

# LATROBE FOUNDATION

P.O. BOX 110  
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September 17, 2009



Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

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225804

Re: Norfolk Southern Railway Company Abandonment in the City of Latrobe,  
Westmoreland County, PA, STB Docket No. AB-290 (Sub. No. 314X)

Dear Ms. Quinlan:

This request is filed jointly on behalf of Latrobe-Unity Parks & Recreation [which is a Regional Recreation Commission as well as being an Intergovernmental agency] and, The Latrobe Foundation [a local charitable foundation] - both interested in conservation and recreation - hereinafter referred to as 'proponent'.

While not taking a position on the merits of this abandonment, proponent 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 mileposts XN-0.00 and XN-2.04.

## A. Public Use Condition

Proponent 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 corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important greenspace and its preservation as a recreational trail is consistent with that end.

The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier.

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.

**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, proponent also makes the following request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

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, Latrobe-Unity Parks & Recreation Commission and The Latrobe Foundation are 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 Norfolk Southern Railway Company.

The property, known as the Norfolk Southern Railway, extends from railroad mileposts XN-0.00 and XN-2.04, a distance of 2.04 miles in the City of Latrobe and Derry Township of Westmoreland County, PA. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub. No. 314X). A map depicting the right-of-way is attached.

Latrobe-Unity Parks & Recreation Commission and The Latrobe Foundation 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 James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia 23510 by U.S. Mail, postage prepaid, first class, on September 18, 2009.

Respectfully submitted,

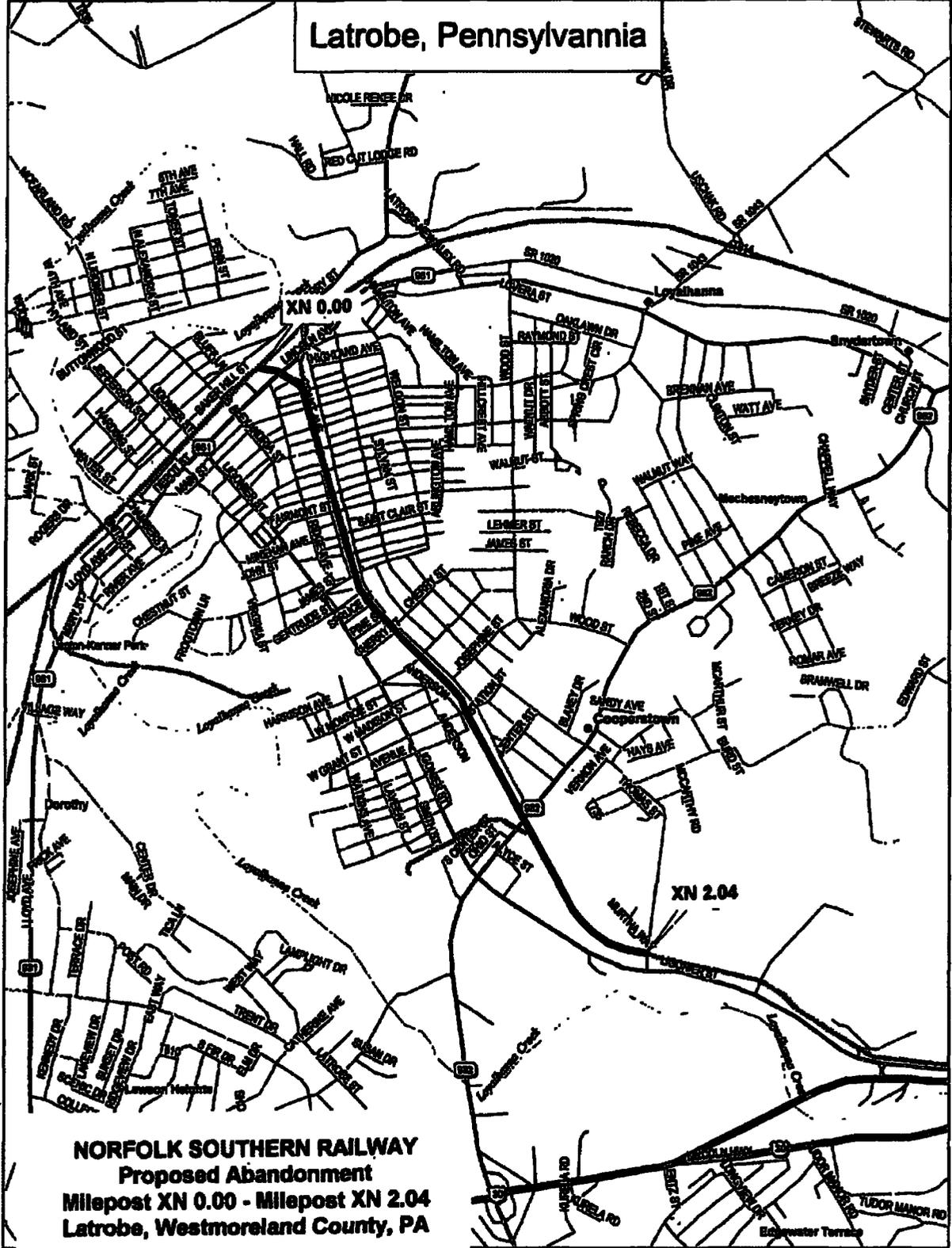


Jeanne A. Ashley  
Executive Director, Latrobe-Unity Parks & Recreation Commission



James R. Okonak  
Vice President, The Latrobe Foundation

# Latrobe, Pennsylvania



**NORFOLK SOUTHERN RAILWAY**  
**Proposed Abandonment**  
**Milepost XN 0.00 - Milepost XN 2.04**  
**Latrobe, Westmoreland County, PA**

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