

Town of

Johnstown

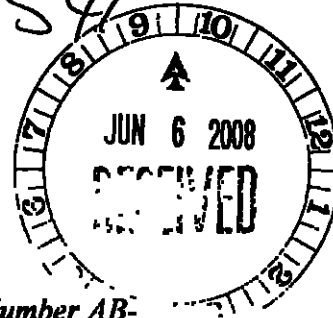
May 20, 2008

Anne K. Quinlan, Esq
Acting Secretary
Surface Transportation Board
395 E. Street. S.W.
Washington, DC. 70423-0001

ENTERED
Office of Proceedings

JUN 6 - 2008

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Public Record



Re: Great Western Railway Abandonment in Weld County, CO, STB Docket Number AB-857(Sub-No 1X)

Dear Ms. Quinlan:

This request is filed on behalf of the Town of Johnstown which is a Municipal Home Rule Corporation interested in transportation resources, utilities management and recreation, which is hereinafter referred to as "proponent".

While not taking a position on the merits of this abandonment, proponent 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 Mile Marker 0 and Mile Marker 4.5.

A. Public Use Condition:

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, but also potential water and sewer utility use and to place the following conditions on 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 adjoins several existing and planned residential neighborhoods and public parks, and will connect these neighborhoods to the historic downtown. 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 is optimum for extension of public water and sanitary sewer mains. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble or to review title information, or to 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.

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, Proponent also makes the following request:

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. § 1152.29, the Town of Johnstown is willing to assume full financial responsibility for management of, and to indemnify the railroad against any potential liability for public use of the right-of-way owned by the Great Western Railway, LLC.

The property, known as the Welty Branch extends from railroad milepost 00 near N. Parish Avenue to railroad milepost 4.5 near one-half mile west of I-25, a distance of 4.5 miles in Weld County, Colorado. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-857 (*Sub-no. IX*).

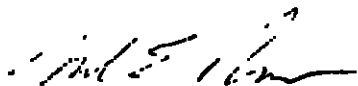
A map depicting the right-of-way is attached.

The Town of Johnstown 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 Great Western Railway, LLC, Karl Morell of Counsel, Ball Jank, LLP 1455 F Street, N.W., Suite 225, Washington, DC. 20005 by U.S. Mail, postage prepaid, first class, on May 20, 2008

Respectfully submitted,

Town of Johnstown



Mark Romanowski, Mayor

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