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Tyrone Bridge and Rail Company, Inc.
P.O. Box 1202
Versailles, KY 40383

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JAN 10 2004

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December 21, 2004

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

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Office of Proceedings

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Part of
Public Record

Re: Norfolk Southern Railway Company-Abandonment Anderson and Woodford Counties, KY
STB Docket Number AB-290 (Sub-no. 192X)

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Dear Mr. Williams:

Pursuant to 49 C.F.R. § 1152.29(f) Tyrone Bridge and Rail Company, Inc. request that the Surface Transportation Board (STB) extend the time period for negotiation of a mutually acceptable interim trail use/railbanking agreement in this proceeding for an additional 180 days. This comment is filed on behalf of Tyrone Bridge and Rail Company, Inc., a non profit organization which is hereinafter referred to as Commenter. A copy of TBRC's statement of willingness to assume full responsibility for management of, and liability and payment of taxes for, the right-of-way, is attached as Exhibit A, accompanied by a check for \$300.00. This motion has the consent of Norfolk Southern Railroad Corporation (NS) (See Exhibit B).

By decision served February 7, 2001, the Rails to Trails Conservancy (RTC) was recognized as the negotiating party, under the National Trails System Act, 16 U.S.C. § 1247(d), to negotiate with NS for the use of the subject right-of-way. On January 2, 2004 a petition was filed substituting TBRC, in lieu of RTC as the interim trail manager for the rail line. RTC continues to support this railbank request (See Exhibit C). On June 25, 2004 an extension was requested by TBRC. In addition to this support, Kentucky Rails to Trails Council (KRTC) has agreed to be a partner in this endeavor and fully supports TBRC efforts as trail manager. (See Exhibit D).

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 Lawrenceburg and Tyrone.

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 rail corridor in question is would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the Young High Bridge and the 9 mile corridor have been placed on the National Registry of Historical Places. Norfolk Southern Railroad, owner of the bridge and a portion of the corridor, did not object to the designation. This was made possible by the fundraising efforts of TBRC and Joe Brent, vice

president of Mud Puppy and Water Dog.

The time period sought is 180 days from the effective date of the abandonment authorization.

Commenter needs this much time because in order to assume negotiations with Norfolk Southern and to work with state and federal officials who have made commitments to support the project.

TBRC has been meeting on a regular basis and is building support for the project.

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, Commenter also makes the following request:

Tyrone Bridge and Rail Company, Inc. 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 Norfolk Southern Railway Company, 3 Commercial Place, Norfolk, Virginia 23510, by U.S. Mail, postage prepaid, first class, this 21st day of December 2004.

I, N Jodie Wells, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this pleading. Executed on December 21, 2004.

Respectfully Submitted,

N. Jodie Wells

N. Jodie Wells, President

Tyrone Bridge and Rail Company, Inc.

P.O. Box 1202

Versailles, KY 40383

BEFORE THE SURFACE TRANSPORTATION BOARD

Norfolk Southern Railway Company)
in Anderson and Woodford Counties, KY)AB Docket No. AB-290(Sub-No 192X)
--Abandonment Exemption--)

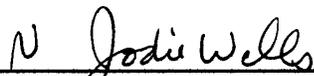
Statement of Willingness to Assume
Financial Responsibility

In order to establish interim trail use and rail banking under Section 8(d) of the National Trail System Act, 16 U.S.C. § 1247 (d), and 49 C.F.R. § 1152.29, The Tyrone Bridge and Rail Company, Inc. 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 and all taxes that may be levied or assessed against the right of way in the above captioned proceeding, owned by Norfolk Southern Railway Company (NSR).

The property extends from M.P. 0.7-LL at Lawrenceburg, to M.P. 3.5-LL at Tyrone, in Anderson and Woodford Counties, KY, a distance of approximately 2.8 miles.

The Tyrone Bridge and Rail Company, Inc. acknowledges that use of the right-of-way is subject to the user continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on NSR on the same date it is being served on the Surface Transportation Board.

Respectfully Submitted,



N. Jodie Wells, President

Tyrone Bridge and Rail Company, Inc.
P.O. Box 1202
Versailles, KY 40383

December 21, 2004

Exhibit A

Norfolk Southern will fax their letter agreeing to this extension directly to the Surface Transportation Board.

Exhibit B



January 3, 2005

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

Re: Norfolk Southern Abandonment in Anderson and Woodford Counties,
Kentucky, STB Docket Number AB-290 sub 192x

Dear Mr. Williams,

Rails-to-Trails Conservancy (RTC) fully supports the goal of the Tyrone Bridge and Rail Company (TBRC), a nonprofit corporation based in Woodford County, to acquire the 2.8-mile Norfolk Southern line between Lawrenceburg and Tyrone in Anderson and Woodford Counties. RTC filed for, and was granted, a Notice of Interim Trails Use (NITU) for this right-of-way on February 7, 2001 with TBRC substituted on the NITU as of May 28, 2004.

RTC recognizes the value of preserving this line, particularly the spectacular Young's High Bridge, which was built by the Union Bridge Company of New York and is 1,659 feet in length, 283 feet above the low water mark and has a 551 feet long cantilever span. RTC understands that progress has been made in the negotiations for this line between the state of Kentucky, TBRC, Norfolk Southern and other interested stakeholders and strongly encourages the board to grant TBRC a 180 day extension of the NITU, which is set to expire in January 2005.

Sincerely,

Jeffrey Ciabotti
Vice President of Trail Development

1100 Seventeenth Street, NW
10th Floor
Washington, DC 20036

202-331-9696
FAX: 202-331-9680

100% Recycled Paper

Exhibit C



December 21, 2004

Kentucky Rails to Trails Council (KRTC) urges the Surface Transportation Board to grant the Tyrone Bridge and Rail Company, Inc a 180 day extension of the NITU, which is set to expire on December 29, 2004. KRTC supports the Tyrone Bridge and Rail Company's (TBRC) goal of converting this abandonment into a rail and is pleased to provide the funds for the filing of this request.

The TBRC proposal is especially appealing because of several unique factors that other projects in other parts of the country do not have. This project would include the highest and longest bridge span of all rail trails in the country. Young's High Bridge has a significant history as well and has been placed on the National Registry of Historic Places and is truly a unique asset to the community and state. It is also located next to one of the premiere bourbon distilleries.

KY Rails to Trails recognizes the value of converting this abandonment into a rail trail and fully supports Tyrone Bridge and Rail Company.

Sincerely,

A handwritten signature in black ink that reads "Keith Lovan". The signature is written in a cursive, flowing style.

Keith Lovan
Chairman, KRTC

Exhibit D

P.O. Box 597 Lexington, KY 40588-0597
www.kyrailtrail.org