

Sean P. Simon
233 Walden Circle
Robbinsville, NJ 08691

ENTERED
Office of Proceedings

JUN 19 2006



June 13, 2006

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

Part of
Public Record

Re: Consolidated Rail Corporation Abandonment, Mercer County, NJ,
Docket Number AB-167, Sub-no. 1185X

Dear Mr. Williams:

This comment should be treated as a protest or petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the C&A Trail Conservancy, which is a public interest organization interested in recreation. Said group will hereinafter be 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 MP 32.20 +/- and MP 37.90 +/-.

A. Public Use Condition

Commenter requests STB to find this property 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 of public use on reasonable terms. The justification for this condition is that the property is of extreme historic value, and has been placed on the New Jersey DEP-Historic Preservation Office Register of Historic Places. This property was rendered eligible for both the State and National Registers of Historic Places in 1991, and is subject to a Section 106 review under the National Historic Preservation Act. Because of this property's extreme historic significance, as the first commercial rail line constructed in the State of New Jersey, it is an excellent candidate for conversion to a public recreational trail, which will maintain the property's integrity. In addition, the corridor bisects at least two existing Greenways, and provides additional green space within a rapidly developing area. Therefore, preservation as a trail is consistent with both environmental and historical concerns within the affected area. Conversion to a trail will also serve as a buffer between several existing residential areas, and any new commercial redevelopment. The period of time 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, complete a trail plan, and 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 the abandonment authorization for the same reason as indicated above.

FILED FEE WAIVED

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. 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 rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. subsection 1247 (d), and 49 C.F.R. subsection 1152.29, C&A Trail Conservancy 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 Consolidated Rail Corporation.

The property, known as the Robbinsville Industrial Track, extends from railroad milepost 32.20 +/- in Hamilton Township, NJ, to railroad milepost 37.90 +/- in Washington Township, NJ. The right of way is part of a line of railroad proposed for abandonment in STB Docket No. AB 167 (Sub-no. 1185X).

C&A Trail Conservancy 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 reconstruction and reactivation of the right-of-way for rail service.

By my signature blow, I certify service upon Consolidated Rail Corporation, 1000 Howard Boulevard – 4th Floor, Mount Laurel, NJ 08054, by U.S. Mail, postage paid, first class, this June 13 day of 2006.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Sean P. Simon', written in a cursive style.

Sean P. Simon
On Behalf of C&A Trail Conservancy