



223076

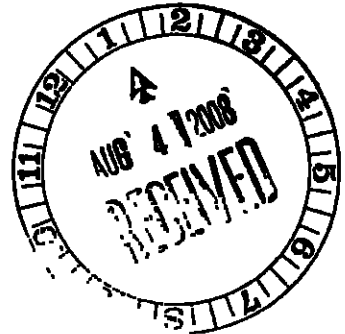
Toledo Metropolitan Area Council of Governments
300 Martin Luther King Jr Drive Toledo, Ohio 43604
P.O. Box 9508 Toledo, OH 43697-9508
Phone 419.241.9155 • Fax 419.241.9116 • www.tmacog.org

July 24, 2008

ENTERED
Office of Proceedings

AUG 4 2008

Part of
Public Record



Mr. Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re Norfolk Southern Railway Company Abandonment in Lucas County, Ohio, STB Docket No AB-290 (Sub -No. 290X)

Dear Mr. Williams:

This request is filed on behalf of the Toledo Area Metropolitan Council of Governments (TMACOG), the metropolitan planning organization for Lucas and Wood counties in northwest Ohio and three townships in southeast Monroe County, Michigan, interested in transportation and the preservation of natural resources, which is hereinafter referred to as 'proponent', and with the cooperation and assistance of the Northwestern Ohio Rails-to-Trails Association (NORTA)

While not taking a position on the merits of this abandonment, proponent 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 TW 0 00 and Milepost TW 2.82.

A Public Use Condition

Proponent 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 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 and is shown as a future proposed path within the Bicycle Network of TMACOG's "On the Move. 2007-2035 Regional Transportation Plan". The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time in order to formalize the coalition of partners to be involved and to 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 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 the abandonment authorization for the same reason as indicated above.

Our Vision: *TMACOG will be the governmental partner of choice to coordinate regional assets, opportunities, and challenges.*

Mr. Vernon A. Williams
Page 2
July 24, 2008

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, Proponent 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, TMACOG is willing to assume full responsibility for management of, for any legal 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 Norfolk Southern Railway company and operated by the same.

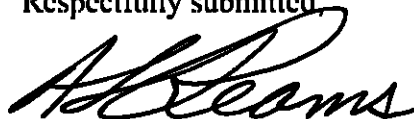
The property, known as the Toledo Dist. Line extends from railroad milepost TW 0.00 near Washington and Erie Streets within the City of Toledo to railroad milepost TW 2.82 near the Anthony Wayne Trail and Shadowlawn Drive within the City of Toledo a distance of 2.82 miles in Lucas County, Ohio. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-no. 290X).

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

TMACOG 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.

By my signature below, I certify service upon Norfolk Southern Railway Company, Three Commercial Place, Norfolk, Virginia 23510-2191 by U.S. Mail, postage prepaid, first class, on July 24, 2008

Respectfully submitted,



Anthony L. Reams
President, on behalf of the
Toledo Metropolitan Area
Council of Governments (TMACOG)



Data use subject to license.

© 2004 DeLorme. Street Atlas USA® 2005.

www.delorme.com