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TRANSPORTATION BOARD**

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BEFORE THE SURFACE TRANSPORTATION BOARD

R.J. Corman Equipment Company)
--Abandonment Exemption--in)
Johnson, Breathitt and Magoffin Counties, KY)

Docket No. AB-876X

**Request to Extend the Time Period for Negotiation of an
Interim Trail Use/Railbanking Agreement**

August 18, 2008

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

**ENTERED
Office of Proceedings**

AUG 22 2008

**Part of
Public Record**

Dear Mr. Williams:

By decision and notice of interim trail use or abandonment (NITU) served on December 23, 2004, the Board granted R.J. Corman Equipment Company, LLC (RJCE)¹ and R.J. Corman Railroad Company/Bardstown Line (RJCR) (collectively, Corman) an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903. RJCE sought to

¹ RJCE has changed its name to R.J. Corman Railroad Property, LLC. For convenience, we refer here to RJCE by its prior name and to RJCE and RJCR collectively as "Corman".

abandon, and RJCR sought to discontinue service over, a line of railroad known as the Dawkins Line, extending from milepost 0.05 at Dawkins, KY, to the end of the track at milepost 36.13 near Evanston, KY, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, KY. The exemption was granted subject to public use, environmental, and standard employee protective conditions, and the Board authorized a 180-day period as requested by the Big Sandy Area Development District (Big Sandy ADD) on behalf of Judge Executive Roger "Tucker" Daniel and the Johnson County Fiscal Court, Judge Executive Bill May and the Magoffin County Fiscal Court, and Judge Executive Lewis Warrix and the Breathitt County Fiscal Court (collectively, the Counties), to negotiate an interim trail use/rail banking agreement with RJCE under the National Trails System Act, 16 U.S.C. 1247(d). The negotiating period under the NITU was extended by decisions served on June 30, 2005, January 5, 2006, July 6, 2006, January 4, 2007, June 15, 2007, December 31, 2007 with the latest extension expiring on July 21, 2008.

On December 17, 2007 the Big Sandy ADD requested that the Kentucky Rails to Trails Council (KRTC) which is hereinafter referred to as Commenter assumes the responsibility of continuing to negotiate with R.J. Corman Railroad Company toward an interim use agreement for the Dawkins Line. KRTC is a non profit organization whose mission is to promote and develop rail trails in the state of Kentucky.

KRTC states that it will continue to pursue funding for development of a trail and that the parties have deferred further negotiations pending commitment to funding by the Commonwealth of Kentucky. KRTC adds that Corman has authorized it to state that Corman consents to a further extension of the NITU negotiating period and the consequent deadline for filing a notice of consummation.

A copy of KRTC's statement of willingness to assume full responsibility for management of, and liability and payment of taxes for, the right-of-way, is attached as Exhibit A. The standard filing

fee of \$350.00 is enclosed. This motion has the consent of R.J. Corman Railroad Property, LLC (under separate cover).

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.

By signatures below, we certify service upon R.J. Corman Railroad Property, LLC, One Jay Station, P.O. Box 788, Nicholasville, KY 40356, by U.S. Mail, postage prepaid, first class, this 18th day of August 2008.

I, Keith Lovan, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this pleading. Executed on 8/18/08.

Respectfully Submitted,

Keith Lovan

Keith Lovan

P.O. Box 597

Lexington, KY 40508

Cc: Ronald Lane

Sandy Runyon

BEFORE THE SURFACE TRANSPORTATION BOARD

R.J. Corman Railroad Equipment Company)
in Johnson Breathitt and Magoffin Counties, KY) AB Docket No. AB-876X
--Abandonment Exemption--)

Statement of Willingness to Assume Financial Responsibility

In order to establish interim trail use and rail banking under Section 8(d) of the National Trail System Act, 16 U.S.C. § 1247 (d), and 49 C.F.R. § 1152.29, The Kentucky Rails to Trails Council 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 in the above captioned proceeding, owned by R.J. Corman Railroad Company.

The property known as the Dawkins Line, extends from M.P. 0.5 at Dawkins, KY to the end of the line at M.P. 36.13 at Evanston, KY, a distance of 36.08 miles in Breathitt, Magoffin and Johnson Counties. The right of way is part of a line of railroad proposed for abandonment in STB Docket No. AB-876X. A map depicting the right of way is attached.

Kentucky Rails to Trails Council, acknowledges that use of the right-of-way is subject to the user continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on R.J. Corman Railroad Property, LLC on the same date it is being served on the Surface Transportation Board.

Respectfully Submitted,



Keith Lovan, Chair
Kentucky Rails to Trails Council
P.O. Box 597
Lexington, KY 40588

August 18, 2008

Exhibit A