



Parks, Recreation and Historic Preservation

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Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

Request for Public Use Condition and addition as Party of Record
Docket No. AB 1303_0_X: Somerset Railroad Corporation - Abandonment Exemption - Niagara County, N.Y.

Dear Ms. Brown,

This request is filed on behalf of the New York State Office of Parks, Recreation and Historic Preservation (Proponent) which is a government agency whose mission is to provide safe and enjoyable recreational and interpretive opportunities for all New York State residents and visitors and to be responsible stewards of our valuable natural, historic and cultural resources.

Proponent hereby requests the Surface Transportation Board (STB) grant an issuance of a Public Use Condition for the Somerset Railroad Corporation's (SRC) rail line located in Niagara County, New York and described in Docket AB 1303X. Proponent further requests that it be added as a party of record to all future filings and decisions regarding Docket AB 1303_0_X.

A. Request for Public Use Condition

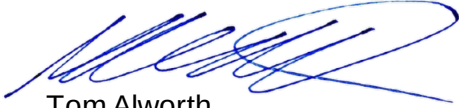
Proponent requests the STB to find that this property is suitable for public use, specifically future trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the rail corridor in question would make an excellent recreational trail and conversion of the property to trail use is widely supported throughout the area. The time period sought is a minimum of 180 days from the effective date of abandonment authorization. Proponent requires this time to commence negotiations 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 abandonment authorization for the same reasons as listed above.

In addition, the State respectfully requests a waiver of the Board's filing fees in accordance with 49 CFR 1002.2(e)(1).

By my signature below, I certify service upon all parties of record.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Tom Alworth', with a stylized, flowing script.

Tom Alworth
Executive Deputy Commissioner