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THE TRUST  
for  
PUBLIC  
LAND

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SURFACE TRANSPORTATION BOARD January 26, 2006



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

Western Region Office

**Re: San Pedro Railroad Operating Company LLC Abandonment in Cochise County, Arizona, STB Docket No. AB-1081X**

www.stb.gov

Dear Mr. Secretary:

This comment is filed on behalf of The Trust for Public Land, a non-profit California public benefit corporation interested in conservation and recreation, which is hereinafter referred to as "Proponent."

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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 outright abandonment authorization, with regard to the approximately 76.2-mile series of segments (as described below) in Cochise County, Arizona.

Specifically, the subject line consists of four segments. The first segment is designated as the Bisbee Branch, which extends between milepost 1085.0 at Bisbee Junction and milepost 1090.6 at Bisbee, a distance of 5.6 miles. The three remaining segments are collectively designated as the Douglas Branch. The second segment extends between milepost 1097.3 near Paul Spur and milepost 1106.5 near Douglas, a distance of 9.2 miles. The third segment extends between milepost 1055.8 near Charleston and milepost 1097.3 near Paul Spur, a distance of 41.5 miles. The fourth segment extends between milepost 1040.15 near Curtiss and milepost 1055.8 near Charleston, a distance of 19.9 miles.

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 track, ties, and signal equipment, except for public use on reasonable terms. The justification for this condition is that the rail corridor is a scenic corridor through

a number of historical mining towns of Cochise County and along the San Pedro River, a scenic river and globally important migratory bird flyway and which has been designated as an Arizona Important Bird Area by the Tucson Audubon Society. A significant portion of the subject corridor passes through the Bureau of Land Management's San Pedro Riparian National Conservation Area. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with federal and local plans. 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 because it has not had sufficient time to complete negotiations with the rail carrier, assemble or review title information, or finalize a trail development plan in conjunction with adjacent landowners and federal and local public agencies. Proponent has had positive initial discussions with the rail carrier, and with federal and local public agencies including the Bureau of Land Management and Cochise County.

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 recreation 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 rail banking. In addition to the public use conditions sought above, Comment also makes the following request:

#### STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, in the event of successful negotiations with the carrier, the Trust for Public Land is 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 and operated by the San Pedro Railroad Operating Company LLC.

The property, known as the San Pedro and Southwestern Railroad, consists of four segments. The first segment is designated as the Bisbee Branch, which extends between milepost 1085.0 at Bisbee Junction and milepost 1090.6 at Bisbee, a distance of 5.6 miles. The three remaining segments are collectively designated as the Douglas Branch. The second segment extends between milepost 1097.3 near Paul Spur and milepost 1106.5 near Douglas, a distance of 9.2 miles. The third segment extends between milepost 1055.8 near Charleston and milepost 1097.3 near Paul Spur, a distance of 41.5 miles. The fourth segment extends between milepost

1040.15 near Curtiss and milepost 1055.8 near Charleston, a distance of 19.9 miles. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket AB-1081X.

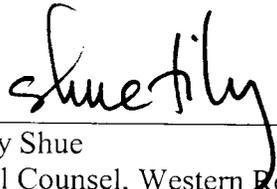
A map depicting the right-of-way is included with this request.

The Trust for Public Land 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.

The Trust for Public Land acknowledges that this request is a late filing. The Trust for Public Land was made aware by the local community of the abandonment proceedings for this corridor, and the importance of this corridor as a potential railbanking opportunity, after the filing deadlines and has made every effort to expedite this filing after initial meetings with the rail carrier and with both representatives of Cochise County and Bureau of Land Management to assess that there is strong community interest and high chance of a successful project. (The County support is evidenced by the attached resolution from Cochise County.)

By my signature below, I certify service upon San Pedro Railroad Operating Company LLC, c/o John D. Heffner, PLLC, 1920 N Street, N.W., Suite 800, Washington, D.C. 20036, by Federal Express Standard Overnight on this 26th day of January, 2006.

Respectfully submitted,

By:   
Tily Shue  
Regional Counsel, Western Region  
On behalf of The Trust for Public Land

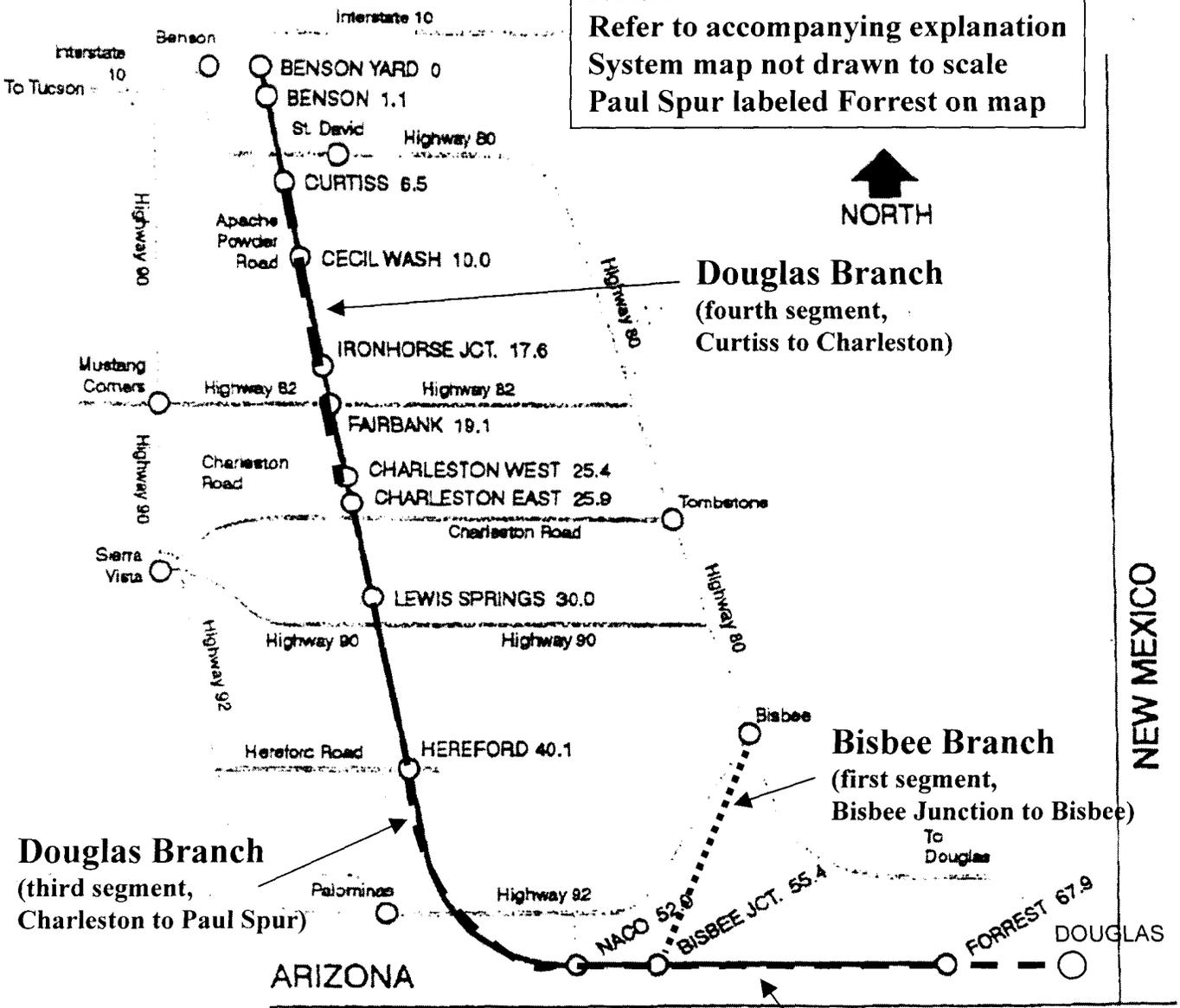
c. John D. Heffner, Esq. (Via Federal Express)  
1920 N Street, N.W., Suite 800  
Washington, D.C. 20036  
Attorney for San Pedro Railroad Operating Company LLC

SAN PEDRO & SOUTHWESTERN RAILROAD COMPANY

SYSTEM MAP

Notes:

Refer to accompanying explanation  
System map not drawn to scale  
Paul Spur labeled Forrest on map



**Douglas Branch**  
(fourth segment,  
Curtiss to Charleston)

**Douglas Branch**  
(third segment,  
Charleston to Paul Spur)

**Bisbee Branch**  
(first segment,  
Bisbee Junction to Bisbee)

**Douglas Branch**  
(second segment,  
Paul Spur to Douglas)

NEW MEXICO

ARIZONA  
MEXICO

Interstate 10  
To Tucson

Benson  
BENSON YARD 0  
BENSON 1.1

St. David  
CURTISS 6.5

Apache Powder Road  
CECIL WASH 10.0

IRONHORSE JCT. 17.6

Mustang Corners  
FAIRBANK 19.1

Charleston Road  
CHARLESTON WEST 25.4  
CHARLESTON EAST 25.9

Sierra Vista  
LEWIS SPRINGS 30.0

Highway 90

Hereford Road  
HEREFORD 40.1

Palominas

Highway 92

NACO 52.0

BISBEE JCT. 55.4

To Douglas

FORREST 67.9

DOUGLAS

**EXPLANATION OF  
SAN PEDRO & SOUTHWESTERN RAILROAD COMPANY SYSTEM MAP  
FOR REQUEST FOR PUBLIC USE CONDITION  
AND REQUEST FOR INTERIM RAIL USE**

Attached system map shows rail right-of-way for which Public Use Condition and Interim Trail Use has been requested. The mileage figures on the system map show the rail carrier's mileage starting from the connection with main rail line at Benson.

**Description of Subject Rail Right-of-Way**

The first segment is designated as the Bisbee Branch, which extends between milepost 1085.0 at Bisbee Junction and milepost 1090.6 at Bisbee, a distance of 5.6 miles.

The three remaining segments are collectively designated as the Douglas Branch. The second segment extends between milepost 1097.3 near Paul Spur and milepost 1106.5 near Douglas, a distance of 9.2 miles. The third segment extends between milepost 1055.8 near Charleston and milepost 1097.3 near Paul Spur, a distance of 41.5 miles. The fourth segment extends between milepost 1040.15 near Curtiss and milepost 1055.8 near Charleston, a distance of 19.9 miles.

**Correlation – Rail Carrier Mileage Distances (on attached System Map) to Official Mileposts as described in request**

Point near Curtiss: Near Rail Carrier 6.5 = Milepost 1040.15

Charleston: Rail Carrier 25.9 = Milepost 1055.8

Bisbee Junction: Rail Carrier 55.4 = Milepost 1085.0

Bisbee: Shown on map north of Bisbee Junction = Milepost 1090.6

Forrest (also known as Paul Spur): Rail Carrier 67.9 = 1097.3

Douglas: City due east of Forrest (Paul Spur): Milepost 1106.5

# Board of Supervisors

Patrick G. Call  
Chairman  
District 1

Paul Newman  
Vice-Chairman  
District 2

Richard R. Searle  
District 3



Jody N. Klein  
County Administrator

Nadine Parkhurst  
Clerk

## RESOLUTION NO. 06-09

### **A Resolution of the Cochise County Board of Supervisors Requesting that the Federal Surface Transportation Board Abandon the San Pedro Railroad Operating Company Rail Line in Cochise County for Interim Use and Rail Banking**

**WHEREAS** the San Pedro Railroad Operating Company, LLC ( SPROC) has re-submitted a request to the federal Surface Transportation Board (STB) to discontinue service over, and abandon, four segments of its rail line in Cochise County, running approximately 71.95 miles between Curtiss and Paul Spur;

**WHEREAS** SPROC has made significant attempts over the past few years to develop said rail line but said efforts were unsuccessful, particularly those with respect to establishing commerce from across the international border;

**WHEREAS** the Board of Supervisors (Board) recognizes the potential for commerce that such a rail line has for Cochise County but understands the current economic reality;

**WHEREAS** the Board recognizes that there is a potential for the rail line to be abandoned for interim trail use and rail banking through a Rails-to-Trails program;

**WHEREAS** the Bureau of Land Management (BLM), which is the manager of the San Pedro Resource Conservation Area (SPRNCA), through which a significant portion of rail line traverses, is interested in pursuing a rails-to-trails program;

**WHEREAS** rail banking of said rail line has the advantage of preserving the right-of-way for the rail line for future rail use should economic conditions ultimately change, while complete abandonment will likely result in the underlying right of way being sold off to potential buyers;

**WHEREAS** the BLM intends to submit a request to the STB to grant the abandonment but reserve the rail line for a 180-day period to allow the BLM and other interested potential users to fully and completely evaluate the potential for all or a portion of said rail line to be converted to and developed for interim trail use;

**WHEREAS** the Board also believes that the 180-day period is desirable to evaluate the feasibility of developing interim trail uses in portions of the rail line right of way and also evaluating which properties may not be desirable for such conversion;

**WHEREAS** the Board wishes to express its support for the BLM to petition for potential abandonment for interim trail use and rail banking and more specifically the 180-day evaluation period;

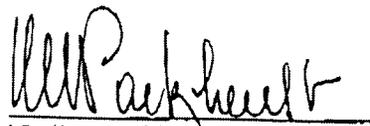
**WHEREAS** the Board understands that the STB will likely permit SPROC to remove the rails, ties and switches during the period of evaluation, but that the right of way will remain until a final determination is made on interim trail use and rail banking.

**NOW BE IT THEREFORE RESOLVED** that the Cochise County Board of Supervisors hereby expresses its support for the Bureau of Land Management to submit a petition or request to the Federal Surface Transportation Board to consider the abandonment of the San Pedro Operating Company LLC rail line in Cochise County for interim trail use and rail banking and specifically to grant the BLM and others, including Cochise County, the necessary 180-day evaluation period in order to make a final decision on the feasibility and desirability of establishing such a trail system on all or a portion of said rail right of way.

APPROVED AND ADOPTED this 17 day of January 2006.

  
Patrick Call, Chairman

Attest:

  
Nadine Parkhurst, Clerk