

BEFORE THE
SURFACE TRANSPORTATION BOARD

302495

ENTERED
Office of Proceedings
June 11, 2021
Part of
Public Record

Docket No. AB-55 (Sub-No. 804X)

REGARDING:

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN FREDERICK COUNTY, MD

AMENDED STATEMENT OF WILLINGNESS TO
ASSUME FINANCIAL RESPONSIBILITY

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Attorney for the Town of Mount Airy, MD

Dated: June 11, 2021

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**AMENDED STATEMENT OF WILLINGNESS TO
ASSUME FINANCIAL RESPONSIBILITY**

Town of Mount Airy, Maryland, by its undersigned counsel, hereby amends its Statement of Willingness to Assume Financial Responsibility (“SWAFR”) as initially filed with its Request for Notice of Interim Trail Use. Specifically, the Town amends its SWAFR as follows?

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. (“CSXT”), the Town of Mount Airy, Maryland is willing to assume full responsibility for: (1) Managing the right-of-way, (2) indemnifying CSXT 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 Baltimore Division, Old Main Line Subdivision, extends between railroad Val Sta. 1728+23 and railroad Val Sta. 1759+25, a distance of 0.59 miles in Frederick County, MD. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-55 (Sub-No. 804X). A map of the property depicting the right-of-way is attached.

The Town of Mount Airy, Maryland acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

Respectfully submitted,

TOWN OF MOUNT AIRY, MD

A handwritten signature in black ink, appearing to read "Thomas V. McCarron", is positioned above a horizontal line.

Thomas V. McCarron
Town Attorney and Counsel for the Town of
Mount Airy, Maryland

FILING AND SERVICE

This Request for NITU is being efiled, and expressed overnight delivery to the Board on this 11th day of June, 2021 as follows:

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, N.W.
Washington, D.C. 20423

In addition, copies of this Request for NITU are being served by electronic mail and/or expressed overnight delivery on CSXT, and its outside counsel, on the same date it is being served on the Board, this 11th day of June, 2021 as follows:

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq. (by email only)
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com



Thomas V. McCarron
Town Attorney and Counsel for the Town of
Mount Airy, Maryland

EXHIBIT A

GIS #
08391-002
08392-002

INTEL #
V17.2/17
V17.2/S17

PIN #
24021 0088
24021 0089



1" = 500'

0 125 250 500 750 1,000 Feet

CSX TRANSPORTATION, INC.

MT. AIRY TRAIL
SITE: MD-021-1064074
FREDERICK COUNTY, MD
MILEPOST: BAC 39.13 - 39.88

DIVISION: BALTIMORE
SUBDIVISION: OLD MAIN LINE
DATE: 02/21/2020
REVISED: 02/21/2020
DRAWN BY: o7525

-  The Track
-  Premises 8.22 ± Acres
-  CSX Real Estate

THIS RAILROAD MAP EXHIBIT GRAPHICALLY REPRESENTS A PROPOSED REAL ESTATE TRANSACTION. IT MAY NOT REFLECT CURRENT "ON THE GROUND" CONDITIONS AND/OR ACTUAL LOCATIONS OF FEATURES. ALL DIMENSIONS, OFFSET DISTANCES, AREA CALCULATIONS AND MEASUREMENT NOTATIONS SHOWN ON THIS EXHIBIT ARE APPROXIMATE.