

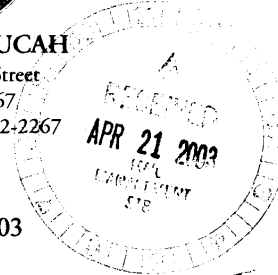
207669



CITY OF PADUCAH
300 South 5th Street
P. O. Box 2267
Paducah, KY 42002-2267

Department of Planning
Thomas Barnett, Director

Phone: (270) 444-8690
Fax: (270) 444-8689



April 8th, 2003

ENTERED
Office of Proceedings

APR 21 2003

Part of
Public Record

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K St., NW, RM 711
Washington, DC 20423

Re: Paducah & Louisville Railway, Inc. – Abandonment – (City of Paducah, McCracken County, Kentucky) (Docket AB-468 Sub-No. 5x)

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the City of Paducah, Kentucky which is a government agency interested in transportation and/ or natural resources, which is 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 or Notice of Interim Trail Use rather than an outright abandonment authorization between station #17+55, near Caldwell Street, and station #64+00 near 6th Street.

A. Public Use Condition

Commenter requests 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:

An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the rail corridor in question links future recreation opportunities in the Island Creek Watershed and a proposed greenway trail identified in the Paducah Parks Master plan adopted in 2003. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because we have not had an opportunity to assemble or to review title information or commence negotiations with the carrier.



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 reason as indicated above.

B. 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 rail banking under 16 U.S.C. 1247(d), and 49 C.E.R. 1152.29, the City of Paducah is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by

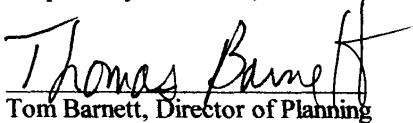
The property, known as the Paducah & Louisville Railway, extends from railroad milepost #17+55 near Caldwell Street, and milepost #64+00 near 6th Street a distance of 1.09 miles or 5,780 feet in the City of Paducah, McCracken County, Kentucky.

A map taken from the Petition for Exemption depicting the railroad right-of-way is attached. Additionally I have attached a copy of the Parks Recommendation Plan adopted in 2003. Please note the proposed floodwall/earthen levy greenway that surrounds the City. This greenway passes within (3) blocks of the termination point of the Paducah & Louisville Railway.

The City of Paducah acknowledges that use of the right-of-way is subject to the users continuing to 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 Paducah & Louisville Railway, Inc, by U.S. mail; postage prepaid, first class, this 8th day of April 2003.

Respectfully Submitted,


Tom Barnett, Director of Planning

On behalf of: Mayor Bill Paxton

