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September 29, 2003



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

FILED

Re: Norfolk Southern Railway Company Abandonment - Gaston County, North Carolina AB- 290 Sub-no. 240X

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 Town of Dallas, the City of Gastonia and Gaston County, North Carolina which are governmental entities and which are hereinafter collectively 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 HG-47.0 and Milepost HG-52.0.

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 is set forth in Exhibit A which is attached hereto and incorporated by reference. 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 and review title information, complete a trail plan or negotiate 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.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions 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.F.R. §1152.29, the Town of Dallas, the City of Gastonia and Gaston County are 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 Norfolk Southern Railway and operated by the Town of Dallas, the City of Gastonia and Gaston County, North Carolina.

The property extends from railroad milepost 47.0 within the City limits of Gastonia, North Carolina to railroad milepost 52.0 near Dallas, North Carolina, a distance of approximately five miles in Gaston County, North Carolina. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 240X).

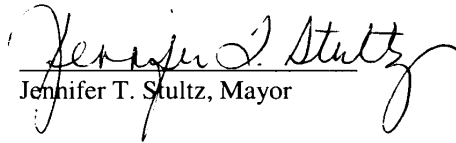
A map depicting the right-of-way is attached.

The Town of Dallas, the City of Gastonia and Gaston County, North Carolina 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.

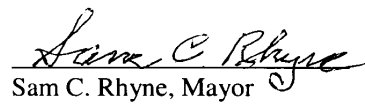
By my signature below, I certify service upon Norfolk Southern Railway, by U.S. Mail, postage prepaid, first class, this 29th day of September, 2003.

Respectfully submitted,

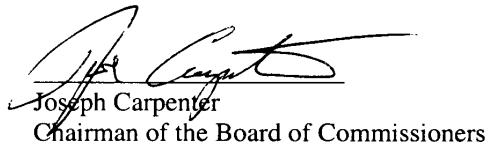
CITY OF GASTONIA


Jennifer T. Stultz, Mayor

TOWN OF DALLAS


Sam C. Rhyne, Mayor

GASTON COUNTY


Joseph Carpenter
Chairman of the Board of Commissioners

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EXHIBIT A

This corridor would make an excellent recreational trail and conversion of the right-of-way to a multi-user/multi-purpose recreational trail is in accordance with local plans. Specifically, this corridor represents a ***major stem route*** of a comprehensive multi-jurisdictional planned trail system. The corridor also provides important wildlife habitat and green space; and preservation as a recreational trail is consistent with that end. The location of the corridor provides many linkages, specifically:

- Between parks, residential areas, schools and the town center within the Historic Town of Dallas;
- Between residential and business areas of Dallas to link with future intersecting corridors linking Gaston College and Gaston County (regional) Park at Dallas;
- And, *when combined with other segments of the corridor* (specifically from Milepost 45 to Milepost 47) which, could be abandoned in future years; critical linkages would be provided as follows:
 - Between Downtown Gastonia and the National Register Historic District of Downtown Dallas, including such sites as the Gaston County Museum in the Historic 1850 Hoffman Hotel, the Historic 1840's Gaston County Courthouse and Old Jail; and other mid Nineteenth Century building on or near the Historic Dallas Square.
 - Providing a vital (perhaps only feasible) link to the planned greenway system of the City of Gastonia south of Interstate 85 to the City's planned greenway system north of 85. Presently, the Interstate highway acts as an almost insurmountable obstacle to linking the planned greenway and bicycle/pedestrian system in either side of this freeway.
 - A linkage between residential and business areas of Gastonia to (*via future connecting trails*):
 - Rankin Lake Park (a regional facility)
 - Employment Centers- specifically the Tulip Drive Industrial Park and the Gastonia Technology Park business park and surrounding employment.
 - Gaston College, a major facility in the NC Community College System
 - Gaston County Park at Dallas
 - Sims Legion Park

