



West Central Arkansas Planning & Development District, Inc.

233776

233777

Dwayne Pratt
Executive Director

February 8, 2013

The Honorable Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
February 8, 2013
Part of
Public Record

Re: STB Docket AB 1076X, Caddo Valley Railroad Company –
Abandonment Exemption – In Clark, Pike and Montgomery
Counties, Arkansas

STB Docket AB 1076 (Sub-No. 1X), Caddo Valley Railroad
Company - Abandonment Exemption – In Pike and Clark
Counties, Arkansas

Dear Ms. Brown:

The West Central Arkansas Planning and Development District (“WCAPDD”) respectfully requests issuance of a Notice of Interim Trail Use (“NITU”) for both of the lines of the Caddo Valley Railroad Company (“CVRR”) that are the subject of the above abandonment exemption proceedings (the two segments form a continuous line formerly known as the Norman Branch). WCAPDD’s Statement of Willingness to Assume Financial Responsibility is attached.

WCAPDD requests that the Board accept this late-filed request. At the time CVRR filed its petition for exemption and its notice of exemption in the above proceedings, a local group, the Southwest Arkansas Regional Intermodal Authority, indicated that it intended to file an Offer of Financial Assistance to purchase the entire line in order to preserve it for future rail service. We later learned that no such offer was forthcoming and incorrectly assumed that the abandonment process had been completed. Recently, we learned that the abandonments had not yet been consummated and that under the Board’s regulations, a late-filed trail use statement could still be considered for good cause shown.

Attached is a letter to the Board from the President of CVRR confirming that the abandonments have not yet been consummated and that CVRR is willing to negotiate an interim trail use agreement with WCAPDD for the above lines.

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FILING FEE WAIVED

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WCAPDD is an entity of the State of Arkansas. Pursuant to 49 C.F.R. § 1002.2(e)(1), the filing fees for requesting the NITUs herein are waived.

Please contact me at 501-282-9826 if you have any questions.

I hereby certify that a copy of this request with attachments has been served upon CVRR by first class mail; postage prepaid, this 8th day of February 2013.

Thank you for your consideration of this request.

Respectfully submitted,



Dwayne Pratt
Executive Director

Enclosures

cc: Mr. Tim Bean, President
Caddo Valley Railroad Company

James Smith, Esq.
Richard H. Streeter, Esq.



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STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

Dear Ms. Brown:

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, West Central Arkansas Planning and Development District (“WCAPDD”) is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against, the right-of-way owned by the Caddo Valley Railroad Company, formerly known as the Norman Branch, extending from railroad milepost 429.45 near Gurdon, Arkansas to railroad milepost 447 near Antoine, Arkansas (a distance of 17.55 miles) and between railroad milepost 447 and railroad milepost 479.2 near Birds Mill, Arkansas (a distance of 32.2 miles), a total distance of 49.75 miles in Pike, Clark and Montgomery Counties, Arkansas. The right-of-way between milepost 429.45 and milepost 447 is part of a line of railroad proposed for abandonment in Docket No. STB AB-1076 (Sub-No. 1X) and the right-of-way between milepost 447 and milepost 479.2 is part of a line of railroad proposed for abandonment in Docket No. STB AB-1076X. Neither line is currently being operated.

A map of the property depicting the right-of-way for both lines is attached.

WCAPDD acknowledges that use of the right-of-way is subject to WCAPDD’s 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

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being served on the Caddo Valley Railroad Company on the same date it is being served on the Board.

Respectfully submitted,



Dwayne Pratt
Executive Director

CADDO VALLEY RAILROAD COMPANY
c/o Smith Akins & Gladden, P.A.
400 West Capitol Avenue, Suite 1700
Little Rock, Arkansas 72201

February 6, 2013

The Honorable Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

Re: STB Docket AB 1076X, Caddo Valley Railroad Company –
Abandonment Exemption – In Clark, Pike and Montgomery
Counties, Arkansas

STB Docket AB 1076 (Sub-No. 1X), Caddo Valley Railroad
Company - Abandonment Exemption – In Pike and Clark
Counties, Arkansas

Dear Ms. Brown:

I am President of Caddo Valley Railroad Company (“CVRR”), the owner of the rail lines that are the subject of the above abandonment proceedings (the two segments form a continuous line formerly known as the Norman Branch.)

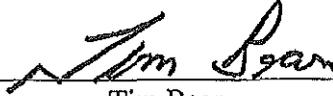
CVRR has not yet consummated either of the abandonment exemptions issued in the above proceedings.

The West Central Arkansas Planning and Development District (“WCAPDD”) recently advised me that it intends to late-file with the Board a request for a Notice of Interim Trail Use (“NITU”) for both of the lines.

Please be advised that CVRR is willing to negotiate an interim trail use agreement with WCAPDD for the above lines and supports issuance of the NITUs.

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Respectfully submitted,

A handwritten signature in cursive script that reads "Tim Bean". The signature is written in black ink and is positioned above a horizontal line.

Tim Bean
President