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301391

December 24, 2020

VIA E-FILING

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

ENTERED
Office of Proceedings
December 28, 2020
Part of
Public Record

Re: **STB Docket No. AB 1302X; City of Temple, Texas—Abandonment
Exemption—in Bell County, Texas**

**STB Docket No. AB 1309X; Temple & Central Texas Railway, LLC—
Discontinuance Exemption—in Bell County, Texas**

Dear Ms. Brown:

The City of Temple, Texas (the “City”) requests that the Surface Transportation Board (“STB” or “Board”) issues a Notice of Interim Trail Use with respect to the approximately 6.277-mile rail line between milepost 0.0, near Belton, Texas, and milepost 6.277, near Smith, Texas, all in Bell County, Texas (the “Line”) that is the subject of the above-referenced proceedings.

The City intends to “rail bank” the Line and to convert the Line to a public trail for pedestrian and bicycle use, under 16 U.S.C. § 1247(d) of the National Trails System Act.¹ In accordance with the requirement of 49 C.F.R. § 1152.29, the City, as trail sponsor, has executed a Statement of Willingness to Assume Financial Responsibility, which is attached as Exhibit A.

¹ A rail line owner, such as the City, “is permitted to rail bank its own line where the [owner] represents that the property is suitable for interim trail use and that it will assume financial responsibility for the line.” *City of Yelm—Aban. Exemption—In Thurston and Pierce Ctys., Wash.*, AB 1295X (served July 9, 2020) (citations omitted).

FILED
December 28, 2020
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
December 28, 2020
SURFACE
TRANSPORTATION BOARD

The filing fee of \$350 was paid using Pay.gov. However, under 49 C.F.R. § 1002.2(e)(1), “[f]iling fees are waived for an application or other proceeding which is filed by a federal government agency, or a state or local government entity.” Because the City is a “local government entity” within the meaning of the Board’s rules, the City hereby seeks a waiver of its filing fee. The City submitted the filing fee to ensure immediate consideration of this request by the Board. The City respectfully requests that, once the Board grants the requested waiver, the Board refund the City’s \$350 filing fee.

Please contact me with any questions.

Respectfully submitted,

A handwritten signature in black ink that reads "Sally Mordi". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Sally Mordi
Attorney for the City of Temple, Texas

Enclosures

EXHIBIT A**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 C.F.R. § 1152.29 with respect to the right-of-way owned by the City of Temple, Texas (the "City"), the City is 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 extends from milepost 0.0, near Belton, Texas, to milepost 6.277, near Smith, Texas, a distance of approximately 6.277 miles in Bell County, Texas. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB 1302X. Maps of the property depicting the right-of-way are attached.

The City acknowledges 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.

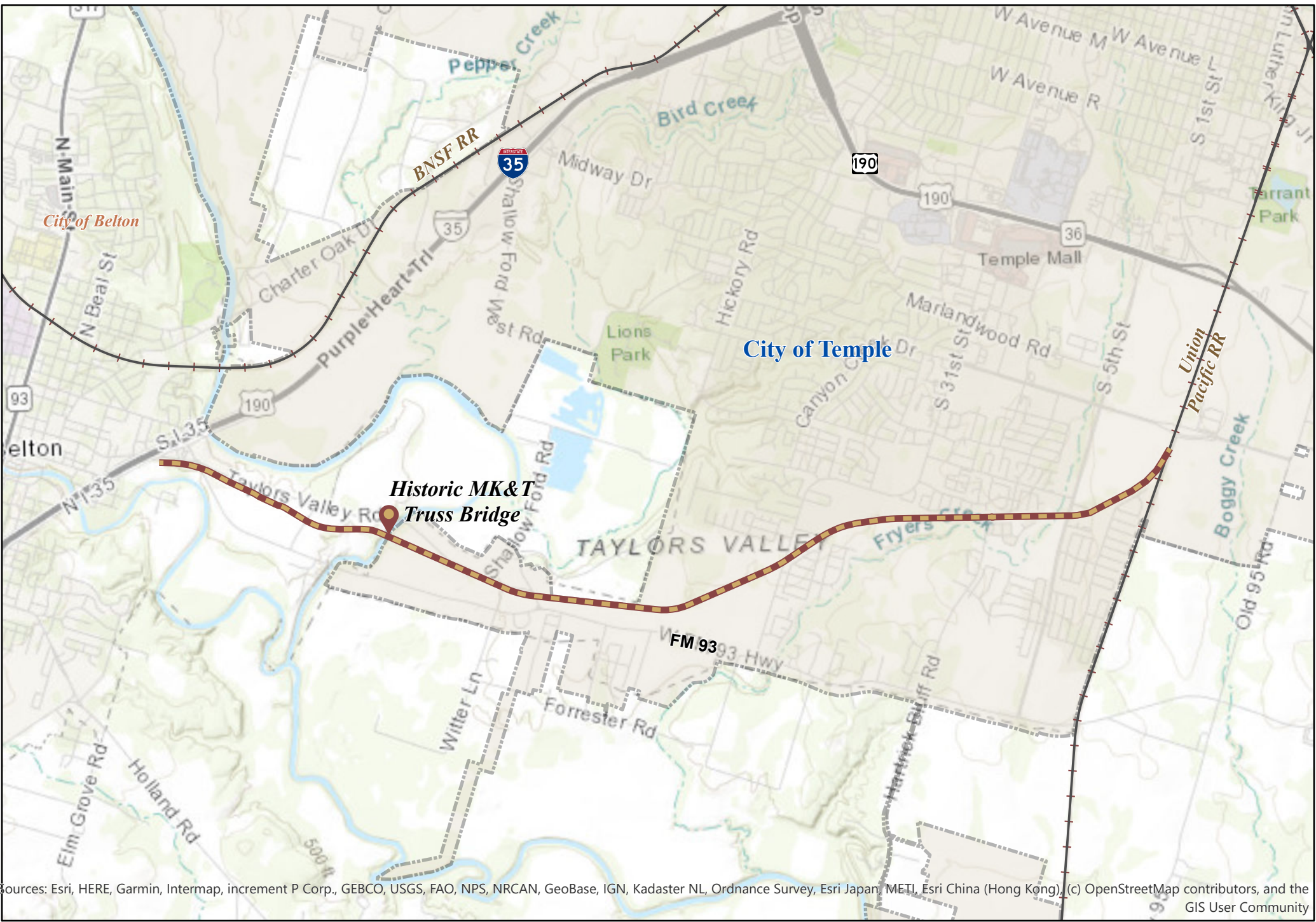
Dated: December 12/23/2020 | 1:13 PM CST, 2020

CITY OF TEMPLE, TEXAS

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DocuSigned by:
Brynn Myers
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Brynn Myers
City Manager

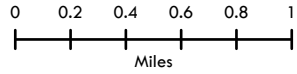
Approved as to Form:
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Charla R. Thomas
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City Attorney's Office



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



