

E1-8150



July 7, 2008

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

FILING FEE WAIVED

Re: Union Pacific - Abandonment- AB-33 (Sub-no. 266)

Dear Ms. Quinlan:

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 Goodyear which is a government agency interested in the use of the abandoned railway for recreational purposes, which is hereinafter referred to as 'Commenter'.

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 between Milepost 889.34 (Litchfield Junction) and Milepost 892.25 (Litchfield Park).

A. Public Use Condition

Commenter requests 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 of -public use on reasonable terms. The justification for this condition is that the corridor would be used for recreational trails and conversion of the property to trail use is in accordance with local plans. In addition, the

corridor provides an important habitat for local wildlife and its preservation as a recreational trail is consistent with that purpose. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time - because we have not had an opportunity to gather and review title information, complete a trail plan or begin 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, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

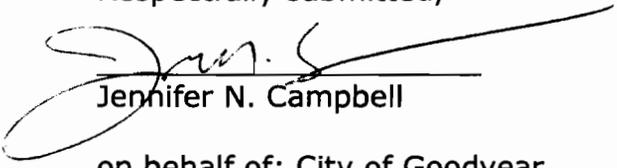
In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, City of Goodyear is willing to assume full responsibility for management of, for any legal liability - arising out of the transfer or use of (unless 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 Union Pacific.

The property, known as the Litchfield Industrial Lead extends from railroad milepost 889.34 near Litchfield Junction to railroad milepost 892.25 near Litchfield Park, a distance of 2.91 miles in Maricopa County, AZ. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-no. 266x).

City of Goodyear 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 Union Pacific, c/o Gabriel S. Meyer, Assistant General Attorney 1400 Douglas Street, STOP 1580 Omaha, NE 68179 by U.S. Mail, postage prepaid, first class, this 7th day of July, 2008.

Respectfully submitted,



Jennifer N. Campbell

on behalf of: City of Goodyear

I can be contacted at (623) 882-7531. My address is 3075 N. Litchfield Rd.
Goodyear, Arizona 85395.