



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number
(757) 629-2759
fax (757) 533-4872

March 1, 2002

ENTERED
Office of the Secretary

MAR 04 2002

Part of
Public Record



via fax: 202-565-9002
Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

Re: STB Docket No. AB-290 (Sub-No. 220X), Norfolk Southern Railway
Company -- Abandonment Exemption -- In Wise County, IL

Dear Mr. Williams:

I wrote to you on February 22, 2002 in response to the January 28, 2002 letter of Mr. Edward L. Sealover, County Administrator of Wise County, VA, in this proceeding, Norfolk Southern Railway Company consented to the issuance of a Notice of Interim Trail Use establishing a 180-day negotiation period for reaching a possible interim trail use agreement as to the subject line. Ms. Melinda Collins left me a voice mail earlier this week in which she stated that the Board had not received Mr. Sealover's letter and that she did not know how to reach him. I was out of the office much of the week and am just able to respond. I enclose a copy of Wise County's original letter to the Board. By faxed copy of this letter, I am advising Mr. Sealover that the Board had not received his letter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J R Paschall".

James R. Paschall

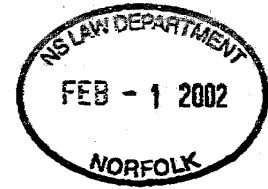
cc: via fax: Ms. Melinda Collins, STB

cc via fax 540-328-9780
Mr. Edward L. Sealover

264870

To Jim 217

Wise County Board of Supervisors



Office of County Administrator

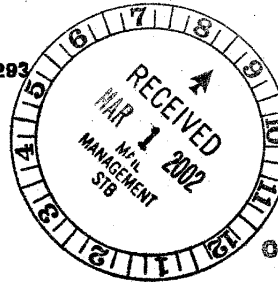
COURTHOUSE

WISE, VIRGINIA 24283

TELEPHONE 540-328-2321
FAX 540-328-9780

P.O. BOX 570
206 E. MAIN STREET

January 28, 2002



ENTERED
Office of the Secretary

MAR 04 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.

Page 2
January 28, 2002

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