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July 30, 2004

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VIA U.P.S. OVERNIGHT

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

RE: Proposed Abandonment of the Hoisington Subdivision from M. P. 664.5 near Healy to M. P. 606.0 near Mc Cracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas; STB Docket No. AB-33 (Sub-No. 214X)

~~Kansas & Oklahoma Railroad, Inc. -- Discontinuance Exemption -- In Lane, Ness and Rush Counties, Kansas; STB Docket No. AB-853 (Sub-No. 2X)~~

Dear Mr. Williams:

The Union Pacific Railroad Company has received a Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Hoisington Subdivision from M.P. 664.5 near Healy to M.P. 606.0 near McCracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, Kansas. The Union Pacific is willing to negotiate with the Sunflower Recreational Trails, Inc. concerning the acquisition of the subject property for trail use and supports the Sunflower Recreational Trails request to negotiate for a period of 180 days. A copy of the Sunflower Recreational Trails' request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

Very truly yours,

Enclosures

cc: Sunflower Recreational Trails, Inc.

O:\ABANDONMENTS\33-214X\NTU.DOC

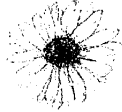
Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

RECEIVED

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**LAW DEPARTMENT
UNION PACIFIC RR CO.**



**Sunflower Recreational Trails, Inc.
PO Box 44-2043
Lawrence, Kansas 66044-8935**

July 22, 2004



Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

RE: Surface Transportation Board Docket No. AB-33 (Sub-No 214X) Union Pacific Railroad Company Abandonment Exemption in Lane, Ness and Rush Counties, Kansas) 58.5 miles from M.P. 664.5 near Healy to M.P. 606.0 near McCracken

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment, filed on behalf of Sunflower Recreational Trails, Inc., a non-profit organization interested in promoting trail development, which is hereinafter referred to as "Commenter."

Commenter takes no position on the propriety of discontinuance of current rail service, but Commenter does request issuance of a Notice of Interim Trail Use rather than outright abandonment authorization. These comments pertain to the rail line of Union Pacific Railroad Company with respect to that portion of right-of-way in Lane, Ness and Rush Counties, Kansas, between Mile Post 664.5 near Healy, Kansas to Mile Post 606.0 near McCracken, Kansas, a distance of 58.5 miles. The right-of-way is part of a proposed abandonment in Docket No. AB-33 (Sub-No. 214X.)

A map of the right-of-way is attached

A. Public Use Condition

Commenter requests the Surface Transportation Board find that this property is suitable for other public use, specifically trail use and to place the following condition on the abandonment.



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1. Barring non-public disposition condition sought: An order prohibiting the carrier from disposing of the corridor other than the tracks, ties and signal equipment except for public use on reasonable terms.

Justification: This corridor offers an excellent addition to the recreation trails system of the State of Kansas. This trail would become a portion of the coast-to-coast American Discovery Trail. It would offer excellent wildlife habitat and viewing. Also, it would offer recreational facilities for several small towns.

The time period sought is 180 days from the effective date of the abandonment. Commenter needs this much time to coordinate efforts with local interest groups and to commence negotiations with the carrier.

2. Preserving trail-related structures

Condition sought: an order barring removal or destruction of trail-related structures such as bridges culverts, ballast and rip-rap, but not removal of tracks, ties and signal equipment.

Justification: Bridges, culverts, ballast and rip/rap have considerable value for, and would certainly facilitate, recreational trail purposes. On the other hand, such structures generally have negative salvage value for a railroad so their preservation poses no burden on interstate commerce.

The time period requested is 180 days from the effective date of the abandonment for the same reason indicated above.

B Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking, in addition to the public use conditions sought above. Commenter also requests rail-banking and interim trail use. Commenter accordingly makes the following statement:

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STATEMENT OF WILLINGNESS TO ACCEPT FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under Section 8(d) of the National Trails System Act, 16 U.S. C. 1247 (d) and 49 C.F.R. 1152.29, Sunflower Recreational Trails Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the use is immune from liability, in which case it need only indemnify the railroad against any potential liability) and for payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Union Pacific Railroad Company.

A map depicting right-of-way is attached.

Sunflower Recreational Trails, Inc. acknowledges that use of the right-of-way is subject to the users 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 same date it is being served on the Commission.

By my signature below, I certify service upon Mack Shumate, Jr., Senior General Attorney, 101 N. Wacker Dr. Room 1920, Chicago, IL 60606.

Respectfully submitted,

ROSS GREATHOUSE

Ross Greathouse
For Sunflower Recreational Trails, Inc.
3901 South 27th Street, No. 29
Lincoln, NE 68502

RG:cg

CC: Mack Shumate, Jr.
Senior General Attorney
101 N. Wacker Dr. Room 1920
Chicago, IL 60606

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Mark Jensen
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EXHIBIT A

