



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

State Rail Authority

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Byrd E. White, III
Acting Secretary of Transportation

March 21, 2019

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

ENTERED
Office of Proceedings
March 20, 2019
Part of
Public Record

Re: AB-55 (Sub-No. 788X) *CSX Transportation, Inc.-Abandonment Exemption-in Preston County, WV*

Dear Ms. Brown:

The West Virginia State Railway Authority ("WVSRA") requests that the Surface Transportation Board issue a Notice of Interim Trail Use or Abandonment for an approximately 6.78-mile rail line that runs between mileposts BAJ 3.0 and BAJ 9.78 in Preston County, West Virginia (the "Line"). WVSRA requests a waiver of the filing fee, based on the fact that it is a state government entity filing the request on behalf of the general public. 49 C.F.R. 1102.2(e)(1).

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 CFR 1152.29 with respect to the right-of-way owned and operated by CSX Transportation, Inc., the West Virginia State Railway Authority 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, known as a portion of the Baltimore Division – Mountain Subdivision, extends from railroad milepost BAJ 3.00 to railroad milepost BAJ 9.78, a distance of 0.42 miles in Preston County, West Virginia. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-55 (Sub-No. 788X). A map of the property depicting the right-of-way is attached.

FILING FEE WAIVED

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The West Virginia State Railway Authority 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. A copy of this statement is being served on CSX transportation, Inc. on the same date it is being served on the Board.

Thank you for your assistance. Let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Lucinda K. Butler". The signature is fluid and cursive, with the first name "Lucinda" being the most prominent part.

Lucinda K. Butler
Executive Director

Cc: Mathew Coffing, CSXT
Gene Payne, CSXT
Louis E. Gitomer
Amanda Pitzer, Friends of the Cheat

