

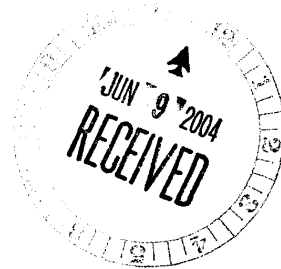


Rodney Kirtley

Muhlenberg County Judge Executive

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June 4, 2004



Mr. Vernon A. Williams Secretary
Surface Transportation Board
1925 K St., NW, Room 711
Washington, D.C. 20423

RE: CSX Transportation, Inc.
Abandonment Ohio and Muhlenberg Counties
Docket No. AB-55 (Sub. No. 648X)

ENTERED
Office of Proceedings

JUN - 9 2004

Part of
Public Record

Dear Mr. Williams:

This request is filed on behalf of Muhlenberg County Fiscal Court, which is a local government agency interested in Recreational Trails, hereinafter referred to as "proponent".

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between MP OHE 118.8 (near Moorman) to MP OHE 114.2 (near Wilson Station), Muhlenberg and Ohio Counties, Kentucky.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In support of its request for the imposition of a trail use condition, proponent states the following:

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 CFR 1152.29, Muhlenberg

FILING FEE WAIVED

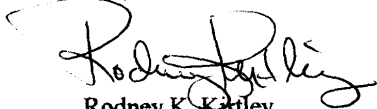
County Fiscal Court is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all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

The property, known as Abandonment of Ohio and Muhlenberg Counties, extends from railroad milepost OHE 118.8 near Moorman to railroad milepost HOE 114.2 near Wilson Station. The right-of-way is (part of) a line of railroad proposed for abandonment in STB Docket No. AB 55, (Sub-No. 648X).

A map depicting the right-of-way is attached. Muhlenberg County Fiscal Court acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon CSX Transportation, Inc. 500 Water Street Jacksonville, FL 32202, by U.S. Mail, postage prepaid, first class, this 4th day of June, 2004.

Respectfully submitted,

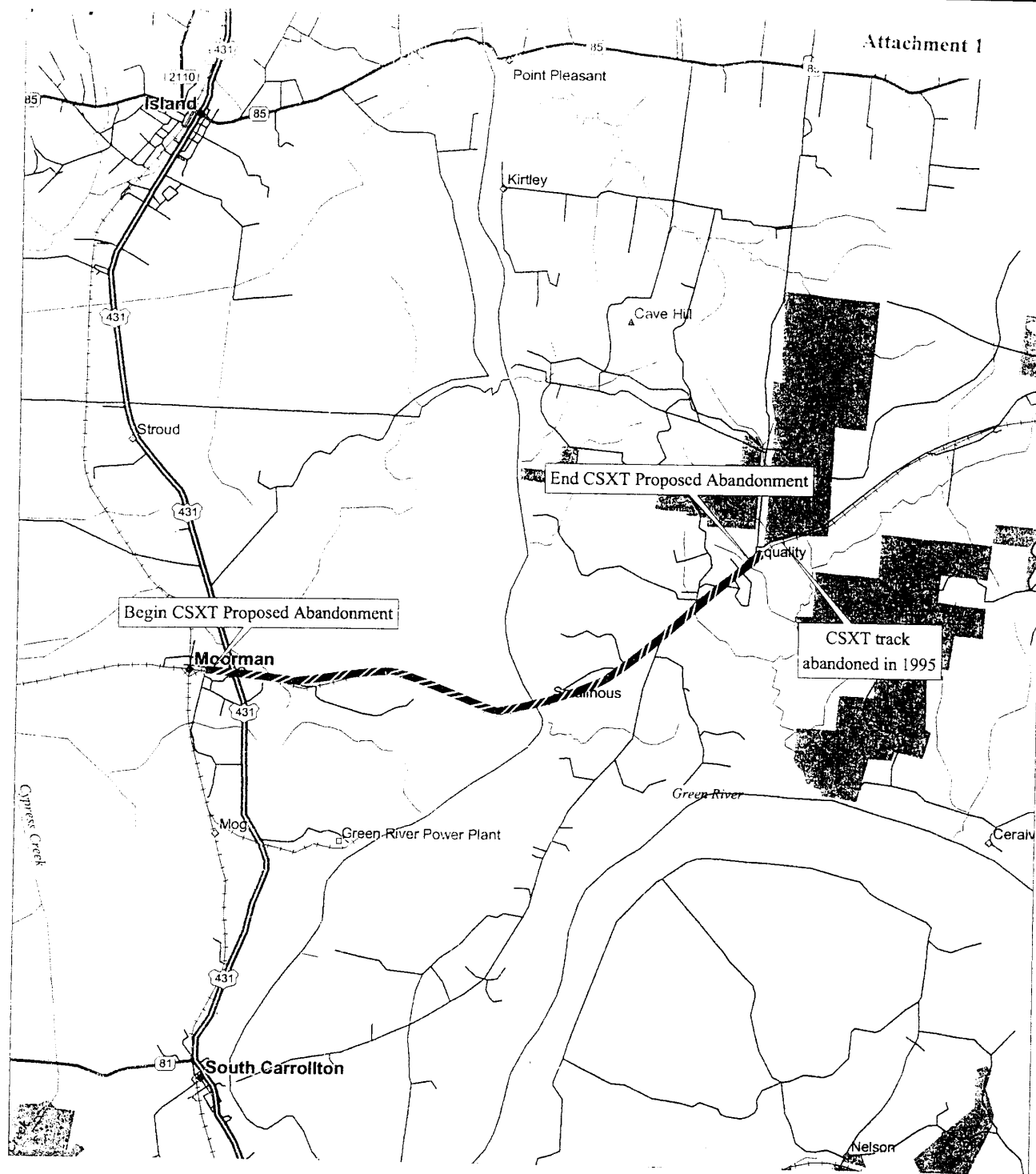


Rodney K. Kirtley
Muhlenberg County Judge Executive

RKK:ks

Enclosure

cc: Jonathan Gold
Lou Gitomer
Dave Geraci



CSX Transportation, Inc

Moorman to Wilson Station, Muhlenberg and Ohio Counties, Kentucky



Line proposed to be abandoned