

205186

BERKSHIRE NATURAL RESOURCES COUNCIL, INC.

20 Bank Row, Pittsfield, Massachusetts 01201 Tel: (413) 499-0596 Fax: (413) 499-3924

April 11, 2002

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



Re: New York Central Lines, LLC-Abandonment- Berkshire County, MA
Docket No. AB-565 (sub-NO 3X)
~~CSX Transportation, Inc. - Discontinuance of Service - Berkshire County, MA~~
~~Docket No. AB-55 (Sub-No. 595X)~~

ENTERED
Office of the Secretary

APR 15 2002

Part of
Public Record

Dear Mr. Williams:

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 Berkshire Natural Resources Council, Inc., which is a Massachusetts charitable corporation interested in natural resources and public recreation, and 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 Milepost QBY 0.59 and QBY 2.50.

A. Public Use Condition

Commenter 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 of -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. In addition the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to continue 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 railbanking. 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 interim 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, Berkshire Natural Resources Council is willing to assume full responsibility for management of, 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 New York Central Lines, LLC and operated by CSX Transportation.

The property, known as the New York Central Line extends from railroad milepost QBY 0.59 near Merrill Road, Pittsfield, MA to railroad milepost QBY 2.5 near Berkshire Mall Road, Lanesborough, MA a distance of 1.91 miles in Berkshire County, MA. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-565 (Sub-no. 3X).

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

Berkshire Natural Resources Council, Inc., 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 CSX Transportation, 500 Water Street, Jacksonville, FL, 32202, by U.S. Mail, postage prepaid, first class, this 11th day of 2002.

Respectfully submitted,



Name: Theodore H. Ames
President

on behalf of: Berkshire Natural Resources Council, Inc.



Name: PITTSFIELD EAST
 Date: 4/11/102
 Scale: 1 inch equals 2000 feet

Location: 042° 28' 27.5" N 073° 12' 15.2" W
NEW YORK CENTRAL LINE, LLC
DOCKET NO AB-565 (sub No. 34)

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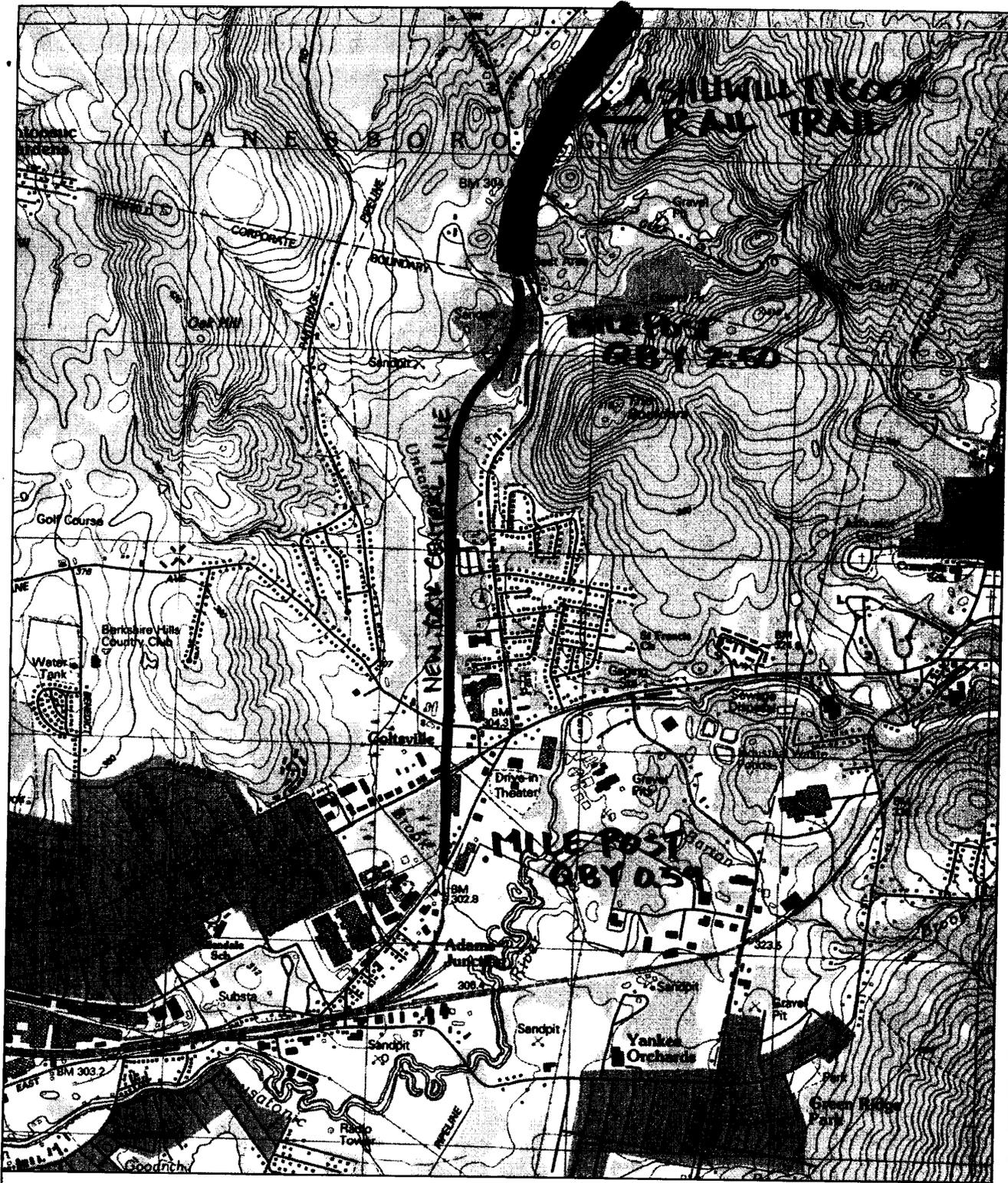
By my signature below, I certify service upon CSX Transportation, 500 Water Street, Jacksonville, FL, 32202, by U.S. Mail, postage prepaid, first class, this 11th day of 2002.

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Name: Theodore H. Ames
President

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