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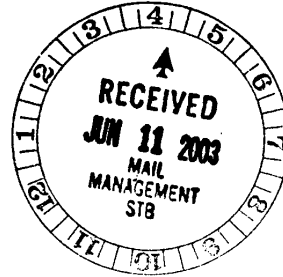
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KARL MORELL

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208034

June 11, 2003



The Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Suite 715
Washington, DC 20423-0001

Re: STB Docket No. AB-471 (Sub-No. 4X), South Kansas and Oklahoma
Railroad Company – Abandonment Exemption -- In Crawford, Wilson,
Elk and Greenwood Counties, Kansas and Osage and Tulsa Counties,
Oklahoma

Dear Secretary Williams:

This is in response to the request dated May 15, 2003, by The Trust for Public Land (the "Trust"), for an extension of the interim trail use ("NITU"), under the National Trails System Act, 16 U.S.C. § 1247(d), imposed by the Surface Transportation Board ("Board") for the rail line located between milepost 163.21, in Tulsa County, and milepost 188.0, near Barnsdall, OK (the "Line").

By decision served November 12, 2002, the Board extended the negotiation period under the NITU until May 19, 2003. On December 31, 2002, the parties entered into a trail use Agreement. The Agreement contemplated closing by March 15, 2003. Unfortunately, closing was unexpectedly delayed and is now anticipated to occur in the next few weeks. Under these circumstances, South Kansas and Oklahoma Railroad Company ("SKO") is agreeable to the extension of the NITU as requested by the Trust.

Counsel for SKO in this proceeding noticed on the Board's web site the purported filing of a "Petition In Intervention" on behalf of seven named individuals. The Petition requests that the Board deny any further extensions of the NITU and declare the Line abandoned.

SKO urges the Board to reject or deny the Petition.

First, the Petition was not served in accordance with the requirements of 49 C.F.R. 1104.12, and therefore should be rejected, as provided for in Section 1104.10.

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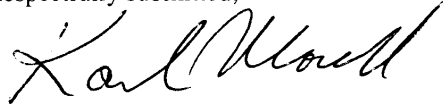
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Second, the Petition does not address, much less satisfy, the standards for the granting of intervention as set forth in Section 1112.4.

Third, the National Trails System Act, 16 U.S.C. 1247(d) does not contain a time limit for parties to negotiate a trail use agreement. The generally imposed 180-day negotiation period was adopted by the Board's predecessor as a means of encouraging parties to expedite negotiations. See STB Docket No. AB-303 (Sub-No. 13X), *Wisconsin Central LTD. – Abandonment Exemption – In Brown County, WI* (not printed), served February 17, 2000. Nothing in the statute or the Board's rules precludes the granting of extensions and the Board routinely grants multiple extensions where the circumstances warrant as long as the railroad has not consummated the abandonment of the line. Here, the parties have already reached an agreement but were unable to close before the negotiation period expired. Under these circumstances, an additional extension to enable the parties to close on the trail use agreement is clearly warranted.

Fourth, abandonment authority is permissive and may only be exercised by the abandoning railroad. Consequently, the Board may not declare the consummation of an abandonment, as petitioners request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karl Morell', written in a cursive style.

Karl Morell
Attorney for South Kansas and Oklahoma Railroad
Company

cc: The Trust for Public Land

Everett R. Bennett, Jr., Esq.