



City of Sidney

April 2, 2002

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

Re: New York Central Lines, LLC - CSX Transportation, Inc. Abandonment
Shelby County, Ohio
AB-565 (Sub-no. 6x) 205-170
AB-55 (Sub-No. 604x)
STB Docket Numbers - 204884 & 204885

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 City of Sidney, Ohio, which is a political subdivision, 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 Milepost QIO 163.98 and Milepost QIO 163.08.

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 jurisdiction 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. 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, or to commence negotiations with the carrier).

Municipal Building, 201 West Poplar St., Sidney, Ohio 45365-2781
Phone 937-498-2335, Fax 937-498-8119

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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 of 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.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use condition 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.R.F. §1152.29, the City of Sidney, Ohio 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 owned by New York Central Lines, LLC and operated by CSX Transportation, Inc.

The property, known as the CSX Spur Line extends from railroad milepost QIO 163.98 near State Route 47 to railroad milepost QIO 163.08 near the Great Miami River a distance of 0.90 miles in Shelby County, Ohio. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-565 (*Sub-no.6x*).

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

The City of Sidney, Ohio 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 CSX Transportation, Inc., by U.S. Mail, postage prepaid, first class, this 2nd day of April, 2002.

Respectfully submitted,



Michael Puckett
City Manager

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cc: Natalie S. Rosenberg, Counsel, CSX Transportation, Inc.
William Daehler, Research Administrator, Ohio Department of Natural Resources
Sharon Todd, Bicycle/Pedestrian Program Manager, Ohio Dept. of Transportation

