

February 22, 2024

308015

Lee S. Smith
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Ms. Cynthia T. Brown
Chief of Section Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
February 27, 2024
Part of
Public Record

Re: CSX Railroad Abandonment in Leominster, MA
(STB Docket No. AB-55 (Sub-No. 813X))

Dear Ms. Brown:

This office serves as legal counsel to the City of Leominster, Massachusetts, and this request is filed on behalf of the City with authorization from Mayor Dean Mazzarella.

The City of Leominster requests that the Surface Transportation Board accept this late filed request and issue a Notice of Interim Trail Use/rail banking for the approximately 0.38-mile rail line that runs between milepost QBU 4.2 and milepost QBU 4.58 on CSX Transportation, Inc.'s ("CSXT") Albany Division, Boston Subdivision, Fitchburg Branch, Worcester County, Massachusetts. CSXT has not consummated the abandonment and there are still barriers to exit.

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 CFR § 1152.29, The City of Leominster is willing to assume full responsibility for: (1) managing the Segment's right-of-way; (2) any legal liability arising out of the transfer or use of the Segment's right-of-way (or, to the extent that The City of Leominster is immune from liability, then The City of Leominster will indemnify CSXT against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way owned by CSXT.

A map depicting the Segment's right-of-way is attached.

The City of Leominster acknowledges that its proposed use of the right-of-way is subject to it continuing to meet its responsibilities described above and is subject to possible future reconstruction and reactivation of the Segment's right-of-way for rail service.

FILING FEE WAIVED



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As a political subdivision of the Commonwealth of Massachusetts, the City of Leominster requests a waiver of the Board's filing fees in accordance with 49 CFR 1002.2(e)(1).

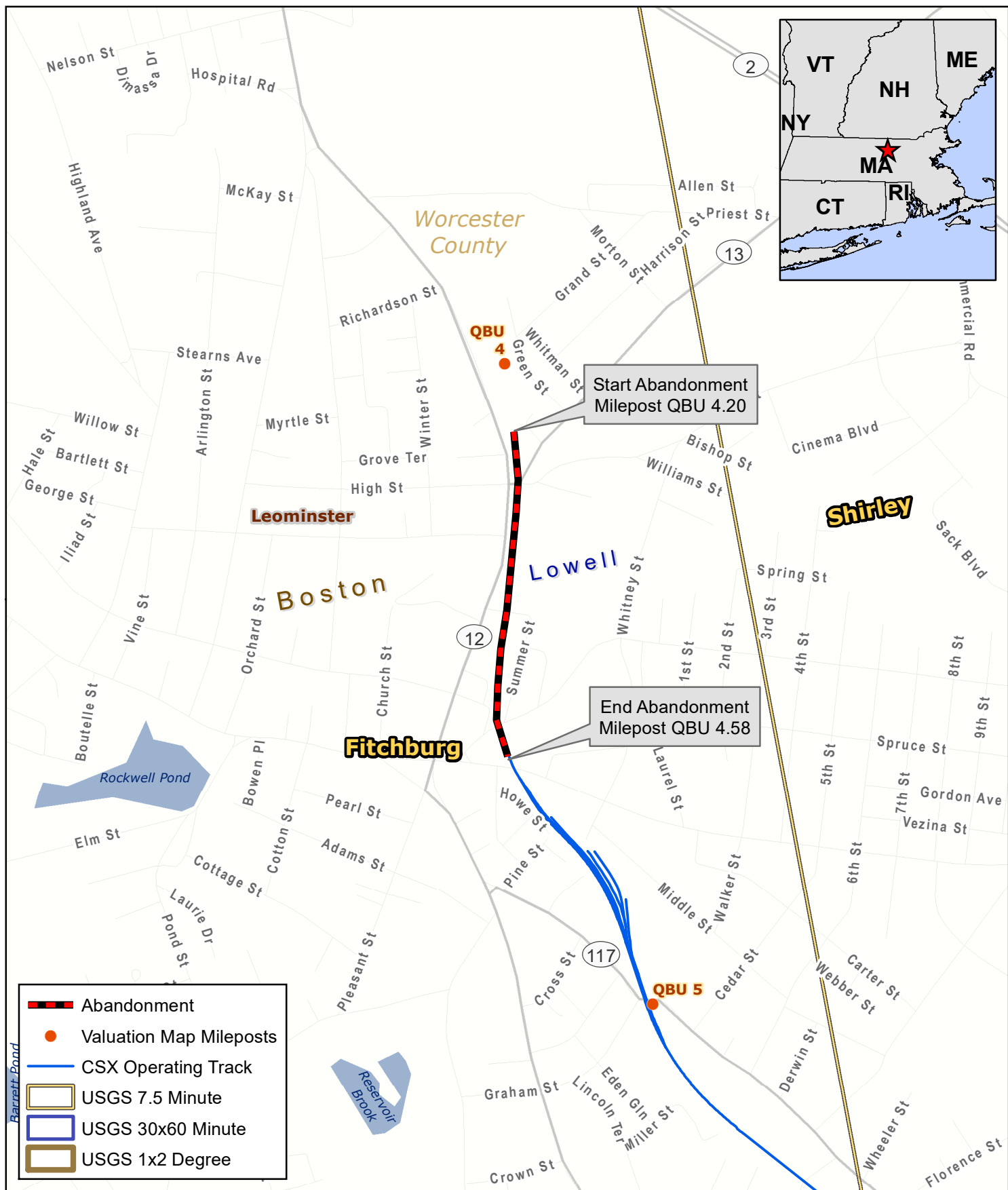
Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Lee S. Smith".

Lee S. Smith

CC: Parties of Record



CSX Transportation, Inc.
Abandonment
Worcester County, MA
Boston Sub
Milepost QBU 4.20 - 4.58
Total Distance of approx. 0.38 Miles
NE - Northern - Boston
STB Docket No. AB 55 (Sub-No. 813X)

