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SERVICE DATE – APRIL 18, 2007

SURFACE TRANSPORTATION BOARD

DECISION AND MODIFICATION OF NOTICE OF INTERIM TRAIL USE OR
ABANDONMENT

STB Docket No. AB-603 (Sub-No. 1X)

V AND S RAILWAY, INC. – ABANDONMENT EXEMPTION –
IN BARBER, COUNTY, KS

Decided: April 17, 2007

By decision served on August 13, 2003, the Board granted V and S Railway, Inc. (VSR), an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 20-mile line of railroad extending from milepost 21, at Medicine Lodge, to the end of the line at milepost 41, at Sun City, in Barber County, KS, subject to standard employee protective conditions. The exemption became effective on September 12, 2003.

By letter filed January 26, 2004, American Trails Association, Inc. (ATA), late filed a request for the 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), in order to negotiate the acquisition of the right-of-way for use as a trail. By decision served February 27, 2004, the Board reopened the proceeding to implement a NITU under 49 CFR 1152.29 and provided a 180-day period for ATA to negotiate with VSR. In a letter filed on March 16, 2004, VSR notified the Board that an interim trail use/rail banking agreement had been reached.

On March 12, 2007, ATA filed a notice of intent to terminate trail use for the 19-mile segment of the right-of-way extending from milepost 22, at or near Medicine Lodge, to the end of the line at milepost 41, at Sun City. ATA requests that the segment be vacated as of July 20, 2007. ATA also states that it intends to remain the trail operator of the segment of line between milepost 21, at Medicine Lodge, and milepost 22, at or near Medicine Lodge.

ATA has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate a NITU. Whenever a trail manager intends to terminate trail use over a portion of the right-of-way and sends the Board a request that a NITU be vacated in part, the Board will reopen the proceeding and vacate the NITU. Further, ATA has served its request on VSR. Therefore, ATA's request to vacate the NITU will be granted with respect to the 19-mile segment of the line described above, effective July 20, 2007, as requested.

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. ATA's request to vacate the NITU for the 19-mile segment of the right-of-way described above is granted.
3. The NITU served on February 27, 2004, is vacated, and the abandonment exemption is reinstated, with respect to the 19-mile portion of the right-of-way described above, effective July 20, 2007. The NITU will remain in effect for the remainder of the right-of-way.
4. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary