



THE STATE OF ALABAMA
Macon County Commission

Macon County Courthouse
Tuskegee, Alabama 36083

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205659



Governing Body of Macon County

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District 3
Commissioner Robert Berry
District 4

June 10, 2002

ENTERED
Office of the Secretary

JUN 19 2002

Part of
Public Record



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

Re: Pine Belt Southern Railroad Company, Inc. – Abandonment – Macon County,
Alabama – AB-601 (sub-no.Ox)

Dear Mr. Williams:

FILING FEE WAIVED

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 Macon County Commission which is a government agency interested in conservation and recreation, which is hereinafter 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 Nuckols and Hurtsboro, Alabama.

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:

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. In addition, the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end. 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 or review title information, commence negotiations with the carrier or complete a trail plan.

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.

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:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

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 Macon County Commission 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 Pine Belt Southern Railroad Company, Inc.

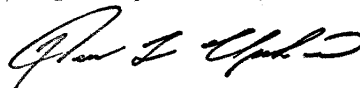
The property extends from railroad milepost S-304.00 near Nuckols, Alabama, to railroad milepost S-329.00 near Hurtsboro, Alabama, a distance of 25 miles in Russell, Macon and Bullock Counties, Alabama. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-601 (sub-no.Ox).

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

The Macon County Commission 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 Pine Belt Southern Railroad Company, Inc., P.O. Box 1317, Shelbyville, Tennessee, 37162, by U.S. Mail, postage prepaid, first class, this June 10, 2002.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jesse Upshaw", written in a cursive style.

Jesse Upshaw, Chairman