

BEFORE THE SURFACE TRANSPORTATION BOARD
Washington, D.C.

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STB Finance Docket No. 36714

Part of
Public Record

SUNFLOWER STATE INDUSTRIAL RAILWAY, LLC

~ NOTICE TO CONSTRUCT & OPERATE PRIVATE RAIL TRackage ~

Sunflower State Industrial Railway, LLC (Sunflower) files this Notice of Intent to Construct & Operate Private Rail Tracks to the US Surface Transportation Board (Board). Sunflower further states Board approval isn't required under 49 U.S.C. 10901 for construction of RR trackage in Garnett, Ks as the trackage would qualify in U.S.C. 10906 as ancillary (spur, industrial, team switching, or side) track. Regardless of the 'classification' of track - its construction will Not result in Sunflower becoming a rail common carrier. Sunflower is Not planning to construct private tracks and become a common carrier.

Some backround for this line: is that it is 2.5 miles long and is situated in Garnett, Kansas - where ex-Atchison Topeka & Santa Fe RR operated ['til abandoning: 1991. See ICC Doc No AB-335 (Sub-No 2X)]. Here, the Proposed RR runs from MP 83. +2185-ft to MP 85. +0495-ft.

Union Pacific RR (UP) is agreeable to constructing a interchange in Garnett [at 6th St/US (bus) Hwy 169]. UP will drop empty ethanol tank cars at Sunflower's holding tracks and pick up full ethanol tank cars also from same holding trackage. Tank car deliveries are for The East Ks Agri Energy, LLC (EKAE) ethanol plant as SOLE customer on the line.



As such, Sunflower's tracks operate as an Industrial Spur from the UP. The amount of tank cars to be moved by Sunflower will be: 1,440/year. UP tracks thru Garnett - are SINGLE tracks. Thus, the EKAE plant would require a big rail yard for rail cars OR; UP would have to build extra tracks to handle EKAE's traffic. Sunflower's tracks will solve track problems for both the UP & EKAE because Sunflower's tracks will be to the south of town & not impeded by the 'present neighborhood layout'.

The aerial map of EKAE shows: plans were to add RR trackage after EKAE was built: - but for 18 years now - no rail operator has done so. The US Dept of Transportation 'prefers' ethanol to be shipped by rail. EKAE has had 2 accidents - being: 2 overturned ethanol truck tankers.

If any more information is needed by the Board, Please let us know.

Respectfully submitted,



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49 U.S. Code § 10906 - Exception

U.S. Code Notes

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Notwithstanding section 10901 and subchapter II of chapter 113 of this title, and without the approval of the Board, a rail carrier providing transportation subject to the jurisdiction of the Board under this part may enter into arrangements for the joint ownership or joint use of spur, industrial, team, switching, or side tracks. The Board does not have authority under this chapter over construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks.

(Added Pub. L. 104-88, title I, § 102(a), Dec. 29, 1995, 109 Stat. 827.)







