

233165

Greenbrier County Commission



Betty D. Crookshanks, President
Karen Lobban, Commissioner
Michael F. McClung, Commissioner

September 26, 2012

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

ENTERED
Office of Proceedings
OCT 11 2012
Part of
Public Record

Subject: STB Docket AB-55 Sub-No 682X
• Negotiated Rail Banking / Interim Trail Use Agreement

Dear Ms. Brown:

I am pleased to inform you that Fayette County Commission and Greenbrier County Commission and CSXT Railroad have negotiated a rail banking / interim trail use agreement for the 16.7-mile rail line on CSXT's Southern Region, Huntington-East Division, Sewell Subdivision between near Rainelle, milepost CAF 27.0, and near Nallen, Milepost CAF 43.7, in Greenbrier and Fayette Counties, WV (the "Line").

Ownership of the Line was transferred to Fayette County Commission and Greenbrier County Commission on July 26, 2011.

The Surface Transportation Board granted previous trail use negotiation periods and extensions with the most recent period which concluded on February 10, 2012.

We understand that under the new rules, passed in April 2012, STB notification is due within 10 days of the sale. However, this sale was completed under the old rules, when no filing requirement was in place. We are submitting this filing as part of our desire for good housekeeping and to close up the record.

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 by CSX Transportation, Inc. and operated by CSX Transportation, Inc., Fayette County Commission and Greenbrier County Commission 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 the sponsor is immune from liability, in which case it need only indemnify the railroad 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, known as CSXT's Southern Region, Huntington-East Division, Sewell Subdivision, extends from railroad milepost CAF 27 near Rainelle, to railroad milepost CAF 43.7 near Nallen,

a distance of 16.7 miles in Greenbrier and Fayette Counties, WV. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB 55 (Sub-No. 682X).

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

Interim Trail Sponsors Fayette County Commission and Greenbrier County Commission acknowledge that use of the right-of-way is subject to the sponsor'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 the railroad(s) on the same date it is being served on the Board.

Fayette County Commission and Greenbrier County Commission are jointly e-filing this notice. **We are authorized to say that CSXT concurs with this notice.**

If further information is required, please contact our Greenbrier County Team Leader, Douglas Hylton, for the trail project at 304-646-2880 or at dghylton@aol.com, or at the above address.

Thank you for your assistance.

Very truly yours,



Betty D. Crookshanks, President
Greenbrier County Commission



Matthew D. Wender, President
Fayette County Commission

cc: Parties of Record:

Barney, Kathryn R. CSX Transportation, Inc.
Kahn, Fritz R Fritz R Kahn Pc
Fayette County Commissioners
Greebrier County Commissioners

Docket #: **AB_55_682_X**

Case Title: **CSX TRANSPORTATION, INC.--ABANDONMENT
EXEMPTION--IN GREENBRIER AND FAYETTE COUNTIES, W. VA.
25 Service List entries found.**

Party Of Record:	Barney, Kathryn R. Csx Transportation, Inc. 500 Water Street Jacksonville, FL 32202
Party Of Record:	Eskew, Kenneth L Fayette County Commission P O BOX 307 Fayetteville, WV 25840-0307
Party Of Record:	Hylton, Douglas G. Greebrier County Commission 200 North Court Street Lewisburg, WV 24901
Party Of Record:	Kahn, Fritz R Fritz R Kahn Pc 1920 N Street NW 8Th Floor Washington, DC 20036-1601
Party Of Record:	Lopez, John H. Fayette County Commissioners 100 Court Street Fayetteville, WV 25840
Party Of Record:	Rose, Lowell C Greenbrier County Commission 200 North Court Street Lewisburg, WV 24901
Party Of Record:	Rose, Lowell C Greenbrier County 200 North Court Street Lewisburg, WV 24901
Party Of Record:	Thompson, A. Carl Fayette County Commission P. O. Box 307 Fayetteville, WV 25840-0307
Non-Party:	Cutlip, Fred Governor's Office Of Community And Industrial Development

Community Development Division, Director
Charleston, WV 25305

Non-Party: Gibson, Deidre
Chief Of Planning And Resource Management National Park Service,
Northeast Region
U.S. Custom House
Philadelphia, PA 19106

Non-Party: Gitomer, Louis E.
The Adams Building, Suite 301 600 Baltimore Aveue
Towson, MD 21204

Non-Party: Hartman, Bill
West Virginia Maintenance Authority
Division of Railroad Maintenance Authority
Moorefield, WV 26836

Non-Party: Natural Resources Conservation Service
U.S. Department Of Agriculture
251 Carskadon Lane
Keyser, WV 26726

Non-Party: Natural Resources Conservation Service
U.S. Department Of Agriculture
1550 Earl L Core Road, Suite 200
Morgantown, WV 26505

Non-Party: Natural Resources Conservation Service
U.S. Department Of Agriculture
300 Stratton, Street
Logan, WV 25601

Non-Party: Richardson, Tim
Fayette County Planning Dept.
100 North Court Street
Fayetteville, WV 25840

Non-Party: U.S. Army Corps Of Engineers
Huntington District
502 8Th Street
Huntington, WV 25701

Non-Party: U.S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Non-Party: U.S. Fish And Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

- Non-Party: West Virginia Department Of Environmental Protection
601 57Th Street, S. E.
Charleston, WV 25304
- Non-Party: West Virginia Department Of Environmental Protection
601 57Th Street, S. E.
Charleston, WV 25304
- Non-Party: West Virginia Development Office
Community Development Division
State Capitol, Building #6 Room 553
Charleston, WV 25305
- Non-Party: West Virginia Division Of Culture And History
1900 Kanawaha Blvd East
Charleston, WV 25305-0001
- Non-Party: West Virginia Division Of Natural Resources
State Capital, Building 3
Charleston, WV 25305
- Non-Party: West Virginia Public Service Commission
P O Box 812, 201 Brook Street
Charleston, WV 25323