

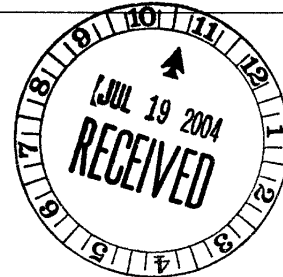


CITY of PONCA CITY
Community Development
Department

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July 13, 2004

211609



Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N. W.
Washington, DC 20423-0001

Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 412X); The Burlington Northern and Santa Fe Railway Company (BNSF) Abandonment in and near Ponca City, Kay County, Oklahoma.

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 CFR 1152.29, the City of Ponca City is willing to assume full responsibility for management of, for any legal liability arising out 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 The Burlington Northern and Santa Fe Railway Company, (Railroad) with respect to that portion of the right-of-way in Kay county, Oklahoma. The property extends from Union street to Waverly Street within the city of Ponca City, a distance of approximately a mile in Kay county, Oklahoma. The right of way is part of a line proposed for abandonment in Docket AB-6 (Sub-No. 412X).

A map of the right of way is attached.

The City of Ponca City 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.

Chris Henderson, Community Development Director
City of Ponca City of Ponca City
516 East Grand
Ponca City, Oklahoma, 74601

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