



# CITY OF HAGERSTOWN, MARYLAND

David S. Gysberts  
Mayor

December 23, 2013  
235248

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

ENTERED  
Office of Proceedings  
December 31, 2013  
Part of  
Public Record

Re: CSX Transportation, Inc. Abandonment in Hagerstown, Washington County,  
Maryland, AB-55 (Sub-No. 729X)

Dear Ms. Brown:

This request is filed on behalf of the City of Hagerstown which is a government agency interested in transportation and/or recreation, which is hereinafter referred to as 'proponent'.

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Milepost BBT 3.0 and including Eastern Boulevard crossing.

## A. 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, except of public use on reasonable terms. The justification for this condition is that the rail corridor in question will connect a public park to a residential area. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to complete a trail plan or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, 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.

## FILING FEE WAIVED

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

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 C.F.R. §1152.29, the City of Hagerstown 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 CSX Transportation, Inc.

The property, known as the Northern Region, Baltimore Division, Lurgan Subdivision extends from railroad milepost BBT 3.9 near CXST mainline to railroad milepost BBT 3.0 near Alternate Route 40 a distance of .9 miles in Washington County, Maryland. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-No. 729X).

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

The City of Hagerstown 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. by U.S. Mail, postage prepaid, first class, on December 23, 2013.

Respectfully submitted,



David S Gysberts  
Mayor

On behalf of the City of Hagerstown

Attachment: Map

c: CSX  
Rodney Tissue  
Bruce Zimmerman  
Bill Nairn

**FILING FEE WAIVED**



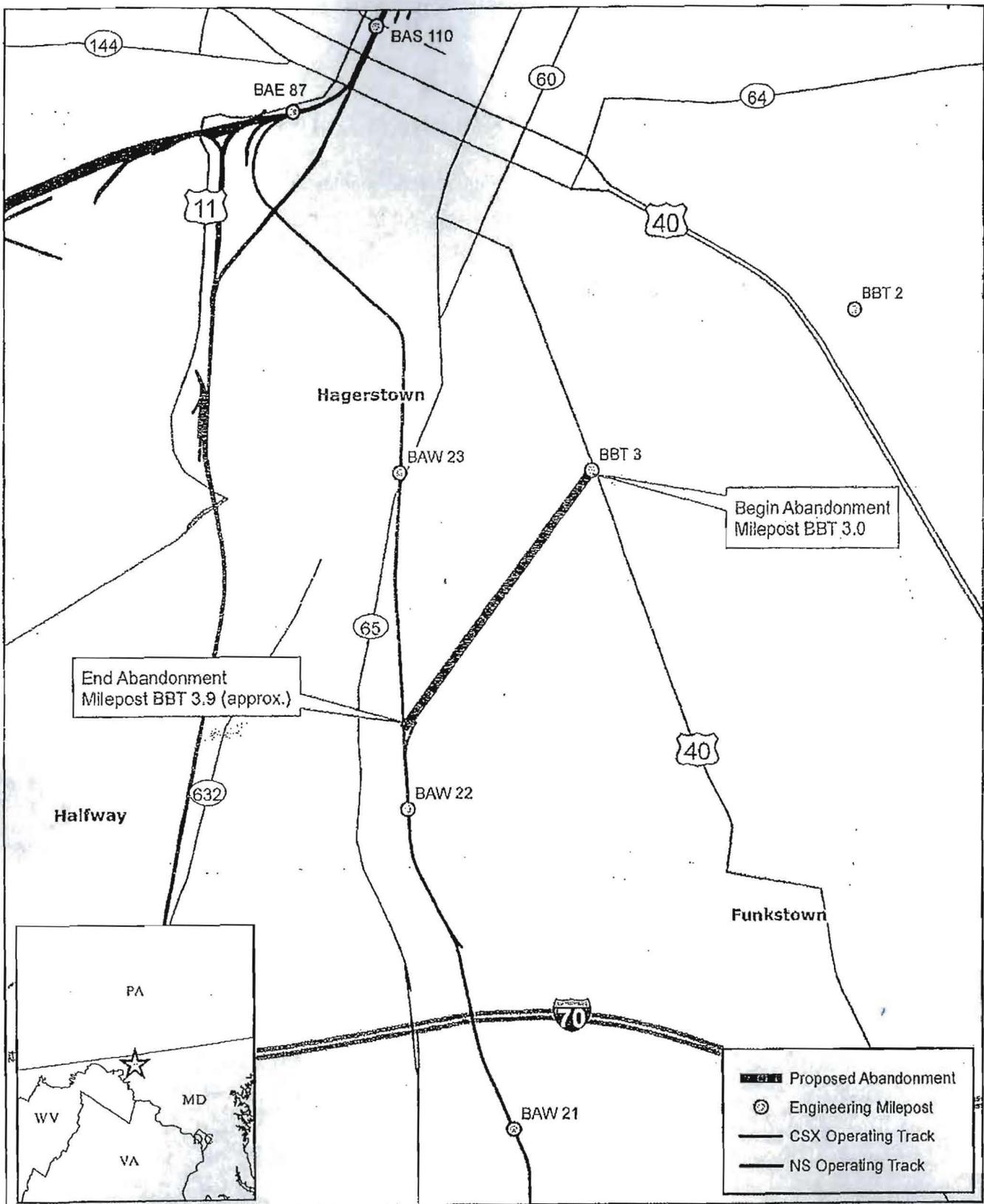
**ACTIVE  
RAIL  
LINE**

**RAILROAD SPUR  
PROPOSED FOR  
ABANDONMENT**

**FILING FEE WAIVED**

**PROPOSED CSX RAIL SPUR ABANDONMENT**

**SCALE: 1"= 750'**



**CSX Transportation**  
**Proposed Abandonment**  
 Hagerstown, Washington County, MD  
 File No. BBT 3.0 to BBT 3.9 (approx. 0.9 miles)  
**FILING FEE WAIVED**  
 STB Docket No. AB 55 (Sub-No. 729X) CSX Transportation

