

American Trails Association

P.O. Box 26421
Salt Lake City, Utah 84126
(801) 972-8330 • (801) 972-2041 Fax

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NOV 12 2003

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**SURFACE
TRANSPORTATION BOARD**

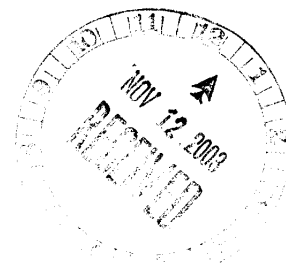
NOV 12 2003

November 6, 2003

**SURFACE
TRANSPORTATION BOARD**

The Honorable Vernon Williams
Surface Transportation Board
1925 K Street, N.W., Suite 700
Washington, DC 20423-0001

209382



Re: STB Docket No. AB-853 (Sub-No. 1X), Kansas & Oklahoma
Railroad, Inc. -- Abandonment Exemption -- In Hodgeman,
Comanche, Kiowa, and Pratt Counties, KS

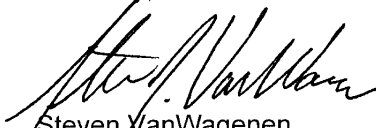
Dear Secretary Williams:

Attached please find a request for issuance of a Notice of Interim Trail Use ("NITU") on behalf of American Trails Association, Inc., providing for a 180-day period for negotiation of rail banking and interim trail use of the following two rail lines: (1) the 10.7-mile rail line between milepost 36.3 at Hanston, and milepost 47.0 at Jetmore, in Hodgeman County, KS; and (2) the 46.8-mile rail line between milepost 589.2 at Coats, and milepost 636.0 at Protection, in Comanche, Kiowa, and Pratt Counties, KS.

Enclosed with this request for NITU is a check for \$150 to cover the filing fee.

Ten copies of this request for NITU accompany the original. Please time and date stamp the extra copy of the request and return it with our messenger.

Sincerely,


Steven VanWagenen
Assistant Vice President
American Trails Association

cc: Karl Morell

**ENTERED
Office of Proceedings**

NOV 12 2003

Part of
Public Record

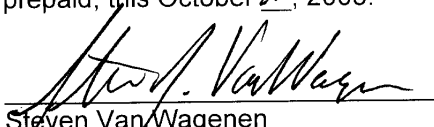
**STATEMENT OF WILLINGNESS
TO ASSUME FINANCIAL RESPONSIBILITY**

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, American Trails Association, Inc., is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (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 the two rights-of-way owned by Kansas & Oklahoma Railroad, Inc. ("K&O"), identified below.

The K&O rail lines are as follows: (1) the 10.7-mile rail line between milepost 36.3 at Hanston, and milepost 47.0 at Jetmore, in Hodgeman County, KS; and (2) the 46.8-mile rail line between milepost 589.2 at Coats, and milepost 636.0 at Protection, in Comanche, Kiowa, and Pratt Counties, KS. The rights-of-way are the subject of an exemption for abandonment in STB Docket No. AB-853 (Sub-No. 1X).

American Trails Association, Inc., acknowledges that use of the rights-of-way is subject to the users continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the rights-of-way for rail service.

A map depicting the rights-of-way is attached. The rights-of-way to be rail banked and used on an interim basis for a trail are 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 Surface Transportation Board. By my signature below, I certify service upon Karl Morell, Attorney for K&O by U.S. Mail, postage prepaid, this October 31st, 2003.


Steven Van Wagenen
Assistant Vice President