

DICKENSON COUNTY BOARD OF SUPERVISORS

Board of Supervisors

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County Administrator
G. DAVID MOORE, JR.

County Attorney
CLARENCE E. "BUD" PHILLIPS

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May 5, 2020

300706

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

ENTERED
Office of Proceedings
June 5, 2020
Part of
Public Record

Re: CSX Transportation, Inc., Abandonment in Dickenson County, Virginia, STB No. AB-55(sub-No. 799X)

Dear Ms. Brown:

This request is filed on behalf of Dickenson County Board of Supervisors which is a political subdivision of the Commonwealth of Virginia, 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 a Certificate or Notice of Interim Trail Use rather than an outright abandonment.

A. Public Use Condition

Proponent requests 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 of public use on reason-able terms. The rail corridor will provide an opportunity for numerous environmental, educational and recreational uses. The corridor will make an excellent multi-use recreational trail. The corridor will provide important wildlife habitat and greenspace. The conversion of the rail corridor to trail use will be in compliance with local recreational and land use policies.
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 1 year. Proponent needs this much time because time is needed to assemble and to review title, complete a trail plan and commence negotiations with the carrier.

FILING FEE WAIVED

B. 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 section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. § 1152.29, Proponent is willing to assume full responsibility for management of and for any legal liability, if any, due to sovereign immunity. The Proponent is cloaked with sovereign immunity. To the extent permitted by Virginia Law, the Proponent will indemnify the railroad against any potential liability arising out of the transfer or use of the abandon rail corridor.

The property, known as the Florence Division, Kingsport Subdivision, Fremont Branch extends from railroad milepost ZF 0 and milepost ZF 13.65 Dickenson County, VA (the "Line"). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230. The right-of-way is part of a line of railroad proposed for abandonment in STB No. AB-55(sub-No. 799X).

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

Dickenson County Board of Supervisors 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.

For your review find enclosed a resolution of the Dickenson County Board of Supervisors in support for the Conversion of the CSX Transportation, Inc. abandonment of 13.65 miles of railroad corridor Florence Division, Kingsport Subdivision, Fremont Branch, VA to Rail to Trail

Since the petitioner is a public subdivision of the Commonwealth of Virginia, i.e. local governing body, petitioner respectfully requests that the filing fees be automatically waived.

By my signature below, I certify service upon CSX Transportation, Inc., 500 Water Street, J801, Jacksonville, Florida, Attention: Gene Payne. U.S. Mail, postage prepaid, first class, on May 20, 2020.

Respectfully submitted,
Dickenson County Board of Supervisors



David Moore, County Administrator
On behalf of Dickenson County Board of Supervisors

Cc/w enclosures: Catherine Adkins
David Moore
Freddie Mullins
Leman Kendrick
Mitzi Sykes

**RESOLUTION OF SUPPORT FOR THE CONVERSION OF THE CSX
TRANSPORTATION, INC. ABANDONMENT OF 13.65 MILES OF RAILROAD
CORRIDOR FLORENCE DIVISION, KINGSPORT SUBDIVISION,
FREEMONT BRANCH, VA TO A RAIL TO TRAIL**

WHEREAS, the County of Dickenson is a legally constituted subdivision of the Commonwealth of Virginia; and

WHEREAS, CSX Transportation, Inc. is a private rail road which owns 13.65 miles of rail road corridor located in Dickenson County, VA and commonly referred to as (CSX); and

WHEREAS, CSX filed a petition with the Surface Transportation Board to discontinue service and to end its common carrier obligation to provide freight rail service over approximately 13.65 miles of rail line corridor in Dickenson County, VA; and

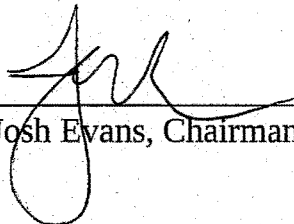
WHEREAS, the Board of Supervisors of Dickenson County, Virginia believes that it is in the best economic, recreational, health and tourism interest of their citizens that the CSX 13.65 miles of rail corridor be converted to a world-class-rail-to-trail project; and

THEREFORE, by this resolution, the Board of Supervisors of Dickenson County, Virginia approves, moving forward with the conversion of the CSX 13.65 miles of rail line to a rails-to-trails corridor; and

FURTHERMORE, it is agreed that the Dickenson County Board of Supervisors shall seek the support of all appropriate governmental agencies and governmental bodies within the Commonwealth of Virginia to achieve the goal of developing a rails-to-trails facility; and

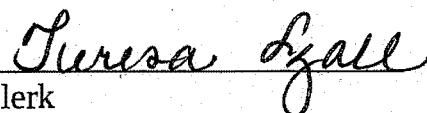
NOW, THEREFORE, BE IT RESOLVED, that the County of Dickenson, State of Virginia supports proceeding with the conversion of the CSX 13.65 miles of rail corridor proposed to be abandoned by CSX to a rail-to-trail project.

ADOPTED this the 28th day of April, 2020.

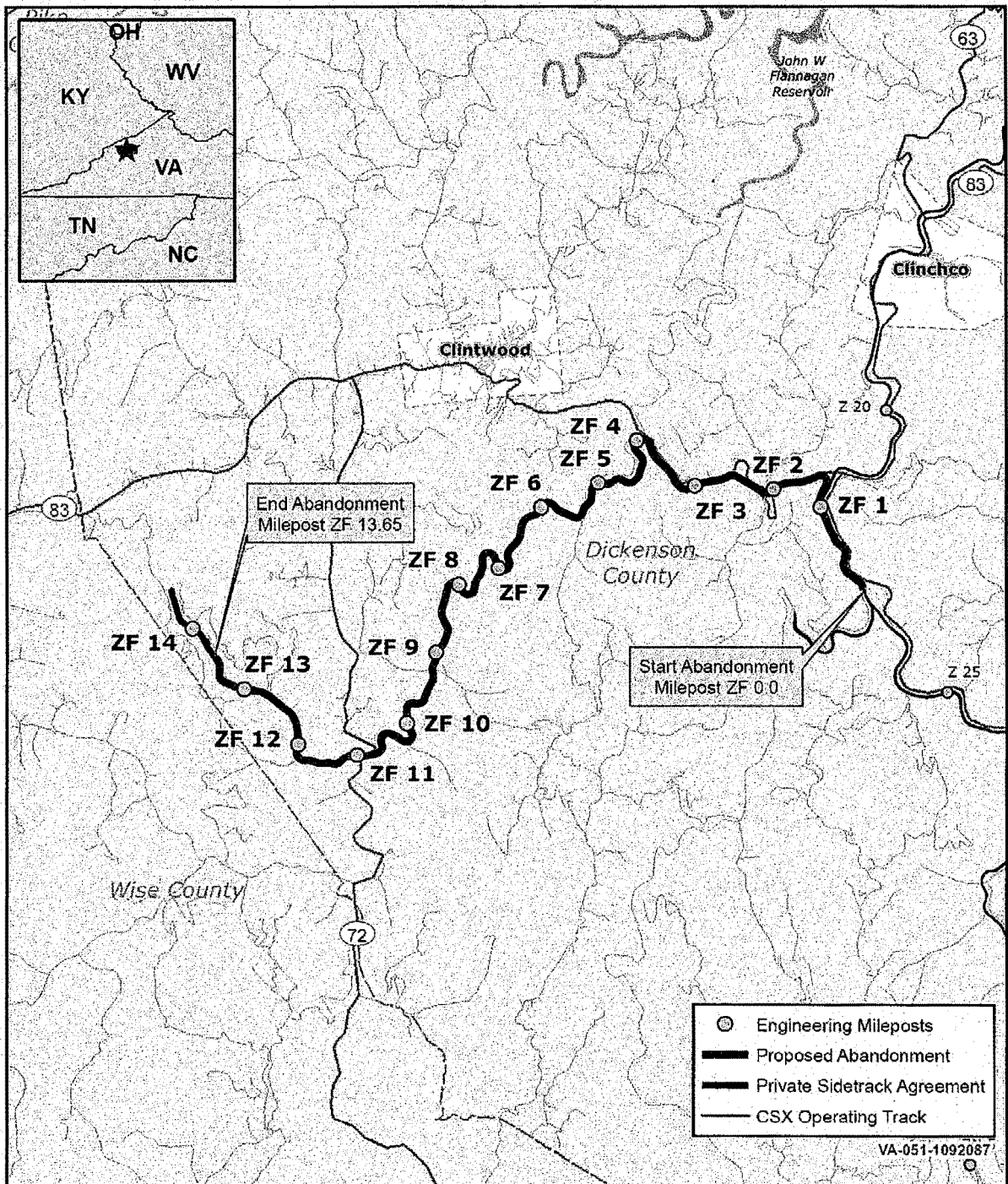
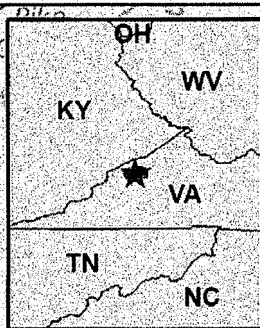


Josh Evans, Chairman

ATTEST:



Clerk



CSX Transportation, Inc.
Proposed Abandonment
Dickenson County, VA
Fremont Branch

Milepost ZF 0 to ZF 13.65
Total Distance of Approx. 13.65 Miles
Northeast Region - Southern Zone - Kingsport Subdivision
STB Docket No. AB 55 (Sub-No. 799X)

