



309698

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423-0001**

**SUNFLOWER STATE INDUSTRIAL RAILWAY, LLC
NOTICE TO INTENT TO OPERATE PVT RAIL TRACK**

ENTERED
Office of Proceedings
June 23, 2025
Part of
Public Record

On Mar 28, 2025; the STB declined to issue a Declaratory Order saying "it remains unclear what exactly Sunflower asks the Board to declare". The STB further decided to Not accept Sunflower's Petition [F.D. 36714(01)] but STB eloquently did define WHAT track categories it Has jurisdiction over:

Private track. Private track is track typically built & maintained by a shipper (or for a shipper at the shipper's expense) & operated by the shipper (or its contractor) to serve that shipper, moving the shipper's own goods, so that there is no "holding out" to serve other shippers for compensation. B. Willis, C.P.A., Inc.—Pet. for Declaratory Ord., FD 34013, slip op. at 2 (STB served Oct. 3, 2001). Such track is typically used exclusively by the track's owner for movement of its own goods, either by utilizing its own equipment or contracted service. [B. Willis, C.P.A., Inc.—Pet. for Declaratory Ord., 6 S.T.B. 280, 281 (2002), aff'd, 51 Fed. App'x 321 (D.C. Cir. 2002); see Devens Recycling Center—Pet. for Declaratory Ord, FD 34952, slip op @ 2 (STB served Jan 10 2007)] (finding no jurisdiction over operations on private trk used exclusively to serve the owner of the track pursuant to a contractual arrangement with the owner). As long as railroad track is constructed and operated in a manner that does not constitute common carriage, the agency has held that rail track can be built & operated in private status not subject to the Board's jurisdiction. B. Willis, C.P.A., Inc, FD 34013, slip op. at 2.

Sunflower submits its Notice of Intent to Operate as a Private Railway & be STB authority exempt. The Mar. 28th, 2025 Decision by the Board & wherein the Board explained STB Track Classification & Jurisdiction: the STB's Decision Does help to define Sunflower being a Private rail entity with plans for rail service over its rail - as Sunflower Meets the requirements to be exempt from STB authority:

Track is Stub ended.

Tracks do not invade another RR's territory.

Serves ONE (and only One) customer.

Sunflower or EKAE are not Common Carriers. No plans to become C-C's

No other RR can access Sunflower's rail tracks.

Rail line = 3 miles long: 2.5 miles is Sunflower's own rail usage (for:

(dining car operations, caboose rides, & excursion services).

.50 miles of track is rail line to serve Sunflower's 1 customer.

Sunflower can access Nat'l RR System @ Garnett, Ks. via UPRR interchange.

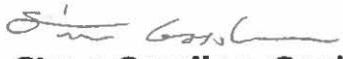
Carload traffic will be 30 cars per week or at least 1,144 car loads per year.

Sunflower's rail is #115 relayer (used). All Switches are #115 relayer track.

Page 2:

**Again, this info more than meets the qualifications for a non-STB private rail svc.
It's more info than STB needed @ Devens Recycling Ctr-Pet. Decl Ord, FD 34952.
Finally, for Sunflower to access & to use an ex railbanked ROW - while Not being
a RR subject to STB jurisdiction (with an 'UNWILLING to Vacate* Trail Manager')
means a Federal Court will hear a lawsuit, in order for Sunflower to resolve that.
With no other issues in this Notice, this should be an easy to understand matter.**

**Respectfully
Submitted by:**

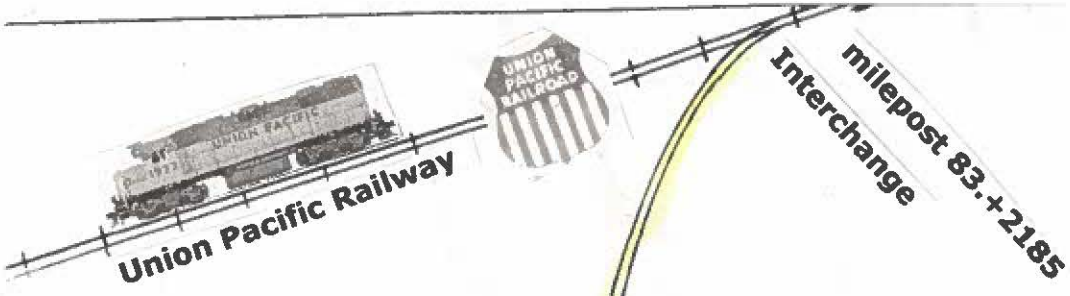

**Steve Gorsline, Gen'l Mgr
Sunflower State Industrial Ry**

Date: June 11th, 2025

System maps (2)

*** Railbanked right of way:**

**Docket No. AB 335 (Sub-No. 2X).
See KCT Ry-Aban. Exemption-in Franklin, Anderson,
& Allen Counties., Kansas, 7 I.C.C. 2d 1035 (1991).**



GARNETT, KS

2.5-mile line



Sunflower tracks

Sunflower tracks



**Crystal
Lake**

US 59

US 169

Tracks

Sunflower

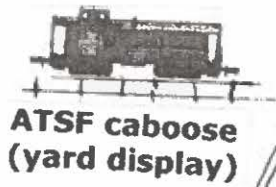
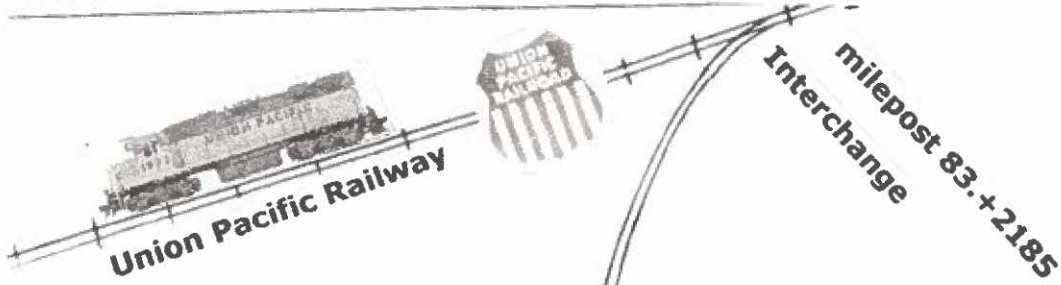
Anderson County

milepost 85.+0495

**Train
shed**

US 59/169





GARNETT, KS
2.5-mile line

Added to
line to
serve
Ethanol
plant

