

Greenbrier County Commission

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Woody Hanna, President
Lowell Rose, Commissioner
Michael F. McClung, Commissioner

December 12, 2018

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



Office of
Proceedings

DECISION ID NO.: 46810
DECIDED DATE: 2/8/2019
SERVICE DATE: 2/8/2019
APPROVED: A. C. Tri
Acting Director
☒ Extended to 5/23/2019

**Re: AB-55 (Sub-No. 776X) CSX Transportation, Inc. Abandonment Exemption-
in Greenbrier County, WV**

Dear Ms. Brown:

The Greenbrier and Fayette County Commissions, West Virginia (the "Commissions"), which are county government entities, request the Surface Transportation Board (the "Board") to grant a 180-day extension until May 23, 2019 to close on the acquisition of the 0.42-mile railroad line on CSX Transportation, Inc.'s ("CSXT") Florence Division, Sewell Valley Subdivision, between milepost CAF 20.58 and milepost CAF 21.0, near Rainelle, Greenbrier County, W. Va. (the "Line").

CSXT filed on December 4, 2017 a Notice of Exemption seeking authority to abandon the Line. The Commission filed on April 27, 2018, a request for a Notice of Interim Trail Use ("NITU") over the Line. CSXT agreed to negotiate trail use with the Commissions. The Board served a Decision and Notice of Interim Trail Use or Abandonment on May 18, 2018, establishing a negotiation period until November 14, 2018.

The Line is the connection to the railroad system of another line that CSXT has proposed to abandon. That line is the approximately 6.0-mile rail line on its Southern Region, Huntington Division, Sewell Valley Subdivision, from milepost CAF 21.0 to milepost CAF 27.0 near Rainelle, in Greenbrier and Fayette Counties, WV (the "Rainelle Line"). CSXT filed a Notice of Exemption to abandon the Rainelle Line on January 9, 2017. The Board served a notice in *CSX Transportation, Inc.—Abandonment Exemption—in Greenbrier and Fayette Counties, W. Va.*, Docket No. AB-55 (Sub-No. 768X) on January 27, 2017. The Commissions on March 15, 2017 filed a request for a NITU over the Line. CSXT agreed to negotiate trail use with the Commissions. The Board served a Decision and Notice of Interim Trail Use or Abandonment on April 11, 2017, establishing a negotiation period until August 27, 2017, later extended to April 6, 2018.

While negotiating trail use for the Rainelle Line, CSXT and the Commissions realized that the Line was a necessary part of the trail and that CSXT had no traffic on the Line. Therefore, CSXT began the abandonment process for the Line.

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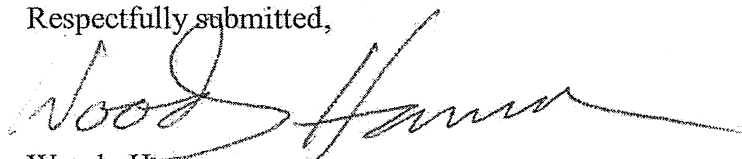
The Commissions and CSXT have entered an agreement for CSXT to transfer the Line and the Rainelle Line to the Commissions for interim trail use/rail banking pursuant to the NITU served by the Board in both abandonment proceedings. In preparing for closing in early December, the parties realized that the NITU's had expired for both abandonments.

By this letter, the Commissions are requesting the Board to extend the NITU in the AB-55 (Sub-No. 776X) proceeding to allow the parties to consummate interim trail use under the executed agreement. This should be the last extension requested by the Commissions because the Commissions and CSXT plan to close the transfer as soon as both NITU's are in place. The Commissions will shortly file a Petition to Reopen the AB-55 (Sub-No. 768X) proceeding to reinstate the abandonment authority and the NITU.

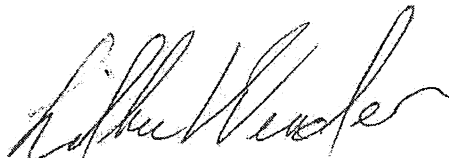
The Commissions respectfully requests the Board to grant an extension of the trail negotiation period until May 23, 2019 in order to be able to close the transaction under the National Trails Act.

With respect to the filing fee, the Commissions 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).

Respectfully submitted,



Woody Hanna
President
Greenbrier County Commission



Matthew Wender
President
Fayette County Commission