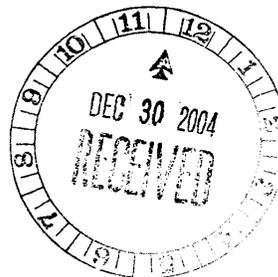


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FILED FOR WMAVED

December 16, 2004

ENTERED
Office of Proceedings

DEC 30 2004

Part of
Public Record

FILED

DEC 30 2004

The Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Suite 715
Washington, DC 20423-0001

Re: STB Docket No. AB-6 (Sub No. 403 X); the Burlington Northern and Santa Fe (BNSF) Railway Company Abandonment in Wichita, Kansas and between Wichita and Valley Center, in Sedgwick County, Kansas.

Dear Secretary Williams:

The City of Wichita submits this letter pursuant to 49 CFR 1152.29 requesting Rail Banking/ Notice of Interim Trail Use (NITU) in the above captioned proceeding for the section of BNSF line from milepost 515.23 to milepost 509.30 between Wichita and Valley Center in Sedgwick County, Kansas.

The City of Wichita is already pursuing railbanking for the section of BNSF line from milepost 494.22 to milepost 504.00 between the Sedgwick/ Butler County line and Hydraulic Street in downtown Wichita. On October 7th, 2004, the STB issued a decision to extend the negotiation period between the City of Wichita and BNSF until April 11th, 2005.

The City of Wichita is now interested in preserving the BNSF corridor between Wichita and Valley Center (milepost 515.23 to 509.30) as part of a solution to limit the number of rail-street at-grade crossings in North-Central Wichita. The 21st Street Revitalization Corridor Plan proposes the re-alignment of the BNSF mainline in the future. Railbanking the Wichita-Valley Center line preserves the future option of moving trains more efficiently and safely through North-Central Wichita.

City Manager's Office

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The Honorable Vernon Williams
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STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY:

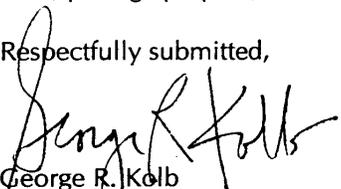
In order to establish rail banking under Section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d) and 49 C.F.R. 1152.29, the City of Wichita is willing to assume full responsibility for the management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability in which case it need only indemnify BNSF against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way described in the first paragraph of this letter.

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

The City of Wichita acknowledges that the use of the rights-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 Burlington Northern Santa Fe Railway Company at 700 13th Street NW, Suite 220; Washington, DC 20005-5915, by U.S. Mail; postage prepaid, first class, this 15th day of December, 2004

Respectfully submitted,


George R. Kolb
City Manager

Attachment

cc: John Schlegel, Director of Planning
Jamsheed Mehta, Chief Planner, Wichita-Sedgwick County MAPD
Gary Rebenstorf, Director of Law, City of Wichita
Sarah Whitley Bailiff, Senior Attorney General, BNSF
Richard Batie, Manager, Shortline Development

Request for Waiver of Filing Fees.

The City of Wichita requests that filing fees be waived under 49 CFR 1002.2(f)(27) and Surface Transportation Board Decision STB Ex Parte No. 542 (Sub-No.6), for the requested Rail Banking/ Notice of Interim Trail Use for Burlington Northern and Santa Fe (BNSF) Railway Company - STB Docket No. AB-6 (Sub No. 403 X).

The City of Wichita is a local government entity within the State of Kansas, acting in the public interest. The City of Wichita does not own, or propose to own a carrier, nor is it acting in the capacity of carrier or shipper in its actions before the Board.

By 
George R. Kolb
City Manager

On behalf of the City of Wichita

City of Wichita
455 N. Main
Wichita, KS 67202

