

BUTLER COUNTY
ECONOMIC DEVELOPMENT



Augusta 30, 2004

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

RECEIVED
SEP 7 2004
M. L.
MANAGEMENT
STB

211949

RE: STB docket No. AB-563 (Sub-No.IX), Kansas Eastern
Railroad, Inc. Abandonment Exemption-In Butler and Greenwood
Counties, Ks.

Dear Mr. Williams:

Butler County is a government entity of the State of Kansas
and as such hereby requests an exemption from the STB filing
fee of \$200.00.

If the Surface Transportation Board requires that this fee be
paid please inform me at this office address listed below.

Thank you for your time and consideration in this matter.

Cordially,

Larry Powell
Larry Powell, Director
Butler County Economic Development

CC: file

ENTERED
Office of Proceedings

SEP 07 2004

Part of
Public Record

FILED

SEP 07 2004

TRANSPORTATION BOARD

121 S. Gordy • El Dorado, Kansas 67042

Phone: 316-322-4242

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BUTLER COUNTY
BOARD OF COMMISSIONERS

August 30, 2004

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

↑
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M/L
MANAGEMENT
STB

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

Dear Mr. Williams:

By letter dated October 18, 1999, Butler County requested the issuance of a notice of interim trail use (NITU) for the portions of the right-of-way between milepost 438.5 and milepost 476.4 and between milepost 476.65 and milepost 483.0. By decision served December 10, 1999, the Surface Transportation Board (Board) issued a NITU in this proceeding which was modified by decision served July 5, 2000, to allow American Trails Association, Inc. (ATA) and Kansas Eastern Railroad, Inc. (KER) to negotiate an agreement for trail use. By letter filed July 7, 2000, KER and ATA notified the Board that they had reached an agreement for interim trail use.

By Notice dated September 14, 2001, ATA notified the Board that it intended to terminate trail use for the right-of-way between milepost 471.0 and milepost 476.4 and between milepost 476.65 and milepost 483.0. By decision served October 25, 2001, the Board granted ATA's request. On December 18, 2001, Butler County filed a request for the issuance of a NITU for the line segments on which ATA had terminated trail use. By decision served January 17, 2002, a NITU was issued. By letter dated July 16, 2002, Butler County notified the Board that KER and the County had reached an agreement for interim trail use for the right-of-way between milepost 471.0 and milepost 476.4 and between milepost 476.65 and milepost 483.0.

By Notice filed July 13, 2004, ATA notified the Board that it intended to terminate trail use for the right-of-way between milepost 471.0, near Leon and milepost 438.5, at Severy. By decision served July 30, 2004, the Board granted ATA's request.

Interim Trail Use

The railroad right-of-way between milepost 471.0 and milepost 438.5 continues to be suitable for railbanking. Accordingly, Butler County requests the Board to reissue a NITU for those sections so that the County can negotiate with KER an agreement for trail use.

Randy Doll, 1st District
1157 Ginkgo, Andover, KS 67002

Bill Shriver, 2nd District
4 Taylor Dr., Augusta, Kansas, 67010

Will Carpenter, 3rd District
6965 SW 18th, El Dorado, Kansas 67042

Mike Wheeler, 4th District
1951 Chelsea Dr., El Dorado, Kansas 67042

Phil Anderson, 5th District
21311 SW Hunter Rd., Douglass, KS 67039

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Honorable Vernon A. Williams Letter

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, Butler County 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 right-of-way owned by KER.

The property is located between railroad milepost 471.0 and milepost 438.5 a distance of 32.5 miles in Butler and Greenwood Counties, Kansas. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-563 (Sub-No. IX).

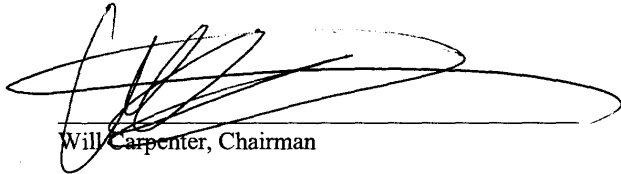
A map depicting the right-of-way is attached.

Butler County acknowledges that use of the right-of-way is subject to the user continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon KER c/o Karl Morell, Ball Janik LLP, 1455 F St., N.W., Suite 225, Washington, DC 20005, by U.S. Mail, postage prepaid, first class, this ___ day of September 2004.

Respectfully submitted,

On behalf of Butler County Board of
Commissioners



Will Carpenter, Chairman

