



CITY OF MARION
P.O. Drawer 700
Marion, North Carolina 28752



OFFICE OF THE
CITY MANAGER

May 19, 2006

216584

Via fax 202-565-9004 (3 pages)
Original and 10 copies via mail

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

**Re: Norfolk Southern Railway Company Abandonment in McDowell County,
North Carolina, STB Docket No. AB-290 (Sub-No. 266X)**

Dear Secretary Williams:

This request is filed on behalf of the City of Marion, North Carolina, which is a political subdivision of the State of North Carolina, hereinafter referred to as "Proponent."

Proponent encloses a \$200.00 filing fee and requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between railroad milepost SB 205.0 and railroad milepost SB 208.5, a distance of 3.5 miles, located in the City of Marion, McDowell County, North Carolina. It is our understanding from staff at the STB's Office of Public Services that because the City of Marion is a public entity, a waiver of the filing fee may be requested. We respectfully request that waiver.

Request For Public Use Condition

Proponent 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 track, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is that this corridor would connect public recreation areas, a public school and nearby neighborhoods to the downtown business district. The corridor would make an excellent recreation trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to begin negotiations with the carrier.

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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 abandonment authorization for the same reason as indicated above.

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, Proponent 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. §1247(d), and 49 CFR §1152.29, Proponent is willing to assume full responsibility for management of, indemnify the railroad against any potential 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 and operated by Norfolk Southern Railway Company.

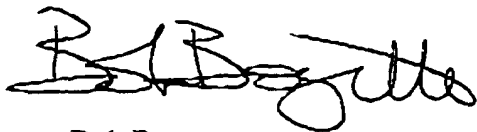
The property extends from railroad milepost SB 205.0 to railroad milepost SB 208.5, a distance of 3.5 miles, located in the City of Marion, McDowell County, North Carolina. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 266X).

A map depicting the right-of-way is attached.

Proponent 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 Norfolk Southern, James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia 23510 by U.S. Mail, postage pre-paid, first class, this 19th day of May 2006.

Respectfully submitted,



Bob Boyette
City Manager
City of Marion

MAY.19.2006

1:10PM

MARION CITY HALL

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