



BOARD OF DIRECTORS

Ed Sellers,
Chairman
Peter Browning,
Vice Chairman
John Courson,
Secretary/Treasurer

Stuart Ames
Anne Close
Fred Dent
Eddie Floyd
Karen Floyd
Dave Gerhardt
Cary Hall
Eaddy Hayes
Phil Leventis
Crosby Lewis
Pierre Manigault
Peter McGee
Jennie O'Bryan
Dewey Oxner
Anne Rainey
Paul Sandifer
Dana Sinkler
Mary Taylor
John Tiencken
Jane Waring
David Wilkins

FILED
JUL 26 2005
SURFACE
TRANSPORTATION BOARD

214 411
ENTERED
Office of Proceedings

JUL 26 2005

Part of
Public Record

FEE RECEIVED
JUL 26 2005
SURFACE
TRANSPORTATION BOARD

JUL 26 2005
RECEIVED

July 25, 2005

Mr. Vernon A. Williams
Secretary, Surface Transportation Board
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Re: Norfolk Southern Railway Company Abandonment in Spartanburg County,
SC, STB Docket No. AB-290 (Sub-No. 261X)

Dear Mr. Williams,

This request is filed on behalf of the Palmetto Conservation Foundation, which is a private public interest organization that provides community development assistance and conserves natural and cultural resources, hereinafter referred to as "Proponent."

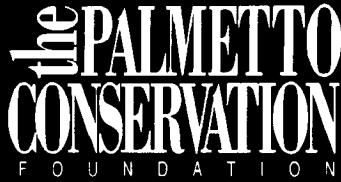
Proponent encloses a \$200 filing fee and requests issuance of a Public Use Condition as well as Interim Trail Use Condition rather than an outright abandonment authorization between former milepost W 68.69 and former milepost W 70.61¹ in Spartanburg, SC (STB Docket No. AB-290 (Sub-No. 261X)).

Proponent asks the STB to find that this property is suitable for public use, specifically trail use, and to place the following conditions on the abandonment:

Request for Public Use Consideration

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. Justification for this condition is that this corridor will connect a public park, public elementary school and nearby neighborhoods to the downtown business district. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with all local transportation and land use plans.

¹ According to Norfolk Southern Railway (NSR), the line mileposts are described as former because a new main line replaced the subject line as the main line many years ago and that the construction of the new main line resulted in the subject line becoming a stub-end branch line. NSR also states that the milepost numbers were reused on the new line and no new milepost designations were given to the subject line.



BOARD OF DIRECTORS

Ed Sellers,
Chairman

Peter Browning,
Vice Chairman

John Courson,
Secretary/Treasurer

Stuart Ames
Anne Close
Fred Dent
Eddie Floyd
Karen Floyd
Dave Gerhardt
Cary Hall
Eaddy Hayes
Phil Leventis
Crosby Lewis
Pierre Manigault
Peter McGee
Jennie O'Bryan
Dewey Oxner
Anne Rainey
Paul Sandifer
Dana Sinkler
Mary Taylor
John Tiencken
Jane Waring
David Wilkins

In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes. Proponent has reviewed title information, completed a trail plan and has reached an agreement with Norfolk Southern to make the trail available for public 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:

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, Proponent 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 by Norfolk Southern Railway Company or operated by Norfolk Southern Railway Company.

Proponent acknowledges that use of the right-of-way is subject to the users 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, James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510 by U.S. Mail; postage prepaid, first class, this 21st day of July 2005.

Respectfully submitted,

Kenneth C. Driggers, Executive Director
Palmetto Conservation Foundation

Cc: James R. Paschall

P.O. Box 1984
Spartanburg, SC
29304-1984
864-948-9615
Fax: 864-948-9616
www.palmettoconservation.org

Recreation ♦ Conservation ♦ Preservation