

205151

**UNION PACIFIC RAILROAD COMPANY**

LAW DEPARTMENT  
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FAX NO. 312-777-2065

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April 8, 2002



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312-777-2047

**Via Facsimile #202/565-9004**  
Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D. C. 20423-0001

**Re: Docket No. AB-33 (Sub-No. 158X) - Union Pacific Railroad Company -- Abandonment Exemption -- In McPherson, Ellsworth and Rice Counties, KS**

**Docket No. AB-406 (Sub-No. 12X) - Central Kansas Railway Limited Liability Company -- Discontinuance Exemption -- in McPherson, Ellsworth and Rice Counties, KS**

Dear Mr. Williams:

As the record in this matter will show, the Union Pacific Railroad Company previously received a request from the City of Marquette, Kansas for a 120 day extension in which to complete negotiations for the acquisition of that portion of the Union Pacific's right-of-way in the Hoisington Subdivision between M.P. 504.5 to 506.5 for an interim recreational trail use/rail banking. By decision served March 28, 2002, the Board denied the City's request for an extension of time to negotiate a donation with the Union Pacific for interim recreational trail use/rail banking. The Union Pacific remains willing to continue to negotiate with the City of Marquette concerning the acquisition by donation of the subject property for interim trail use/rail banking and supports the City of Marquette's response to the Board's March 28, 2002 Order, a copy of which is attached hereto as Exhibit "A" and hereby made a part hereof.

In that the Union Pacific did not receive the City of Marquette's response until Friday, April 5, 2002 at 6:05 p.m., in order to meet the Board's ten (10) day deadline this letter of general support is being filed with the Board via fax and ten (10) additional copies of this letter and exhibit will be forwarded by express delivery service for the Board's use and distribution.

Very truly yours,

MACK H. SHUMATE, JR.  
Senior General Attorney

Enclosures

cc: Frankie McNair <Via Facsimile: 202/566-9002>  
Stan Misfeldt  
Ray Allamong  
Lynda Prucha  
Frederick L. Peterson, Marquette City Clerk

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# THE CITY OF MARQUETTE

MARQUETTE, KANSAS 67464

☆☆☆

"A Nice Place To Live"



April 5, 2002

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

RE: Union Pacific Railroad Company ("UP") and Central Kansas Railway Company ("CKR")  
Abandonment in McPherson County, Kansas, Docket No. AB-33 (Sub-No. 158X) for UP and No. AB-406  
(Sub-No. 12X) for CKR. REQUEST FOR REVIEW OF DECISION

Dear Mr. Williams:

This letter is written to protest the decision of March 28, 2002. In the event of a national emergency, there will be no opportunity to reclaim this route. With reference to the denial of the requested railbanking to the City of Marquette, the following facts are pertinent and will make a case for railbanking this route segment to protect it for any future national emergency.

1. This is the only reasonable route through this part of the country. This particular segment lies in an area of difficult terrain for rail construction. There is a major flood plain on the south and hills for difficult terrain on the north.
2. If not protected, this rail segment will be in the direct path of expansion of the City. The City and developers will build through this area.
3. This route segment lies at the western end of a complex of rail lines. With reference to regional rail routes, this segment of line is at the center of the "Y" with a secondary route running in a northeasterly direction to Salina, Kansas. This route was formerly owned by the Missouri Pacific Railroad Company and could be reclaimed in a national emergency. The main potential line runs east to Lindsborg to Bridgeport to Kansas City. Another potential line branches off from Lindsborg to Salina, Kansas.
4. In the interim, pending a national emergency, this route segment would be protected by locally serving a high pedestrian use. This is a regional rail path to the West and has the potential for high public use.
5. Based on the above facts, we respectfully request that the decision of March 28, 2002 be reversed.

# THE CITY OF MARQUETTE

MARQUETTE, KANSAS 67464

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"A Nice Place To Live"

Respectfully submitted,



Frederick L. Peterson, City Clerk  
On behalf of the City of Marquette

City of Marquette  
113 N. Washington  
P.O. Box 401  
Marquette, KS 67464

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Cc: Stan Misfeldt, Manager, Real Estate for Union Pacific Railroad Company  
Mack Shumate, Jr., Senior General Attorney, Union Pacific Railroad Company

**UNION PACIFIC RAILROAD COMPANY  
FACSIMILE TRANSMISSION**



Law Department  
Chicago

101 N. Wacker Dr.  
Room 1920  
Chicago, IL 60606

**Deliver to:** Vernon A. Williams

**Co./Dept:** Surface Transportation Board

**Fax:** 202/565-9004

**From:** Mack H. Shumate, Jr.

**Phone:** 312/777-2055

**Date:** April 8, 2002

**Fax:** 312/777-2065

No. of Pages Transmitted - ~~4~~ Including Cover

**RE:** Notice of Consummation - STB Docket No. AB-33 (Sub. No. 158X), Union Pacific Railroad Company — Abandonment Exemption — in McPherson, Ellsworth and Rice Counties, KA

AND

STB Docket No. AB-406 (Sub. No. 12X), Central Kansas Railway Limited Liability Company — Discontinuance of Service Exemption — in McPherson, Ellsworth and Rice Counties, KA (Portions of Hoisington and McPherson Subdivisions)

**Comments:** Union Pacific's letter in support of the City of Marquette's protest and appeal of the Board's March 28, 2002 Decision.

Transmitting From

Fax No. 312/777-2065

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