



Boone County Commission

Boone County Courthouse Annex
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March 29, 2021

301862

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
April 1, 2021
Part of
Public Record

Re: CSX Transportation, Inc. Abandonment in Boone County, West Virginia, STB Docket No. AB-55 (sub-no.803x)

Dear Ms. Brown:

This request is filed on behalf of the Boone County Commission, a government agency existing under the laws of the State of West Virginia, having its principal office located at 206 Court Street, Madison, WV 25130 (hereinafter referred to as 'proponent').

Proponent requests issuance of a Public Use Condition and an Interim Trail Use Condition rather than an outright abandonment authorization for the 9.9-mile rail line located between milepost CLN 0.3 and milepost CLN 10.2 (the line) within the territorial jurisdiction of Boone County, West Virginia. Proponent, as a governmental entity, respectfully requests the Surface Transportation Board (the Board) waive any filing fee.

A. Request for Public Use Condition

Proponent requests the Board find that the rail right of way pertaining to the 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 of public use on reasonable terms. The justification for this condition is that the rail corridor in question 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 greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier having received notice of the filing on March 12.
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

FILING FEE WAIVED

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

For the reasons previously stated, the line in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also provides the following to facilitate the Board's consideration of this 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, the is proponent willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by CSX Transportation Inc..

The Line, known as the Florence Division, Coal River Subdivision, Seth Branch extends from railroad milepost CLN 0.3 near Seth to railroad milepost CLN 10.2 near Prenter a distance of 9.9 miles in the jurisdiction of Boone County, West Virginia. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub 803x).

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

The Boone County Commission 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.

The Proponents' designated person of contact with respect to this matter is:

w/copy to:

Pam White, County Administrator
206 Court Street, Suite 300
Madison, WV 25130

Kris Mitchell, Community Development Director
1 Avenue C, Suite 101
Madison, WV 25130

By my signature below, I certify service upon CSX Transportation, Inc. via Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, Maryland 21204-4022, by U.S. Mail, postage prepaid, first class.

Respectfully submitted,

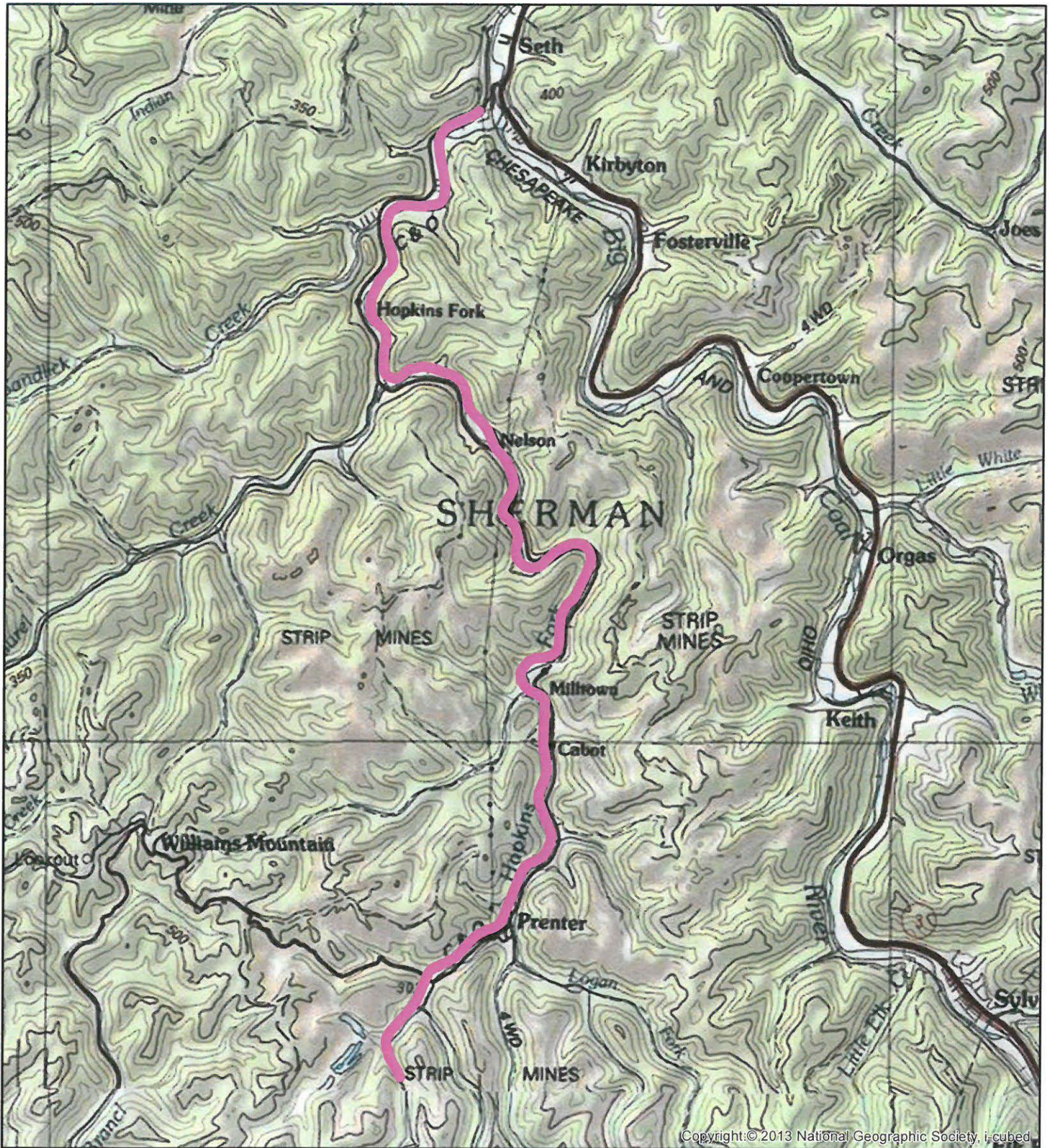


Craig Bratcher

President

On behalf of Boone County Commission

Prenter rail trail



0 0.5 1 2 Miles

1 inch = 1 miles

Prepared by
**Boone County
Assessor's Office**

Map used for tax purposes only; NOT a survey map

