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ADMINISTRATOR

February 13, 2004

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

Re: Norfolk Southern Railway Company Abandonment-Fayette County, WV

AB-290 (Sub - 231X)

Docket Number AB-290-231-X

AB-290 (Sub - 232X)

Docket Number AB-290-232-X

RECEIVED
FEB 23 2004
MAIL
ADMINISTRATIVE

ENTERED
Office of Proceedings

FEB 23 2003

Part of
Public Record

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 the Fayette County Commission, which is a public interest organization interested in conservation and recreation, which is hereinafter referred to as "Commenter". Please also refer to the January 7th, 2003 (dated January 7, 2002 in error) letter to you from Susan Pierce, Deputy State Historic Preservation Officer, of the West Virginia Division of Culture and History. (It is my understanding that Norfolk Southern has not effected these two abandonments, pending completion of its preliminary negotiations with West Virginia Citizens' Conservation Corps, a non-profit entity functioning on behalf of the Fayette County Commission, to fulfill the plan outlined in Ms. Pierce's letter.)

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 between Oak Hill Junction (milepost WL-0.0_ and Oak Hill (milepost WL-1.75) and between Oak Hill (milepost OH-0.0) and Carlisle (milepost OH-2.8)

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.

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1. 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 corridor would make an excellent recreational trail and greenspace area and conversion of the property to trail use is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization.
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 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 make 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 49C.F.R 1152.29, the Fayette County Commission 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 Railroad.

The property, known as the Jones Avenue to Carlisle railbed extends from railroad milepost **OH-0.0** at Oak Hill to railroad milepost **OH-2.8** at Carlisle, a distance of 2.8 miles in Fayette 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. 232-X). The second property, known as Oak Hill Junction to Summerlee extends from railroad milepost **WL-0.0** to Oak Hill at railroad milepost **WL-1.75**.

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

The Fayette county Commission 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.

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By my signature below, I certify service upon Norfolk Southern Railway Company, c/o
J. R. Paschall, Three Commercial Place, Norfolk, Virginia 23510 by U. S. Mail, postage
prepaid, first class, this 13th day of February, 2004.

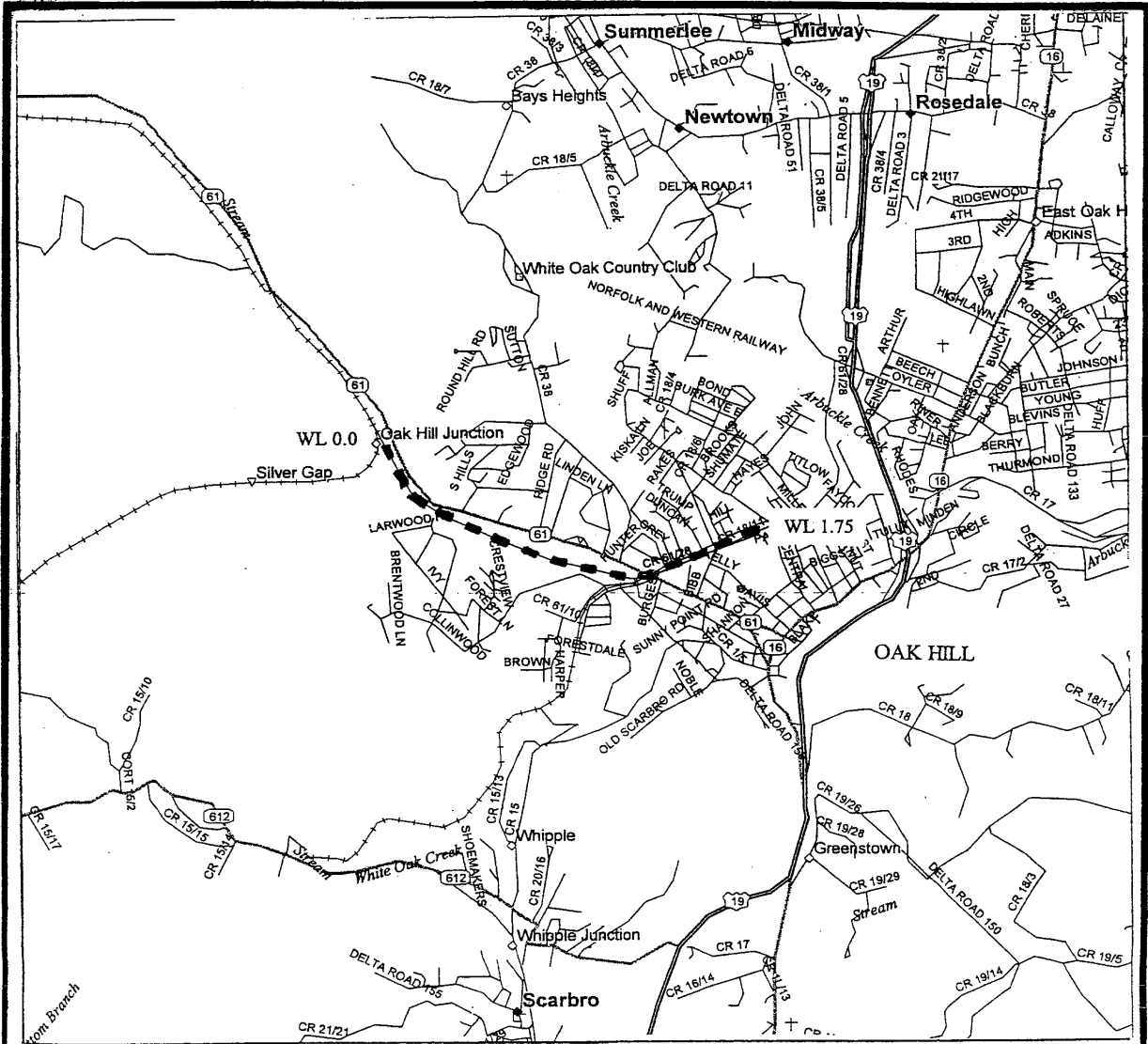
Respectfully submitted,


Kenneth L. Eskew, President

on Behalf of the Fayette County Commission

Docket No. AB-290 (Sub. No. 231x)

804992



NS NORFOLK SOUTHERN

DRAWING COMPANY

OFFICE OF CHIEF ENGINEER - DESIGN & CONSTRUCTION ATLANTA, GA.

LOCATION

Oakhill, West Virginia

TITLE

PROPOSED LINE ABANDONMENT
MP WL 0.0 - WL 1.75

DGN.

VAL SEC

MAP

MILE POST

DWN

FILE 188-24

DRAWING NUMBER

CHK

DATE August 17, 2001

TA 00-0109

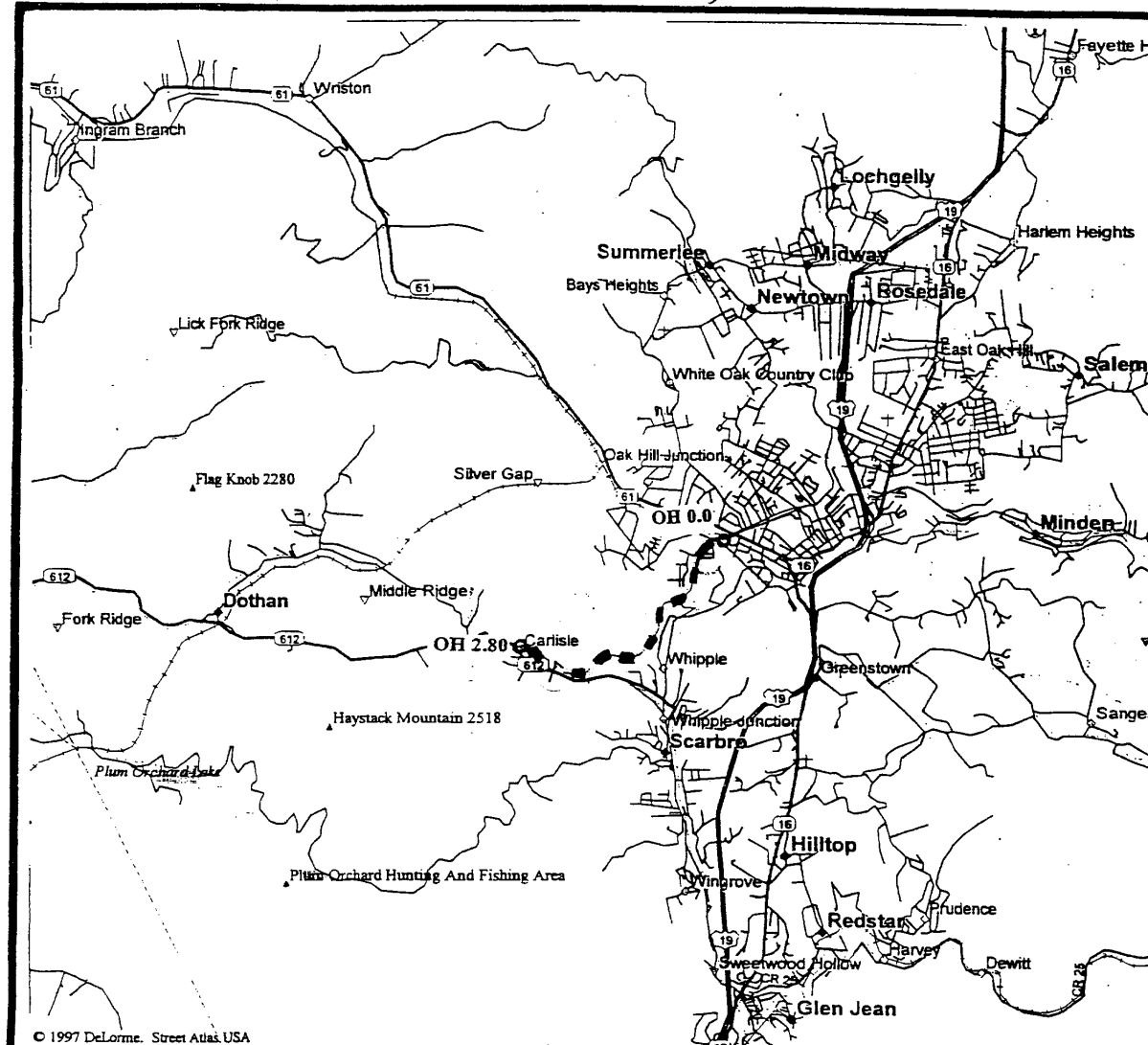
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FIELD BOOK

SHEET OF

004802

Docket No. AB-290 (Sub No. 232 X)



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DRAWING COMPANY

OFFICE OF CHIEF ENGINEER - DESIGN & CONSTRUCTION ATLANTA, GA.

REV	BY	DATE	DESCRIPTION
LOCATION <i>Oak Hill to Carlisle, West Virginia</i>			
TITLE <i>Proposed Line Abandonment Between MP OH 0.0 and OH 2.80</i>			
DCH	VAL	SEC	MAP
DCH	RPD	FILE	188-24
CH	DATE	August 18, 2000	
MILE POST			DRAWING NUMBER
			TA 00-0108

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