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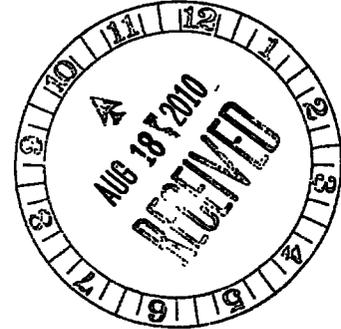


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August 11, 2010



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Office of Proceedings

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Public Record

Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

**Re: Union Pacific Railroad Company Abandonment in Pulaski County,  
Arkansas, Docket #AB-33, Sub #289X**

Dear Secretary:

This request is filed on behalf of the City of North Little Rock, which is a political subdivision of the State of Arkansas interested in transportation, natural resources, and recreation, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between Pike Avenue and Remount Road.

**A. Request for Public Use Condition**

Proponent asks the STB to find that this property is suitable for other public use, specifically a bicycle and pedestrian 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. Justification for this condition is that the rail corridor in question will provide a transportation corridor through a major residential area connecting with a middle school and shopping center. The corridor would make an excellent recreational trail, and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides 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 to review title information, complete a trail plan, and negotiate with the carrier.

2. An order barring removal or destruction of potential trail-related structures, such as base material and culverts. The justification for this condition is that these structures have considerable value for recreational and personal transportation 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. Request for Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, the City of North Little Rock is willing to assume full responsibility for management of, 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 Union Pacific Railroad, and will indemnify the railroad against any potential liability should property interest revert to the City.

The property, known as the Levy Spur, extends from Pike Avenue to Remount Road and includes railroad milepost 348, a distance of 3.5 miles in Pulaski County, Arkansas. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket #AB-33, Sub #289X.

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

The City of North Little Rock 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 Union Pacific Railroad, 1400 Douglas Street, Stop 1690, Omaha, NE 68179-1690, by U.S. Mail, postage pre-paid, first class, this 11<sup>th</sup> day of August, 2010.

Respectfully submitted,



Patrick H. Hays, Mayor  
on behalf of the City of North Little Rock

PHH/bh

cc: Kevin Kohler, UPRR Sales Manager  
Union Pacific Railroad  
1400 Douglas Street, Stop 1690  
Omaha, NE 68179-1690

