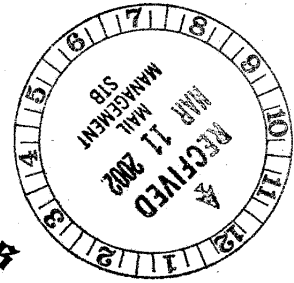


Wise County Board of Supervisors



Office of County Administrator

COURTHOUSE

WISE, VIRGINIA 24293

TELEPHONE 540-328-2321
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P.O. BOX 570
206 E. MAIN STREET

204944

January 28, 2002

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Office of the Secretary

MAR 12 2002

Part of
Public Record

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

RE: NorfolkSouthern Railway Company - Wise County, VA AB 290 220 X

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 Board of Supervisors for the County of Wise, Virginia, which is hereinafter referred to as "Commenter."

While not taking 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 milepost A-0.0 at Arno Jct., and milepost A 3.03 at Derby, in Wise County.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, primarily 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 corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, a portion of the corridor will be used for infrastructure in conjunction with the State approved Derby Community Renovation Project. 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, complete a trail plan or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The jurisdiction 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.

FILED

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TRANSPORTATION BOARD

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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 section 8(d) of the National Trails System Act, 16 U.S.C. §1274(d), and 49 C.F.R. §1152.29, the Wise County Board of Supervisors is willing to indemnify the railroad against any potential liability arising out of the transfer or use of the property and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by NorfolkSouthern Railway Company and operated by same.

The property, known as the Derby line extends from railroad milepost A-0.0 near Arno Junction to railroad milepost 3.03 near Derby, a distance of 3.03 miles in Wise County. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB 290 220x.

The Wise County Board of Supervisors 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.

By my signature below, I certify service upon Mr. James R. Paschall, Esq., NorfolkSouthern Corporation, Three Commercial Place Norfolk, VA 23510, by U.S. Mail, postage prepaid, first class, this 29th day of January 2002.

Respectfully submitted,



Edward L. Sealover
County Administrator

On behalf of:

Wise County, Virginia Board of Supervisors

ELS/dl/NorfolkSouthern Railroad