

City of Prestonsburg
200 North Lake Drive
Prestonsburg, KY 41653



PRESTONSBURG
KENTUCKY

Mayor Les Stapleton
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247540

ENTERED
Office of Proceedings
April 19, 2019
Part of
Public Record

April 19, 2019

Secretary
Surface Transportation Board
Washington, DC 20423-0001

Re: CSX Transportation Abandonment in Floyd County Kentucky, STB Docket number AB 55
(Sub-No 745X)

Dear Secretary,

This request is filed on behalf of the City of Prestonsburg, Kentucky, which is a government municipality, hereinafter referred to as "Proponent". With respect to the filing fee, the City of Prestonsburg, respectfully requests a waiver of the filing fee, based on the fact that it is a local government municipality filing the request on behalf of the general public.

Proponent requests issuance of an Interim Trail Use Condition rather than an outright abandonment authorization between COQ 0.0 and COQ 10.1.

Request for Interim Trail Use

Proponent asks the STB to find that this property is suitable for trail use and to place the following conditions on the abandonment:

An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment. Justification for this condition is the rail corridor in question is along a scenic waterway and 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 to assemble and to review title information, complete a trail plan, or begin negotiations with the carrier.

Home of:

Mountain Arts Center – Billie Jean Osborne's Kentucky Opry – Jenny Wiley State Resort Park
Jenny Wiley Festival – StoneCrest Golf Course – StoneCrest Equine Center – Sugarcamp Mountain Trails

www.prestonsburgcity.org

FILING FEE WAIVED

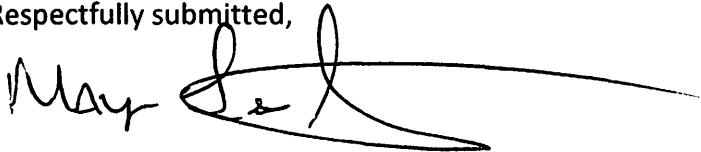
The railroad right-of-way in this proceeding is suitable for railbanking so the proponent makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

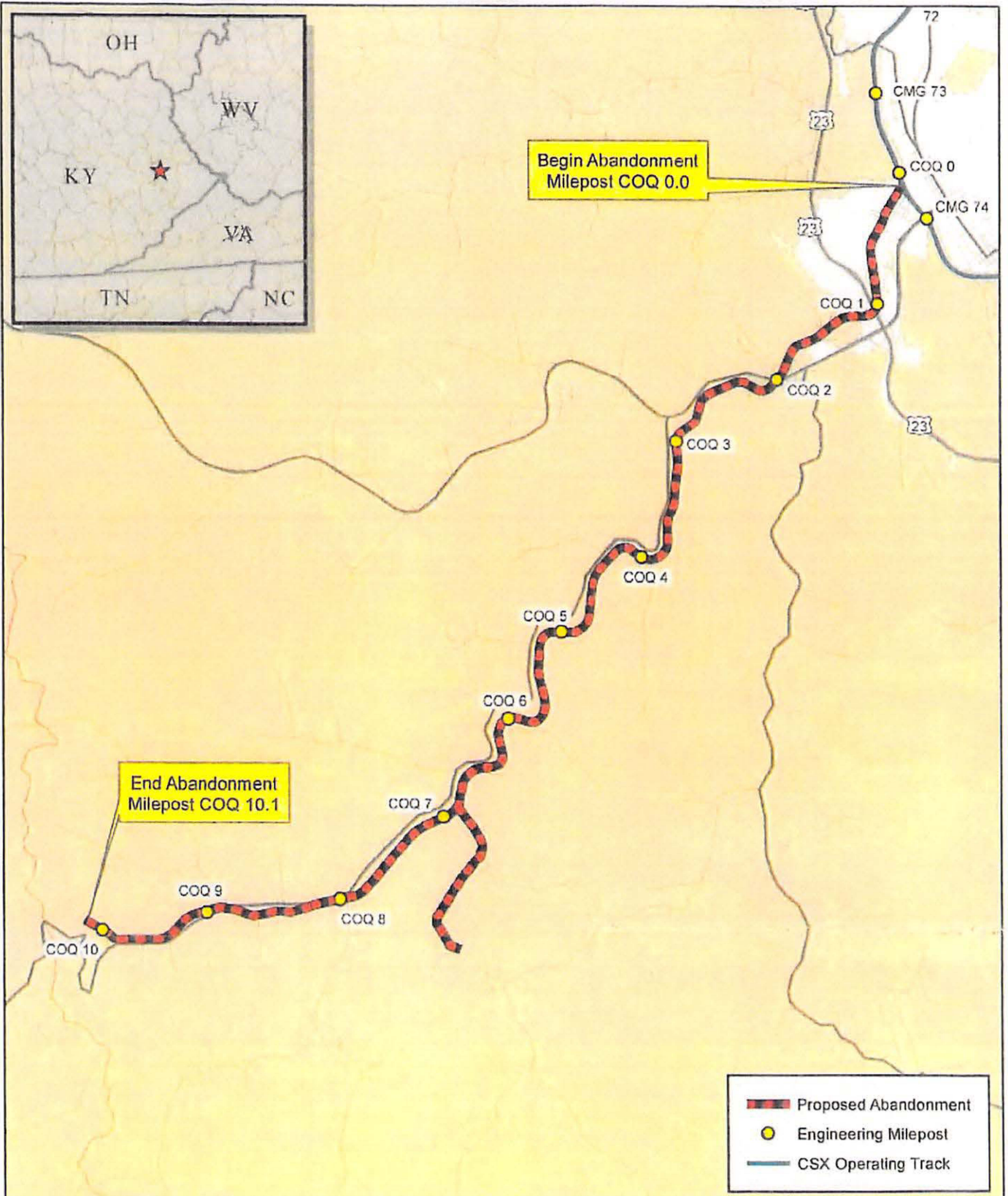
In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned and operated by CSX Transportation Inc. the City of Prestonsburg, Kentucky is willing to assume full responsibility for: (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability, and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The property, known as the Huntington West Division, Middle Creek Subdivision, extends from railroad milepost COQ 0.0 near Prestonsburg, to railroad milepost COQ 10.1 near David, a distance of 10.1 miles in Floyd County, Ky. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB 55 (Sub-No. 745). A map of the property depicting the right-of-way is attached. Further the City of Prestonsburg acknowledges that interim trail use is subject to the sponsor's continuing to meet its responsibilities described in [1152.29(a)(2)], and subject to possible future reconstruction and reactivation of the right-of-way for rail service as required under [1152.29(a)(3)].

By my signature below, I certify upon CSX Transportation, 500 Water Street, Jacksonville, FL, 32202, by U.S. Mail, postage pre-paid, first class, this 19th day of April, 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Les Stapleton", with a long horizontal flourish extending to the right.

Les Stapleton, Mayor
City of Prestonsburg, Kentucky



CSX Real Property, Inc.

CSX Transportation, Inc.
Proposed Abandonment, Prestonsburg to David
Milepost COQ 0.0 - COQ 10.1 (11.4 Miles Total)
STB Docket No. AB55 (Sub No. 745X)
Huntington West Division - Middle Creek Subdivision
Floyd County, Kentucky

0 2,500 5,000
 Feet

