



DEAN J. MAZZARELLA
Mayor

City of Leominster

OFFICE OF THE MAYOR

CITY HALL • 25 WEST STREET
LEOMINSTER, MASSACHUSETTS 01453
TEL: (978) 534-7500 • FAX: (978) 534-0668
email: dmazzarell@ci.leominster.ma.us



TREE CITY USA.
2 Years

May 22, 2002

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW, Room 711
Washington, DC 20423-0001

Re: New York Central Lines, LLC
Proposed Abandonment
Docket No. AB-565 (Sub. No. 10X) and
CSX Transportation, Inc.
Proposed Discontinuance of Service
Docket No: ~~AB-55 (Sub. No. 616X)~~

Dear Mr. Williams,

This request is filed on behalf of the City of Leominster, which is a government agency interested in long-range transportation, conservation and recreation needs of its citizens, hereinafter referred to as "Commenter".

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate of Notice of Interim Trail Use rather than an outright abandonment authorization of the approximately 4.2 miles of railroad from Leominster to Fitchburg, Worcester County, Massachusetts.

A. Request For Public Use Condition

Commenter asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is that the rail corridor in question links the cities of Leominster and Fitchburg. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of abandonment authorization. Commenter needs this much time because we need to assemble and review title information, complete a trail plan and begin negotiations with the carrier.
2. An order barring removal or destruction of potential trail related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reasons as indicated above.

FILING FEE WAIVED



FILED

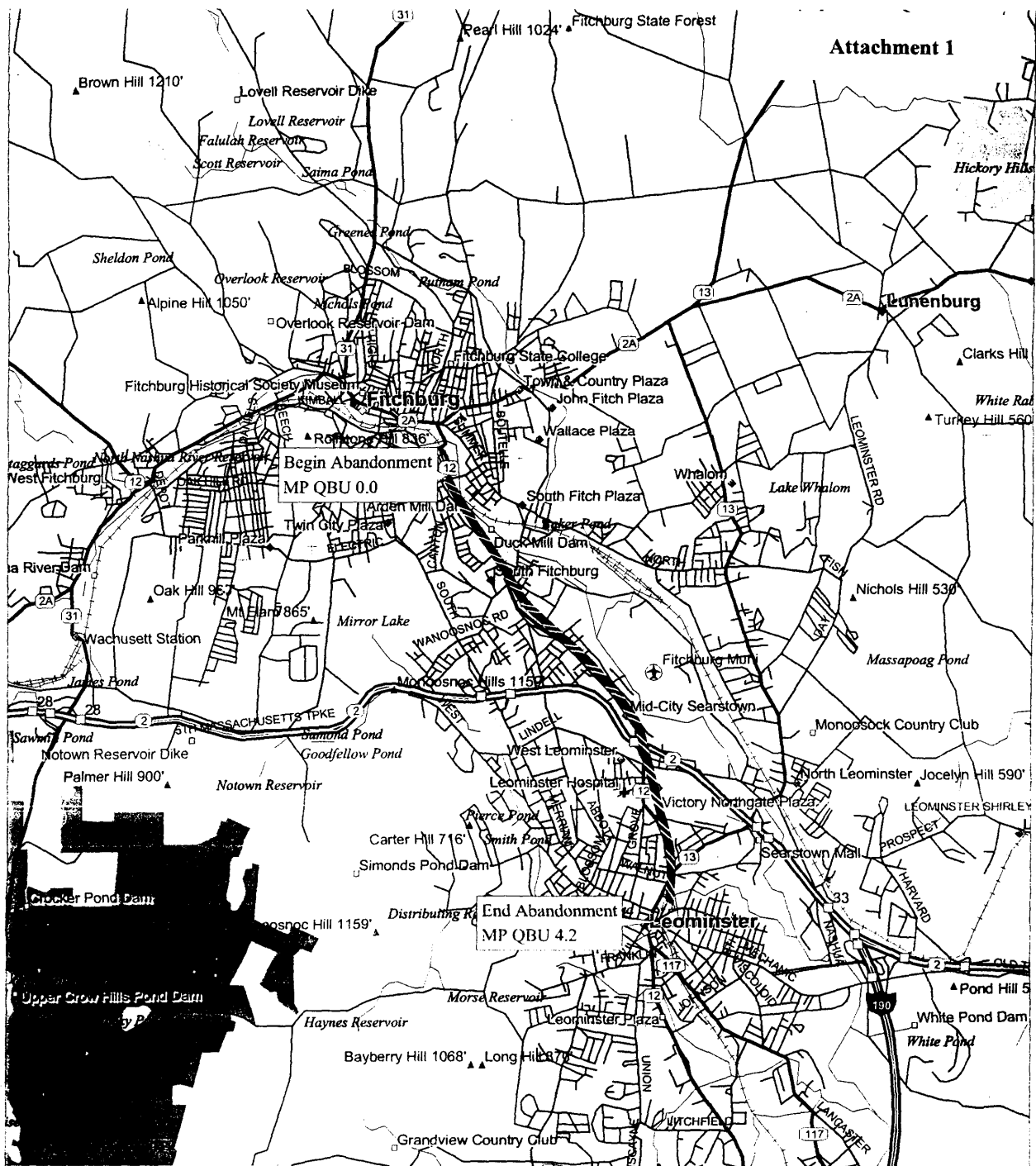
MAY 30 2002

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of the Secretary

MAY 30 2002

Part of
Public Record



NEW YORK CENTRAL, LLC and CSX TRANSPORTATION, INC

Fitchburg to Leominster, Worcester County, Massachusetts

4.2 Miles of line to be abandoned

Mr. Vernon A. Williams
May 22, 2002
Page Two

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. 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 railbanking under section 8(d) of the National Trails System Act, 16, U.S.C., Section 1247(d), and 49 CER Section 1152.29, the City of Leominster 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 New York Central Lines, LLC and operated by CSX Transportation, Inc.

The property, known as a line of railroad that extends between Milepost QBU-0.0 and Milepost QBU 4.2 from Leominster, Massachusetts to Fitchburg, Massachusetts a distance of 4.2 miles in Worcester County, Massachusetts. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket Number AB-565 (Sub. No. 10X).

A map depicting the right-of-way is attached as Attachment Number 1.

The City of Leominster 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 Ms. N.S. Rosenberg, Counsel, CSXT, 500 Water Street - J150, Jacksonville, Florida 32202, by U.S. Mail.

Respectfully submitted


Dean J. Mazza
Mayor
City of Leominster