

Tyrone Bridge and Rail Company, Inc.
P.O. Box 1202
Versailles, KY 40383

December 8, 2006

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

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DEC 12 2006
SURFACE
TRANSPORTATION BOARD

218263



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Part of
Public Record

Re: Norfolk Southern Railway Company-Abandonment Anderson and Woodford Counties, KY
STB Docket Number AB-290 (Sub-no. 192X)

FILED

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Dear Mr. Williams:

SURFACE
TRANSPORTATION BOARD

Pursuant to 49 C.F.R. § 1152.29(f) Tyrone Bridge and Rail Company, Inc. request that the Surface Transportation Board (STB) extend the time period for negotiation of a mutually acceptable interim trail use/railbanking agreement in this proceeding for an additional 180 days. This comment is filed on behalf of Tyrone Bridge and Rail Company, Inc., a non profit organization which is hereinafter referred to as Commenter. A copy of TBRC's statement of willingness to assume full responsibility for management of, and liability and payment of taxes for, the right-of-way, is attached as Exhibit A, accompanied by a check for \$350.00. This motion has the consent of Norfolk Southern Railroad Corporation (NS) (Exhibit B).

By decision served February 7, 2001, the Rails to Trails Conservancy (RTC) was recognized as the negotiating party, under the National Trails System Act, 16 U.S.C. § 1247(d), to negotiate with NS for the use of the subject right-of-way. On January 2, 2004 a petition was filed substituting TBRC, in lieu of RTC as the interim trail manager for the rail line. RTC continues to support this railbank request (under separate cover). On June 20, 2006 an extension was requested by TBRC. In addition to this support, Kentucky Rails to Trails Council (KRTC) has

agreed to be a partner in this endeavor and fully supports TBRC efforts as trail manager. (See Exhibit C).

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 Lawrenceburg and Tyrone.

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:

1. 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 is would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the Young High Bridge and the 9 mile corridor have been placed on the National Registry of Historical Places. Norfolk Southern Railroad, owner of the bridge and a portion of the corridor, did not object to the designation. This was made possible by the fundraising efforts of TBRC and Joe Brent, vice president of Mud Puppy and Water Dog.

The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because in order to assume negotiations with Norfolk Southern and to work with state and federal officials who have made commitments to support the project. TBRC has been meeting on a regular basis and is building support for the project.

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 reason as indicated above.

Norfolk Southern Railway Company)
in Anderson and Woodford Counties, KY)AB Docket No. AB-290 (Sub-No 192X)
--Abandonment Exemption--)

In order to establish interim trail use and rail banking under Section 8(d) of the National Trail System Act, 16 U.S.C. § 1247 (d), and 49 C.F.R. § 1152.29, The Tyrone Bridge and Rail Company, Inc. 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 in the above captioned proceeding, owned by Norfolk Southern Railway Company (NSR).

The Tyrone Bridge and Rail Company, Inc. acknowledges that use of the right-of-way is subject to the user 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 NSR on the same date it is being served on the Surface Transportation Board.

N. Jodie Wells
N. Jodie Wells, President

December 8, 2006

Exhibit A

B. Interim Trail Use

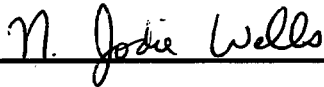
The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

Tyrone Bridge and Rail Company, Inc. 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 Norfolk Southern Railway Company, 3 Commercial Place, Norfolk, Virginia 23510, by U.S. Mail, postage prepaid, first class, this 8th day of December 2006.

I, N. Jodie Wells, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this pleading. Executed on December 8, 2006.

Respectfully Submitted,



N. Jodie Wells, President

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