



County of Armstrong

Department of Planning and Development

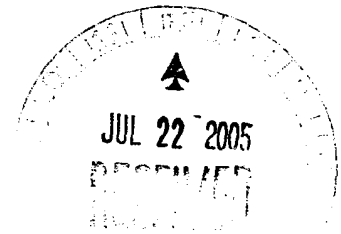
Richard L. Palilla, Executive Director

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July 11, 2005



Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

ENTERED
Office of Proceedings

JUL 22 2005

Part of
Public Record

RE: Pittsburgh & Shawmut Railroad, LLC Abandonment in Armstrong County, Pennsylvania
and Jefferson County, Pennsylvania, STB Docket No. AB-976X

Dear Secretary:

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 Armstrong County Board of Commissioners and Jefferson County Board of Commissioners, which are government agencies interested in transportation and/or recreation, which are hereinafter referred to as "Commenter."

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 milepost 22.0 south of Brookville, Jefferson County, Pennsylvania and milepost 62.0 in Mahoning, Armstrong County, Pennsylvania.

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:

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 is along a scenic watershed. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and open space 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 because we have not had an opportunity to assemble or to review title information.

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 makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. § 1152.29, Armstrong County Board of Commissioners and the Jefferson County Board of Commissioners are 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 Pittsburgh & Shawmut Railroad, LLC and operated by Buffalo & Pittsburgh Railroad, Inc.

The property, known as the Pittsburgh & Shawmut Railroad, extends from railroad milepost 22.0 near Brookville, Pennsylvania to railroad milepost 62.0 near Mahoning, Pennsylvania, a distance of forty miles in Armstrong and Jefferson Counties, Pennsylvania. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-976X.

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

Armstrong County and Jefferson County 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.

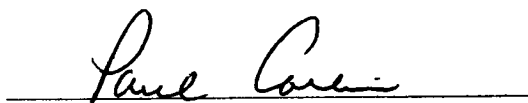
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July 11, 2005

By our signatures below, we certify service upon Eric M. Hocky, Four Penn Center, Suite 200, 1600 JFK Blvd., Philadelphia, PA 19103 counsel for Pittsburgh & Shawmut Railroad, LLC by US Mail, postage pre-paid, first class, this 11th day of July, 2005.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patricia L. Kirkpatrick", written over a horizontal line.

Name Patricia L. Kirkpatrick, Mdm. Chairman
On behalf of: Board of Commissioners,
Armstrong County

A handwritten signature in cursive script, reading "Paul Corbin", written over a horizontal line.

Name Paul Corbin, Chairman
On behalf of: Board of Commissioners,
Jefferson County

Brookville to Mahoning Abandonment

