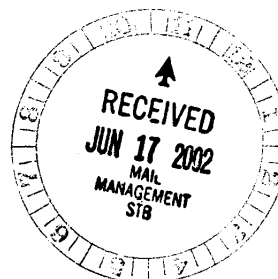




CITY OF FITCHBURG
MASSACHUSETTS
OFFICE OF THE MAYOR

DAN H. MYLOTT
MAYOR
ROBERT A. PONTERIAND
ASSISTANT TO THE MAYOR

205635



June 10, 2002

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

Re: New York Central Lines, LLC And CSX Transportation, Inc - Abandonment -
Worcester County, Massachusetts AB- 565 (Sub-no. 10 X)

ENTERED
Office of the Secretary

Dear Mr. Williams:

JUN 17 2002

This comment should be treated as a protest or a petition for reconsideration. Part of
above-captioned proceeding. This comment is filed on behalf of the City of Fitchburg
which is a municipality, 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 Fitchburg and the
Leominster line.

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 cities of Fitchburg and Leominster are working
collaboratively on the establishment of a bike path that would connect our two
communities.

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 complete a trail plan or commence negotiations with the carrier.

FITCHBURG CITY HALL
718 MAIN STREET, FITCHBURG, MA 01420-3125 - PHONE: (978) 345-9550 - FAX: (978) 345-9553

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. §1247(d), and 49 C.F.R. §1152.29, the City of Fitchburg is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of the right-of-way owned by CSX *et.al.*

The property consists of 4.2 miles in Worcester County, Massachusetts. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB_565_10_X.

The City of Fitchburg 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.

The development of a bike path linking the communities of Fitchburg and Leominster Massachusetts would be of value to both our communities, and we would appreciate your consideration of this petition.

Sincerely,



Dan H. Mylott
Mayor

Cc: David J. Streb, Planning Coordinator