

ENTERED
Office of Proceedings

JAN 14 2003

Part of
Public Record

THOMAS F. MCFARLAND

LAW OFFICE

THOMAS F. MCFARLAND, P.C.

208 SOUTH LASALLE STREET - SUITE 1890

CHICAGO, ILLINOIS 60604-1194

TELEPHONE (312) 236-0204

FAX (312) 201-9695

mcfarland@aol.com

January 13, 2003

ORIGINAL

207040

RECEIVED
JAN 14 2003
MAIL
MANAGEMENT
STB

By UPS overnight mail

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

FEE RECEIVED

JAN 14 2003

**SURFACE
TRANSPORTATION BOARD**

FILED
JAN 14 2003
**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 11.62 and Milepost 15.60 at or near Goddard, Kansas, a distance of 3.98 miles in Sedgwick County, Kansas.

By decision in the above proceeding served March 20, 2002, an NITU for the same 3.98-mile segment of right-of-way was issued in behalf of the City of Goddard, Kansas. The negotiating period under that NITU was extended to January 14, 2003 by virtue of a Board decision in the above proceeding served September 16, 2002. By letter to the Board dated January 7, 2003, copy attached, the City of Goddard notified the Board that it would not proceed with negotiations under its NITU.

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

January 13, 2003

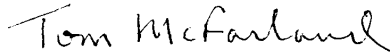
Page 2

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 by overnight mail 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.

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,



Thomas F. McFarland
Attorney for Prairie Travelers, Inc.

TMcf:kl:enc:wp8.0/918\ltrstb1

cc: Karl Morell)
Michael Ogborn) *by UPS*
Larry Ross) *overnight mail*
Cecile Kallenbarger)

11:00

3157942481

CITY OF GODDARD

002



CITY OF GODDARD

"Make Goddard home, your family deserves quality."
www.goddardkansas.us

P.O. Box 867 • 118 N Main • Goddard, Kansas 67052 • 316-784-2441 • FAX: 316-784-2401

January 7, 2003

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001

Re: STB Docket No. AB-406 (Sub No. 14X), Central Kansas Railway, L.L.C.-Abandonment
Exemption-In Sedgwick County, Kansas

Dear Mr. Williams:

The Goddard City Council has reached a decision regarding the Notice of Interim Trail Use (NITU). Our City Council met in their Regular Meeting last night and after final public comment and discussion amongst the governing body, the deciding vote was 4-1 in opposed to proceeding with the railbanking process for the City of Goddard.

The opposition was strong at each of the public meetings held and the people who were supportive did not feel compelled to attend the meetings and share their opinions. The City Council voted as their constituents wished. The Mayor was a strong advocate of the proposed trail and he did an excellent and fair job in presenting both sides of the issue. We sincerely appreciate this opportunity to have considered the railbanking option. Thank you very much for your previous considerations regarding this request.

Respectfully submitted on behalf of the Mayor and City Council,

Karen S. Bailey
Karen S. Bailey
City Clerk

**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 3.98 miles in length and is a portion of CKR's Wichita-Garden Plain, KS rail line between Milepost 11.62 and Milepost 19.5 at and near Goddard, Kansas, 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 Karl Morell, Ball Janik LLP, 1455 F Street, N.W. Suite 225, Washington, DC 20005, Michael J. Ogborn, Attorney for Central Kansas Railway, Limited Liability Company, 252 Clayton Street, 4th floor, Denver, CO 80206, by overnight mail, this 12TH day of January, 2003.

Sincerely,



Cecile Kallenbarger, Treasurer
Prairie Travelers, Inc.
7211 Bainbridge
Wichita, KS 67226

Prairie Travelers, Inc. address:

7211 Bainbridge
Wichita, KS 67226

