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**BEFORE THE SURFACE TRANSPORTATION BOARD**

R.J. Corman Equipment Company )  
-Abandonment Exemption-in )  
Johnson, Breathitt and Magoffin Counties, KY )

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Docket No. AB-876X

Request to Extend the Time Period for Negotiation of an  
Interim Trail Use/Railbanking Agreement

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January 8, 2010

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

ENTERED  
Office of Proceedings  
JAN 12 2010  
Part of  
Public Record

Dear Mr. Williams:

By decision and notice of interim trail use or abandonment (NITU) served on December 23, 2004, the Board granted R.J. Corman Equipment Company, LLC (RJCE)<sup>1</sup> and R.J. Corman Railroad Company/Bardstown Line (RJCR) (collectively, Corman) an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903. RJCE sought to

<sup>1</sup> RJCE has changed its name to R.J. Corman Railroad Property, LLC For convenience, we refer here to RJCE by its prior name and to RJCE and RJCR collectively as "Corman".

abandon, and RJCR sought to discontinue service over, a line of railroad known as the Dawkins Line, extending from milepost 0.05 at Dawkins, KY, to the end of the track at milepost 36.13 near Evanston, KY, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, KY. The exemption was granted subject to public use, environmental, and standard employee protective conditions, and the Board authorized a 180-day period as requested by the Big Sandy Area Development District (Big Sandy ADD) on behalf of Judge Executive Roger "Tucker" Daniel and the Johnson County Fiscal Court, Judge Executive Bill May and the Magoffin County Fiscal Court, and Judge Executive Lewis Warrix and the Breathitt County Fiscal Court (collectively, the Counties), to negotiate an interim trail use/rail banking agreement with RJCE under the National Trails System Act, 16 U.S.C. 1247(d). The negotiating period under the NITU was extended by decisions served on June 30, 2005, January 5, 2006, July 6, 2006, January 4, 2007, June 15, 2007, December 31, 2007, July 21, 2008, January 17, 2009, July 16, 2009 with the latest extension expiring on January 12, 2010.

The Commonwealth of Kentucky, Tourism, Arts, and Heritage Cabinet, hereby requests its substitution as Commenter and advises that the Commonwealth hereinafter assumes the responsibility of continuing to negotiate with R.J. Corman Railroad Company toward an interim use agreement for the Dawkins Line. The Commonwealth of Kentucky is a state governmental entity, whose ancillary departments are responsible for the promotion and development of trails in the state of Kentucky.

THE TOURISM, ARTS, AND HERITAGE CABINET is requesting a 180 day extension to pursue funding for the development of a trail. THE TOURISM, ARTS, AND HERITAGE CABINET adds that Corman has authorized it to state that Corman consents to a further extension of the NITU negotiating period and the consequent deadline for filing a notice of consummation.

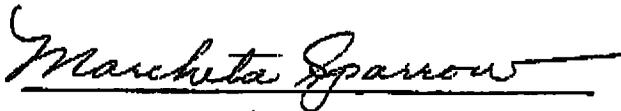
A copy of THE TOURISM, ARTS, AND HERITAGE CABINET's statement of willingness to assume full responsibility for management of, and liability and payment of taxes for, the right-of-way, is attached as Exhibit A. Due to the Commenter being a governmental entity, there is no standard filing fee assessed. This motion has the consent of R.J. Corman Railroad Property, LLC.

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.

By signatures below, we certify service upon R.J. Corman Railroad Property, LLC, One Jay Station, P.O. Box 788, Nicholasville, KY 40356, by U.S. Mail, postage prepaid, first class, this 8th day of January 2010.

I, Marcheta Sparrow, Secretary of the Kentucky Tourism, Arts, and Heritage Cabinet, 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 1/8/2010.

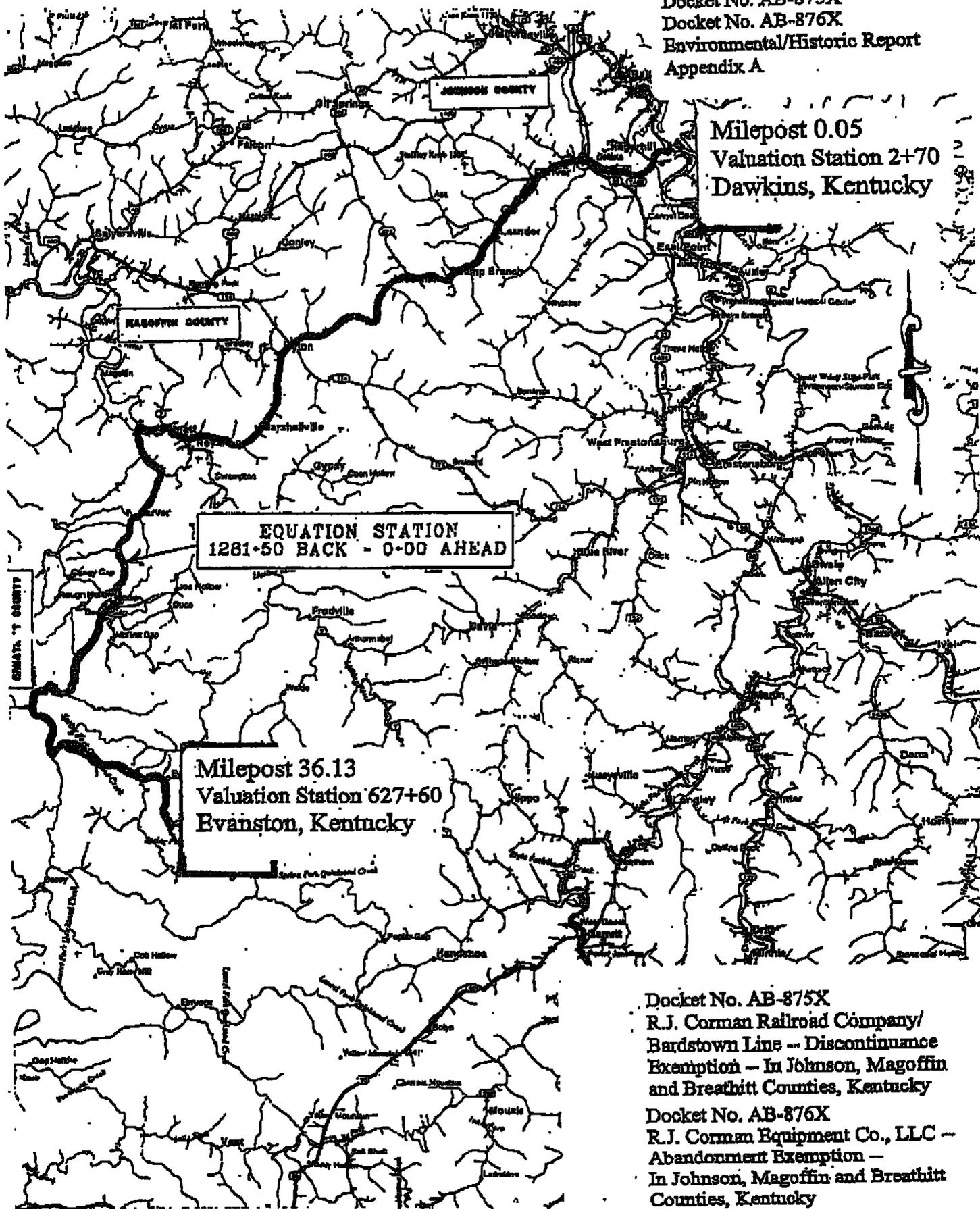
Respectfully Submitted,



Marcheta Sparrow, Secretary  
Tourism, Arts and Heritage Cabinet  
Commonwealth of Kentucky

cc: Ronald Lane, Fletcher & Sippel, LLC  
Sandy Runyon, Big Sandy ADD  
Keith Lovan, KRTC

Docket No. AB-875X  
Docket No. AB-876X  
Environmental/Historic Report  
Appendix A



Milepost 0.05  
Valuation Station 2+70  
Dawkins, Kentucky

EQUATION STATION  
1281-50 BACK - 0-00 AHEAD

Milepost 36.13  
Valuation Station 627+60  
Evanston, Kentucky

Docket No. AB-875X  
R.J. Corman Railroad Company/  
Bardstown Line -- Discontinuance  
Exemption -- In Johnson, Magoffin  
and Breathitt Counties, Kentucky  
Docket No. AB-876X  
R.J. Corman Equipment Co., LLC --  
Abandonment Exemption --  
In Johnson, Magoffin and Breathitt  
Counties, Kentucky

**BEFORE THE SURFACE TRANSPORTATION BOARD**

R.J. Corman Railroad Equipment Company            )  
 in Johnson Breathitt and Magoffin Counties, KY    )     AB Docket No. AB-876X  
 --Abandonment Exemption--                         )

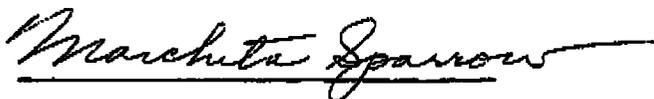
**Statement of Willingness to Assume Financial Responsibility**

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 Commonwealth of Kentucky, Tourism, Arts, and Heritage Cabinet is willing to assume full responsibility for management of, and to the extent permitted by law, 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 R.J. Corman Railroad Company.

The property known as the Dawkins Line, extends from M.P. 0.5 at Dawkins, KY to the end of the line at M.P. 36.13 at Evanston, KY, a distance of 36.08 miles in Breathitt, Magoffin and Johnson Counties. The right of way is part of a line of railroad proposed for abandonment in STB Docket No. AB-876X. A map depicting the right of way is attached.

The Commonwealth of Kentucky, Tourism, Arts, and Heritage Cabinet, 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 R.J. Corman Railroad Property, LLC on the same date it is being served on the Surface Transportation Board.

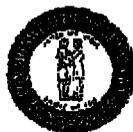
Respectfully Submitted,



Marcheta Sparrow, Secretary  
 Tourism, Arts, and Humanities Cabinet  
 Commonwealth of Kentucky  
 Frankfort, Kentucky

January 8, 2010

Exhibit A

**FILE COPY****TOURISM, ARTS AND HERITAGE CABINET****STEVEN L. BESHEAR**  
GOVERNOR2400 CAPITAL PLAZA TOWER  
500 MERO STREET  
FRANKFORT, KENTUCKY 40601  
502-564-4270 - OFFICE  
502-564-1512 - FAX**LINDY CASEBIER**  
DEPUTY SECRETARY**MARCHETA SPARROW**  
SECRETARY**MATT SAWYERS**  
DEPUTY SECRETARY

January 8, 2010

Mr. Ronald A. Lane  
Fletcher & Sippel LLC  
29 North Wacker Drive  
Chicago, IL 60606-2875**SUBJECT: R. J. Corman Equipment Company, LLC-Abandonment Exemption-in Johnson, Breathitt and Magoffin Counties, Kentucky**

Dear Mr. Lane:

The Commonwealth of Kentucky, Tourism, Arts, and Heritage Cabinet, has requested an extension of the rail banking of the subject line. Enclosed are the documents filed with the Surface Transportation Board.

If there is a need for any additional information, please do not hesitate to contact me. Thank you for your assistance with this request.

Sincerely,

Marcheta Sparrow, Secretary  
Commonwealth of Kentucky

Enclosures