

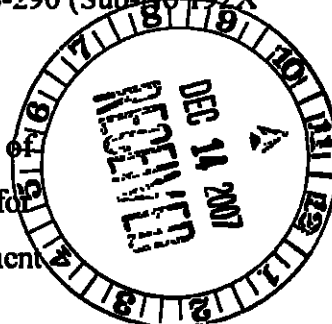
22/018

BEFORE THE SURFACE TRANSPORTATION BOARD

Norfolk Southern Railway Company)
--Abandonment Emption—in)
Anderson and Woodford Counties, KY)

Docket No AB-290 (Sub No 192X)

Joint Motion of Anderson County Fiscal Court and City of
Lawrenceburg City Council to Extend the Time Period for
Negotiation of an Interim Trail Use/Railbanking Agreement



Anderson County Fiscal Court
137 Main Street
Lawrenceburg, KY 40342

City of Lawrenceburg
100 North Main Street
Lawrenceburg, KY 40342

December 3, 2007

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

CLING TO WANTS

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Public Record

Dear Mr Williams:

Pursuant to 49 C F R § 1152 29(f) Anderson County Fiscal Court and the Lawrenceburg City Council request that the Surface Transportation Board (STB) extend the time period for negotiation of a mutually acceptable interim trail use/railbanking agreement in this proceeding for an additional 180 days This comment is filed on behalf of the Steve Cornish, County Judge Executive and Mayor Edwinna Baker hereinafter referred to as Commenters A copy of Anderson County Fiscal Court and Lawrenceburg City Council's statement of willingness to assume full responsibility for management of, and liability and payment of taxes for, the right-of-

way, is attached as Exhibit A. A request to waive the standard filing fee is requested since each entity is a local government. This motion has the consent of Norfolk Southern Railroad Corporation (NS) (under separate cover).

By decision served February 7, 2001, the Rails to Trails Conservancy (RTC) was recognized as the negotiating party, under the National Trails System Act, 16 U.S.C. § 1247(d), to negotiate with NS for the use of the subject right-of-way. On January 2, 2004 a petition was filed substituting Tyrone Bridge and Rail Company (TBRC), in lieu of RTC as the interim trail manager for the rail line. This arrangement continued till November 12, 2007 when the Lawrenceburg City Council passed a joint resolution with the County of Anderson agreeing to take over the rail bank extension request. (Anderson County Fiscal Court passed their resolution on October 26, 2007). RTC and TBRC continue to support this railbank request (under separate cover). Since the last request for an extension granted on June 19, 2007 there has been significant political changes on the local and state level. Both the county and city have new leaders and are very interested in this project. As a sign of support the Fiscal Court of Anderson County and the Lawrenceburg City Council passed resolutions agreeing to take over the filing of the extension of the rail bank request. There is also a new governor of Kentucky and the local officials along with TBRC's strategy is to approach the governor once in office to dedicate a state agency to begin negotiations and to convert this abandonment into a trail. The Governor-elect Steve Beshear and US Congressman Ben Chandler has expressed specific interest in this project therefore given enough time all parties feel that negotiations will be successful. In addition to this support, Kentucky Rails to Trails Council (KRTC) has agreed to be a partner in this endeavor and fully supports the local efforts (See Exhibit B).

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 Lawrenceburg and Tyrone.

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 justification for this condition is that the rail corridor in question is would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the Young High Bridge and the 3 mile corridor have been placed on the National Registry of Historical Places. Norfolk Southern Railroad, owner of the bridge and a portion of the corridor, did not object to the designation. This was made possible by the fundraising efforts of TBRC and Joe Brent, vice president of Mud Puppy and Water Dog.

The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because in order to assume negotiations with Norfolk Southern and to work with local, state and federal officials who have made commitments to support the project. TBRC has been meeting on a regular basis and is building support for the project.

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.

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:

Anderson County Fiscal Court and City of Lawrenceburg acknowledge 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 signatures below, we certify service upon Norfolk Southern Railway Company, 3 Commercial Place, Norfolk, Virginia 23510, by U S Mail, postage prepaid, first class, this 3rd day of December 2007

I, Edwinna Baker, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this pleading. Executed on

12/4/07

Respectfully Submitted,

Edwinna Baker

Edwinna Baker

Mayor, City of Lawrenceburg

100 North Main Street

Lawrenceburg, KY 40342

I, Steve Cornish, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this pleading. Executed on

12/4/07

Respectfully Submitted,

Steve Cornish

Steve Cornish

County Judge/Executive

Anderson County Fiscal Court

137 Main Street

Lawrenceburg, KY 40342

BEFORE THE SURFACE TRANSPORTATION BOARD

Norfolk Southern Railway Company)
in Anderson and Woodford Counties, KY)AB Docket No. AB-290 (Sub-No 192X)
--Abandonment Exemption--)

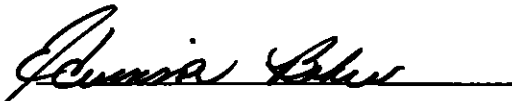
Statement of Willingness to Assume
Financial Responsibility

In order to establish interim trail use and rail banking under Section 8(d) of the National Trail System Act, 16 U S C § 1247 (d), and 49 C F R § 1152.29, The Tyrone Bridge and Rail Company, Inc. 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 in the above captioned proceeding, owned by Norfolk Southern Railway Company (NSR)

The property extends from M P 0 7-LL at Lawrenceburg, to M P 3 5-LL at Tyrone, in Anderson and Woodford Counties, KY, a distance of approximately 2.8 miles.

The Lawrenceburg City Council and Anderson County Fiscal Court 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. A copy of this statement is being served on NSR on the same date it is being served on the Surface Transportation Board.

Respectfully Submitted,



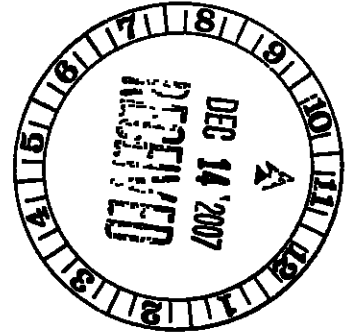
Edwinna Baker
Mayor, City of Lawrenceburg
100 North Main Street
Lawrenceburg, KY 40342



Steve Cornish
County Judge/Executive, Anderson Co
137 Main Street
Lawrenceburg, KY 40342

December 3, 2007

Exhibit A



December 13, 2007

Kentucky Rails to Trails Council (KRTC) urges the Surface Transportation Board to grant the Anderson County Fiscal Court and City of Lawrenceburg a 180 day extension of the NITU, which is set to expire on December 14, 2007. KRTC supports the Anderson County Fiscal Court and City of Lawrenceburg's goal of converting this abandonment into a rail.

The Anderson County Fiscal Court and City of Lawrenceburg proposal is especially appealing because of several unique factors that other projects in other parts of the country do not have. This project would include the highest and longest bridge span of all rail trails in the country. Young's High Bridge has a significant history as well and has been placed on the National Registry of Historic Places and is truly a unique asset to the community and state. It is also located next to one of the premiere bourbon distilleries.

KY Rails to Trails recognizes the value of converting this abandonment into a rail trail and fully supports Anderson County Fiscal Court and City of Lawrenceburg.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Lovan". The signature is fluid and cursive.

Keith Lovan
Chairman, KRTC

Exhibit B