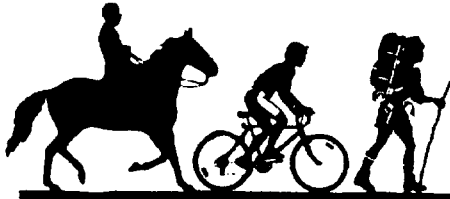


217774



P.O. Box 5556
Charleston, WV 25361

Elk River Rails-to-Trails Foundation, Inc.

October 2, 2006



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

Re: Norfolk Southern Railway Company - Abandonment-Kanawha County,
West Virginia. STB Docket No. AB-290 (Sub. No. 267X)

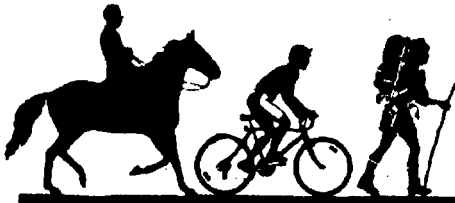
Dear Mr. Williams:

Our request for Public Use Condition and Notice of Interim Trail Use was delayed because a \$200.00 filing fee did not accompany our original letter. Please find enclosed a check for \$200.00 and the original letter. We have been in contact with Norfolk and Southern and they are agreeable to negotiations.

Respectfully submitted,

Dennis Strawn, Treasurer
Elk River Rails To Trails Foundation

ENTERED
Office of Proceedings
OCT 10 2006
Part of
Public Record



P.O. Box 5556
Charleston, WV 25361

Elk River Rails-to-Trails Foundation, Inc.

August 29, 2006

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



Re: Norfolk Southern Railway Company - Abandonment-Kanawha County,
West Virginia. STB Docket No. AB-290 (Sub. No. 267X)

Dear Mr. Williams:

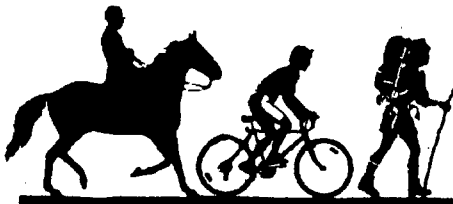
This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of Elk River Rails To Trails Foundation which is a public interest organization interested in conservation of rail corridors for recreation, which is hereinafter referred to as 'Commenter'. Also please see attached supporting letters from local and state government that support the Elk River Rails To Trails Foundation in this cause.

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 for 12.22 miles of track between milepost TP 14.69 at Blue Creek and milepost TP 26.91 at Acup (Sanderson).

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 rail corridor in question has high merit for recreational possibilities for the communities it bisects and is near. The corridor would make an excellent recreational trail and conversion of the property to trail use would fulfill a need for residents of Kanawha County as stated in the Statewide Comprehensive Outdoor Recreation Plan conducted in 2003. In addition, the corridor provides important wildlife habitat and



Elk River Rails-to-Trails Foundation, Inc.

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 to explore the opportunity to create a recreational trail, and to assemble or to review title information, complete a trail plan or commence negotiations with the carrier. 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 railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

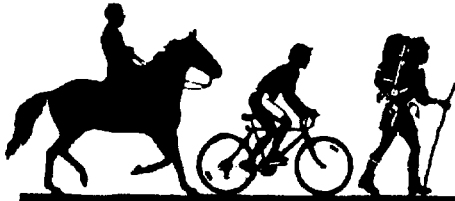
STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

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, the Elk River Rails to Trails Foundation 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 and operated by same.

The property, known as the Blue Creek Branch extends from railroad milepost TP 14.69 near Blue Creek to railroad milepost TP 26.91 near Acup (Sanderson) a distance of 12.22 miles in Kanawha County, West Virginia. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-no. 267X).

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

Elk River Rails To Trails Foundation 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.



P.O. Box 5556
Charleston, WV 25361

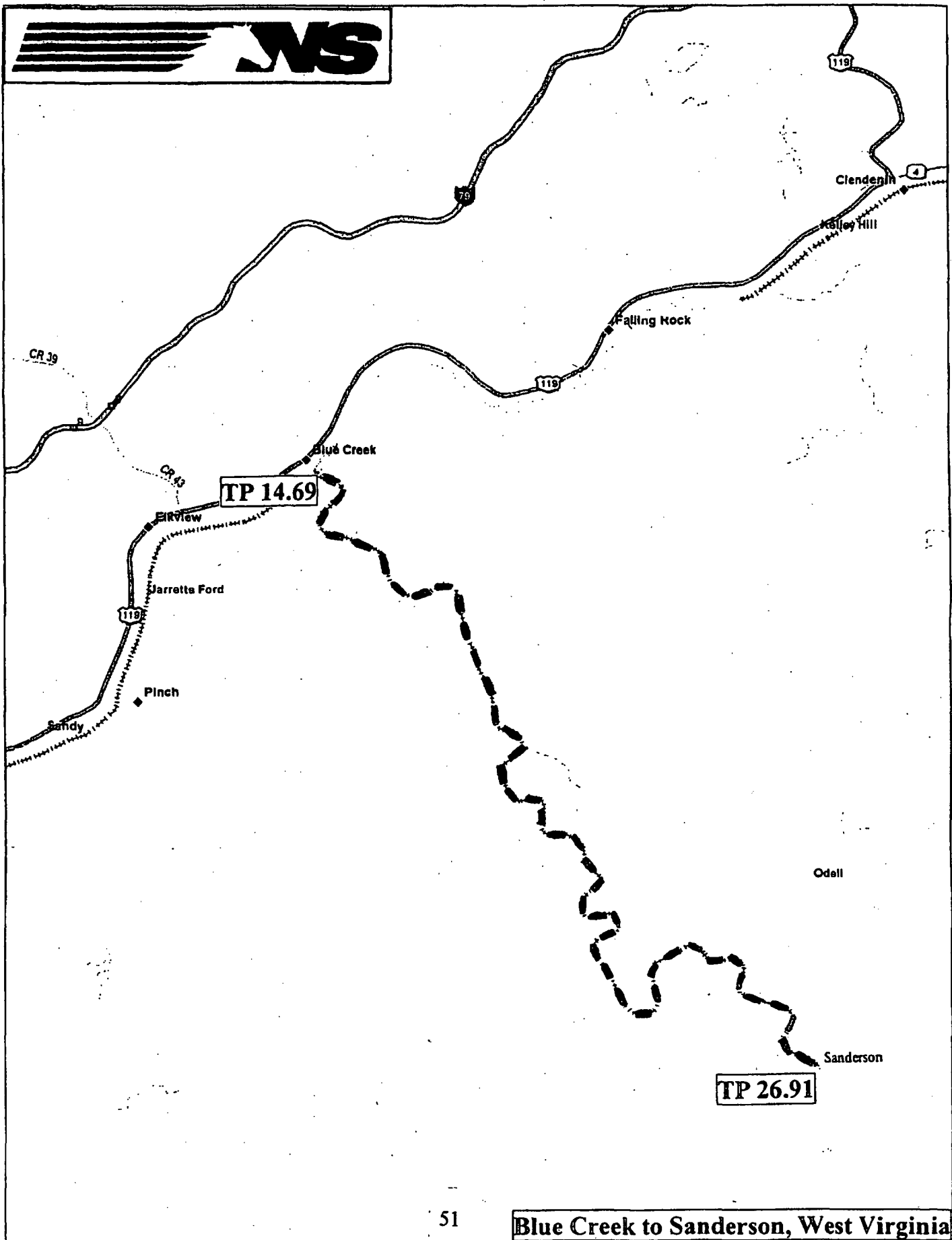
Elk River Rails-to-Trails Foundation, Inc.

By my signature below, I certify service upon Norfolk Southern Railway Company, Three Commercial Place, Norfolk, Virginia 23510-2191, by U.S. Mail, postage prepaid, first class, this 29th day of 2006.

Respectfully submitted,

Randy Allio, Chairman
Elk River Rails To Trails Foundation

cc: Bill Robinson, State Trail Coordinator, West Virginia
Betty Carver, Commissioner of Tourism, West Virginia
Jeff Hutchinson, Director, Kanawha County Parks
Brent Pauley, County Manager, Kanawha County
Bill Goode, President, Charleston Area Alliance





WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • 304/558-3505

Joe Manchin III
Governor



August 24, 2006

Mr. Randy Allio, President
Elk River Rails to Trails Foundation
Post Office Box 5556
Charleston, West Virginia 25361

Dear Mr. Allio:

I encourage your organization in its efforts to establish a rail trail on the right-of-way described as "Abandonment Between Blue Creek and Acup (Sanderson) – In Kanawha County, West Virginia" STB Docket No. AB-290 (Sub. No. 267X) presently in the abandonment process before the Surface Transportation Board (STB).

Organizations in Kanawha County and the surrounding area have made several earlier attempts to develop a rail trail in Kanawha County with limited success. The right-of-way at Blue Creek represents a unique opportunity for the recreational and economic life of one of the more urban areas of the state. As State Trail Coordinator I recognize the valuable service your organization is performing by taking the lead on this issue and support you in meeting the goal of developing a new Kanawha County rail trail.

Very truly yours,

William C. Robinson
State Trail Coordinator

WCR:w



August 25, 2006

Mr. Randy Allio, President
Elk River Rails to Trails Foundation
P.O. Box 5556
Charleston, WV 25361

Dear Mr. Allio:

Please accept this letter of support to the Elk River Rails to Trails Foundation for their work on conserving the Blue Creek Branch, being abandoned by the Norfolk Southern Railway Company, as a trail system for biking, hiking and equestrian uses.

The Charleston Area Alliance is a regional organization established to build a more vibrant community and prosperous economy. We can lend staff support to your organization by assisting with public outreach and education on the project and grant writing services.

If you need any further information, please contact Susie Salisbury at (304) 340-4253.

Thank you for your efforts in providing a quality recreational experience in Kanawha County.

Sincerely,

William B. Goode, CEcD
President