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**SURFACE
TRANSPORTATION BOARD**

**CITY OF SANTA MARIA
OFFICE OF THE CITY MANAGER**
City Manager, Ext. 200
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November 26, 2002

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Office of Proceedings

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Part of
Public Record



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

Reference: Santa Maria Valley Railroad Company – Abandonment – Santa Barbara, California, AB-844X Sub-No. 8 and 8A, STB Ex Parte No. 537

Dear Mr. Williams:

206744

Please treat this letter as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the City of Santa Maria which is a government agency interested in transportation and/or natural resources, private/public interest organization interested in conservation and/or recreation, etc., 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 College Drive (milepost 9.75) and Gates Station (milepost 14.62).

A. Public Use Condition

Commenter requests the Surface Transportation Board (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. The justification for this condition is that: the rail corridor in question is within a scenic portion of the Santa Maria Valley and will connect major residential areas to rural and scenic areas; the corridor would make an excellent recreational trail; conversion of the property to trail use is in accordance with local plans; and a portion of this corridor is identified as a multi-use trail within the City's General Plan. In addition, the corridor provides a first link in an easterly bound trail program. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this amount of time because we have not had the opportunity to assemble interested community and government groups to complete a trail plan or enter into negotiations with the carrier.

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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 reasons as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, Commenter 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, the City of Santa Maria is willing to assume full responsibility for management of the property, for any legal liability arising out of the transfer or use of the property (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 and all taxes that may be levied or assessed against the right-of-way owned by Santa Maria Valley Railroad Company and operated by Santa Maria Valley Railroad.

The property consists of the area from College Drive railroad milepost 9.75 to railroad milepost 14.62 near Gates Station, a distance of 4.87 miles in Santa Barbara County, California. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-844. A map depicting the right-of-way is attached.

The City of Santa Maria 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 Santa Maria Valley Railroad at P.O. Box 340, Santa Maria California, 93456, by U.S. Mail, postage prepaid, first class, this 26th day November of 2002.



TIM S. NESS
City Manager
on behalf of the City of Santa Maria

Attachment

