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AUG 04 2003

July 28, 2003

**Part of
Public Record**

Via Certified Mail

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW, Room 711
Washington, DC 20423



**FILED
AUG 4 2003
SURFACE
TRANSPORTATION BOARD**

**RE: Knox County Request for Interim Trail Use
Docket No. AB-55 (Sub-No. 638X)
Mount Vernon to Fredericktown, Knox County, Ohio**

Dear Mr. Williams:

This request is filed on behalf of the Knox County Commissioners from Knox County, Ohio (hereinafter "Proponent" or "The County Commissioners.").

On July 11, 2003, CSX Transportation, Inc. filed with the Surface Transportation Board a petition for exemption to abandon a line of railroad in the Midwest Region, Louisville Division, Lake Erie Subdivision, extending from Milepost BQ 25.90 to Milepost BQ 32.27. The total distance of the line is approximately 6.37 miles.

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization for the line between Mount Vernon to Fredericktown, Knox County, Ohio.¹

A. Request for Public Use Condition

Proponent requests 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 of public use on reasonable terms. The justification for this condition is that the rail corridor in question will

¹ The corridor in question is approximately 6.37 miles of railroad that runs between Mount Vernon, Ohio and Fredericktown, Ohio. The line traverses through United States Postal Service Zip Codes 43050 and 43019.

serve as part a much larger recreational trail. The corridor will make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and green space and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestle, 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. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, Proponent also makes the following requests:

- A. Authorization for Trail Use
- B. Preservation of All Trail-Related Structures

The Knox County Commissioners hope to see the 6.37 miles of rail corridor preserved for trail purposes.

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use in rail banking under Section 8(d) of the National Trails Systems Act, 16 U.S.C. Section designation 1247(d) and 49 CFR Section designation 1152.29, the Knox County Commissioners are willing to assume full responsibility for management of, to indemnify CSX against any potential liability, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by CSX.

The property, Milepost BQ 25.90 in Mount Vernon, Ohio to railroad Milepost BQ 32.27 in Fredericktown, Ohio. The right-of -way is part of a line of railroad proposed for abandonment and STB Docket No. AB-55 (Sub No. 638).

A map depicted right-of-way is attached.

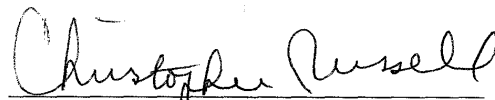
Mr. Vernon Williams
7/28/2003
Page 3

The Knox County Commissioners acknowledge that use of the right-of-way is subject to the users continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

As a final note, I am enclosing an extra twelve copies. Please return the extra, time-stamped copies to me in the enclosed, self-addressed envelope.

By my signature below, I certify service upon Natalie Rosenberg, CSX, postage prepaid, first class, this 28th day of July, 2003.

Respectively submitted,

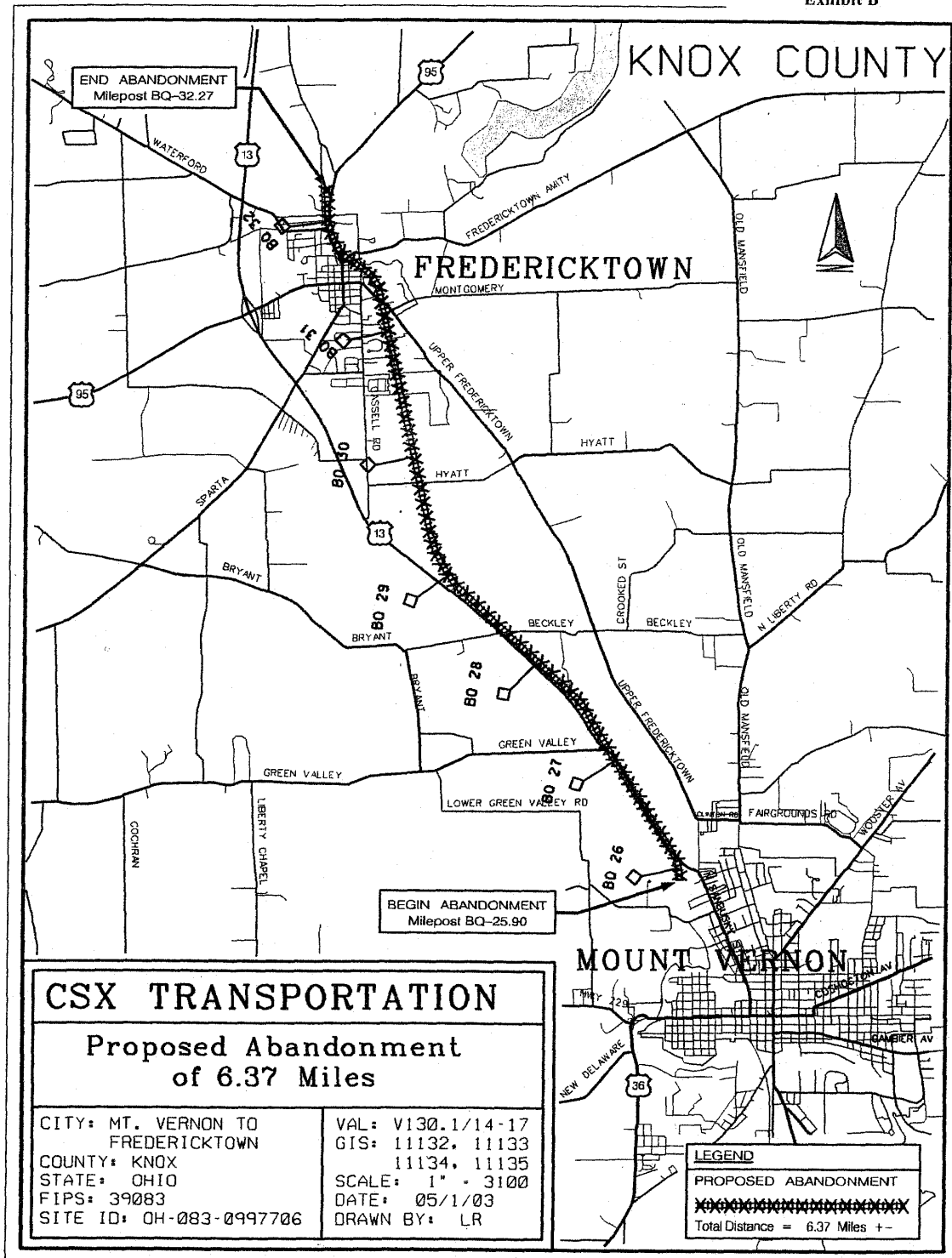
A handwritten signature in cursive script, reading "Christopher Russell". The signature is written in dark ink and is positioned above a horizontal line.

Christopher C. Russell
PORTER, WRIGHT, MORRIS & ARTHUR
41 S. High Street
Columbus, OH 43215

On Behalf of The Knox County Commissioners

CCR:cp
Enclosure

cc: Natalie Rosenberg, Esq., CSX Transportation
Commissioner Bob Wise, Knox County Commissioner





AREA MAP
STATE OF OHIO

PROPOSED ABANDONMENT - 6.37 MILES
KNOX COUNTY
MOUNT VERNON TO FREDERICKTOWN, OH

MIDWEST REGION - LOUISVILLE DIVISION - LAKE ERIE SUBDIVISION