

APPROVED APR 01 2002

STATE OF OKLAHOMA
TULSA COUNTY
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April 1, 2002

EARLENE WILSON
TULSA COUNTY CLERK

Mr. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, NW, Suite 750
Washington, DC 20423

ENTERED
Office of the Secretary

APR 04 2002

FILED
Public Records



181614

Re: **JOINT NOTICE OF TRANSFER OF RESPONSIBILITY AND REQUEST
FOR REPLACEMENT NITU** – Docket No. AB-471 (Sub. No. 4X), South
Kansas & Oklahoma Railroad Company – Abandonment Exemption – Crawford,
Elk and Greenwood Counties, KS, and Osage and Tulsa Counties, OK.

Dear Mr. Secretary:

The South Kansas & Oklahoma Railroad Company (SK&O) filed a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments, to abandon, among other lines, a 35-mile railroad line between milepost 153.0, near Tulsa, and milepost 188.0, near Barnsdall, in Tulsa and Osage Counties, Oklahoma.

On November 22, 2000, the Trust for Public Land (TPL) filed a request for a Notice of Interim Trail Use (NITU) and for a public use condition regarding the 35-mile portion of the right-of-way between milepost 153.0 and milepost 188.0 in Tulsa and Osage Counties, to permit TPL to negotiate an agreement with the SK&O. The SK&O responded to TPL's request on November 27, 2000, indicating that it had not consummated abandonment of the line, and that the SK&O was willing to negotiate for trail use with TPL.

On November 29, 2000, the Surface Transportation Board (STB) found that the SK&O had not abandoned the line, and that TPL's request complied with the requirements of 49 CFR 1152.29. The STB imposed a public use condition, and issued a NITU for a period of 180 days, until May 29, 2001.

On March 15, 2001, the TPL and the SK&O consummated a trail use/railbanking agreement with regard to the portion of the line within the city limits of the City of Tulsa, Tulsa County, between milepost 153.0 and 157.10. Also on March 15, 2001, TPL entered into an agreement with the **City of Tulsa** with regard to that portion of the line. TPL and the City of Tulsa subsequently filed a joint notice of transfer and request to replace the NITU with regard to the line between mileposts 153.0 and 157.10, pursuant to

49 CFR § 1152.29(f). The STB granted that joint request on October 3, 2001 (decision served and effective as of October 10, 2001).

On December 27, 2001 (decision served and effective as of December 31, 2001), the STB extended the NITU as it relates to the remainder of the line, between mileposts 157.10 and 188.0, until May 24, 2002.

On March 18, 2002, the TPL and the SK&O consummated a trail use/railbanking agreement with regard to the portion of the line within Tulsa County, between milepost 157.10 and 163.21. Also on March 18, 2002, TPL and Tulsa County entered into an agreement, whereby TPL conveyed its interest in that portion of the line to Tulsa County, which will construct and maintain a scenic, recreational trail.

Pursuant to 49 CFR § 1152.29(f), TPL and Tulsa County hereby request that the STB vacate the existing NITU and issue an appropriate replacement NITU identifying Tulsa County, with regard to the line between mileposts 157.10 and 163.21. A statement of the County's willingness to assume financial responsibility is enclosed.

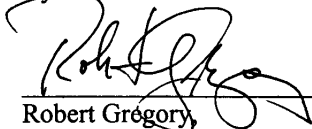
TPL continues to negotiate with the SK&O with regard to the remainder of the line in Osage County, between mileposts 163.21 and 188.0.

Respectfully submitted,

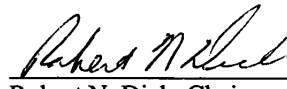
THE TRUST FOR PUBLIC LAND

TULSA COUNTY, OKLAHOMA

By:


Robert Gregory,
Oklahoma State Director

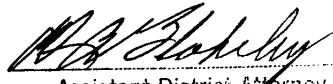
By:


Robert N. Dick, Chairman
Board of County Commissioners

Enclosures

APPROVED AS TO FORM:

cc: Karl Morell, Counsel for the SK&O


Assistant District Attorney

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STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

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In order to establish interim trail use and rail banking under section 8(d) of the National Trail Systems Act, 16 U.S.C. § 1247(d), and 49 CFR § 1152.29, Tulsa County, a political subdivision of the State of Oklahoma, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for payment of any and all taxes that may be levied or assessed against the right-of-way previously owned and operated by the South Kansas & Oklahoma Railroad Company.

The property, known as the Osage Railroad, extends from railroad milepost 157.10, in Tulsa County, Oklahoma, to railroad milepost 163.21, at the boundary between Tulsa County and Osage County, Oklahoma.

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

Tulsa County acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and, with just compensation, subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the South Kansas & Oklahoma Railroad Company, 315 West Third Street, Pittsburgh, KS 66762, by U.S. Mail, postage pre-paid, first class, this 1ST day of April, 2002.

Respectfully submitted,

TULSA COUNTY, OKLAHOMA

By: Robert N. Dick

Name: Robert N. Dick

Title: Chairman

Board of County Commissioners

APPROVED AS TO FORM:

W. A. Blahley
Assistant District Attorney

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