

Monroe County Commission

MONROE COUNTY

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"A County Older than the State"

JUDGE SONYA STINSON
President

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Chief Administrator & Purchasing Agent

247602

April 26, 2019

Allison C. Davis, Acting Director
Office of Proceedings
Surface Transportation Board
395 E Street, S. W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
April 26, 2019
Part of
Public Record

RE: Alabama Railroad Co. – Abandonment Exemption – Escambia, Conecuh, and
Monroe Counties, in Alabama, AB-463 (Sub-No. 2X)

Dear Ms. Davis:

This request is filed on behalf of the Monroe County Commission, a governmental agency interested in the development of a recreational trail in Monroe County, which is hereinafter referred as "proponent". While not taking a position on the merits of this abandonment, the proponent request issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization extending from approximately milepost 607.73 (at Flomaton, AL) to approximately milepost 655.2 (near Tunnel Springs, AL), including all sidings and the MR Junction Spur between valuation stations 0+00 and 90+81 in Escambia, Conecuh, and Monroe Counties, in AL (the "Line").

A. Public Use Condition

Proponent requests the STB to find that the property is suitable for other public use, specifically trail use, and the place 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 corridor would make an excellent recreational trail and conversion of the property to trail use in the accordance with state and local plans. 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 complete a detailed trail plan or commence negotiations with the carrier.

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 valuable for recreation trail purposes. The time period requested is 180 days

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from the effective dated of the abandonment authorization for the same reason as indicated as above.

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, the proponent also makes the following requests:

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 Monroe County Commission is willing to assume full responsibility for management of, of any legal liability arising out of the transfer of use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any all taxes that may be levied or assessed against the right-of-way owned by Alabama Railroad Co..

The property, known as the Alabama Railroad, extends from approximately milepost 607.73 (at Flomaton, AL) to approximately milepost 655.2 (near Tunnel Springs, AL), a distance of approximately 47.5 miles in Escambia, Conecuh, and Monroe Counties. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-463 (Sub-No. 2X). A location map depicting the property is attached.

The Monroe County Commission acknowledges that the use of the right-of-way is subject to the user's continuing to meet its responsibilities described above subject to possible future reconstruction and reactivation of the right-of-way for rail use.

By my signature below, I certify upon the Alabama Railroad Co. by U.S. Mail, postage prepaid, first class, on April, 26th, 2019.

Crystal M. Zorbaugh
2401 Pennsylvania Avenue, NW Suite 300
Washington, DC 20037

Respectfully submitted,



Sonya Stinson
Chairman
Monroe County Commission
Direct Telephone Number (251) 743-4107

