



City of New Albany

"The Fair and Friendly City"

Office of the City Attorney

112 East Bankhead Street, Suite A • Post Office Drawer 730 • New Albany, Mississippi 38652
Phone (662) 534-6326 • Fax (662) 534-5205

November 6, 2006



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

218069
FILED FEE WAIVED

Re: MISSISSIPPI TENNESSEE HOLDINGS, LLC JOINT PETITION FOR EXEMPTION FROM 49 U.S.C. SECTION 10903 FOR ABANDONMENT AND DISCONTINUANCE OF SERVICE Abandonment Union, Pontotoc, and Chickasaw Counties, Mississippi AB-868X and AB-869X

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 City of New Albany, which is a municipal government located in the service area of the rail corridor that runs between the Cities of New Albany and Houston, Mississippi, which is 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 of Notice of Interim Trail Use rather than an outright abandonment authorization between the cities of New Albany and Houston, Mississippi.

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 of public use on reasonable terms. The justification for this condition is that the rail corridor follows near the path of the historic Chickasaw Trail and 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 greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 90 days from the effective date of the abandonment authorization. Commenter needs this much time because we have not had an opportunity to assemble a committee of local elected officials from the areas through which this rail corridor passes to review title information, complete a trail plan, or commence negotiations with the carrier.

ENTERED
Office of the City Attorney

NOV 13 2006

Public Record

Mayor: Tim Kent

Ward 1 Alderman: Jeff Olson • Ward 2 Alderman: Larry Sanford

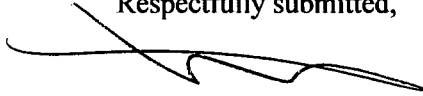
Ward 3 Alderman: Tommie Beasley • Ward 4 Alderman: Bill Tucker • Alderman-At-Large: Dan Skinner

City Clerk: Anne Neal • City Attorney: Robert M. Carter

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By my signature below, I certify service upon MISSISSIPPI TENNESSEE HOLDINGS, LLC,
102 Willow Drive, P. O. Box 99, O'Fallon, IL 62269 by U. S. Mail, postage prepaid, first class this 6th
day of November, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert M. Carter', written over a horizontal line.

Robert M. Carter
Attorney for the City of New Albany,
as authorized by the Mayor and Board of
Aldermen

RMC:ctm

cc: Mississippi Tennessee Holdings, LLC
102 Willow Drive
P. O. Box 99
O'Fallon, IL 62269
Mayor Tim Kent (via facsimile transmission & U. S. Mail)
Mr. Randy Kelly, Three Rivers P&D