



City of
Delaware
Ohio

Office of the City Manager

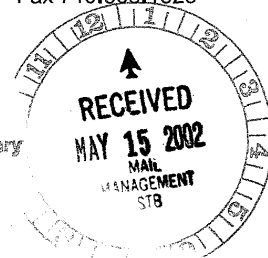
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May 3, 2002

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Office of the Secretary
MAY 15 2002
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Public Record



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

RE: Abandonment of New York Central Lines in Delaware, Ohio
Docket No. AB-565 (Sub-No. 8x)
~~Docket No. AB-35 (Sub-No. 808x)~~

Dear Mr. Williams:

This request is filed on behalf of the City of Delaware, which is a political subdivision interested in improved non-vehicular transportation, conservation of natural resources and increased public recreation opportunities, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as Interim Trail Use Condition rather than an outright abandonment authorization between QED114.1 and QED 115.6.

A. Request For Public Use Condition

Proponent asks 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 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. Proponent needs this much time to negotiate with CSX and develop a trail plan.

B. Request For 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:

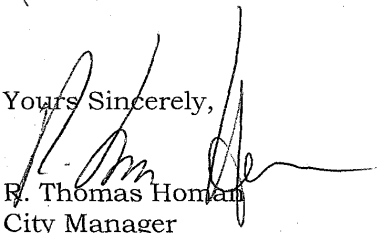
In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the City of Delaware is willing to assume full responsibility for management of such rights-of-way, and for any legal liability arising out of such transfer or use (unless the city 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 and operated by CSX Transportation, Inc.

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

The City of Delaware acknowledges that use of the right-of-way is subject to the city'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 upon CSX Transportation, Law Department, 500 Water Street, Jacksonville, FL 32202 by U.S. Mail, postage prepaid, first class this 3 day of May 2002.

Yours Sincerely,


R. Thomas Homan
City Manager

Enclosure

xc: Natalie Rosenberg, CSX Counsel
Dan Bennington, City Attorney
Heidi Bash, CSX, Director Asset Manager
Lou Jannazo, Ohio Rail Development Commission, Chief Planner
Susan Kirkland, Ohio Rail Development Commission
Jeff Ciabotti, Manager, Rails-to-Trails Conservancy
Kenneth Blodgett, Surface Transportation Board, Section of
Environmental Analysis

