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JAMES J. FIORENTINI
MAYOR

February 27, 2007

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St., NW, Rm 711
Washington, DC 20423

ENTERED
Office of Proceedings

JUN 30 2007

Part of
Public Record



Subject: Pan Am Railways (Boston and Maine Corporation and Springfield Terminal Railway Company) – Abandonment of and Discontinuance of Service over Georgetown Branch – AB 32 (Sub No. 53x)

Dear Mr. Williams:

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 Haverhill which is a municipal-government agency interested in transportation and natural resources, 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 "End of Abandonment, Milepost 6.13" and the Main Street Bridge over the Merrimack River (see attachment).

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 City of Haverhill desires conversion to a public recreational trail at this location, which is along a scenic river. The trail is part of local plans to provide a downtown walking loop which would encompass the above mentioned limits along the current rail, the Upper County Bridge (which is adjacent to Milepost 6.13), a boardwalk on the north side of the river (next spring construction is scheduled for a portion of the boardwalk and replacement of an existing section of boardwalk), and the Main Street Bridge. To this end, the City has hired a Consulting Firm to complete 100% design plans for the sections of boardwalk mentioned above, and to bring to 25% design the remaining sections of boardwalk on the north side of the river and a recreational trail on the south side of the river (location of the to be abandoned rail). The existing rail corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is

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consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because our Consultant needs the proper time to complete the design plans and to this point we have had the opportunity for only preliminary discussions with Pan Am Rail to express our interest.

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 request 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 REESPONSIBILITY

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, The City of Haverhill 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 taxes that may be levied or assessed against the right-of-way owned by Pan Am Railways.

The property, known as the Georgetown Branch extends from railroad milepost 6.13 at end of abandonment to milepost 4.66 at beginning of abandonment, a distance of 1.47 miles in Essex County, Massachusetts. The right of way is part of a line of railroad proposed for abandonment in STB Docket No. AB 32 (Sub No. 53x).

A map depicting the right of way is attached.

The City of Haverhill 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.

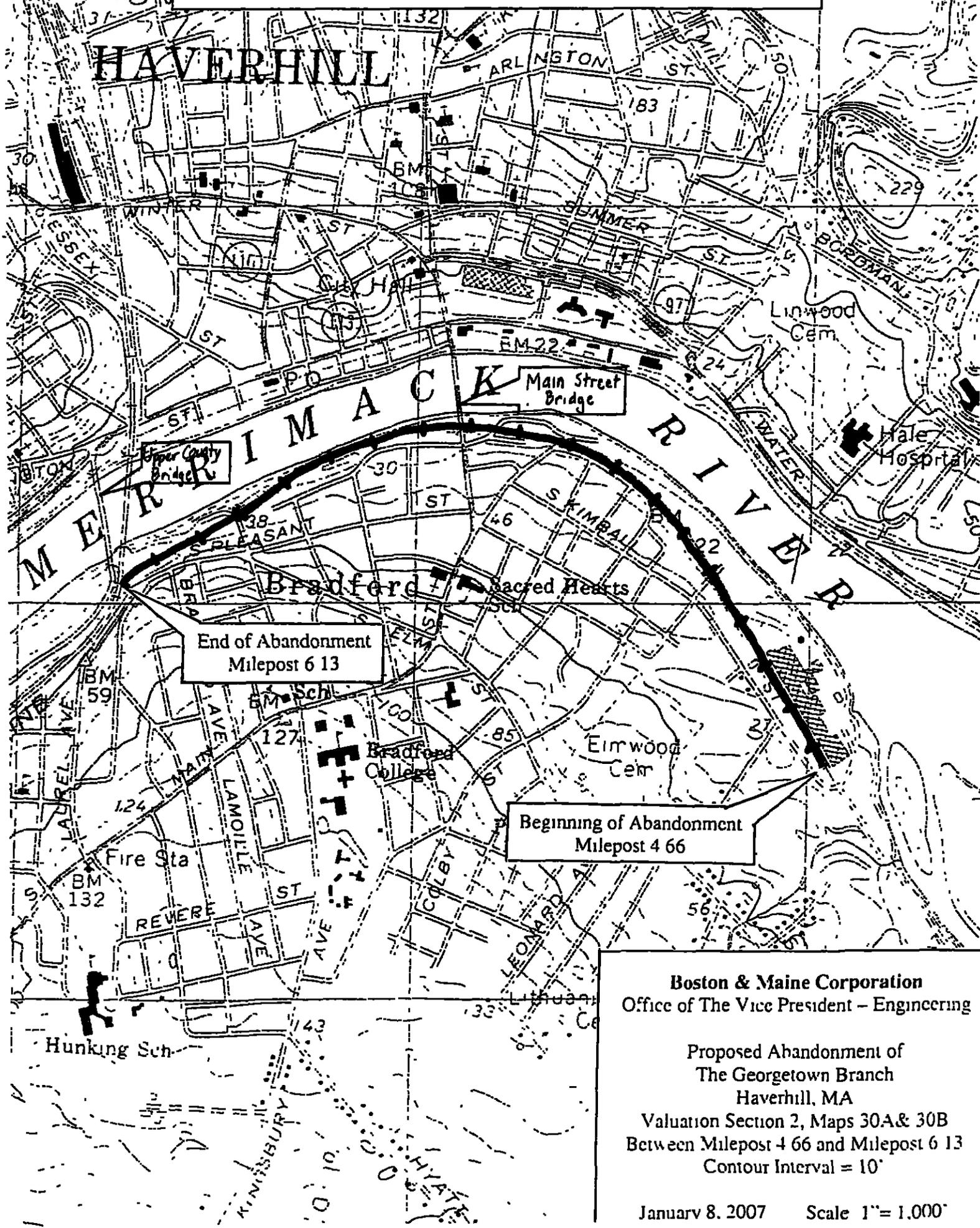
By my signature below, I certify service upon Pan Am Railways (attention Jeffrey C. Royer, Esq.), 1700 Iron Horse Park, North Billerica, MA 01862, by U.S. Mail, postage prepaid, first class, this 27th day of 2007.

Respectfully submitted,


James J. Fiorentini
Mayor

Abandonment Plan - Georgetown Branch

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Boston & Maine Corporation
Office of The Vice President - Engineering

Proposed Abandonment of
The Georgetown Branch
Haverhill, MA
Valuation Section 2, Maps 30A & 30B
Between Milepost 4 66 and Milepost 6 13
Contour Interval = 10'

January 8, 2007 Scale 1" = 1,000'