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MARION COUNTY COMMISSION
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June 2, 2008

Via electronic mail

Honorable Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
395 East Street, SW
Washington, DC 20423

FILING FEE WAIVED

Re STB Docket No. AB-55 (Sub-No. 656X) -- *CSX Transportation, Inc.* --
Abandonment Exemption in Marion County, West Virginia

Dear Secretary Quinlan:

The Marion County Commission (County) requested a notice of interim trail use/rail banking for approximately 17.51 miles of railroad on its Southern Region, Huntington Division East, Fairmont Subdivision, between Barrackville, milepost BS-306.32 and Mannington, milepost BS-319.48, including the Dents Run Spur between milepost BSB 0.00 and milepost BSB 4.35, in Marion County, West Virginia in the above-captioned proceeding. The last extension of the negotiating period expired on March 26, 2008.

From the date of the last extension and continuing to date, the County and CSX Transportation, Inc. (CSXT) were in discussions regarding the proposed trails and hoped to reach a final agreement in advance of the NITU extension deadline. In addition to negotiating with CSXT, the County was simultaneously working to secure funding for the trail (in addition to its other responsibilities). Unfortunately, due to the County's administrative obligations and other scheduling conflicts, the County did not realize that the NITU expiration deadline had expired. Although CSXT raised the issue of this deadline expiring and the need to file an extension request, due to an administrative miscommunication (and the recent holiday), the County understands that it now must request the reinstitution of the abandonment authority and an extension of the consummation date in addition to an extension of the NITU deadline.

The abandonment authority expired on May 27, 2008. Because of the ongoing negotiations between the County and CSXT, the intervening holiday, and schedule conflicts in the county, the date for the abandonment authority expired. The County requests the Board to reinstate the abandonment authority which expired less than one week ago for the reasons set forth above, so that the parties can continue to negotiate interim trail use/rail banking in order to immediately use the right-of-way for trail purposes, and to preserve the right-of-way for future reactivation as a railroad if it becomes necessary.

The County has discussed this issue at length with CSXT [and the state rail agencies], and the parties have renewed their commitment to reaching a final agreement with respect to this trail in a timely fashion. For this reason, the County respectfully requests that the Board grant this extension request so that it may continue negotiations and have time to secure funding. CSXT has acknowledged its consent to this extension request and has informed the County that it will file a letter with the Board regarding this matter and its consent.

In addition, the County respectfully requests a waiver of the Board's filing fees in accordance with 49 CFR 1002.2(e)(1).

The County is e-filing this letter. Thank you for your assistance.

Sincerely yours,

Richard Walton

Richard Walton, Planning & Development Director

cc: Parties of Record