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mcfarland@aol.com
November 13, 2002

THOMAS F. MCFARLAND



By fax to 202-565-9004.

w/confirmation by UPS overnight mail

ENTERED
Office of Proceedings

FEE RECEIVED

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

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Part of
Public Record

SURFACE
TRANSPORTATION BOARD

Re: STB Docket No. AB-406 (Sub-No. 14X), *Central Kansas Railway, LLC - Abandonment Exemption - in Sedgwick County, KS*

Dear Mr. Williams:

This is a request for issuance of a Notice of Interim Trail Use (NITU) in behalf of Prairie Travelers, Inc., 7211 Bainbridge, Wichita, KS 67226, providing for a 180-day period for negotiation of railbanking and interim trail use of a segment of the rail right-of-way involved in the above proceeding between Milepost 15.60 near 231st Street (near Goddard) and Milepost 19.50 near 295th Street (near Garden Plain), a distance of 3.9 miles in Sedgwick County, Kansas.

By decision in the above proceeding served March 20, 2002, an NITU for the same 3.9-mile segment of right-of-way was issued in behalf of the City of Garden Plain, Kansas. The negotiating period under that NITU expired without there having been an agreement for railbanking and interim trail use. The City of Garden Plain is no longer interested in acquiring the subject right-of-way for railbanking and interim trail use.

Prairie Travelers, Inc. has been advised that Central Kansas Railway, LLC (CKR) has not consummated abandonment of the subject right-of-way, and is willing to negotiate with Prairie Travelers, Inc. for railbanking and interim trail use of the right-of-way. In that circumstance, the Board retains jurisdiction to extend an NITU negotiating period or to issue an NITU to a new party willing to assume financial responsibility for management and legal liability for the right-of-way, notwithstanding that a prior negotiation period may have expired without an agreement for railbanking and interim trail use. *Rail Abandonments - Supplemental Trails Act Procedures*, 4 I.C.C.2d 152, 157-158 (1987); *Central Kansas Rwy. - Aban. Exempt. - in Barton, Ellsworth and Rice Counties, KS*, Docket No. AB-406 (Sub-No. 7X), decision served Dec. 26, 2001 (not printed), at 3, note 2, and decisions there cited.

THOMAS F. MCFARLAND

Vernon A. Williams, Secretary

November 13, 2002

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This communication effectively refutes the contention of Troy W. Purinton, Esq., of Fleeson, Gooing, Coulson & Kitch, LLC, in his letter of October 28, 2002, to David M. Konschnik, Director of the Board's Office of Proceedings, that the Board no longer retains jurisdiction over the subject right-of-way.

Attached to this request for NITU is a Statement of Willingness to Assume Financial Responsibility executed in behalf of Prairie Travelers, Inc. A map of the subject right-of-way is attached to that Statement. Enclosed with this request for NITU is a check for \$150 to cover the filing fee.

A copy of this request for NITU is being served on an expedited basis on counsel for CKR, i.e., Karl Morell, Ball Janik, 1455 F Street, N.W., Suite 225, Washington, DC 20005-1004, and Michael J. Ogborn, Central Kansas Railway, LLC, 252 Clayton Street, 4th fl., Denver, CO 80206, and on Troy W. Purinton, Esq.

Ten copies of this request for NITU accompany the original. Please acknowledge receipt by date stamping the enclosed duplicate copy of this letter and return in the self-addressed stamped envelope.

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Prairie Travelers, Inc.

TMCF:kl:enc:wp8.0:901\lstrab1

cc: Karl Morell)
Michael Ogborn) *by fax*
Troy Purinton)
Larry Ross)

Nov-13-2002 12:40pm From-T MCFARLAND

312 201 8685

T-273 P.004/005 F-771

Nov-12-2002 03:56pm From-T MCFARLAND

312 201 8885

T-284 P.002/002 F-798

**STATEMENT OF WILLINGNESS
TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29, Prairie Travelers, Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of the above-identified right-of-way (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 a right-of-way owned by Central Kansas Railway, Limited Liability Company (CKR), identified below..

The property is 3.9 miles in length and is a portion of CKR's Wichita-Garden Plain, KS rail line between Milepost 15.60 near 231st Street and Milepost 19.5 near 295th Street, in Sedgwick County, KS. The right-of-way is the subject of an exemption for abandonment in STB Docket No. AB-406 (Sub-No. 14X).

Prairie Travelers, Inc. acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future construction and reactivation of the right-of-way for rail service.

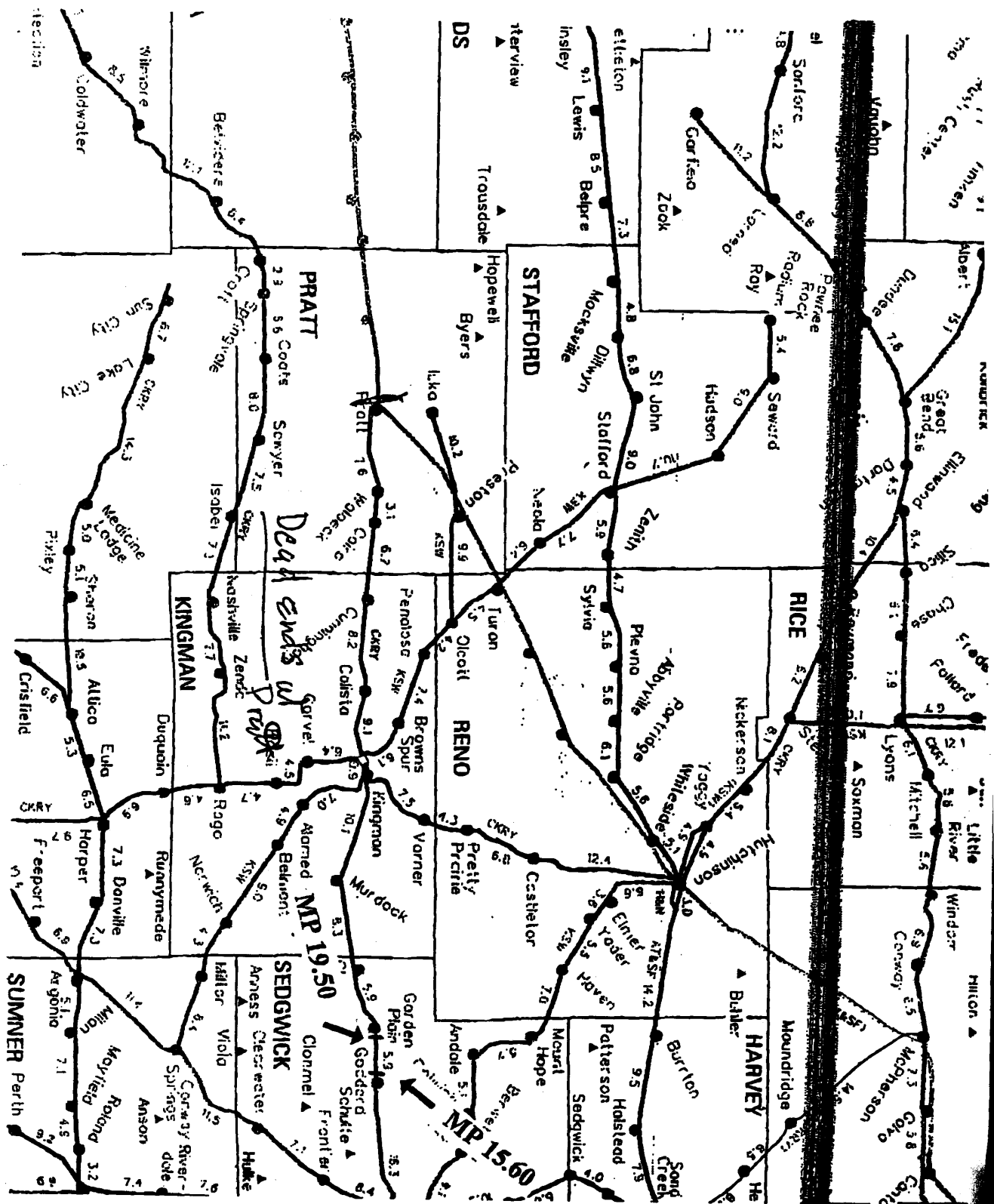
A map depicting the right-of-way is attached. The right-of-way to be railbanked and used on an interim basis for a trail is colored in yellow. A copy of this statement is being served on the railroad company on the same date it is being served on the Commission. By my signature below, I certify service upon Michael J. Ogborn, Attorney for Central Kansas Railway, Limited Liability Company, 252 Clayton Street, 4th floor, Denver, CO 80206, by U.S. mail, postage prepaid, first class, this 13th day of November, 2002.

Sincerely,

Chuck Kallenberger - Treasurer
Authorized Representative of
Prairie Travelers, Inc. 11-12-2002

Prairie Travelers, Inc.'s address:

*Prairie Travelers, Inc.
70 Chuck Kallenberger
7211 Bainbridge
Wichita, KS 67226
phone (316) 316-681-3674
(w) 316-526-6983
attaches Check to 581 11/15/02*



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THOMAS F. MCFARLAND

FAX TRANSMITTAL

DATE: 11-13-02

5 Pages (Including this Cover Page)

TO: VERNON WILLIAMS SEC. STB

FAX NO: 202 565 9004

* * *

FROM: THOMAS F. MCFARLAND

FAX NO: (312) 201-9695 TELEPHONE NO: (312) 236-0204

* * *

REMARKS: TRANSMITTING REQUEST FOR NITU. ORIGINAL, COPIES
AND CHECK FOLLOW BY OVERNIGHT MAIL.

CC: KARL MORELL 202 783 6947
MIKE OGBORN 303 393 8047
TROY PURINTON 316 267 1754
LARRY ROSS 316 262 2111
~~BECHTOLD KALLENBARGER~~
RUTH HOLLIDAY 316 683 1234
CRAIG ROBERTSON 303 393 0041

Tom McFarland
Attorney for Prairie
Travelers, Inc.

File # 901

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