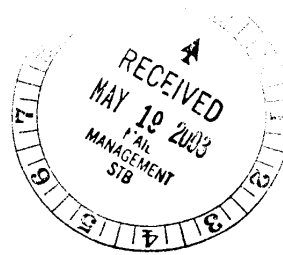




Conserving Land
for People

207837



May 15, 2003

VIA FEDERAL EXPRESS

Mr. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, NW, Suite 750
Washington, DC 20423

ENTERED
Office of Proceedings

MAY 19 2003

Part of
Public Record

Re: **FIFTH REQUEST FOR EXTENSION** – Docket No. AB-471 (Sub. No. 4X), South
Kansas & Oklahoma Railroad Company – Abandonment Exemption – Crawford, Elk and
Greenwood Counties, KS, and Osage and Tulsa Counties, OK.

Dear Mr. Secretary:

The South Kansas & Oklahoma Railroad Company (SK&O) filed a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments, to abandon, among other lines, a 35-mile railroad line between milepost 153.0, near Tulsa, and milepost 188.0, near Barnsdall, in Tulsa and Osage Counties, Oklahoma.

On November 22, 2000, the Trust for Public Land (TPL) filed a request for a Notice of Interim Trail Use (NITU) and for a public use condition regarding the 35-mile portion of the right-of-way between milepost 153.0 and milepost 188.0 in Tulsa and Osage Counties, to permit TPL to negotiate an agreement with the SK&O. The SK&O responded to TPL's request on November 27, 2000, indicating that it had not consummated abandonment of the line, and that the SK&O was willing to negotiate for trail use with TPL.

On November 29, 2000, the Surface Transportation Board (STB) found that the SK&O had not abandoned the line, and that TPL's request complied with the requirements of 49 CFR 1152.29. The STB imposed a public use condition, and issued a NITU for a period of 180 days, until May 29, 2001.

On March 15, 2001, TPL and the SK&O consummated a trail use/railbanking agreement with regard to the portion of the line within the city limits of the City of Tulsa, Tulsa County, between milepost 153.0 and 157.10. Also on March 15, 2001, TPL entered into an agreement

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with the City of Tulsa with regard to that portion of the line. TPL and the City of Tulsa subsequently filed a joint notice of transfer and request to replace the NITU with regard to the line between mileposts 153.0 and 157.10, pursuant to 49 CFR § 1152.29(f). The STB granted that joint request on October 3, 2001 (decision served and effective as of October 10, 2001).

On December 27, 2001 (decision served and effective as of December 31, 2001), the STB extended the NITU as it relates to the remainder of the line, between mileposts 157.10 and 188.0, until May 24, 2002.

On March 18, 2002, TPL and the SK&O consummated a trail use/railbanking agreement with regard to the portion of the line within Tulsa County, between milepost 157.10 and 163.21. Also on March 18, 2002, TPL and Tulsa County entered into an agreement, whereby TPL conveyed its interest in that portion of the line to Tulsa County, which will construct and maintain a scenic, recreational trail. In a joint motion, filed April 3, 2002, TPL and Tulsa County requested substitution of the County as the new interim trail user for that portion of the right-of-way. The STB granted that joint request on April 23, 2002 (service effective April 24, 2002).

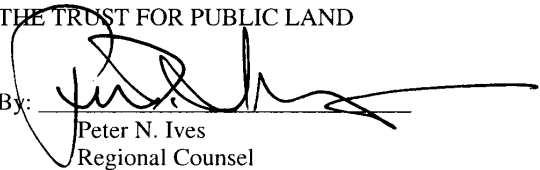
On June 6, 2002 (decision served and effective as of June 11, 2002), the STB extended the NITU as it relates to the remainder of the line, between mileposts 163.21 and 188.0, until November 20, 2002.

On November 7, 2002, (decision served and effective as of November 12, 2002), the STB extended the NITU as it relates to the remainder of the line, between milepost 163.21 and milepost 188.0, until May 19, 2003.

TPL has negotiated with the SK&O with regard to the remainder of the line in Osage County, between mileposts 163.21 and 188.0. However, details pertaining to this transaction have delayed the process by several weeks. We are awaiting the fully executed original conveyancing document and anticipate the successful conveyance of the line to occur by the end of May, 2003, though after the expiration of the current STB NITU extension. Therefore, TPL respectfully requests a fifth 180-day extension of the original NITU with regard to the remainder of the line, between mileposts 163.21, at the Tulsa/Osage County line, and the end of the line at milepost 188.0, in Osage County.

Respectfully submitted,

THE TRUST FOR PUBLIC LAND

By: 

Peter N. Ives
Regional Counsel

cc: Karl Morell, Counsel for SK&O