

Part of
Public Record

Present: Members Begeman, Fuchs, and Oberman
Staff Nathaniel Bawcombe, Allison Davis, Amanda Gorski, Ted Hunt, Craig Keats, Evelyn Kitay, Elizabeth McGrath, Lisa Novins, Valerie Quinn, 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 further 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 47-mile line that abuts 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 further discussed what the agency could do to best resolve the issues in the case.