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June 18, 2015

Office of the City Manager

Via Electronic Filing

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423-001

**Re: STB Docket No. AB-290 (Sub-No. 327X)
Norfolk Southern Railway Company – Abandonment, Discontinuance
of Trackage Rights and Discontinuance of Service Exemption – In
Cleveland and Rutherford Counties, NC, and Cherokee County, SC.**

Dear Ms. Brown:

This petition is filed by the City of Shelby (the “City”), a North Carolina municipal corporation.

While not taking a position on the merits of the abandonment sought in this proceeding, the City hereby requests that the Surface Transportation Board (the “Board”), pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29, issue a Public Use Condition and establish a Notice of Interim Trail Use, rather than issue an outright abandonment authorization for the two segments of rail line located, respectively, between milepost SB 144.55 and milepost SB 154.50 and between milepost SSB 158.10 and milepost SB 160.00 (the “Lines”). The City submits that the Lines are suitable for railbanking.

A. Public Use Condition

The City requests that the Board find the Lines are suitable for other public use, specifically rail use, and to place the following conditions on abandonment.

1. An order prohibiting Norfolk Southern Railway Company (the “Railroad”) from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. This condition is justified because the rail corridor in question would make an excellent recreational trail. Conversion of the property to trail use is not inconsistent with local plans. To the contrary, the City’s Comprehensive Pedestrian Plan (2007) and the City’s Comprehensive Land Use Plan (2009) each identify the Lines as a future bicycle and pedestrian corridor. The use of the Lines as a recreational trail will enable the City to connect a variety of existing greenways and public destination points throughout the community. Further, the rail corridor at issue is

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identified in the Carolina Thread Trail Master Plan for Cleveland County Communities (2010) as a primary greenway route for the Carolina Thread Trail in Cleveland County. The Carolina Thread Trail is a regional network of trails and conserved lands that will reach approximately 2.3 million citizens. Further, the corridor provides important open space 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. The City needs this time to perform due diligence in connection with its proposed recreational use of the Lines and to engage in negotiations with the Railroad.

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 reasons as indicated above.

B. Interim Trail Use

The City submits that the Lines are suitable for railbanking. In addition to the Public Use Condition sought above, the City makes the following statement, pursuant to 49 C.F.R. § 1152.29:

Statement of Willingness To Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 with respect to the right-of-way owned and operated by the Railroad and identified above, the City is willing to assume full responsibility for: (1) Managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the City is immune from liability, in which case it need only indemnify the Railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The property extends from milepost SB 144.55 to milepost SB 154.50, and from milepost SB 158.10 to milepost SB 160.00, a collective distance of approximately 11.85 miles in Cleveland County, North Carolina. The right-of-way are the lines of the Railroad proposed for abandonment in Docket No. AB-290 (Sub-No. 327X). A map of the property depicting the right-of-way is attached.

The City acknowledges that use of the right-of-way is subject to its 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 the Railroad, c/o William A. Mullins, Esq. and Crystal M. Zorbaugh, Esq., Baker & Miller PLLC, 2401 Pennsylvania Avenue, N.W., Suite 300, Washington, DC 20037, on the same date it is being served on the Board.

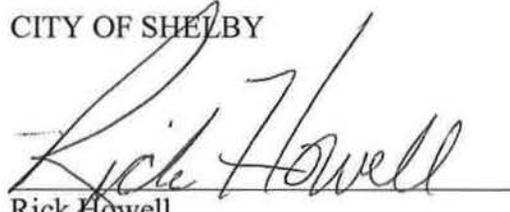
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Finally, the City, as a governmental entity, respectfully requests a waiver of the Board's filing fees in accordance with 49 C.F.R. § 1002.2(e)(1). Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

CITY OF SHELBY

By:

A handwritten signature in black ink that reads "Rick Howell". The signature is written in a cursive style and is positioned above a horizontal line.

Rick Howell
City Manager

Enc. as stated

cc: Adam N. Olls, Esq.
Robert H. Merritt, Jr., Esq.