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Office of The Attorney General  
State of Connecticut

February 28, 2008

The Honorable Vernon A Williams, Secretary  
Surface Transportation Board  
395 K Street, N W  
Washington, D C 20423-0001

ENTERED  
Office of Proceedings  
MAR 4 - 2008  
Part of  
Public Record



**Public Use Condition and Interim Trail Use Condition Request**

RE Boston & Maine Corporation ("B&M") and Springfield Terminal Railway ("ST")  
Abandonment Over Canal Branch - Southington, Connecticut  
STB Docket No AB 32 (Sub No 101X)  
AB 355 (Sub No. 35X)

Dear Secretary Williams

Enclosed please find this **second amended** request and ten copies of the same for both a Public Use Condition and a Interim Trail Use Condition filed on behalf of the Connecticut Department of Transportation ("CDOT"), which is a state government entity, hereinafter referred to as "proponent" As such, it appears to be subject to the provisions of 49 C F R Sec 1002 2(e)(1), whereby the Board has waived filing fees for an application or other proceeding which is filed by a state government entity

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization of 0.73+/- miles between milepost 24.00 and 24.73 of the Canal Branch line.

**A Request To Accept Late-Filed Petition**

Proponent requests the STB to accept this late filed petition because the time allowed CDOT, pursuant to STB regulations, was not sufficient time for the CDOT's governmental review process to be completed and an appropriate response sent in reflected in this Public Use Condition And Interim Trail Use Condition Request As a result, the CDOT request was unavoidably late-filed as more time was needed to study the matter, discuss and decide on the CDOT position on the matter of abandonment The time of late filing was not a significant amount CDOT has contacted Attorney Michael Q Geary, counsel for B&M and ST, on the matter Attorney Geary stated that he will inquire within their organization to determine whether B&M and ST agree to this

**Request To Accept Late-Filed Petition and/or Request For Public Use Condition and Interim Trail Use Condition**

**B . Request For Public Use Condition**

Proponent asks the STB to find that this property is suitable for other public use, including trail use, and to place the following conditions on the abandonment

1 An order prohibiting the carrier from disposing of the corridor and its tracks, ties and signal equipment except for public use on reasonable terms The justification for this condition is the rail corridor in question is an important transportation and utility right-of-way for the State of Connecticut which should not be severed The corridor terminates directly adjacent to the Route 10 Exit ramps from Interstate-84 in Southington, CT and connects directly to an active rail line connecting the cities of New Britain and Hartford If allowed to acquire the subject rail line and trackage rights necessary on linking any active remaining B&M, ST and/or Pan Am Railways lines, proponent intends to both preserve the existing rail corridor right-of-way for railbanking and preserve the rail corridor or expand transportation assets for other public use purposes The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans There are a variety of uses currently under review, including restoring freight service and use for a bicycle or recreational trail However, no decision has yet been made regarding the final use of the right-of-way In addition, the 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 Proponent needs this much time to prepare a cost estimate, title search and an appraisal report for negotiations with the owner for the purchase of assets and trackage rights .

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

**C Request For Interim Trail Use Condition**

The railroad right-of-way in this proceeding is suitable for railbanking In addition to the public use conditions sought above, proponent also submits this

**STATE OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and railbanking under 8(d) of the National Trails System Act, 16 U.S.C. Sec. 1247(d) and 49 CFR Sec. 1152.29, proponent is willing to assume financial responsibility for management of the trail and pay prospective property taxes on the trail Proponent will also assume agreements, covenants, obligation and liabilities of the owner (excluding any past or existing environmental liabilities) in

respect to any underground facilities, drainage culverts, walls, crossings and/or other structures of any nature and description located in whole or in part within the right-of-way

The property, known as the Canal Branch Line, extends 0.73 +/- miles between railroad milepost 24.00 and railroad milepost 24.73 in Southington, Connecticut, 06489 located in Hartford County, Connecticut. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB 32 (Sub No. 101X) and AB 355 (Sub No. 35X).

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

Proponent 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.

PROPONENT

CONNECTICUT DEPARTMENT  
OF TRANSPORTATION

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BY 

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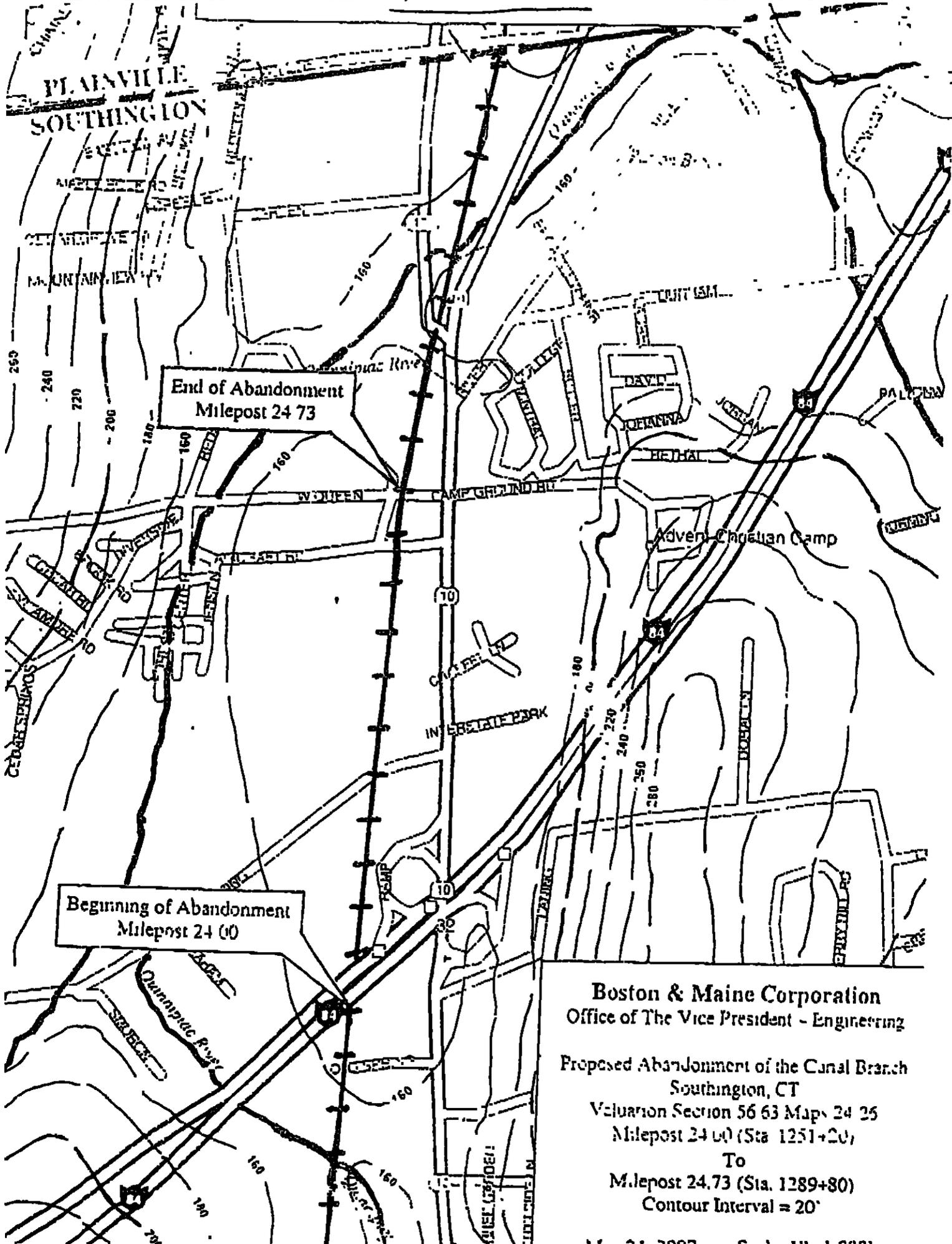
**CERTIFICATE OF SERVICE**

I certify that on this <sup>21<sup>st</sup></sup> 28 day of February, 2008, a copy of the Request For Public Condition and Request for Interim Trail Use was sent by first class mail, postage prepaid to

Michael Q Geary  
Staff Attorney  
Pan Am Railways  
1700 Iron Horse Park  
North Billerica, Massachusetts 01862



Alan N Ponanski  
Assistant Attorney General



End of Abandonment  
Milepost 24.73

Beginning of Abandonment  
Milepost 24.00

**Boston & Maine Corporation**  
 Office of The Vice President - Engineering  
 Proposed Abandonment of the Canal Branch  
 Southington, CT  
 Valuation Section 56 63 Maps 24 25  
 Milepost 24.00 (Sta. 1251+20)  
 To  
 Milepost 24.73 (Sta. 1289+80)  
 Contour Interval = 20'