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November 28, 2011

11/28/11 10:41 AM
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Re: BNSF Abandonment in Cass County, North Dakota, Docket # AB-6. *Su B - NO, 478X*

Dear Ms. Brown:

This request is on behalf of City of Arthur Park Board and the City of Hunter Park Board, which are hereinafter referred to as "proponents."

While not taking a position on the merits of this abandonment, proponents request issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between the cities of Arthur and Hunter as shown on the attached map.

A. Public Use Condition

Proponents request the STB to find that this property is suitable for 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 public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and is supported by the two connected towns of Arthur and Hunter. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have to determine additional information regarding title, complete a trail plan and commence negotiations with 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

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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, proponents also make the following request:

In order to establish interim trail use and rail banking under section 8(d) of the National Trail Systems act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29, the Arthur Park Board and the Hunter Park Board are 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 they 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 BNSF.

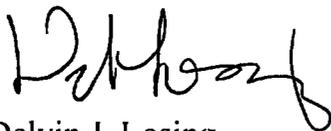
The property in question extends from railroad milepost 68.1 near Arthur to milepost 75.5 near Hunter, North Dakota, a distance of 7.4 miles in Cass County, North Dakota. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-6 (Sub-No. 478X) BNSF Railway Company – Abandonment Exemption – in Cass County, North Dakota.

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

The Arthur Park Board and the Hunter Park Board acknowledge that use of the right-of-way is subject to user 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 BNSF, 2500 Lou Menk Drive – AOB-3, Fort Worth, TX 76131-2828, by U.S. Mail, postage prepaid, first class on November 28, 2011.

Very truly yours,



Delvin J. Losing
DJL:dl

Arthur - Hunter, ND

