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City of Gastonia

Office of The Mayor

"A Commitment to Excellence"

October 2, 2006

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K. Street, N.W.
Washington, DC 20006

Re: Norfolk Southern Railway Company - Abandonment in Gaston County, North Carolina, STB Docket No. AB-290 (Sub No. 275X)

Dear Mr. Williams:

This request is filed on behalf of the City of Gastonia, which is a political subdivision or government agency interested in conservation and/or recreation, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between mileposts HG 45.0 and HG 46.8.

A. Request For Public Use Condition

Proponent asks 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. Justification for this condition is: *The corridor is a high priority corridor in the City's adopted greenway master plan. It will provide a necessary link in the ultimate connector of three major city parks, one county park, Gaston College and the Gastonia Technology Park as well as the ultimate interconnection to other trails in the City's existing greenway system. It will provide an opportunity for a trail crossing of Interstate 85 in Gastonia to an interconnected trail system. In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes.* The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to complete negotiations with Norfolk Southern Railway Company.

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. Request For 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 railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, the City of Gastonia 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 Railway and operated by the City of Gastonia.

The property extends from railroad milepost HG 45.0 within the City limits of Gastonia to railroad milepost HG 46.8 near Rankin Lake Road, a distance of 1.8 miles in Gaston County, North Carolina. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No.275X).

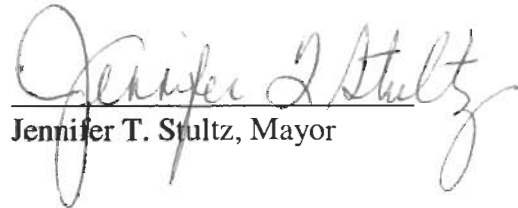
A map depicting the right-of-way is attached.

The City of Gastonia 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.

By my signature below, I certify service upon Norfolk Southern Railway Company, Three Commercial Place, Norfolk Virginia, 23510-2191, by U.S. Mail, postage pre-paid, first class, this ____ day of October, 2006.

Respectfully submitted,

CITY OF GASTONIA



Jennifer T. Stultz, Mayor



Southern point of
railroad abandonment