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August 28, 2007

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
395 L Street, S.W.
Washington, D.C. 20423-0001



RE: STB Docket No AB-341 (Sub-No 1X), Southwester Railroad Company, Inc --Abandonment Exemption--In Ellis County, Oklahoma and Lipscomb, Ochiltree and Hansford Counties, Texas

Dear Secretary Williams

Enclosed for filing, pursuant to 16 U.S.C. § 1247(d), in the above-captioned proceeding are an original and ten copies of the Petition for a Certificate of Interim Trail Use and Rail Banking ("CIU"), dated August 28, 2007. A check in the amount of \$200, representing the appropriate fee for this filing, is also enclosed.

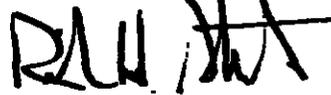
The attached petition/comment is filed on behalf of the Top of Texas Rural Rail Transportation District (TTRRTD), which is a public body and a political subdivision of the State of Texas pursuant to Article 6550c, Tex. Rev. Civ. Stat. (2006). Under 49 C.F.R. § 1002.2(c)(1), "filing fees are waived for an application or other proceeding which is filed by a federal governmental agency, or a state or local government entity." TTRRTD respectfully submits that it is entitled to the fee waiver under 49 C.F.R. § 1002.2(c)(1). TTRRTD is a political subdivision of the State of Texas; it is not a quasi-government corporation or government-subsidized transportation company. As part of its public mandate, TTRRTD is seeking Board authority for the issuance of a CIU for the possible future use of the rail corridor as part of a public transit corridor. TTRRTD is filing a request for the CIU in furtherance of this public purpose and the benefits will flow to the general public in the Texas Panhandle area; therefore, waiver of the filing fee is appropriate.

Please acknowledge receipt of this filing by stamping the attached copy of this letter.

The Honorable Vernon A. Williams
August 28, 2007
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Should any questions arise regarding this filing, please feel free to contact me. I thank you for your consideration in this matter.

Respectfully submitted.



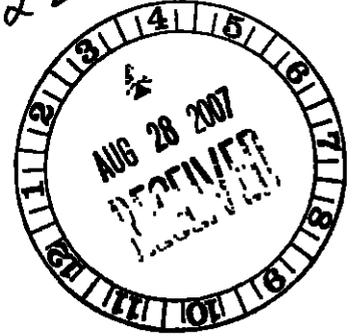
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RIIS rs

cc Karl Morrell
Ball Janik LLP
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Suite 225
Washington, D.C. 20005
Counsel for Southwestern Railroad Company, Inc

BEFORE THE
SURFACE TRANSPORTATION BOARD

220161



DOCKET NO AB-341 (Sub-No 1X)

SOUTHWESTERN RAILROAD COMPANY, INC
--ABANDONMENT EXEMPTION--
IN ELLIS COUNTY, OK, AND
LIPSCOMB, OCHILTREE, AND HANSFORD COUNTIES, TEXAS

PETITION FOR CERTIFICATE OF INTERIM TRAIL USE AND
RAIL BANKING PURSUANT TO 16 U S C § 1247(d)

FEE RECEIVED
AUG 22 2007
SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings
AUG 28 2007
Part of
Public Record

FILED
AUG 23 2007
SURFACE
TRANSPORTATION BOARD

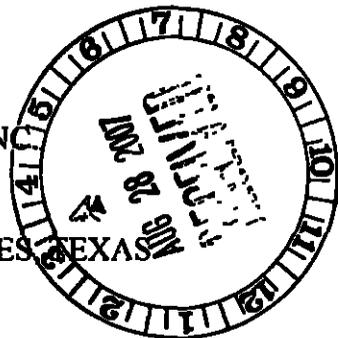
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Dated August 28, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO AB-341 (Sub-No 1X)

SOUTHWESTERN RAILROAD COMPANY, INC
--ABANDONMENT EXEMPTION--
IN ELLIS COUNTY, OK, AND
LIPSCOMB, OCHILTREE, AND HANSFORD COUNTIES, TEXAS



PETITION FOR CERTIFICATE OF INTERIM TRAIL USE AND
RAIL BANKING PURSUANT TO 16 U S C § 1247(d)

Comes now the Top of Texas Rural Rail Transportation District ("TTRRTD"), by and through its undersigned counsel, and petitions the Surface Transportation Board ("STB"), pursuant to 16 U S C § 1247(d) and 49 C F R § 1152.29, for the issuance of a certificate of interim trail use/rail banking ("CITU") covering the right-of-way underlying the rail line that is the subject of the above-referenced abandonment proceeding. By petition filed August 2, 2007 and published in the Federal Register on August 22, 2007, Southwestern Railroad Company, Inc ("SWRR") seeks an exemption from the provisions of 49 U S C § 10903 to permit the abandonment of an 85.3-mile rail line extending from milepost 0.10 at Shattuck, OK, to milepost 85.4 at Spearman, TX.

TTRRTD is a public body and a political subdivision of the State of Texas pursuant to Article 6550c, Tex. Rev. Civ. Stat. (2006). Although TTRRTD does not take a position on the merits of this abandonment, it requests issuance of a Public Use Condition as well as a CITU rather than an outright abandonment authorization for the entire 85.3-mile line.

A Public Use Condition

TTRRID 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 for public use on reasonable terms. The justification for this condition is that this section of corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans.

2 An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culvers and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes.

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, TTRRID also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, the Top of Texas Rural Rail Transportation District ("TTRRID"), a public body and a political subdivision of the State of Texas pursuant to Article 6550c, Tex. Rev. Civ. Stat. (2006), is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless it 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 Southwestern Railroad, Inc. ("SWRR") and operated by SWRR. The property extends approximately 85.3 miles from Milepost 0.10, at Shattuck, Oklahoma, to Milepost 85.4, at Spearman, Texas, portions of which are located in Ellis County, Oklahoma and in Hansford, Ochiltree and Lipscomb Counties.

Texas The right-of-way is part of a line of railroad proposed for abandonment in Docket No STB AB-341 (Sub-No 1)

A map of the property depicting the right-of-way is attached as Exhibit A

TTRRTD 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 A copy of this statement is being served on the railroad's counsel on the same date as it being served on the Board

Respectfully submitted,



Richard H Streeter
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750 17th Street, N W
Suite 900
Washington, D C 20006
Counsel for the
Top of Texas Rural Rail
Transportation District

Dated August 28, 2007

Certificate of Service

I, Richard H Streeter, do hereby certify that a true copy of the foregoing Petition was served this 28th day of August, 2007, on the following, by e-mail and by first-class mail, postage prepaid

Karl Morrell (kmorell@dc bjllp com)
Ball Janik LLP
1455 F Street, N.W
Suite 225
Washington, D C 20005

A handwritten signature in black ink, appearing to read "R.H. Streeter", written over a horizontal line.

Richard H Streeter

EXHIBIT A

