

Greenbrier County Commission

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



242808

ENTERED
Office of Proceedings
March 15, 2017
Part of
Public Record

March 1, 2017

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

Re: CSX Transportation Abandonment in Greenbrier/Fayette Counties, West Virginia, AB-55
(Sub-No 768X)

Dear Secretary,

This request is filed on behalf of the Greenbrier and Fayette County Commission, West Virginia, which are county government entities, hereinafter referred to as "proponent." With respect to the file 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.

Proponent request issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between milepost CAP 21.0 and the end of the track at milepost CAP 27.0 near Rainelle, in Greenbrier and Fayette Counties, 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:

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 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

FILING FEE WAIVED

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 railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME

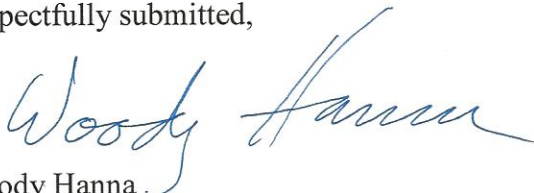
FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned operated by CSX Transportation, Inc. ("CSXT"), Greenbrier and Fayette Counties, 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 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 Sewell Valley Subdivision, extends from railroad milepost CAF 27.0 near Rainelle, to railroad milepost CAF 21.0 at the end of the line, a distance of 6.0 miles in Greenbrier and Fayette Counties, West Virginia. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-55 (Sub-No. 768X). A map of the property depicting the right-of-way is attached.

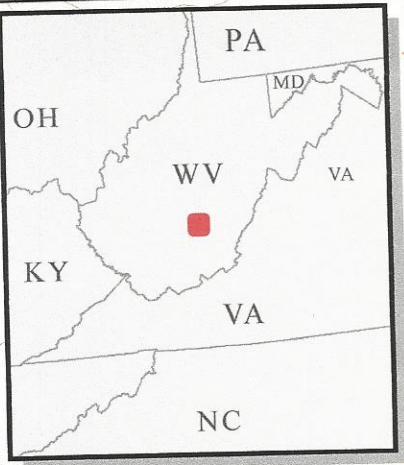
Greenbrier and Fayette Counties, West Virginia acknowledge that use of the right-of-way is subject to the sponsors' continuing to meet their responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on CSXT on the same date it is being served on the Board.

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 day of March 1, 2017.

Respectfully submitted,

A handwritten signature in blue ink that reads "Woody Hanna". The signature is fluid and cursive, with the first name "Woody" and last name "Hanna" clearly distinguishable.

Woody Hanna
President
Greenbrier County Commission



**Nicholas County
West Virginia**

**Greenbrier County
West Virginia**

**Fayette County
West Virginia**

End Discontinuance
CAF 27.0

Start Discontinuance
CAF 21.0

-  Engineering Mileposts
-  Proposed Abandonment
-  Previously Abandoned/Industry
-  CSX Operating Track

Rainelle

WV-019-1076642



CSX Real Property, Inc.

**CSX Transportation, Inc.
Proposed Abandonment
Sewell Valley Subdivision**

**Milepost CAF 21.0 to CAF 27.0 (6 miles)
Rainelle - Greenbrier & Fayette Counties, WV
Florence Division - Sewell Valley Subdivision
STB Docket No. AB 55 (Sub-No.768X)**

0 3,000 6,000
Feet

