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KARL MORELL

ENTERED
Office of Proceedings

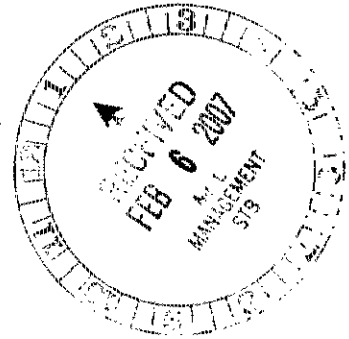
FEB 3 2007

Part of
Public Record

kmorell@bjllp.com

February 6, 2007

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



Re: STB Docket No. AB-563 (Sub-No. 1X), Kansas Eastern Railroad, Inc. –
Abandonment Exemption -- In Butler and Greenwood Counties, KS

Dear Secretary Williams:

Kansas Eastern Railroad, Inc. ("KER") filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments for KER to abandon a 44.5-mile rail line between milepost 438.5, at Severy, and milepost 483.0, near Augusta, in Butler and Greenwood Counties, KS. Notice of the exemption was served on August 25, 1999. By decision served September 23, 1999, the proceeding was reopened and the Board imposed the following three conditions: (1) KER must consult with the National Geodetic Survey ("NGS") and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers; (2) KER must consult with the Department of Health and Environment ("KDHE") to determine if a permit is required under section 402; and (3) KER must retain its interest in and take no steps to alter the historic integrity of the Beaumont St. Louis and San Francisco Railroad Water Tank until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

By letter dated January 5, 2007, the Kansas State Historical Society ("SHPO") informed the Board that the proposed abandonment "will not adversely affect any property listed or eligible for listing on the National Register of Historic Places. A copy of that letter is attached for the convenience of the Board.

KER hereby requests the Board to reopen this proceeding and remove the three conditions imposed in the September 23, 1999 decision. As demonstrated in the attached letter, the section 106 process has been completed. Also, the salvage company hired by KER has notified KER that no geodetic station markers were disturbed during salvage operations and that the salvage company was informed by KDHE that no permits were required for the salvage operations.

BALL JANIK LLP

The Honorable Vernon Williams
February 6, 2007
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If you have any questions concerning this matter, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Morell". The signature is fluid and cursive, with the first name "Karl" and last name "Morell" clearly distinguishable.

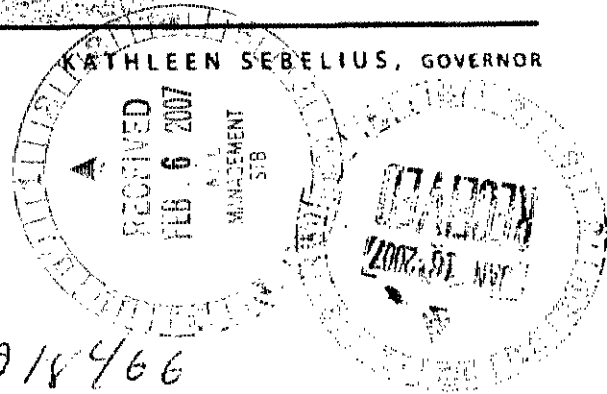
Karl Morell

KANSAS

Kansas State Historical Society
Cultural Resources Division

January 5, 2007

The Honorable Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, NW, Suite 715
Washington DC 20423



Re: Docket No: AB-563 (Sub-No. 1X), Kansas Eastern Railroad, Inc. – Abandonment Exemption-In
Butler & Greenwood Counties, KS

Docket No: AB-471 (sub-No. 2X), South Kansas and Oklahoma Railroad, Inc.-Discontinuance
Exemption-In Butler & Greenwood Counties, KS

Dear Secretary Williams:

Our staff has reviewed the materials received December 22, 2006, regarding the above referenced project in accordance with 36 CFR 800. The SHPO has determined the proposed project will not adversely affect any property listed or eligible for listing on the National Register of Historic Places.

If you have any questions regarding this review, please contact Robert Bettis (785) 272-8681 ext. 226.

Sincerely,

Jennie Chinn
State Historic Preservation Officer

Patrick Zollner
Deputy State Historic Preservation Officer