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221159

THOMAS F MCFARLAND

December 28, 2007

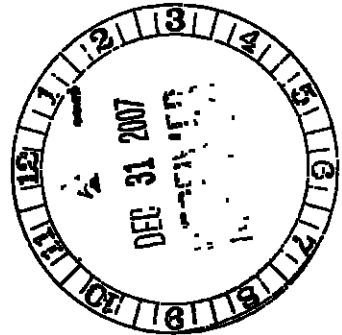
By UPS overnight mail
(Monday delivery)

Vernon A. Williams, Secretary
Surface Transportation Board
395 E. Street, S.W., Suite 1149
Washington, DC 20024

FILED

DEC 31 2007

SURFACE
TRANSPORTATION BOARD



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

Dear Mr Williams

Enclosed please find an original and 10 copies of Petition For Issuance Of A Notice Of
Interim Trail Use, for filing with the Board in the above referenced matter

Also enclosed is a check in the amount of \$200 for the filing fee

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Petitioner

FEE RECEIVED

DEC 31 2007

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

JAN - 2 2008

Part of
Public Record

136 F kl em wpd 0-128-853 1A (trstb)

BEFORE THE
SURFACE TRANSPORTATION BOARD

221159

KANSAS & OKLAHOMA RAILROAD,)
INC -- ABANDONMENT EXEMPTION -) DOCKET NO AB-853
- IN HODGEMAN, COMANCHE,) (SUB-NO 1X)
KIOWA AND PRATT COUNTIES, KS)

PETITION FOR ISSUANCE OF A
NOTICE OF INTERIM TRAIL USE

ENTERED
Office of Proceedings
JAN - 2 2003
Part of
Public Record

SUNFLOWER RECREATIONAL TRAILS, INC
LARRY ROSS, President
P O Box 3863
Topeka, KS 66604-6863

Petitioner

FEE RECEIVED

DEC 31 2007

SURFACE
TRANSPORTATION BOARD

FILED

DEC 31 2007

SURFACE
TRANSPORTATION BOARD

By

THOMAS F McFARLAND
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Attorney for Petitioner

DATE FILED December 31, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

KANSAS & OKLAHOMA RAILROAD,)
INC -- ABANDONMENT EXEMPTION -) DOCKET NO AB-853
- IN HODGEMAN, COMANCHE,) (SLB-NO 1X)
KIOWA AND PRATT COUNTIES, KS)

**PETITION FOR ISSUANCE OF A
NOTICE OF INTERIM TRAIL USE**

Pursuant to 49 C F R § 1152.29(a), SUNFLOWER RECREATIONAL TRAILS, INC (SRT), a qualified private organization, hereby respectfully petitions for issuance of a Notice of Interim Trail Use (NITU) providing for a 180-day period for SRT to negotiate with KANSAS & OKLAHOMA RAILROAD, INC (K&O) for railbanking and interim recreational trail use of the right-of-way between Milepost 589.2 at Coats and Milepost 636.0 at Protection, in Comanche, Kiowa and Pratt Counties, KS.

In a decision issued on November 13, 2007, the Board vacated an NITU for that right-of-way that had been issued to American Trails Association (ATA) on November 25, 2003.^{1/} SRT understands that K&O has not consummated abandonment of the involved right-of-way, and is agreeable to negotiating with SRT for railbanking and interim trail use.

The following are included in a Statement of Willingness to Assume Financial Responsibility, attached to this Petition as Appendix 1:

^{1/} The NITU also included a 10.7-mile right-of-way between Milepost 36.3 at Hanston and Milepost 47.0 at Jetmore, in Hodgeman County, KS. SRT's Petition for Issuance of an NITU does not include the Hanston-Jetmore right-of-way.

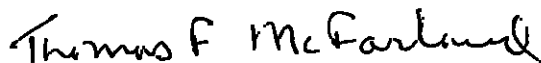
- (1) a map depicting the right-of-way proposed to be acquired,
- (2) a statement of SRT's willingness to assume responsibility for (a) managing the right-of-way, (b) any legal liability arising out of use of the right-of-way, and (c) payment of all taxes assessed against the right-of-way, and
- (3) an acknowledgment that interim trail use is subject to the user's continuing to meet its responsibilities identified above, and to possible reconstruction and reactivation of the right-of-way for rail service

WHEREFORE, the Board should issue the requested NITU

Respectfully submitted,

SUNFLOWER RECREATIONAL TRAILS, INC
LARRY ROSS, President
P O Box 3863
Topeka, KS 66604-6863

Petitioner



By THOMAS F McFARLAND
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DATE FILED December 31, 2007

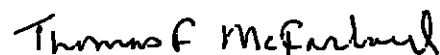
APPENDIX 1

**Statement of Willingness
To Assume Financial Responsibility**

In order to establish interim trail use and rail banking under 16 U S C § 1247(d) and 49 C F R § 1142.29, Sunflower Recreational Trails, Inc (SRT), 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 and operated by Kansas & Oklahoma Railroad, Inc (K&O). The property extends from railroad Milepost No 589.2 at Coats and Milepost 636.0 at Protection, a distance of 46.8 miles in Comanche, Kiowa and Pratt Counties, KS. The right-of-way is part of a line of railroad proposed for abandonment in Docket No STB AB-853 (Sub-No 1X).

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

SRT 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 reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.



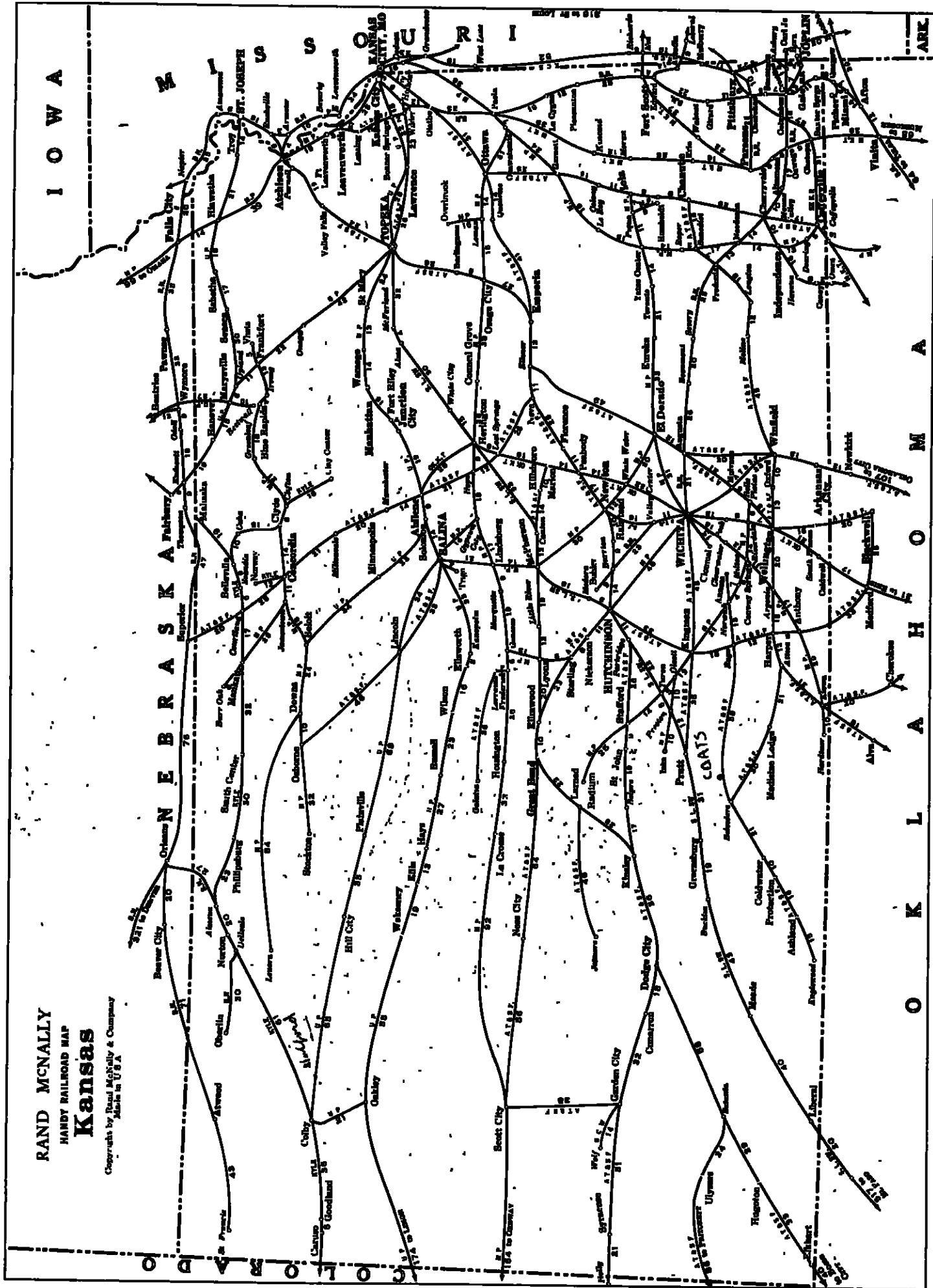
Thomas F. McFarland
Attorney for Petitioner

RAND McNALLY

HANDY RAILROAD MAP

Kansas

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CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2007, I served the foregoing document, Petition For Issuance Of A Notice Of Interim Trail Use, on Karl Morell, Esq , Ball Janik, LLP, 1455 F Street, N W , Suite 225, Washington, DC 20005, by first-class, U S mail, postage prepaid



Thomas F McFarland