



# CITY OF TOPEKA

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February 11, 2002

204755

## VIA OVERNIGHT DELIVERY

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



Re: Docket No. AB-33 (Sub No. 180X), Union Pacific Railroad Company – Abandonment Exemption – Shawnee County, Kansas (Topeka Industrial Lead)

Dear Mr. Williams:

The City of Topeka, Kansas, is requesting a 180-day extension on our request for Interim Trail Use. The City and Union Pacific Railroad Company are currently negotiating the Interim Trail Use; however, we will not be able to complete the negotiations prior to the expiration of the Trail Use Condition on February 21, 2002.

The City looks forward to promptly completing its negotiations with Union Pacific and remains willing to assume financial responsibility for the right of way as stated in our original commitment dated July 23, 2001, a copy of which is enclosed.

Thank you for your attention to this matter. Please contact me with any questions you may have.

Sincerely,

*BB*  
Braxton B. Copley  
Assistant City Attorney

ENTERED  
Office of the Secretary  
FEB 13 2002  
Part of  
Public Record

BBC/gl

Enclosure: July 23, 2001, letter

cc: Brenden J. Long, City Attorney  
Rogers Brazier, Director of Parks and Recreation  
Mack H. Shumate, Union Pacific Railroad  
Linda Baburek, Union Pacific Railroad

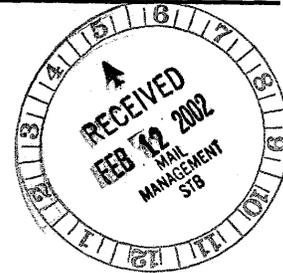


# CITY OF TOPEKA

Harry "Butch" Felker, Mayor  
215 S.E. 7th Street Room 352  
Topeka, Kansas 66603  
Phone 785-368-3895  
Fax Number 785-368-3850

July 23, 2001

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



Re: Union Pacific Railroad Company—Abandonment Exemption  
Shawnee County, Kansas; Docket AB-33 (Box. No. 180X)

Dear Mr. Williams:

This comment should be considered as a petition for consideration in the above-captioned proceeding. This comment is filed on behalf of the City of Topeka, Kansas, which is a political subdivision interested in transportation and recreation issues and is hereinafter referred to as Commenter.

While not expressing any position on the merits of the abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between mile posts 406.53 and 407.60 in Topeka, Kansas.

A. Public Use Condition

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

An order prohibiting the carrier from disposing of the corridor, other than the tract, ties, and signal equipment, except of public use on reasonable terms. The justification for this condition is that this trail could make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. The time period sought is *180 days* from the effective date of the abandonment authorization. Commenter requests this period because we have not begun negotiations with the carrier at this time.

An order barring removal or destruction of potential trail-related structures such as bridges, trestles, and culverts. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period is again 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

Mr. Vernon Williams  
July 23, 2001  
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B. Interim Trail Use

The railroad right-of-way in this procedure is suitable for rail-banking. In addition to the public use conditions sought above, Commenter also makes the following request:

**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.R.R. 1152.29, the City of Topeka is willing to assume full responsibility for management of, for any legal liability arising out of the transfer, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Union Pacific Railroad and operated by the Union Pacific Railroad.

The property, known as the Topeka Industrial Lead, extends from railroad milepost 406.53 to 407.60 near the City of Topeka, a distance of 1.07 miles in Shawnee County, Kansas. The right-of-way is part of a line of railroad proposed for abandonment in ICC Docket No. AB-33 (Sub-No. 180X). A copy of a map is enclosed.

The City of Topeka 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 Union Pacific Railroad Company, 1416 Dodge Street, Omaha, Nebraska 68179, by U.S. Mail, postage pre-paid, first class this 29 day of August, 2001.

Respectfully Submitted,

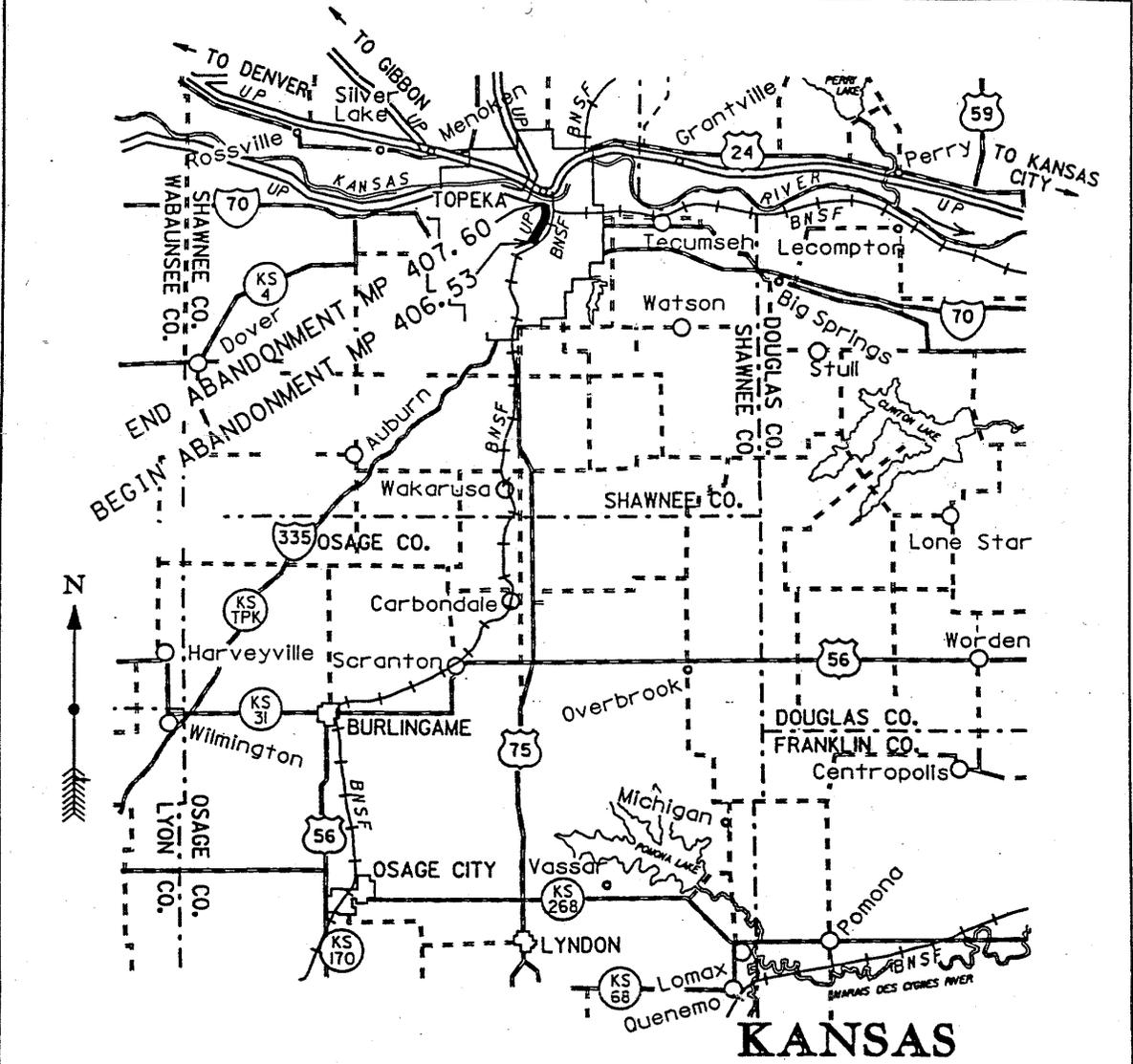


Harry Felker, Mayor  
City of Topeka, Kansas

HF:BBC:gl

Enclosure: map

cc: R. E. Allamong, Union Pacific Railroad Company  
Mack Shumate, Union Pacific Railroad Company



MP 406.53 TO MP 407.60  
TOPEKA INDUSTRIAL LEAD A TOTAL OF 1.07 MILES  
IN SHAWNEE COUNTY, KANSAS

STATION	MILE POST	AGENCY
TOPEKA	407.60	NONE

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.  
TOPEKA INDUSTRIAL LEAD  
NO 50+ YEAR OLD STRUCTURES

