

## APPENDIX III

### 1. Sample Public Use Condition and Trail Use Request

Below is a sample of a request for both a Public Use Condition and a Trail Use Condition. The blank spaces and items in italics are to be completed by the prospective trail agency or group to reflect the specific circumstances. Remember that the requests should be mailed to both the STB and the railroad simultaneously.

[Date]

Secretary

Surface Transportation Board

Washington, DC 20423-0001

Re: *[Name of Railroad Company]* Abandonment in *[Name of County and State]*, *[STB Docket Number]*

Dear Secretary:

This request is filed on behalf of *[Agency Name]*, which is a *[political subdivision or government agency interested in transportation and/or natural resources, private/public interest organization interested in conservation and/or recreation, etc.]*, 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 *[endpoint a]* and *[endpoint b]*.

#### **A. Request For Public Use Condition**

Proponent asks 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. Justification for this condition is: *[example: the rail corridor in question is along a scenic river and will connect a public park to a major residential area. 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 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: *[example: to assemble or to review*

*title information, complete a trail plan, or begin 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. 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, 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 and operated by .

The property, known as the , extends from railroad milepost near to railroad milepost near , a distance of miles in County, . The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB- (Sub-No. ).

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

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 [*Railroad Company and address*], by U.S. Mail, postage pre-paid, first class, this day of , 20 .

Respectfully submitted,

Name

on behalf of: