

LAURENCE E. LEYENS
MAYOR

220334

SIDNEY H. BEAUMAN, JR.
ALDERMAN



MICHAEL A. MAYFIELD, SR.
ALDERMAN

City of Vicksburg

1401 WALNUT STREET • VICKSBURG, MS 39181 • (601) 636-3411



September 25, 2007

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, S W
Washington, DC 20423-0001

FILING FEE WAIVED

RE *The Kansas City Southern Railway Company – Abandonment Petition for Exemption – Line in Warren County, MS, Docket No. AB-103 (Sub-No. 21X)*

Vicksburg Southern Railroad, Inc – Discontinuance of Service Petition for Exemption – Line in Warren County, MS, Docket No. AB-1016X

Dear Secretary Williams:

Enclosed in connection with the above-captioned proceedings please find an original and two copies of the Request for Issuance of a Notice of Interim Trail Use of the City of Vicksburg, MS pursuant to 49 CFR 1152.29. Copies are being served on representatives for both, The Kansas City Southern Railway Company and Vicksburg Southern Railroad, Inc.

As a subdivision of the State of Mississippi, the City of Vicksburg understands that the filing fee that would otherwise apply to this filing will be waived.

Sincerely,

Laurence E. Leyens, Mayor

ENTERED
Office of Proceedings

SEP 26 2007

Part of
Public Record

cc: William A. Mullins
Craig Richey
David C. Reeves
Brian Banks

Incorporated 1825

City Website <http://www.vicksburg.org>

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**



**STB DOCKET NO. AB-103
(SUB-NO. 21X)**

**THE KANSAS CITY SOUTHERN RAILWAY COMPANY
- ABANDONMENT PETITION FOR EXEMPTION -
LINE IN WARREN COUNTY, MS**

STB DOCKET NO. AB-1016X

**VICKSBURG SOUTHERN RAILROAD, INC.
- DISCONTINUANCE OF SERVICE PETITION FOR EXEMPTION -
LINE IN WARREN COUNTY, MS**

**CITY OF VICKSBURG, MISSISSIPPI
1401 Walnut Street
Vicksburg, Mississippi 39180
Proposed Trail User**

**Nancy D. Thomas
Vicksburg Legal Dept.
P.O. Box 150
Vicksburg, MS 39181
Attorney for Proposed Trail User**

DAVID September 25, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

**STB DOCKET NO. AB-103
(SUB-NO. 21X)**

**THE KANSAS CITY SOUTHERN RAILWAY COMPANY
– ABANDONMENT PETITION FOR EXEMPTION –
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**VICKSBURG SOUTHERN RAILROAD, INC.
– DISCONTINUANCE OF SERVICE PETITION FOR EXEMPTION –
LINE IN WARREN COUNTY, MS**

**REQUEST FOR ISSUANCE OF
A NOTICE OF INTERIM TRAIL USE**

Pursuant to 49 CFR 1152.29(a), the City of Vicksburg, Mississippi (the "City") hereby requests that the Board issue a Notice of Interim Trail Use ("NITU"), authorizing the City to negotiate with The Kansas City Southern Railway Company ("KCSR") during a 180-day period for railbanking and interim recreational trail use of the right-of-way involved in this proceeding.

The following is submitted in support of that request:

1. Map of the Right-of-Way (49 CFR 1152.29(a)(1))

A map of the involved right-of-way is attached as Appendix 1. As described in KCSR's abandonment petition for exemption, the right-of-way extends between Milepost 225.6 (south of the Line's crossing of Warrenton Road and at that highway's intersection with Kemp Bottom Road) and Milepost 229.85 (approximately 0.05 miles south of the Line's crossing of Glass

Road, just beyond the Vicksburg city limits), a distance of approximately 4.25 miles in Vicksburg and Warren County, Mississippi.

2. Statement of Willingness To Assume Financial Responsibility (49 CFR 1152.29(a)(2) and (3))

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, the City 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 KCSR and currently operated by Vicksburg Southern Railroad, Inc. ("VSOR"). The property, sometimes referred to alternatively as the Vicksburg Industrial Lead, South Redwood Branch or Redwood Branch, extends between Milepost 225.6 (south of the Line's crossing of Warrenton Road and at that highway's intersection with Kemp Bottom Road) and Milepost 229.85 (approximately 0.05 miles south of the Line's crossing of Glass Road, just beyond the Vicksburg city limits), a distance of approximately 4.25 miles in Vicksburg and Warren County, Mississippi. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-103 (Sub-No. 21X).

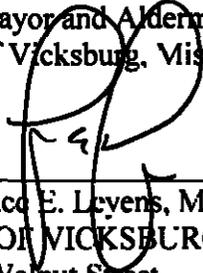
As noted above, a map of the property depicting the right-of-way is attached hereto.

The City 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 railroads on the same date it is being served on the Board.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should issue an NITU authorizing the City and KCSR to negotiate for railbanking and interim recreational trail use of the right-of-way involved in this proceeding

The Mayor and Aldermen of the
City of Vicksburg, Mississippi



Laurence E. Levens, Mayor
CITY OF VICKSBURG, MISSISSIPPI
1401 Walnut Street
Vicksburg, Mississippi 39180
(601) 634-4518
Proposed Trail User



Nancy D. Thomas
Vicksburg Legal Dept.
P.O. Box 150
Vicksburg, MS 39181
(601) 631-2983
Attorney for Proposed Trail User

DATED: September 25, 2007

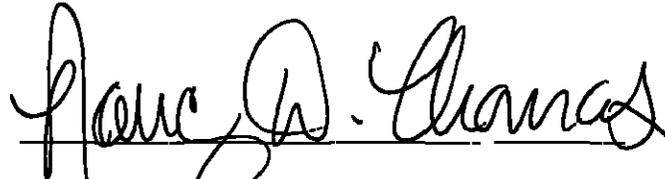
Attest:



City Clerk

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2007, I served the foregoing Request for Issuance of a Notice of Interim Trail Use, by first-class, U.S. mail, postage prepaid, or my more expeditious means of delivery, on all parties of record in STB Docket Numbers AB-103 (Sub-No. 21X) and AB-1016X


Nancy D. Thomas

