



CITY OF OSAWATOMIE
439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064
913-755-2146
FAX: 913-755-4164



April 20, 2015

238307

Ms. Cynthia T. Brown
Secretary
Surface Transportation Board
395 "E" Street SW
Washington, DC 20423

ENTERED
Office of Proceedings
May 4, 2015
Part of
Public Record

RE: Petition to Transfer Holder of Notice of Interim Trail Use/Trail Manager/Responsible Party Status for the Osawatomie Industrial Lead, Osawatomie, Kansas. Status granted in STB Docket No. STB Docket No. AB-33 (Sub-No 313X), Abandonment Exemption, Union Pacific Railroad Company, in Miami County, Kansas.

Dear Ms. Brown:

Enclosed please find a NEW pleading: An original and ten copies of a "*Joint Petition of the City of Osawatomie, and Kanza Rail-Trails Conservancy, Inc. for Substitution of New Holder of Interim Trail Use/Trail Manager/Responsible Party*" along with a Statement of Willingness to Assume Financial Responsibility filed on behalf of Kanza Rail-Trails Conservancy, Inc. One milepost in the previous pleading filed on March 31, 2015, was incorrect and this new pleading replaces the previous pleading.

If you have any questions, please feel free to contact us.

Sincerely,

L. Mark Govea
Mayor

Enc.

BEFORE THE
STB Docket No. AB-33 (Sub-No 313X)
-ABANDONMENT EXEMPTION-
IN MIAMI COUNTY, KANSAS
JOINT PETITION OF THE CITY OF OSAWATOMIE AND KANZA RAIL-TRAILS CONSERVANCY, INC FOR
SUBSTITUTION OF NEW HOLDER OF INTERIM TRAIL USE/TRAIL MANAGER/RESPONSIBLE PARTY

Pursuant to 49 C. F.R. 1152.29, the City of Osawatomie, Kansas ("City") and Kanza Rail-Trails Conservancy, Inc. ("KRTC") submit this joint petition to the Surface Transportation Board (STB) requesting that the above-captioned proceedings be reopened so that KRTC may be substituted as the Holder of the Interim Trail Use/Trail Manager/Responsible Party for the rail line in the above-captioned proceeding, specifically the Osawatomie Industrial Lead located between Milepost 335.05 and Milepost 335.50, at or near Osawatomie, Kansas, a distance of .45 miles in Miami County, Kansas. In support of said petition, the City and KRTC set forth the following to wit:

1. Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon 0.50 miles of the Osawatomie Industrial Lead, from milepost 335.0 to milepost 335.5 near Osawatomie, in Miami County, Kan. Notice of the exemption was served and published in the Federal Register on July 23, 2013 (78 Fed. Reg. 44,190).
2. By decision and Notice of Interim Trail Use or abandonment (NITU) served on August 19, 2013, the STB under U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by the Union Pacific Railroad Company, the above-referenced rail line known as the Osawatomie Industrial Lead. (Said NITU is attached hereto as Exhibit A).
3. By letter filed on November 26, 2014, Mack H. Shumate, Jr., Senior General Attorney with the UP notified STB that a Trail Use/Rail Banking Agreement between Union Pacific and the City of Osawatomie from milepost 335.05 to milepost 335.0 in Miami County, Kansas on the Osawatomie Industrial Lead for a total distance of .45 miles had been executed in accordance with 49 C.F.R. 1152.29(h).
4. Kanza Rail-Trails Conservancy, Inc. is a duly incorporated Kansas not-for-profit corporation with a corporate address of: Kanza Rail-Trails Conservancy, Inc., P.O. Box 3863, Topeka, Kansas 66604, Scott Allen, President, Telephone, 785-466-0181.
5. Attached hereto as Exhibits B and C are the KRTC's Statement of Willingness to Assume Financial Responsibility and a map of the corridor.
6. The date for the transition of total responsibility as the new interim trail manager to the KRTC is July 1, 2015.

WHEREFORE, City and KRTC respectfully request that the STB reopen the above-captioned cause, vacate the existing NITU issued to City, and issue an appropriate NITU to KRTC as the new holder of Interim Trail Use/Trail Manager/Responsible Party.

Respectfully submitted,


L Mark Govea
Mayor, City of Osawatomie


Scott Allen
President, Kanza Rail-Trails Conservancy

Date: 4-21-2015

Date: 4/16/2015

EXHIBIT B

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the Kanza Rail-Trails Conservancy, Inc. 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 formerly owned by the Union Pacific Railroad Company and now owned by the City of Osawatomie, Kansas.

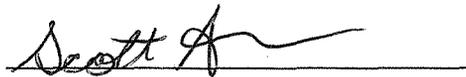
The property, known as the Osawatomie Industrial Lead extends from railroad milepost 335.05 near Osawatomie to railroad milepost 335.50 near Osawatomie, a distance of 0.45 miles in Miami County, Kansas. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No 313X).

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

Kanza Rail-Trails Conservancy, Inc. 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.

By my signature below, I certify service upon the Union Pacific Railroad Company, Law Department, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606-1718 by U.S. Mail, postage prepaid, first class, on 4/16/2015, 2015.

Respectfully submitted,



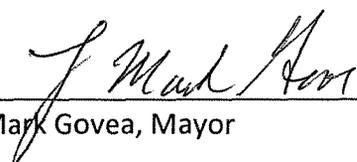
Scott Allen
President
Kanza Rail-Trails Conservancy, Inc.

Certificate of Service

I hereby certify that I have this day caused to be served a copy of the foregoing to be served by U.S. Mail, postage prepaid, first class upon the following:

Mack H. Shumate, Jr.
Senior General Attorney
Union Pacific Railroad Company
Law Department
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

Dated this 21 day of APRIL, 2015.



L. Mark Govea, Mayor

**EXHIBIT A TO
JOINT NOTICE**



Fields to be constructed by
City of Orem, Utah, US

SALE AREA - 1.66 ACRES ±

DATE	REVISION	BY	DESCRIPTION
1/20/00	1
1/20/00	2
1/20/00	3

JINDI PACIFIC RAILROAD COMPANY
 1000 WEST 1000 SOUTH, SUITE 100
 OREM, UTAH 84403
 PHONE: 801-225-1111
 FAX: 801-225-1112
 WWW.JINDI.COM