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217554
August 30, 2006

The Honorable Vernon Williams
Surface Transportation Board
1925 K. Street, N.W., Suite 715
Washington, DC 20423-0001



Re: STB Docket No. AB-6 (Sub-No. 431X), BNSF Railway Company
Abandonment Exemption – In Fulton County, Illinois

Dear Secretary Williams:

Attached for filing are the original and ten (10) copies of a Request for Public Use Condition and Request for Interim Trail Use by the Farmington Rails to Trails Coalition in the captioned case. Also enclosed is a check for \$150.00 as to STB Docket No. AB-6 (Sub-No. 431X) BNSF Railway Company.

Please time and date stamp the extra copy and return the same to my office in the self-addressed stamped envelope.

If you have any questions, please do not hesitate to call me. Thank you.

Sincerely,

BAUDINO, POTTER, MAAS & ETCHESON

By: 

Steven C. Etcheson

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Enc.

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Re: STB Docket No. AB-6 (Sub-No. 431X), BNSF Railway Company
Abandonment Exemption – In Fulton County, Illinois



Dear Secretary Williams:

This request is filed on behalf of the Farmington Rails to Trails Coalition, Farmington, Illinois, hereinafter referred to as "Proponent." The Proponent comprises of the Farmington City Council, Farmington Township Board, Farmington Township Park, Farmington Central School District and the Farmington Chamber of Commerce. The Proponent is devoted to improving the quality of life in the local area by providing recreational opportunities for our citizens while, at the same time, improving the environment and preserving our natural resources.

The Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between the southerly boundary line of the Proponent and the Northerly boundary line of the Proponent.

A. Request for Public Use Condition

The 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 rail corridor in question will connect to local bicycle trails and walking paths, as well as our city parks. 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

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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. The Proponent needs this much time to assemble or to review title information, complete a trail plan, or begin negotiations with the carrier.

2. An order barring removal or destruction of the 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. 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 statement:

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, the Farmington Rails to Trails Coalition is willing to assume full responsibility for management of, and, for any legal liability arising out of the transfer or use of the trail. But, the Farmington Rails to Trails Coalition should be immune from liability and in which case will only indemnify the railroad against any potential liability and for payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by BNSF Railway Company.

The property, known as BSNF Railway, extends from Railroad Mile Post 52.28 near Farmington, Fulton County, Illinois, to Railroad Mile Post 51.58 near Farmington, Fulton County, Illinois, a distance of one (1) mile. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-6 (Sub-No. 431X).

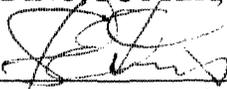
A map depicting the right-of-way is attached.

The Proponent acknowledges that use of the right-of-way is subject to the user's continuing to met its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature, I certify service upon BNSF Railway Company by U.S. Mail, postage paid, first class, this 31st day of August, 2006.

Sincerely,

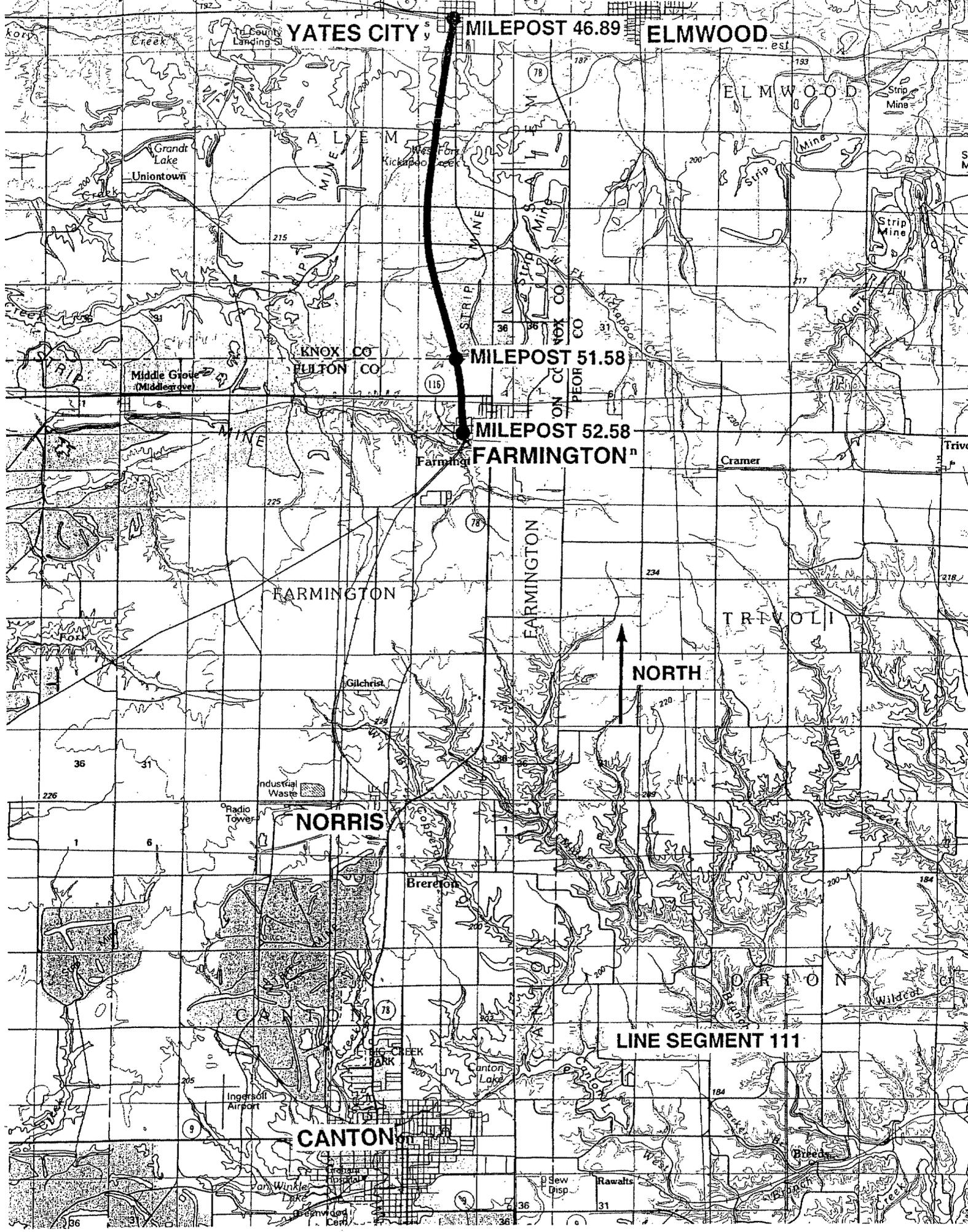
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