

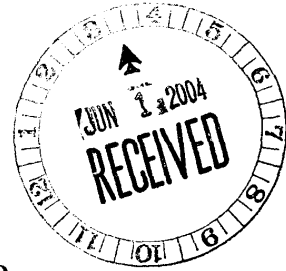


June 1, 2004

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

FILED

JUN - 1 2004



211160

Re: Burlington Northern and Santa Fe Railway Company Abandonment in Modoc and Siskiyou Counties, California [AB-6 sub 414x]

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 Rails-to-Trails Conservancy, a 501(c)(3) nonprofit organization with more than 100,000 members and supporters whose mission is to enrich America's communities and countryside by creating a nationwide network of public trails from former rail lines and connecting corridors. Hereinafter Rails-to-Trails Conservancy is referred to as "Commenter."

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While not taking a position on the merits of this abandonment, Commenter requests issuance of a Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 0.00 near Lookout and milepost 33.77 near Hambone, in Modoc and Siskiyou Counties, California.

A. 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 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, Rails-to-Trails Conservancy 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 owned and operated by Burlington Northern and Santa Fe Railway Company.

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Washington, DC 20036

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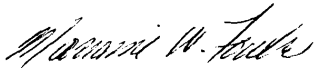
The property, known as Lookout to Hambone, extends from railroad milepost 0.00 near Lookout to railroad milepost 33.77 near Hambone, a distance of 33.77 miles in Modoc and Siskiyou Counties, California. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-6 (sub 414x).

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

Rails-to-Trails Conservancy 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 Burlington Northern and Santa Fe Railway Company, c/o Michael Smith, Freeborn & Peters, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606-6677, by U.S. Mail, postage prepaid, first class, this 1st day of June, 2004.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marianne W. Fowler".

Marianne Fowler
Senior Vice President of Policy

