



TRUMBULL COUNTY COMMISSIONERS

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245818

May 31, 2018

ENTERED
Office of Proceedings
May 31, 2018
Part of
Public Record

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

Re: AB-55 (Sub-No. 779X) CSX Transportation, Inc.-Abandonment Exemption-in Trumbull County, OH

Dear Ms. Brown:

This request is filed on behalf of the Trumbull County Commissioners, Trumbull County, Ohio, which is a county government entity, hereinafter referred to as "proponent." With respect to the filing 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. 49 C.F.R. 1102.2(e)(1).

Proponent request imposition of a Public Use Condition and issuance of a Notice of Interim Trail Use or Abandonment for a 13.9-mile rail line on CSXT's Newton Falls Subdivision, between milepost BGA 86.1 to railroad milepost BGA 100.00, near Newton Falls, Trumbull County, OH.

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 the final piece of a 75 mile paved bike trail in four counties Columbiana, Mahoning, Trumbull and Ashtabula in Ohio that needs built, and the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. The corridor will also provide some high quality habitat for, Bald Eagles, as the rail line runs along the Mahoning River where there have been numerous sightings of said bird and its preservation as 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.

FILING FEE WAIVED

Ms. Cynthia Brown

May 31, 2018

Page -2-

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 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

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 railbanking under section 8(d) of the National Trails System Act, 16 U.S.C.

§1247(d), and 49 CFR §1152.29, the Trumbull County Commissioners, Ohio 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 user is immune from liability, in which case it needs only indemnify the railroad against any potential liability), and (3) for the payment of any and all taxes that may be levied or assessed against the right-of-way. The property, known as a portion of the Newton Falls Subdivision, extends from railroad milepost BGA 86.1 near Niles, OH to railroad milepost BGA 100.00, near Newton Falls, OH, a distance of 13.9 miles in Trumbull County, Ohio. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-55 (Sub-No. 779X).

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

The Trumbull County Commissioners, Ohio acknowledge 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. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

By my signature below, I certify service upon CSX Transportation Inc., Steven C. Armhurst, Esq., 500 Water Street, J-315, Jacksonville, FL 32202 and Law Offices of Louis E. Gitomer, LLC, Louis E Gitomer, Esq., 600 Baltimore Avenue, Suite 301, Towson, MD, 21204 by U.S. Mail, postage pre-paid, first class, this 31st day of May, 2018.

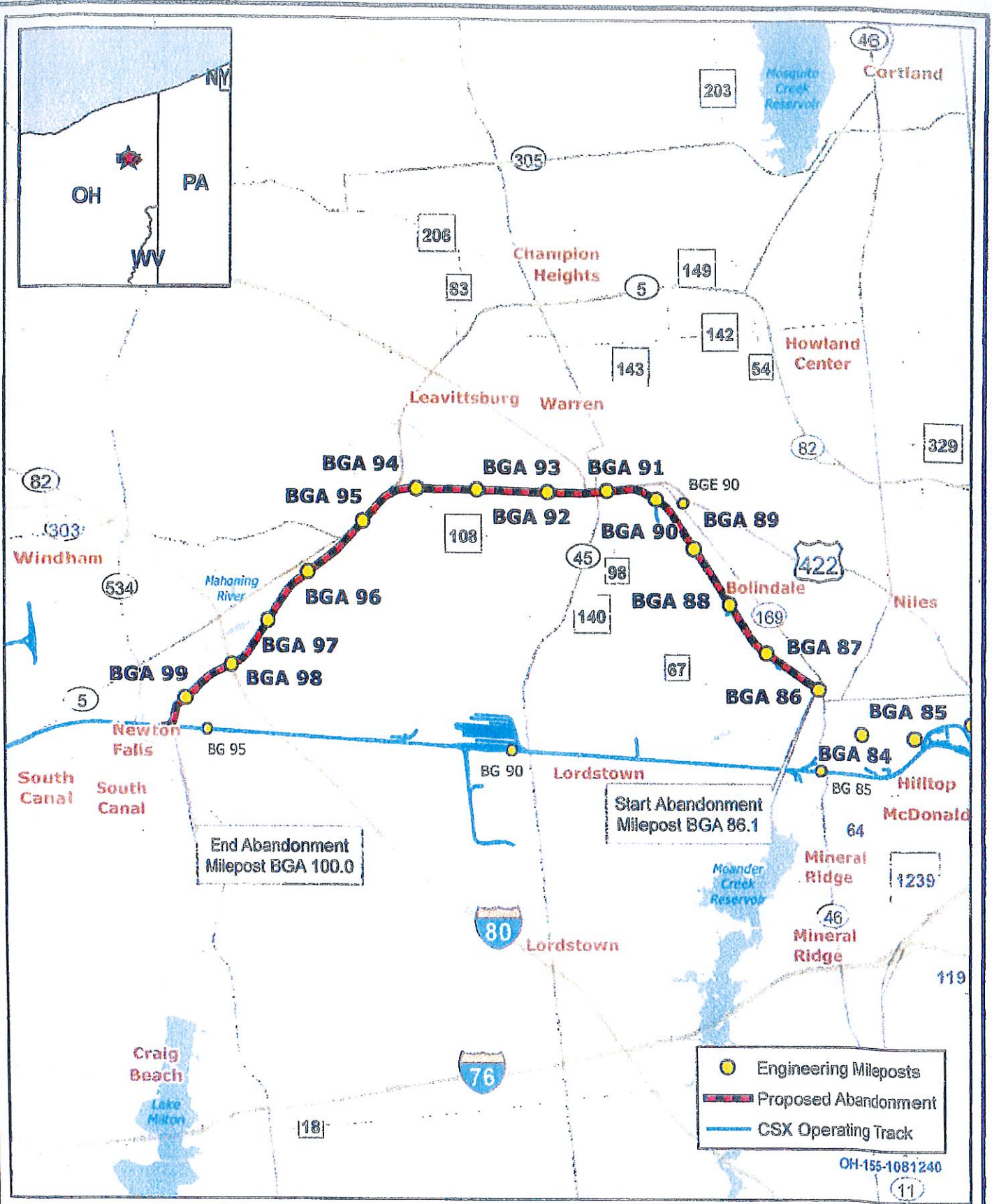
Respectfully submitted,

BOARD OF TRUMBULL COUNTY COMMISSIONERS

A handwritten signature in blue ink, appearing to read 'Dan Polivka', is written over the printed name.

Daniel E. Polivka, President

Attachment (1)



CSX Transportation, Inc.
Proposed Abandonment
Trumbull County, OH
 Milepost BGA 86.1 to BGA 100.0
 Total Distance of approx. 13.9 Miles
 Great Lakes Division - Newton Falls Subdivision
 STB Docket No. AB 55 (Sub-No. 779K)

