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SERVICE DATE - JUNE 12, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-103 (Sub-No. 13X)

THE KANSAS CITY SOUTHERN RAILWAY COMPANY--ABANDONMENT
EXEMPTION--IN WEBSTER PARISH, LA

Decided: June 10, 1998

The Kansas City Southern Railway Company (KCS) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 1.70-mile line of its railroad between milepost 46.78 at the Arkansas-Louisiana State Line and milepost 48.48 approximately 200 feet south of Vine Street in Springhill, Webster Parish, LA. Notice of the exemption was served and published in the Federal Register on May 15, 1998 (63 FR 27121-22). The exemption is scheduled to become effective on June 14, 1998.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on May 22, 1998. In the EA, SEA states that the National Geodetic Survey (NGS) has identified six geodetic station markers that may be affected by the proposed abandonment. NGS requests that it be notified 90 days in advance of any activities that may disturb or destroy these markers to plan for their relocation. Therefore, SEA recommends that a condition be imposed requiring KCS to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.

On May 26, 1998, the City of Springhill, LA (City) filed a request for issuance of a notice of interim trail use (NITU) for the entire line under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The City 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 the right-of-way (unless user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for payment of taxes for, 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 reactivation for rail service. Also on May 26, 1998, KCS indicated its willingness to negotiate with the City over trail use/rail banking of the line.

Because the City's request complies with the requirements of 49 CFR 1152.29 and KCS is willing to enter into negotiations, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If the parties reach a mutually acceptable final agreement, no further Board action is necessary. If no agreement is reached within 180 days, KCS may fully abandon the line. Use of the right-of-way for trail purposes is subject to restoration for railroad purposes. See 49 CFR 1152.29(d)(2).

As conditioned, 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 May 15, 1998, 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 180 days commencing June 14, 1998, the effective date of the exemption (until December 11, 1998), and subject to the condition that KCS consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.
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 obligation for the right-of-way.
5. If interim trail use is implemented, and subsequently the user intends to terminate trail use, it must sent the Board a copy of this decision and notice and request that it be vacated on a specified date.
6. If any agreement for interim trail use/rail banking is reached by December 11, 1998, interim trail use may implemented. If no agreement is reached by that time, KCS may fully abandon the line.
7. This decision is effective on its service date.

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

Vernon A. Williams
Secretary