



Red Line Parkway Initiative

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September 19th, 2019

248492

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, S.W., Room 1024
Washington, DC 20423

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September 19, 2019
Part of
Public Record

SENT VIA E-FILE AND U.S. MAIL

Re: Central Texas & Colorado River Railway Abandonment in McCulloch, San Saba, Mills, and Lampasas Counties, Texas, **STB Docket Number AB-1272x**

Dear Ms. Brown,

This request is filed on behalf of Red Line Parkway Initiative (EIN 82-3422252), which is a 501 (c)(3) non-profit organization established to support trails and their environs in Central Texas, and is hereinafter referred to as 'proponent'.

While not taking a position on the merits of this abandonment, proponent 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 Lometa and Brady, Texas.

A. Public Use Condition

Proponent 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:

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 could serve as (1) a dedicated recreational trail for walkers/hikers, bicyclists and equestrians while preserving the future option of restoration of railroad service or (2) a "rail-with-trail" corridor safely incorporating rail service with an adjacent trail easement in the corridor.

The time period sought is 180 days from the effective date of the abandonment authorization.

Proponent needs this much time because we have not had an opportunity to assemble/review

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title information, assess local community goals for the railroad corridor, or complete a trail plan or 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 and possibly future restoration of railroad service. 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, 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, Red Line Parkway Initiative 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 Central Texas & Colorado River Railway.

The property, known as the Central Texas & Colorado River Railway, extends from railroad milepost from a connection with BNSF Railway Company at milepost 0.0 at Lometa, Texas, to the end of the Line at milepost 67.5 at Brady, Texas, a distance of about 67.5 miles in McCulloch, San Saba, Mills, and Lampasas Counties, Texas. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1272x.

A map depicting the right-of-way is attached (Map 1).

Red Line Parkway Initiative 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.

We recognize the trail use/rail banking filing due date of September 18th, 2019 and that we are filing one day late, on September 19th, 2019. We claim good cause for this late filing due to the need to perform adequate outreach and communication with interests immediately adjacent to the railway corridor and with regional park & trail operators and to perform corridor research, including site visits.

By my signature below, I certify service upon Central Texas and Colorado River Railway, c/o Mr. Robert A. Wimblish, Fletcher and Sippel LLC, Attorneys at Law, 20 North Wacker Drive, Suite 800, Chicago, IL 60606-3208 by U.S. Mail, postage prepaid, first class, on September 19th, 2019.

Respectfully submitted,



Thomas "Tom" Wald

Executive Director

On behalf of Red Line Parkway Initiative

Cc via U.S. Mail:

- Eric M. Hocky, Clark Hill, PLC, One Commerce Square 2005 Market Street, Suite 1000, Philadelphia, PA 19103
- Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228
- Robert Wimblish, Fletcher & Sippel LLC, 29 North Wacker Dr Ste 800, Chicago, IL 60606-3208

Map 1

