



Kansas Society of Land Surveyors

P. O. Box 235, Troy, KS 66087

Phone: 785.826.8958

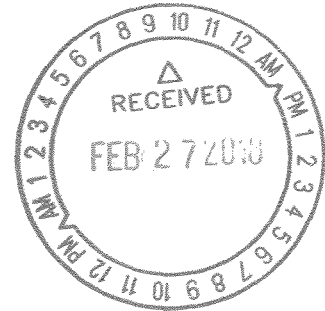
Email: exec@ksls.com

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245229

Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.,
Washington, D.C. 20423

ENTERED
Office of Proceedings
February 27, 2018
Part of
Public Record



February 23, 2018

Re: Docket No. AB-1032X, Nebraska, Kansas & Colorado Railway, L.L.C. – Abandonment Exemption – in Decatur, Norton and Phillips Counties, Kansas and Harlan County, Nebraska

Dear Section Chief

The Kansas Society of Land Surveyors (KSLS) wishes to comment on the above mentioned filing for abandonment exemption to the Surface Transportation Board (STB) in response to comments in decision number 44567, dated August 7, 2015 and the environmental assessment number 44562 OEA, dated August 14, 2015 by Nebraska, Kansas & Colorado Railway, L.L.C. (NKCR) regarding abandonment of the former Chicago, Burlington & Quincy Railroad Company (CBQR) line located between the Nebraska and Kansas state line, just North of Long Island, Kansas and running westerly to Oberlin, Kansas. KSLS believes the STB needs to be made aware of certain facts. KSLS would also request that certain conditions be met prior to the proposed abandonment, in order to protect the citizens of Northwest Kansas, their local government agencies and the surveying profession that serves both groups.

First, NKCR contends that their rail line does not involve any federal granted rights-of-way. From what is shown on the Interstate Commerce Commission Form DV-107's, this statement would appear to be false. In Decatur County, the line sits on 80.48 acres of federally granted right-of-way.

Second, it is assumed that NKCR will salvage materials once the abandonment has been finalized. These salvage operations usually involve the removal the tracks. KSLS contends that the tracks themselves constitute a survey monument which controls the location of property lines along the railroad corridor. The location of property adjacent to any railroad right-of-way depends on the location of the tracks. By salvaging the tracks, NKCR will effectively destroy the best evidence available to professional surveyors who are surveying property adjacent to railroad right-of-way.

Third, the transfer of any federally granted right-of-way along the proposed abandonment will need to be resolved by the Bureau of Land Management (BLM). If NKCR has granted leases along its line, ownership of the existing leases needs to be resolved to protect the property rights of all adjacent land owners and current lease holders.

Requested Conditions

KSLS requests the following if the NKCR line is abandoned.



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1. At abandonment, NKCR files documents in the Phillips, Norton and Decatur County Register of Deeds Offices and with the County Clerk of each county, that the abandonment has taken place with the STB Decision Docket attached as Exhibit 'A' and that said documents contains NKCR's current corporate address and the addresses of any subsidiary companies.
2. At abandonment, NKCR turns over all railroad records and mapping data to Phillips, Norton and Decatur Counties. Each county needs to confirm to the STB what it has received and what it did not receive. A copy of NKCR System Diagram map needs to be included with data turned over to each county.
3. At abandonment and before salvaging operations commence, a detailed survey is completed of the existing tracks by a Professional Surveyor licensed and authorized to survey in Kansas. Survey must include enough information regarding the location of the tracks and other evidence along the right-of-way to allow future surveyors to re-create the track location and by extension the limits of the railroad right-of-way. The survey data should be in the appropriate Kansas State Plane Coordinate System and the survey should be recorded in the Phillips, Norton and Decatur County Registers of Deeds Offices.
4. At abandonment, all Federal granted right-of-way along the abandoned line is reviewed by the BLM to determine proper ownership.
5. At abandonment, NKCR notifies all parties it has granted leases to along the line as to the current property ownership, so the lease holders may construct new leases with the new property owners.

The Kansas Society of Land Surveyors and our members look forward to the Surface Transportation Board's future decisions on this case.

Sincerely,

A handwritten signature in black ink, appearing to read "James Meis", written over a horizontal line.

James Meis, PS
President, KSLS

Attachments:

DV-107 Sheets for Decatur County showing Federal Grant right-of-way

CC:

Karl Morell & Associates

County Clerks of Phillips, Norton and Decatur Counties

Professional Surveyors Association of Nebraska

Kansas Attorney General, Mr. Derek Schmidt



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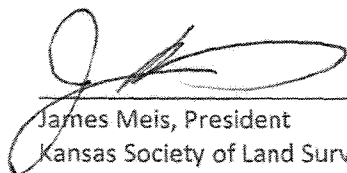
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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of February, 2018, I caused a copy of the foregoing to be served by first-class mail, postage prepaid, upon all parties of record in this case as follows:

Larry Ross
PO Box 44-2043
Lawrence KS 66044

The Phillips County Kansas Board of County Commissioners
301 State Street
Phillipsburg KS 67661



James Meis, President
Kansas Society of Land Surveyors

Dated: February 27, 2018