

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

Tracie D. Spear
202.778.9390
Fax: 202.778.9100
tspear@kl.com

January 26, 2004

RECEIVED

JAN 26 2004

SURFACE
TRANSPORTATION BOARD

VIA HAND DELIVERY

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

209949

**Re: Lamoille Valley Railroad Company – Abandonment and
Discontinuance of Trackage Rights Exemption – In Caledonia,
Washington, Orleans, Lamoille and Franklin Counties, VT,
STB Docket No. AB-444 (Sub-No. 1X)**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of a **Letter Requesting Issuance of a Notice of Interim Trail Use (“NITU”)**, pursuant to 49 C.F.R. § 1152.29. A check in the amount of \$150.00, representing the appropriate fee for this filing, also is enclosed.

If you have any questions regarding this filing, please feel free to contact me.
Thank you for your assistance.

Respectfully submitted,

ENTERED
Office of Proceedings

JAN 26 2004

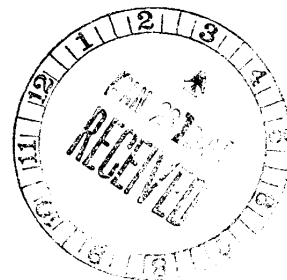
Part of
Public Record

Tracie D. Spear

Tracie D. Spear

Enclosures

FILED
JAN 26 2004
SURFACE
TRANSPORTATION BOARD



Kirkpatrick & Lockhart LLP

January 26, 2004

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

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

Tracie D. Spear
202.778.9390
Fax: 202.778.9100
tspear@kl.com

Re: Lamoille Valley Railroad Company –
Abandonment and Discontinuance of Trackage Rights Exemption – In
Caledonia, Washington, Orleans, Lamoille and Franklin Counties, VT,
STB Docket No. AB-444 (Sub-No. 1X)

Dear Mr. Williams:

This letter is filed on behalf of State of Vermont, by and through the State of Vermont Agency of Transportation (hereinafter referred to as "VTrans").

VTrans requests issuance of a Notice of Interim Trail Use ("NITU") for the rail line known as the St. Johnsbury & Lake Champlain ("SJLC") Main Line between approximately MP 0.057 (SJLC valuation station 3+00) in St. Johnsbury, VT and approximately MP 95.324 (SJLC valuation station 5033+10) in Swanton, VT, a distance of approximately 95.26 miles; and the Hardwick and Woodbury ("H&W") Connecting Track between approximately H&W valuation station 0+00 (Granite Junction) and approximately H&W valuation station 80+48 (Buffalo Road), a distance of approximately 1.52 miles, in Hardwick, VT (collectively, the "Subject Line"). The Subject Line traverses Caledonia, Washington, Orleans, Lamoille and Franklin Counties, VT.

On January 16, 2004, the Surface Transportation Board ("Board") served and published notice that Lamoille Valley Railroad Company ("LVRC") filed a notice of exemption under 49 CFR Part 1152, Subpart F to abandon the Subject Line. The notice provided that any request for trail use/rail banking under 49 CFR § 1152.29 must be filed no later than January 26, 2004. VTrans respectfully seeks rail banking and interim trail use on the Subject Line.

VTrans makes the following statement in support of the NITU request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, VTrans is willing to assume full responsibility for management of, for any

Kirkpatrick & Lockhart LLP

Mr. Vernon A. Williams
January 26, 2004
Page 2

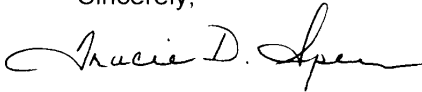
legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way of the Subject Line owned by VTrans and operated by LVRC.

The property known as the St. Johnsbury & Lake Champlain Main Line extends from approximately milepost 0.057 (SJLC valuation station 3+00) in St. Johnsbury, VT and approximately milepost 95.324 (SJLC valuation station 5033+10) in Swanton, VT, a distance of approximately 95.26 miles, located in Caledonia, Washington, Orleans, Lamoille and Franklin Counties, VT. The property known as the H&W Connecting Track extends between approximately H&W valuation station 0+00 (Granite Junction) and approximately H&W valuation station 80+48 (Buffalo Road), a distance of approximately 1.52 miles, located in Caledonia County, VT. The right-of-way of the Subject Line is a line of railroad proposed for abandonment in Docket No. STB AB-444 (Sub-No. 1X).

A map of the property depicting the right-of-way of the Subject Line is attached.

VTrans acknowledges that use of the right-of-way of the Subject Line 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. A copy of this statement is being served on LVRC on the same date it is being served on the Board.

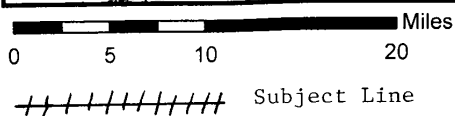
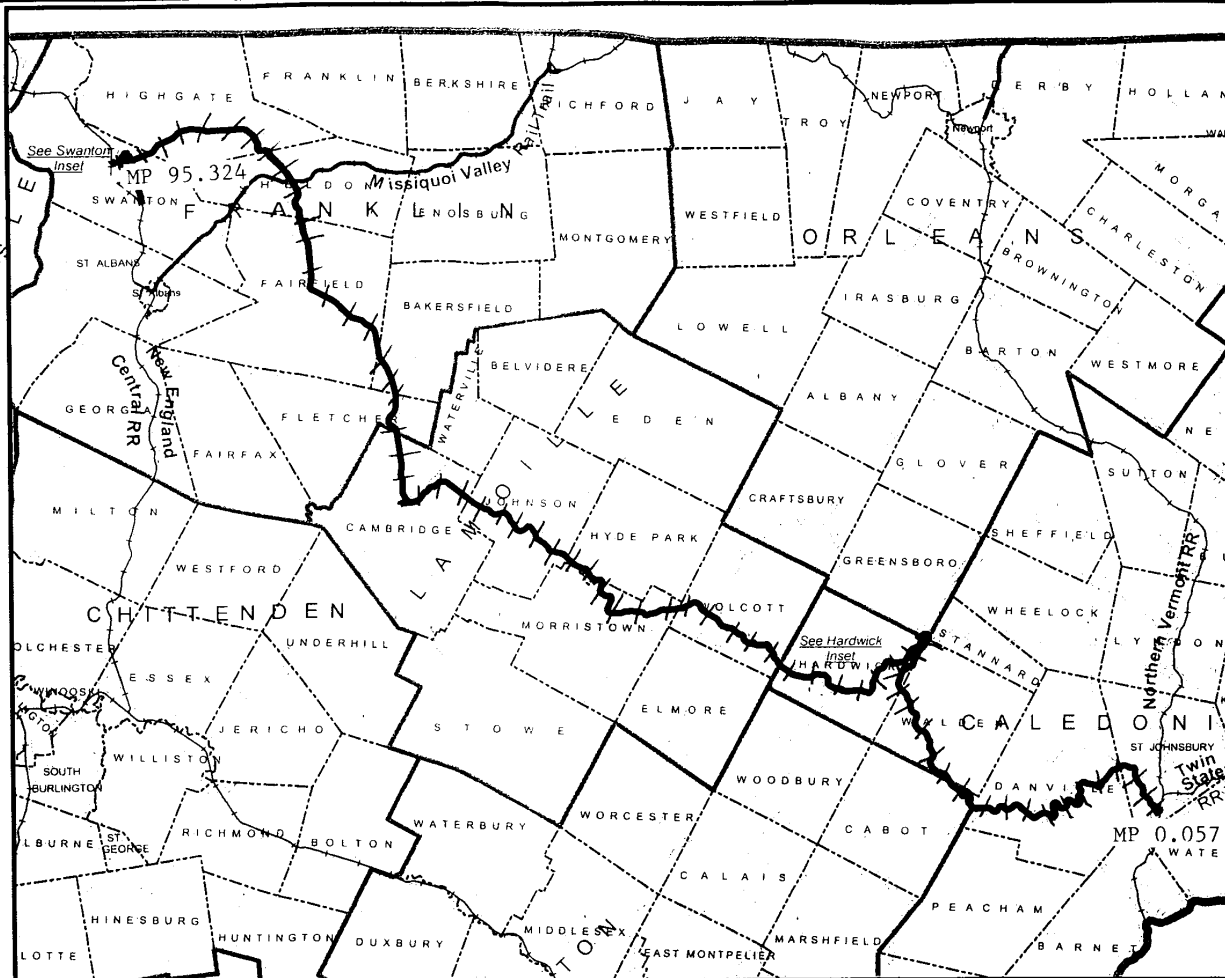
Sincerely,



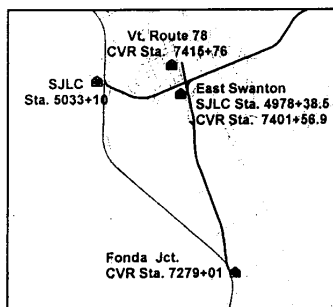
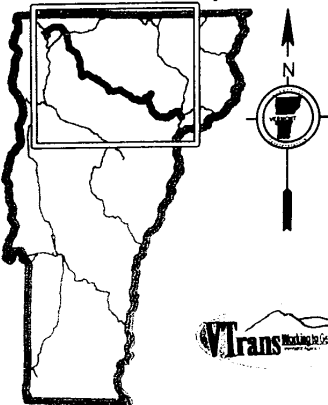
Tracie D. Spear
Counsel for State of Vermont Agency of Transportation

Enclosure

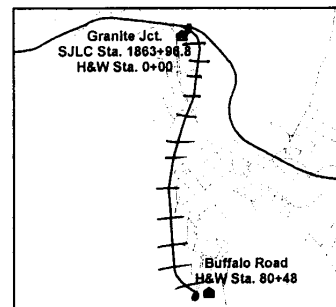
cc: Clyde S. Forbes, Lamoille Valley Railroad Company



Location Map



0 1 2 Miles
Swanton Inset



0 0.5 1 Miles
Hardwick Inset

Lamoille Valley Railroad St. Johnsbury - Swanton Vermont