

Greenbrier County Commission

Woody Hanna, President
Lowell Rose, Commissioner
Michael F. McClung, Commissioner



245603

April 6, 2018

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

ENTERED
Office of Proceedings
April 27, 2018
Part of
Public Record

Re: AB-55 (Sub-No. 776X) CSX Transportation, Inc.-Abandonment Exemption-in Greenbrier County, WV

Dear Ms. Brown:

This request is filed on behalf of the Greenbrier and Fayette County Commissions, West Virginia, which are county government entities, hereinafter referred to as "proponent." With respect to the filing fee, the "proponent" requests a waiver of the filing fee, based on the fact that it is a county government filing the request on behalf of the general public. 49 C.F.R. 1102.2(e)(1).

Proponent request imposition of a Public Use Condition and issuance of a Notice of Interim Trail Use or Abandonment for a 0.42-mile rail line on CSXT's Florence Division, Sewell Valley Subdivision, between milepost CAF 20.58 to the end of track at milepost CAF 21.0, near Rainelle, Greenbrier County, W. Va.

A. Request for Public Use Condition

Proponent asks 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:

An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. 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

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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.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use condition sought above, proponent also 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 Greenbrier and Fayette County Commissions, West Virginia are 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 user is immune from liability, in which case it needs only indemnify the railroad against any potential liability), and (3) for the payment of any and all taxes that may be levied or assessed against the right-of-way. The property, known as a portion of the Sewell Valley Subdivision, extends from railroad milepost CAF 20.58 near Rainelle, WV to railroad milepost CAF 21.00, near Rainelle, WV, a distance of 0.42 miles in Greenbrier County, West Virginia. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-55 (Sub-No. 776X). A map of the property depicting the right-of-way is attached.

The Greenbrier and Fayette County Commissions, West Virginia acknowledge 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 on the same date it is being served on the Board.

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

Respectfully submitted,



Woody Hanna
President
Greenbrier County Commission



Matthew D. Wender
President
Fayette County Commission