

City of Richmond



BYRON C. MARSHALL
CHIEF ADMINISTRATIVE OFFICER

"SIC ITUR AD ASTRA"
SUCH IS THE WAY TO THE STARS

March 20, 2013

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VIA E-FILE

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

ENTERED
Office of Proceedings
March 25, 2013
Part of
Public Record

Re: **CSX Transportation, Inc.**, Abandonment and Discontinuance of Service Exemption in the City of Richmond and Henrico County, VA - STB Docket No. - AB-55 (Sub-No. 726X)
Norfolk Southern Railway Company, Abandonment and Discontinuance of Service Exemption in the City of Richmond and Henrico County, VA - STB Docket No. AB-290 (Sub-No 303X)

Dear Ms. Brown:

This request is filed on behalf of the City of Richmond, Virginia, which is a local government and municipal corporation and political subdivision of the Commonwealth of Virginia interested in transportation, which is hereinafter referred to as "proponent." While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as Notice of Interim Trail Use or Abandonment ("NITU") condition rather than an outright abandonment authorization of the Southern Region, Huntington Division, Peninsula Subdivision, also known as the James River Industrial Track from the boundary line between the City of Richmond and Henrico County to the end of track at Lehigh Hanson Cement (the "Trails Use Line").

A. Request For Public Use Condition

Proponent asks the STB to find that the Trails Use Line is 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 for public use on reasonable terms. Justification for this condition is; that the corridor would make an excellent recreational trail along the James River and conversion of the property to trail use is in accordance with our local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to begin negotiations with the carrier.
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.

B. Request For Interim Trail Use

The Trails Use Line in this proceeding is suitable for railbanking. In addition, to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under 16 U.S.C. § 1247(d), and 49 CFR § 1152.29, the City of Richmond, Virginia is willing to assume full responsibility for management of the right of way owned by and operated by CSX Transportation, Inc. and Norfolk Southern Railway Company described herein, for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by CSX Transportation, Inc. and Norfolk Southern Railway Company described herein and shall indemnify and hold harmless CSX Transportation, Inc. and Norfolk Southern Railway Company against any liability arising out of the transfer or use of the right of way owned by and operated by CSX Transportation, Inc. and Norfolk Southern Railway Company described herein.

The property, known as the Southern Region, Huntington Division, Peninsula Subdivision, also known as the James River Industrial Track, from the boundary line between the City of Richmond and Henrico County to the end of track at Lehigh Hanson Cement. The distance is approximately 0.468 miles in the City of Richmond, Virginia. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket Nos. AB-55 (Sub-No. 726X) and AB-290 (Sub-No. 303X).

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

The City of Richmond acknowledges that the use of 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 statement is being served on the railroads on the same date it is being served on the Board.

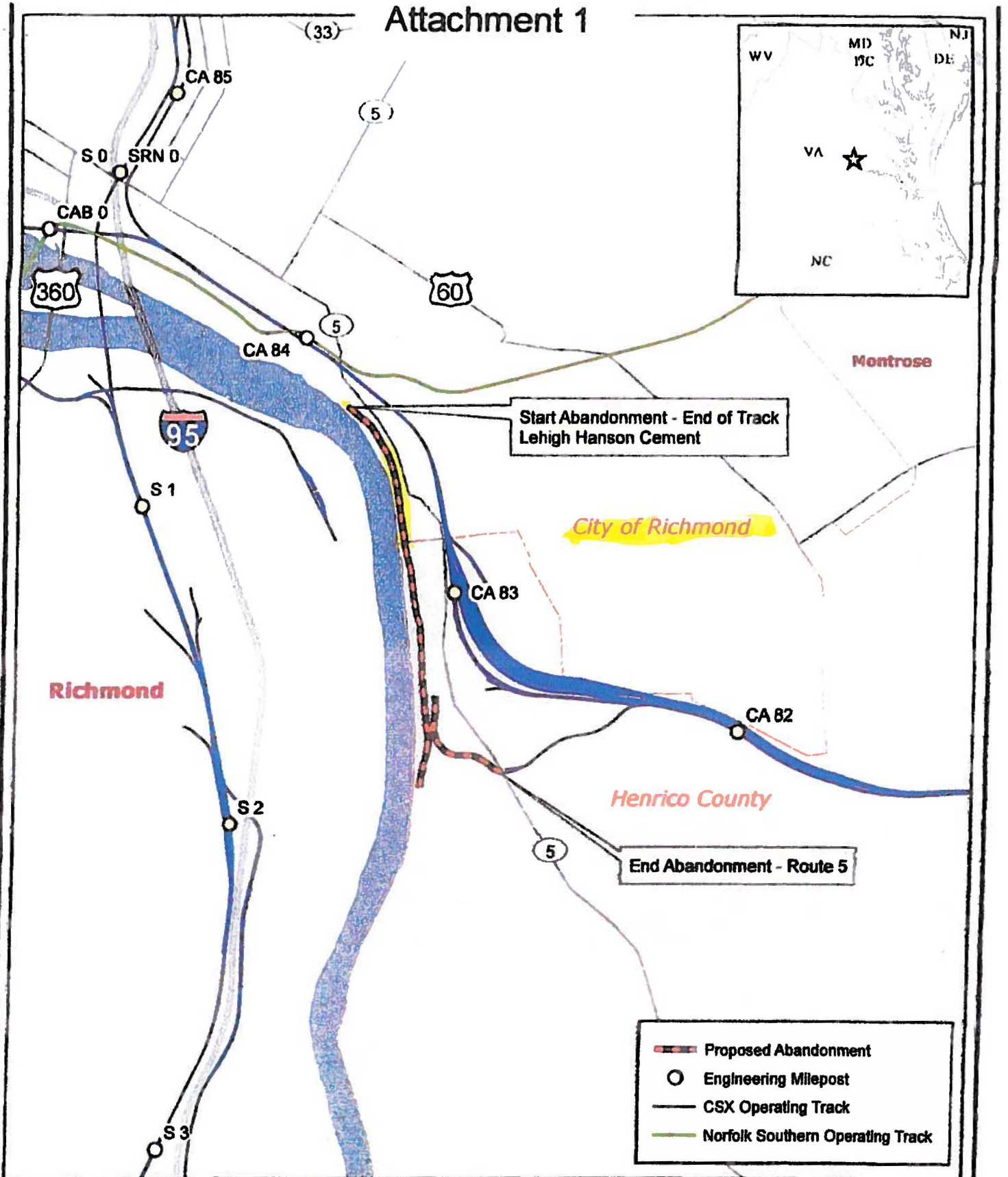
The City of Richmond is a local government entity that is filing this request for interim trail use/rail banking for a public purpose. As such, the City of Richmond respectfully requests waiver of the filing fee pursuant to 49 C.F.R. 1002.2(e)(1).

Sincerely,


Byron C. Marshall

cc: Mr. Robert Wimbush, Esq.
Mr. Steven Armbrust, Esq.
Mr. Louis E. Gitomer, Esq.
Karl Holsten, Assistant City Attorney
James Jackson, Director – Department of Public Works

Attachment 1



CSX Properties Group, Inc.

CSX Transportation & Norfolk Southern Railway Company Proposed Abandonment & Discontinuance of Service City of Richmond, VA

Total Distance of Approx. 1.55 Miles
STB Docket No. AB 55 (Sub-No. 726X) CSX Transportation
STB Docket No. AB 290 (Sub-No. 303X) Norfolk Southern Railway

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