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Tom F. Neenan, Executive Director



August 12, 2003

Vernon A. Williams, Secretary
Surface Transportation Board
1925 "K" Street
Washington, D. C., 20423

Re. STB AB 853 (Sub No. 1X)

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Executive Director
Tom Neenan, Center Point

Dear Secretary Williams:

By this application we are representing the interests of Short Grass Prairie Trail, Inc as well as the interests of Iowa Trails Council, Inc. Both are non governmental bodies and for this reason we are enclosing with this application the required fee of \$150.00. By the following we are asking the Surface Transportation Board for the granting of a 180 day period in which we can negotiate the acquisition of the below described railroad right-of-way for conversion to a trail. This will connect to the Short Grass Prairie Trail presently existing between Englewood and Protection, Kansas.

PETITION. Please let this serve as our petition for the issuance of a Certificate or Notice of Interim Trail Use and the placement of a Public Use Condition on part of the above numbered proposed abandonment by the Kansas and Oklahoma Railroad, Inc. (K & O) of their right-of-way extending 45.8 miles between Milepost 589.2 at Coats and Milepost 536.0 at Protection in Comanche, Kiowa and Pratt counties in Kansas.

NEED FOR PRESERVATION. We have taken no position as to whether this proposed abandonment should be approved or rejected by the Surface Transportation Board. We believe that there is a serious need for preservation of this soon to be abandoned railroad right-of-way for possible reactivation of rail service with interim use as a trail to help preserve the land in proper condition for that reactivation of rail service. There is a definite need for energy efficient transportation in this area of Kansas and preserving this right-of-way as a trail would serve that additional purpose.

OTHER FACTORS. In addition, preservation of this right-of-way would serve to provide an opportunity for installation of utility lines, both overhead and underground. Use of this corridor for those purposes would be preferred to taking agricultural land from production of food for this purpose.

INTERIM TRAIL USE. We request that, if abandonment of this line is to be approved by the Board, that a Notice of Interim Trail Use and a Public Use Condition be placed upon this abandonment, in order to make the right-of-way available for possible reactivation of rail service in the future, with use as a trail in the interim period.

PUBLIC USE CONDITION. A Public Use Condition needs to be placed upon this abandonment because of the serious lack of the availability of such land for

Affiliate: American Discovery Trail Society-American Hiking Society-Rails/Trail-Conservancy-American Trails

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public use in Kansas. This particular abandonment, when converted to a public trail, would also serve the purpose of joining with an existing trail so as to make it even more attractive as an economic asset to the area. Acquisition of this corridor ties in with stated proposed plans for trail development statewide. It will further enhance the preservation of wildlife which has been vastly depleted in Kansas in the last century.

NEGOTIATION TIME PERIOD REQUIRED. Our experience in dealing with such acquisitions over the past twenty years leads us to believe that we will need a minimum of 180 days in which to negotiate with the railroad for acquisition of this land for the purpose of creating a public trail. We request that the Board specify at least this amount of time for this purpose. During this time we request that no bridges, trestles, culverts, ballast and other such items be removed, these items being important to the purpose for which we seek this corridor.

WILLINGNESS TO ASSUME. The Iowa Trails Council, represents the interests of the Short Grass Prairie Trail, Inc as well as those of the Iowa Trails Council. Together we are willing to assume full responsibility for the management of the land, for any legal liability arising out of the transfer or use of this land (unless the user is immune from liability) and for the payment of any and all taxes that may be levied or assessed against this land following transfer of title.

CONTINUING TO MEET RESPONSIBILITIES. We acknowledge, as well, that it is understood that the use of this right-of-way as a trail is contingent upon the Council and Short Grass Prairie Trail, continuing to meet the financial responsibilities described above.

POTENTIAL REACTIVATION OF RAIL SERVICE. It is also agreed that the use of this right of-way as a trail will be terminated if there is a need in the future, for reactivation of rail service, as provided by U. S. C. 1247 and CFR 1159.28, Section 8 (d) of the National Trails System Act Amendment of 1983.

ENCLOSURES. We are attaching ten copies of a map depicting the area where the proposed abandonment lies and are providing ten copies of this application. We are, as well, sending copies of this application to Kansas and Oklahoma Railroad, Inc.

Sincerely,



Tom F. Neenan
Executive Director

