



KAPLAN KIRSCH ROCKWELL

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January 3, 2018

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January 3, 2018
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Public Record

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: *Request for Interim Trail Use Condition – Abandonment Exemption—CSX Transportation, Inc.—in Fulton County, Georgia*, STB Docket No. AB-55 (Sub-No. 777X)

Dear Ms. Brown:

I am attaching an original and ten (10) copies of the Atlanta BeltLine, Inc.'s request for an interim trail use condition in the above-captioned proceeding.

With respect to the filing fee, we have enclosed a check in the amount of \$300. However, the Atlanta BeltLine, Inc. (ABI), a nonprofit corporation and instrumentality of the City of Atlanta, is seeking a waiver of the filing fee based on the fact that it is a local government entity filing the Petition for Exemption on behalf of the general public. *See* 49 C.F.R. §1002.2(e); STB Ex Parte No. 542 (Sub-No. 6) - *Regulations Governing Fees For Services Performed In Connection With Licensing And Related Services--Policy Statement* (Served December 6, 2000). Specifically, 49 C.F.R. 1002.2(e)(1) states that "filing fees are waived for application and other proceedings which is filed by...a state or local government agency." ABI is a state government agency filing the request on behalf of the general public. Accordingly, ABI requests that the filing fee submitted with the Request for Interim Trail Use Condition be waived.

Please date stamp the extra copy and return to our messenger. Please note that a CD containing an electronic copy of this filing is enclosed.

Sincerely,

Allison I. Fultz
Counsel for Atlanta BeltLine, Inc.

FILING FEE WAIVED

CONTAINS COLOR MAP

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

**DOCKET NO. AB-55 (SUB-NO. 777X)
CSX TRANSPORTATION, INC.
ABANDONMENT EXEMPTION – IN FULTON COUNTY, GEORGIA**

**REQUEST OF ATLANTA BELTLINE, INC.
FOR INTERIM TRAIL USE PURSUANT TO 49 CFR 1152.29**

Communications with respect to this document should be addressed to:

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Attorneys for Atlanta BeltLine, Inc.

Dated: January 3, 2018

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

**DOCKET NO. AB-55 (SUB-NO. 777X)
CSX TRANSPORTATION, INC.
ABANDONMENT EXEMPTION IN FULTON COUNTY, GEORGIA**

**REQUEST OF ATLANTA BELTLINE, INC.
FOR INTERIM TRAIL USE PURSUANT TO 49 CFR 1152.29**

Pursuant to 49 C.F.R. §1152.29, the Atlanta BeltLine, Inc., a Georgia non-profit corporation and instrumentality of the City of Atlanta (ABI), hereby requests issuance of a Notice of Interim Trail Use with respect to CSX Transportation, Inc.'s (CSXT) A&WP Subdivision, between milepost XXC 0.0, at the switch to the Norfolk Southern, Oakland Junction near the Ormewood Station, and milepost XXC 4.4 near Glenwood Ave., SE, Atlanta, GA, the line segment that is the subject of this proceeding (the Line). CSXT filed a verified notice of exemption on December 20, 2017 (Notice), and the exemption will become effective on February 8, 2018. As CSXT indicated in the Notice, CSXT and ABI are negotiating terms to govern interim trail use with respect to the Line, and CSXT accordingly assents to this request for interim trail use.

In accordance with the applicable regulations, ABI submits the following Statement of Willingness to Assume Financial Responsibility and other information:

Statement of Willingness to Assume Financial Responsibility:

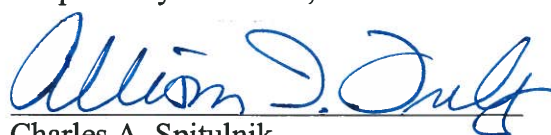
In order to establish interim trail use and rail banking under 16 U.S.C. §1247(d) and 49 CFR §1152.29, Atlanta BeltLine, Inc., a Georgia non-profit corporation and instrumentality of the City of Atlanta, is willing to assume full responsibility for management of, for any for any potential

legal liability arising out of the transfer or use of (unless ABI is immune from liability, in which case it need only indemnify CSX Transportation, Inc. against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way currently owned by CSXT. The property extends from railroad milepost XXC 0.0, at the switch to the Norfolk Southern, Oakland Junction near the Ormewood Station, and milepost XXC 4.4 near Glenwood Ave., SE, a distance of approximately 4.4 miles in the City of Atlanta, Fulton County, Georgia. The right-of-way comprises all of the line of railroad proposed for abandonment in Docket No. STB AB-55 (Sub-No. 777X).

Other required information: A map of the property depicting the right-of-way is attached.

ABI 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. A copy of this trail use request is being served on the railroad on the same date it is being served on the Board.

Respectfully submitted,



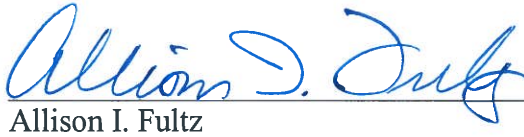
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Dated: January 3, 2018

Certificate of Service

I hereby certify that on this 3rd day of December, 2018, I caused to be served a copy of the foregoing Request of the Atlanta BeltLine, Inc., for Interim Trail Use to be served by first class mail, postage prepaid, upon:

Louis E. Gitomer
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Ave., Suite 301
Towson, MD 21204


Allison I. Fultz

Map of Abandonment Area – STB Docket No. AB-55 (Sub-No. 777X)

