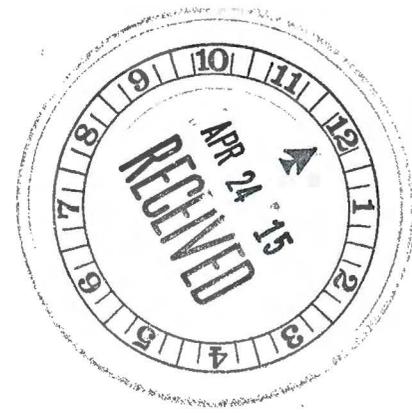


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ENTERED  
Office of Proceedings  
April 24, 2015  
Part of  
Public Record

CHARLES H. MONTANGE  
ATTORNEY AT LAW  
426 NW 162ND STREET  
SEATTLE, WASHINGTON 98177  
(206) 546-1936  
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23 April 2015  
By Federal Express, expedited delivery

Hon. Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20024

Re: Boot Hill & Western Railway Holding Co., Inc.  
- Acquisition and Control Exemption, F.D. 35924

and

Boot Hill & Western Railway, LC, AB 927X

Dear Ms. Brown:

Enclosed for filing please find the original and ten copies of a Verified Notice of Exemption pursuant to 49 C.F.R. 1150.31 et seq. on behalf of Boot Hill & Western Railway Holding Co., Inc. ("Holding") for (a) acquisition and operation of the remaining approximately 10.2 miles of the Boot Hill & Western Railway ("BHWR") in Ford County, Kansas and (b) acquisition of the right to reactivate approximately 15.8 miles of contiguous rail line previously railbanked by BHWR in Ford County, Kansas in STB Docket AB 927X. Also enclosed please find a check in the amount of \$ 1800 for the filing fee for this Notice of Exemption.

In addition, enclosed please find the original and ten copies of a motion to substitute interim trail managers pursuant to 49 C.F.R. 1152.29(f) for filing in Boot Hill & Western Railway, LC - Abandonment Exemption, AB 927X. Exhibit B of that motion is a "statement of willingness" on behalf of Holding to become interim trail manager for the previously railbanked portion of the BHWR. Holding is authorized to state that BHWR joins in the motion to substitute. Finally, enclosed please find a check in the amount of \$300 for the filing fee for Holding's "statement of willingness."

The documents are marked for filing no later than April 27, 2015. Inasmuch as the undersigned will be abroad from April 25 to May 14, I request that if possible the documents be filed no later than April 24, if received by that date, and/or that the undersigned be advised immediately if there is some matter for which further information is required or a correction necessary before filing may be completed.

The filings in this docket are related to contemporaneous filings in a related docket: F.D. 35925 (control exemption).

Thank you for your assistance in this matter.

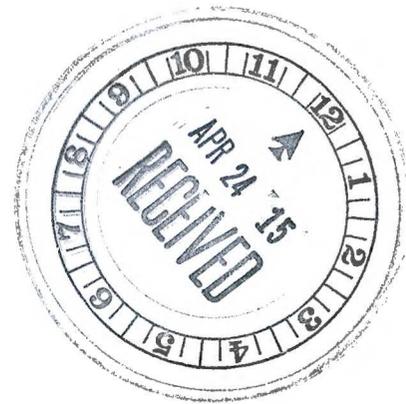
Respectfully,



Charles H. Montange  
Counsel for Boot Hill & Western  
Railway Holding Co., Inc.

Encls: original and ten copies of notice of exemption  
for acquisition and control  
check in the amount of \$1800 for filing fee for  
said notice  
original and ten copies of motion to substitute  
interim trail managers, including "statement of  
willingness"  
check in the amount of \$300 for filing fee for said  
"statement of willingness"

BEFORE THE SURFACE TRANSPORTATION BOARD



Boot Hill & Western Railway Co., LC )  
- Abandonment Exemption - ) AB 927X  
in Ford County, Kansas )

Motion to Substitute  
Interim Trail Managers

Pursuant to 49 C.F.R. 1152.29(f), Boot Hill & Western Railway Holding Co., Inc. ("Holding") and Boot Hill & Western Railway Co., LC ("BHWR") jointly move to substitute Holding for BHWR as "interim trail manager" for MP 0.0 at Bucklin, Kansas to MP 15.8 at or near Wilroads, Kansas, all in Ford County, Kansas. In particular, BHWR seeks to terminate its trail use, and Holding seeks to become trail user, per 49 C.F.R. 1152.29(f). MP 0.0 to MP 15.8 was originally authorized for regulation under 16 U.S.C. 1247(d) (federal "railbanking" statute) in this proceeding by Decision and Notice of Interim Trail Use ("NITU") served February 13, 2006.

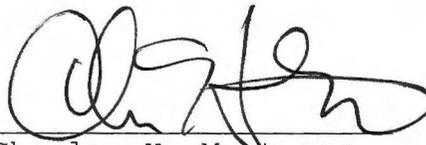
This transaction is related to the notice of exemption for acquisition pursuant to 49 C.F.R. 1150.31 of the contiguous track from MP 15.8 to MP 26.0 at Dodge City, Kansas by Holding from BHWR (STB F.D. 35924) and the notice of exemption for control by Michael Williams (STB F.D. 35925). In the notice of exemption for acquisition, Holding is seeking to acquire from

BHWR the right to reactivate rail service over the railbanked line at issue in this proceeding.

Pursuant to 49 C.F.R. 1152.29(f), Holding and BHWR state as follows:

- (1) A copy of the NITU served February 13, 2006, is attached as Exhibit A.
- (2) Holding's "statement of willingness to assume financial responsibility is attached as Exhibit B. Exhibit B also contains a map showing the location of the premises.
- (3) Holding and BHWR request that transfer of responsibility for the right of way transfer on the later of 27 May 2015 or the effective date of authorization for the acquisition in F.D. 35924 and for control in F.D. 35925.

Respectfully submitted,



Charles H. Montange  
Law Offices of Charles H. Montange  
426 NW 162d St.  
Seattle, WA 98177  
(206) 546-1936  
Attorney for Boot Hill &  
Western Railway Holding Co, Inc.

For filing no later than April 27, 2015

Exhibit A - NITU served February 13, 2006  
Exhibit B - statement of willingness by Holding

Exhibit A

NITU served February 13, 2006

36710  
DO

SERVICE DATE – FEBRUARY 13, 2006

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-927X

BOOT HILL & WESTERN RAILWAY CO., L.C. – ABANDONMENT EXEMPTION – IN  
FORD COUNTY, KS

Decided: February 10, 2006

Boot Hill & Western Railway Co., L.C. (BHWR), filed a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments to abandon a 15.8-mile line of railroad between milepost 0.0, at Bucklin, and milepost 15.8, at Wilroads, in Ford County, KS. Notice of the exemption was served and published in the Federal Register on April 5, 2005 (70 FR 17283).

By decision served on May 4, 2005, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) to impose an environmental condition requiring BHWR to notify the U.S. Department of Commerce, National Geodetic Survey (NGS), 90 days prior to conducting salvage activities so that NGS may plan for the possible relocation of 14 geodetic station markers identified on the line.

On January 31, 2006, BHWR filed a request for issuance of a notice of interim trail use or abandonment (NITU) under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and 49 CFR 1152.29 for the right-of-way to be rail banked and used for interim trail use.<sup>1</sup> BHWR states that it has not exercised its abandonment authorization and has not filed a notice of consummation with the Board. BHWR has submitted a statement of willingness to assume financial responsibility for the 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 BHWR, as required at 49 CFR 1152.29, and has acknowledged that the use of the right-of-way is subject to possible future reconstruction and reactivation for rail service.

In light of BHWR's statement that it will remain financially responsible for the right-of-way, acknowledging that use of the right-of-way is subject to possible future restoration of rail

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<sup>1</sup> A railroad is permitted to rail bank its own line where the railroad represents that the property is suitable for interim trail use and that it will assume financial responsibility for the line. See Roaring Fork Railroad Holding Authority – Abandonment Exemption – in Garfield, Eagle and Pitkin Counties, CO, STB Docket No. AB-547X, slip op. at 4 n.11 (STB served Oct. 16, 1998).

service, the requirements of the Trails Act and the regulations have been met, and a NITU will be issued.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The notice of exemption served and published in the Federal Register on April 5, 2005, exempting the abandonment of the line described above, is modified to the extent necessary to implement interim trail use/rail banking for the rail line.
3. BHWR must notify the Board if it is going to discontinue rail banking and consummate the abandonment.
4. Interim trail use/rail banking is subject to the future restoration of rail service.
5. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

Exhibit B

STATEMENT OF WILLINGNESS

BEFORE THE SURFACE TRANSPORTATION BOARD

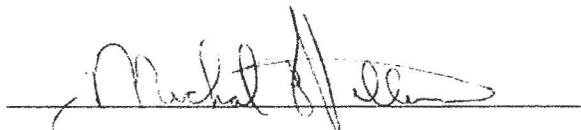
Boot Hill & Western Railway Co., LC            )  
- Abandonment Exemption -                    ) AB 927X  
in Ford County, Kansas                        )

STATEMENT OF WILLINGNESS TO ASSUME  
FINANCIAL RESPONSIBILITY

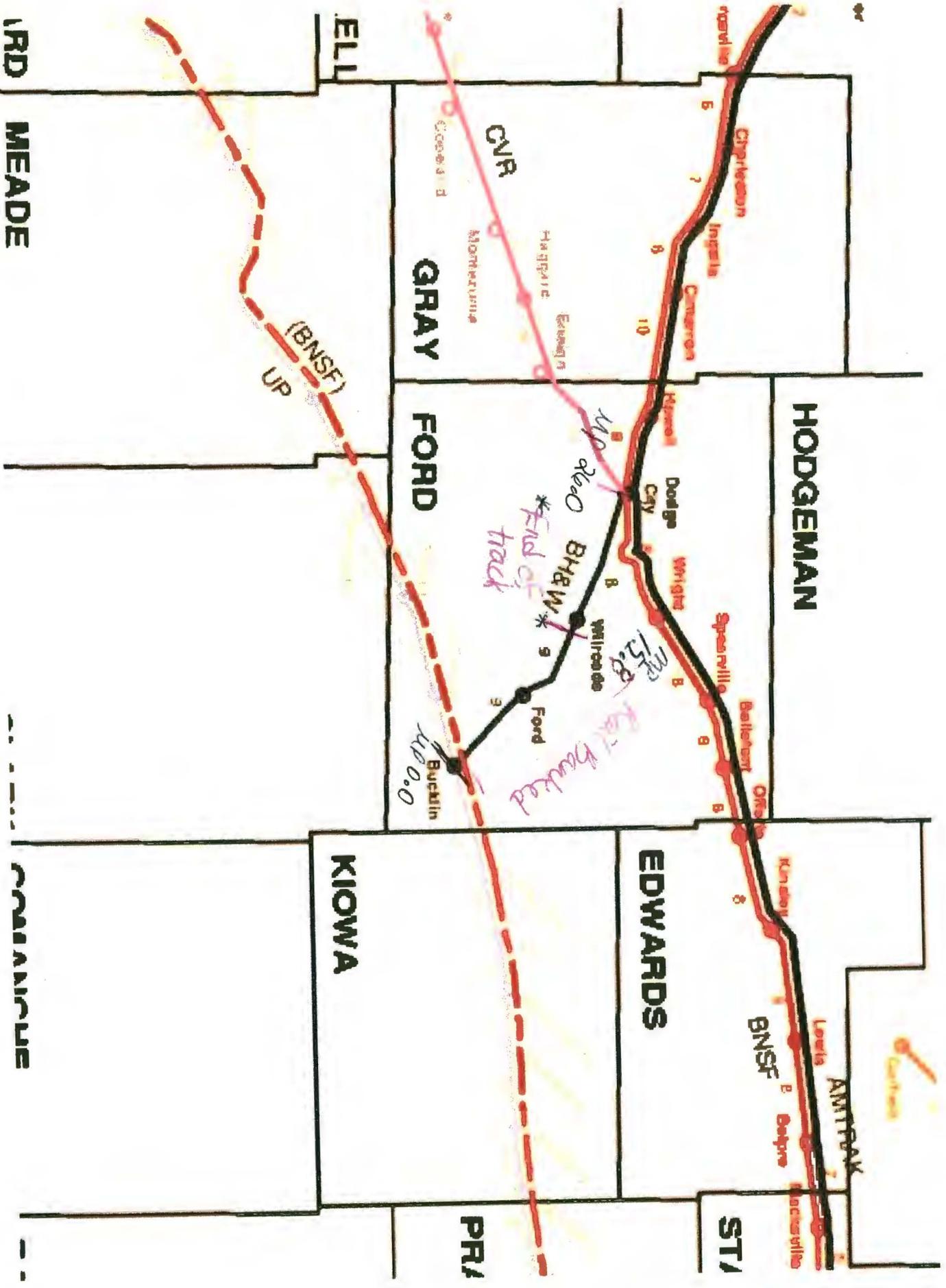
In order to establish interim trail use and railbanking under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, Boot Hill & Western Railway Holding Co., Inc. ("Holding" or "Interim Trail User") is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use 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 Holding and operated by same. The property, known as the Boot Hill & Western line, extends from railroad milepost 0.0 in Bucklin, Kansas, to MP 15.8 in or near Wilroads, Kansas, a distance of 15.8 miles in Ford County, Kansas. The right of way is part of a line of railroad proposed for abandonment in STB docket no. AB 927X.

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

Holding 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.



Name: Michael Williams  
Title: President, Holding  
Address: PO Box 612  
          Richmond, MO 64085



ELLIP  
GRAY  
MEADE

KIOWA  
EDWARDS

PRATT

BEFORE THE SURFACE TRANSPORTATION BOARD

Boot Hill & Western Railway Holding Co., Inc. )  
- Acquisition and Operation Exemption - ) F.D. 35924  
Boot Hill & Western Railway Co., LC )

Boot Hill & Western Railway Co., LC )  
- Abandonment Exemption - ) AB 927X  
in Ford County, Kansas )

Michael Williams - Control Exemption ) F.D. 35925

Certificate of Service

I hereby certify service of (a) the notices of exemption in F.D. 35924 and F.D. 35925, (b) the motion to substitute trail managers in AB 927X, (c) the motion for a protective order in F.D. 35925 and (d) the relevant cover letters by U.S. Mail, postage prepaid first class, on 23 April 2015 upon Marc E. Kliewer, KLIEWER, CHARTERED, 1811 East Mary Street, Suite B, P.O. Box 411, Garden City, Kansas 67846, counsel for Boot Hill & Western Railway Co., LC.

