



## CITY OF ANNISTON

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February 7, 2006

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ENTERED  
Office of Proceedings

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Public Record

Office of the Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

RE: Norfolk Southern Railway Company-Abandonment-Calhoun County, Alabama  
STB Docket No. AB 290 (Sub. No. 265X) MP 55.3 N to MP 61.1 N

Dear Sir:

This comment should be treated as a protest or a petition for reconsideration in the above captioned proceeding. This comment is filed on behalf of the City of Anniston, Alabama which is a municipality, 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 railroad milepost 55.3-N and milepost 61.1N.

### A. Public Use Condition

Commenter requests the STB to find 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 corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. The corridor will provide an auto free alternative route from the Weaver, Alabama section of the Chief Ladiga Trail to/from Anniston's Multi-Modal Transportation Center at the historic 4<sup>th</sup> Street Amtrak Station. The segment of corridor will create the southernmost access to a continuous non-motorized trail conversion project extending from Anniston, Alabama to Smyrna, Georgia, almost 90 miles. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because we have just commenced 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 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 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 Anniston, Alabama 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 owned by Norfolk Southern Railway Company and operated by same.

The property known as the Norfolk Southern Railroad 'N' line, extends from railroad milepost 55.3 -N, to milepost 61.1-N, a distance of 5.8 miles falling entirely within the municipal limits of the City of Anniston and Calhoun County. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub.-No. 265X).

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

The City of Anniston 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, Three Commercial Place, Norfolk, VA 23510-2191, postage prepaid, first class, this the 7<sup>th</sup> day of February, 2006.

Respectfully submitted,



Hoyt W. Howell, Jr., Mayor

on behalf of the City of Anniston, Alabama

cc: J.R. Paschall  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-9241

