



City of New Albany

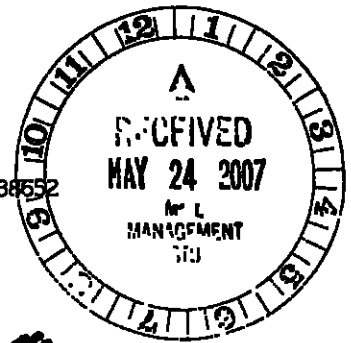
"The Fair and Friendly City"

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

May 17, 2007



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

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Re. MSTB Docket No. AB-868(SUB-NO. 1X),
MISSISSIPPI TENNESSEE HOLDINGS, LLC
ABANDONMENT EXEMPTION IN HARDAMAN COUNTY, TN
AND TIPPAAH AND UNION COUNTIES, MS

MSTB Docket No. AB-869(SUB-NO. 1X),
MISSISSIPPI TENNESSEE HOLDINGS, LLC
DISCONTINUANCE OF SERVICE EXEMPTION -
IN HARDAMAN COUNTY, TN AND TIPPAAH AND UNION COUNTIES, MS

Dear Mr. Williams:

Apparently, my past filings on this issue have created some confusion and I apologize for that. Please refer to my letter dated March 30, 2007 filed on behalf of the City of New Albany, Mississippi. I was under the impression a 1.36 mile segment of rail line in New Albany, MS was involved in the proceeding in Docket Numbers AB-868X and AB-869X. I believe this portion of the railroad runs from milepost 325.56 to milepost 324.2, all located within the City of New Albany, Mississippi. In my letter dated March 30, 2007, I incorrectly stated the property extends from a point near milepost 326.2 to railroad milepost 281 south of the City of Houston, Mississippi.

In the above referenced proceedings, our request relates only to the 1.36 segment of rail line in New Albany, Mississippi. The 19.4 mile segment of rail line between Middleton, Tennessee and Ripley, Mississippi, also involved in the above proceeding is not located between New Albany and Houston, Mississippi. That segment is not covered in this request.

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 Certificate of Notice of Interim Trail Use rather than an outright abandonment authorization between the cities of New Albany and Houston, Mississippi.

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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Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. Commenter makes the following stipulation. We understand that this rail banking request is not a contract and does not commit us to acquire any property or to accept any liability. This request simply invites negotiation with the railroad company under the umbrella of rail banking. Although part of this filing includes a "Statement of Willingness to Assume Financial Responsibility", we are not accepting any financial responsibility, but merely expressing an interest in possibly doing so.

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. Section 1247(d), and 49 C.F.R. Section 1152.29, the City of New Albany 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 MISSISSIPPI TENNESSEE HOLDINGS, LLC and operated by MISSISSIPPI TENNESSEE RAILROAD, LLC.

The property extends from a point near railroad milepost 325.56 located in the City of New Albany to a point near railroad milepost 324.2, also in the City of New Albany, Mississippi. (The petition in Docket Numbers AB-868X and AB-869X involve the rail line from a point near milepost 324.2 in the City of New Albany, Mississippi to a point near milepost 281 south of the City of Houston, Mississippi.) The right of way sought in this petition is a part of line of railroad proposed for abandonment in STB Docket No. AB-868(SUB-NO. 1X) and STB Docket No. AB-869(SUB-NO. 1X).

The City of New Albany 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 this right-of-way for rail service.

Under date of March 30, 2007, we requested additional time and by letter dated April 9, 2007, Thomas F. McFarland advised MS Tennessee Holdings, LLC and MS Tennessee Railroad, LLC were agreeable to an extension of the rail banking and trail use negotiating period up to and including August 1, 2007. As to the subject 1.36 mile segment of rail line, we are seeking the same extension as that sought in our letter of March 30, 2007. In the event the Surface Transportation Board decides to award an extension for a shorter time than the one sought, we would ask that the date be the same as you may grant in Docket Numbers AB-868X and AB-869X. It is our request that we be granted an additional 120 days.

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 17th day of May, 2007.

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Respectfully submitted,

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
City of New Albany
P. O. Box 56
New Albany, MS 38652

Mr Randy Kelly, Three Rivers P&D
Post Office Box 690
Pontotoc, MS 38863