

Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Daniel A. Grabauskas
Secretary of Transportation

209422
The Commonwealth of Massachusetts
Executive Office of Transportation and Construction
Ten Park Plaza, Boston, MA 02116-3969

FILED

NOV 14 2003

**SURFACE
TRANSPORTATION BOARD**

November 13, 2003

*Via Facsimile and
Overnight Mail*



Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

RE: Providence and Worcester Railroad Company
Abandonment in Worcester County, Massachusetts
Docket No. AB-254 (Sub No. 7X)

FEE RECEIVED

NOV 14 2003

**SURFACE
TRANSPORTATION BOARD**

Dear Secretary Williams:

Please find enclosed a request by the Commonwealth of Massachusetts, by and through its Executive Office of Transportation and Construction, for the issuance of a Public Use Condition as well as an Interim Trail Use Condition on that portion of the Southbridge Running Track situated within the Commonwealth.

A check in the amount of \$150.00 is enclosed to cover the filing fee.

EOTC would appreciate your acknowledgment of receipt of these documents by stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed envelope.

Respectfully submitted,

Maeve Vallety-Bartlett
Maeve Vallety-Bartlett

Manager of Rail
Executive Office of Transportation and Construction
Commonwealth of Massachusetts

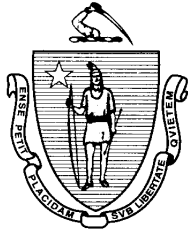
Enclosures

Telephone (617) 973-7000

TDD (617) 973-7306

Telefax (617) 523-6454





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The Commonwealth of Massachusetts
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Office of the Secretary

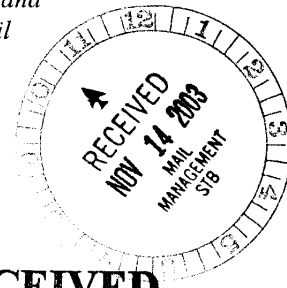
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*Via Facsimile and
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ENTERED
Office of Proceedings

NOV 14 2003

Part of
Public Record



RE: Providence and Worcester Railroad Company
Abandonment in Worcester County, Massachusetts
Docket No. AB-254 (Sub No. 7X)

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Dear Secretary Williams:

**SURFACE
TRANSPORTATION BOARD**

This request is filed on behalf of the Executive Office of Transportation and Construction, which is a political subdivision of the Commonwealth of Massachusetts, hereinafter referred to as "Proponent".

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization of that portion of the Southbridge Running Track (the "Line") situated within the Commonwealth of Massachusetts, between MP 0.18 and MP 1.4 +/-, and between MP 4.8 +/- and MP 10.98.

A. Request for Public Use Condition

Proponent asks that the STB 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 for 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. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to assemble and review title information, perform appropriate due diligence and complete negotiations with the carrier.

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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 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 reasons indicated above.

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 requests that the STB issue a Notice of Interim Trail Use or a Certificate of Interim Trail Use (as appropriate), as the Commonwealth, by and through its Executive Office of Transportation, is prepared to assume responsibility for the portion of the property situated within the Commonwealth of Massachusetts.

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under Section 8(b) of the National Trails System Act, 16 U.S.C. §1247(d) and 49 CFR §1152.29, the Commonwealth of Massachusetts, by and through its Executive Office of Transportation & Construction, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (to the extent the Commonwealth may be held liable, and, in any event, to 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 and operated by the Providence and Worcester Railroad Company.

The property, known as the Southbridge Running Track (the "Line"), extends from railroad milepost 0.18 in Webster, MA to railroad milepost 10.98 in Southbridge, MA, a distance of 10.80 miles, in Worcester County, MA and Wyndham County, CT. The Commonwealth proposes to assume financial responsibility for the following portions of the Line located in Worcester County, MA:

from milepost 0.18 in Webster, MA to milepost 1.4 +/- in Dudley, MA, and
from milepost 4.8 +/- in Dudley, MA to milepost 10.98 in Southbridge, MA

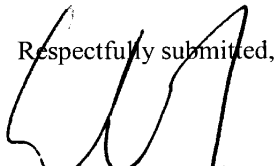
The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-254 (Sub No. 7X).

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

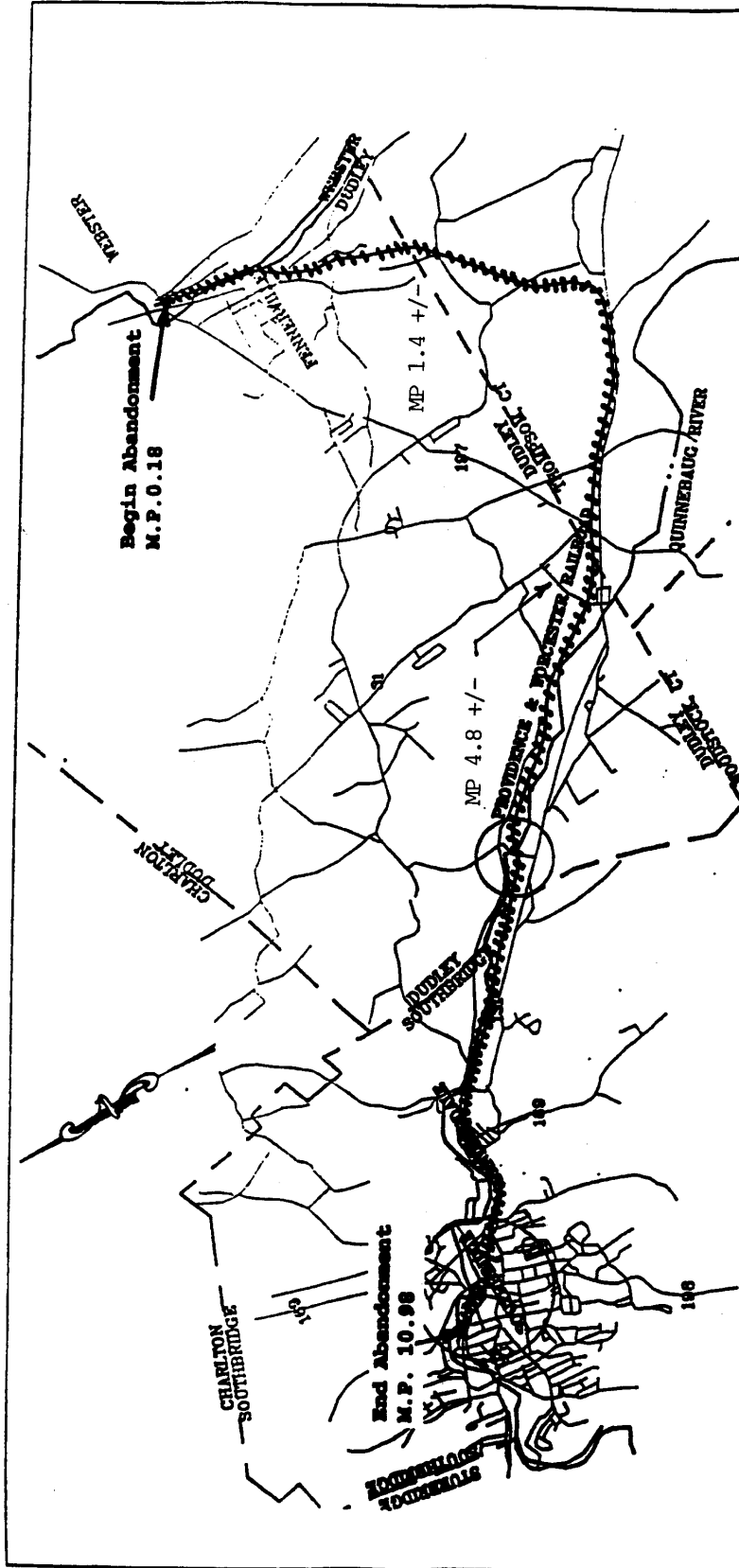
Proponent acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the Providence and Worcester Railroad Company,
by U.S. Mail, postage pre-paid, first class, this ____ day of November, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Grabauskas', written over the text 'Respectfully submitted,'.

Daniel A. Grabauskas
Secretary,
Executive Office of Transportation and Construction
Commonwealth of Massachusetts



SOUTHBIDGE RUNNING TRACK
WEBSTER, DUDLEY, and SOUTHBIDGE, WORCESTER COUNTY, MASSACHUSETTS
 THOMPSON, WINDHAM COUNTY, CONNECTICUT

—PW—

SEPTEMBER 12, 2003

PROVIDENCE & WORCESTER R.R. CO.

SHEET 1 OF 1

+++++ 10.80 Miles of Line to be Abandoned