

"To restore, preserve, and promote the outstanding natural qualities of the Cheat River Watershed."

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**SURFACE
TRANSPORTATION BOARD**



2/10/08



January 26, 2002

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

**ENTERED
Office of Proceedings**

FEB 20 2004

**Part of
Public Record**

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Re: CSX-Abandonment-Preston County-Rowlesburg to Kingwood, STB Docket
Number AB-55 (Sub. No. 625X)

Dear Mr. Williams:

This comment is a request for issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than the outright abandonment authorization between Rowlesburg and Kingwood. This comment is filed on behalf of the Preston County Rail Trail Committee by Friends of The Cheat which is a 501(c)3 non-profit watershed based organization. This request follows up essentially the same request filed by Monongahela River Trails Conservancy dated April 15, 2003.

Public Use Condition

Commenter requests the STB to find this property 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 rail corridor in question is along the scenic Cheat River and parallels the West Virginia Cheat River By-Way. This corridor would make an excellent recreational trail and conversion of the the property to trail use is in accordance with local plans and endorsed by local and state government. In addition, the corridor provides important potential for heritage tourism 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 time to develop mutually beneficial investment partnerships with other interested parties and to commence negotiations with the carrier.

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119 South Price Street, Suite 206 • Kingwood, WV 26537

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.

Interim Trail Use

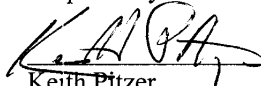
The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

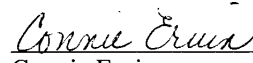
In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. 1152.29, the Preston County Rail Trail Committee under Friends of the Cheat, is willing to assume full responsibility for management of, for any legal liability arising out of the 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 CSX Railroad and operated by CSX.

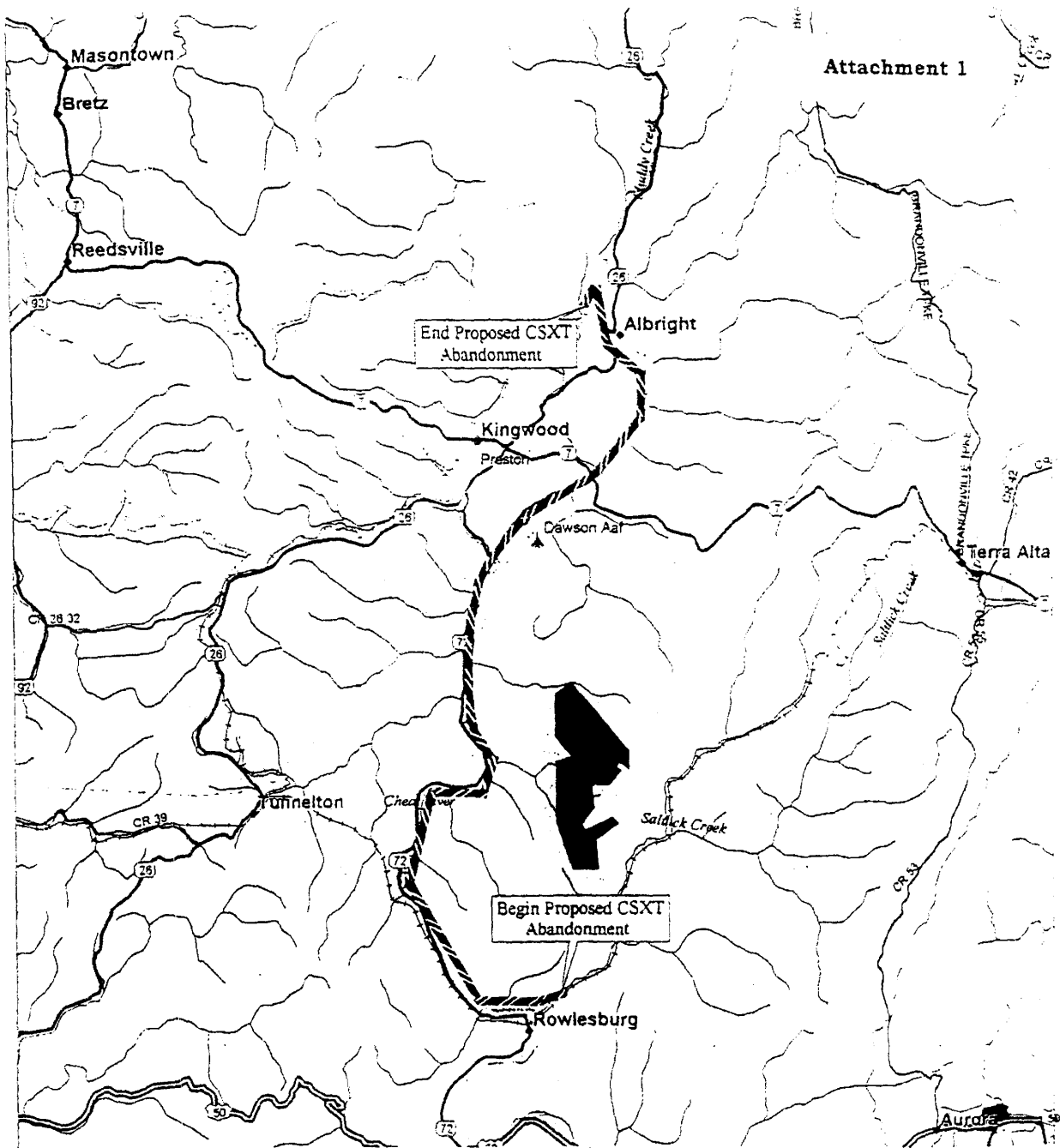
The property, known as the Cheat River Narrows rail corridor extends from the Rowlesburg to Kingwood, a distance of approximately 17 miles in Preston County, West Virginia. A map depicting the right-of-way is attached.

The Preston County Rail Trail Committee under Friends of The Cheat acknowledges that the 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.

Respectfully submitted,


Keith Pitzer
Director
Friends of The Cheat


Connie Ervin
Chairperson
Preston County Rail Trail Committee



CSX Transportation, Inc.

Rowlesburg to Albright (Kingwood Subdivision),
Preston County, West Virginia

 Track proposed to be abandoned