

September 27, 2019

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

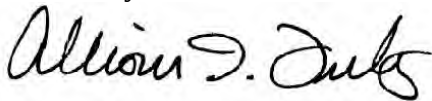
Re: *CSX Transportation, Inc. – Abandonment Exemption—in Cobb County, Georgia, STB
Docket No. AB-55 (Sub-No. 784X) – Request for Interim Trail Use of the Georgia
Department of Transportation*

Dear Ms. Brown:

I am attaching the Georgia Department of Transportation's Request for Interim Trail Use in the above-captioned proceeding.

With respect to the filing fee, we have submitted payment in the amount of \$350 at pay.gov. However, the Georgia Department of Transportation (GDOT), an agency of the State of Georgia, is seeking a waiver of the filing fee based on the fact that it is a state government entity filing the request for interim trail use on behalf of the general public. *See* 49 C.F.R. §1002.2(e); STB Ex Parte No. 542 (Sub-No. 6) - *Regulations Governing Fees For Services Performed In Connection With Licensing And Related Services--Policy Statement* (Served December 6, 2000). Specifically, 49 C.F.R. 1002.2(e)(1) states that "filing fees are waived for application and other proceedings which is filed by...a state or local government agency." GDOT is a state government agency filing the request on behalf of the general public. Accordingly, GDOT requests that the filing fee submitted with the request for interim trail use be waived.

Sincerely,



Allison I. Fultz
Counsel for Georgia Department of Transportation

Enclosures

FILING FEE WAIVED

CONTAINS COLOR MAP

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

**DOCKET NO. AB-55 (SUB-NO. 784X)
CSX TRANSPORTATION, INC.
ABANDONMENT EXEMPTION – IN COBB COUNTY, GEORGIA**

**REQUEST OF THE GEORGIA DEPARTMENT OF TRANSPORTATION
FOR INTERIM TRAIL USE PURSUANT TO 49 CFR 1152.29**

Communications with respect to this document should be addressed to:

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(202) 955-5600
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afultz@kaplankirsch.com

**Attorneys for Georgia Department
of Transportation**

Dated: September 27, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

**DOCKET NO. AB-55 (SUB-NO. 784X)
CSX TRANSPORTATION, INC.
ABANDONMENT EXEMPTION IN COBB COUNTY, GEORGIA**

**REQUEST OF THE GEORGIA DEPARTMENT OF TRANSPORTATION
FOR INTERIM TRAIL USE PURSUANT TO 49 CFR 1152.29**

Pursuant to 49 C.F.R. § 1152.29, the Georgia Department of Transportation, an agency of the State of Georgia (GDOT), respectfully requests leave to late-file this request for issuance of a Notice of Interim Trail Use with respect to a segment of CSX Transportation, Inc.'s (CSXT) Atlanta Terminal Subdivision (the Line), extending approximately 2.3 miles between milepost SG 579.29 and milepost SG 581.61, in Cobb County, GA, the line segment that is the subject of this proceeding. CSXT filed a verified notice of exemption on October 15, 2018, for authority to abandon the Line (CSX Notice), and the exemption became effective on December 2, 2018. Requests for interim trail use filed prior to the effective date of the exemption were due on November 9, 2018.

As noted in the record, CSXT and GDOT are negotiating terms to govern interim trail use with respect to the Line. *CSX Transp., Inc. – Abandonment Exemption – In Cobb Co., GA*, STB Docket No. AB 55 (Sub-No. 784X) (Service Date November 2, 2018) (“STB Notice”), *slip op.* at 2, n.4. CSXT accordingly has authorized GDOT to represent that CSXT assents to this request for interim trail use. GDOT has evaluated a range of strategies for satisfying the requirement that trail sponsors, if immune from liability, provide an unqualified indemnity to the abandoning railroad

against potential liability (49 C.F.R. § 1152.29(a)(2)(ii)) in a manner that complies with state law. Now that GDOT has determined that it can fulfill the obligations of a trail sponsor in a manner consonant with state requirements, it respectfully requests that the Board consider this late-filed request to establish interim trail use.

In accordance with the applicable regulations, GDOT submits the following Statement of Willingness to Assume Financial Responsibility and other information:

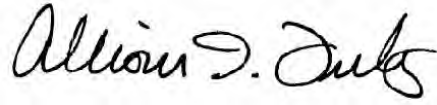
Statement of Willingness to Assume Financial Responsibility:

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. (“CSXT”), the Georgia Department of Transportation, an agency of the State of Georgia (“GDOT”), 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 GDOT is immune from liability, in which case it need only 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. The property extends from railroad milepost SG 579.29 to milepost SG 581.61, in Cobb County, Georgia. The right-of-way comprises all of the line of railroad proposed for abandonment in Docket No. STB AB-55 (Sub-No. 784X).

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

GDOT acknowledges that use of the right-of-way is subject to GDOT’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 CSXT on the same date it is being served on the Board.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Allison I. Fultz". The signature is fluid and cursive, with the first name "Allison" being more prominent than the last name "Fultz".

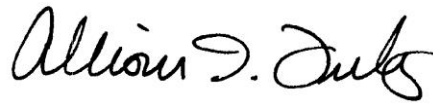
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Phone: (202) 955-5600
cspitulnik@kaplankirsch.com
afultz@kaplankirsch.com

Dated: September 27, 2019

Certificate of Service

I hereby certify that on this 27th day of September, 2019, I caused to be served a copy of the foregoing Request of the Georgia Department of Transportation, for Interim Trail Use to be served by first class mail, postage prepaid, upon:

Louis E. Gitomer
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Ave., Suite 301
Towson, MD 21204

A handwritten signature in black ink, reading "Allison I. Fultz". The signature is written in a cursive, flowing style.

Allison I. Fultz

Map of Abandonment Area – STB Docket No. AB-55 (Sub-No. 784X)

