

**JAMES R. TOWNSEND**  
*Webster County Judge Executive*

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March 14, 2011

Secretary  
Surface Transportation Board  
395 East Street, S.W.  
Washington, SDC 20423-0001

Re: Western Kentucky Railway, LLC Abandonment in Webster County, Kentucky, AB\_449\_3\_X

Dear Secretary:

This request is filed on behalf of Webster County, Kentucky which is a political subdivision, hereinafter referred to as "proponent". Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between MP 48.0 at Dekoven, Union County, Kentucky and through the Union/Webster Line into Webster County at least 23.5 miles more or less.

**A. Request for Public Use Condition**

Proponent asks 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 for public use on reasonable terms. Justification for this condition is: 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 open space and its preservation as a recreational trail is consistent with those purposes. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to complete a trail plan.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification of 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. Request for 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:

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Public Record

30941

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

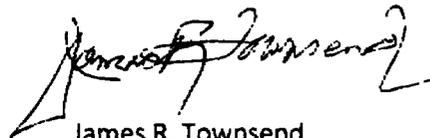
In order to establish interim trail use and railbanking under section 8 (d) of the National Trails System Act, 16 U.S.C. § 1247 (d) and 49 CFR § 1152.29, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune 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 and operated by Western Kentucky Railway, LLC.

The property extends from railroad milepost 48.0 near Dekoven, Kentucky to the Union/Webster County Line into Webster County, a distance of at least 23.5 miles more or less in Webster County. These segments are as follows: 14.5 miles between Dekoven, Union County, Kentucky and Blackford, Webster County, Kentucky (mileage unspecified of how much is in Webster County); 8.5 miles between Blackford and Clay, Webster County, Kentucky, 9.5 miles between the Costain Prep Plant and Providence, Webster County, Kentucky; 5.5 miles between the Costain Prep Plant and Caney Creek; and the Wheatcroft Loop Track (mileage unspecified). The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB\_ 449\_3\_X.

Webster County, Kentucky 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 upon Hon. Eric M. Hocky, Thorp, Reed and Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103 by U.S. Mail, postage pre-paid, first class, this 14th day of MARCH, 2011.

Respectfully Submitted,



James R. Townsend  
Webster County Judge Executive  
On behalf of Webster County, Kentucky