



10 April 2015

238223

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

ENTERED
Office of Proceedings
April 16, 2015
Part of
Public Record

RE: CSX Transportation, Inc., Abandonment in Raleigh County, West Virginia, STB Docket No. AB 55 (Sub-No. 741X)

Dear Ms. Brown,

This request is filed on behalf of the New River Gorge Regional Development Authority, which is a regional economic development agency on behalf of Raleigh County, West Virginia, which is hereinafter referred to as a '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 between Milepost CLP 0.0 and Milepost CLP 15.2.

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 in any manner, including the removal of rails and ballast, except of public use on reasonable terms. The justification for this condition is that the rail corridor in question may be transitioned into a draisine recreational corridor that would require usage of the existing rails, ties, and ballast. The time period sought is 120 days from the effective date of the abandonment authorization. Proponent needs this much time to fully explore the feasibility for a draisine route verses seeking a traditional trail concept. We have not had an opportunity to 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 those structures have considerable value for recreational trail purposes. The time period requested is 120 days from the effective date of abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

*Working to diversify the economy and strengthen communities within the New River Gorge region of West Virginia.
Serving Fayette, Nicholas, Raleigh and Summers counties.*

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 railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247 (d), and 49 C.F.R. § 1152.29, New River Gorge Regional Development Authority 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, approximately a 15.12-mile rail line on the Southern Region, Huntington East Division, Big Marsh Fork Subdivision, former Jarrolds Valley Subdivision, between milepost CLP 0.0 and milepost CLP 15.12 near Whitesville, in Raleigh County, West Virginia. The right-of-way is a part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-No. 741X).

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

The New River Gorge Regional Development Authority 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.

Per 49 CFR §1002.2 (e)(2) ii, a waiver from a filing fee is requested.

By my signature below, I certify service upon CSX Transportation, Inc., Attn: JoAnn Burroughs, Speed Code J315, at 500 Water Street, Jacksonville, Florida 32202, by U.S. Mail, postage prepaid, first class on 10 April 2015.

Respectfully submitted,

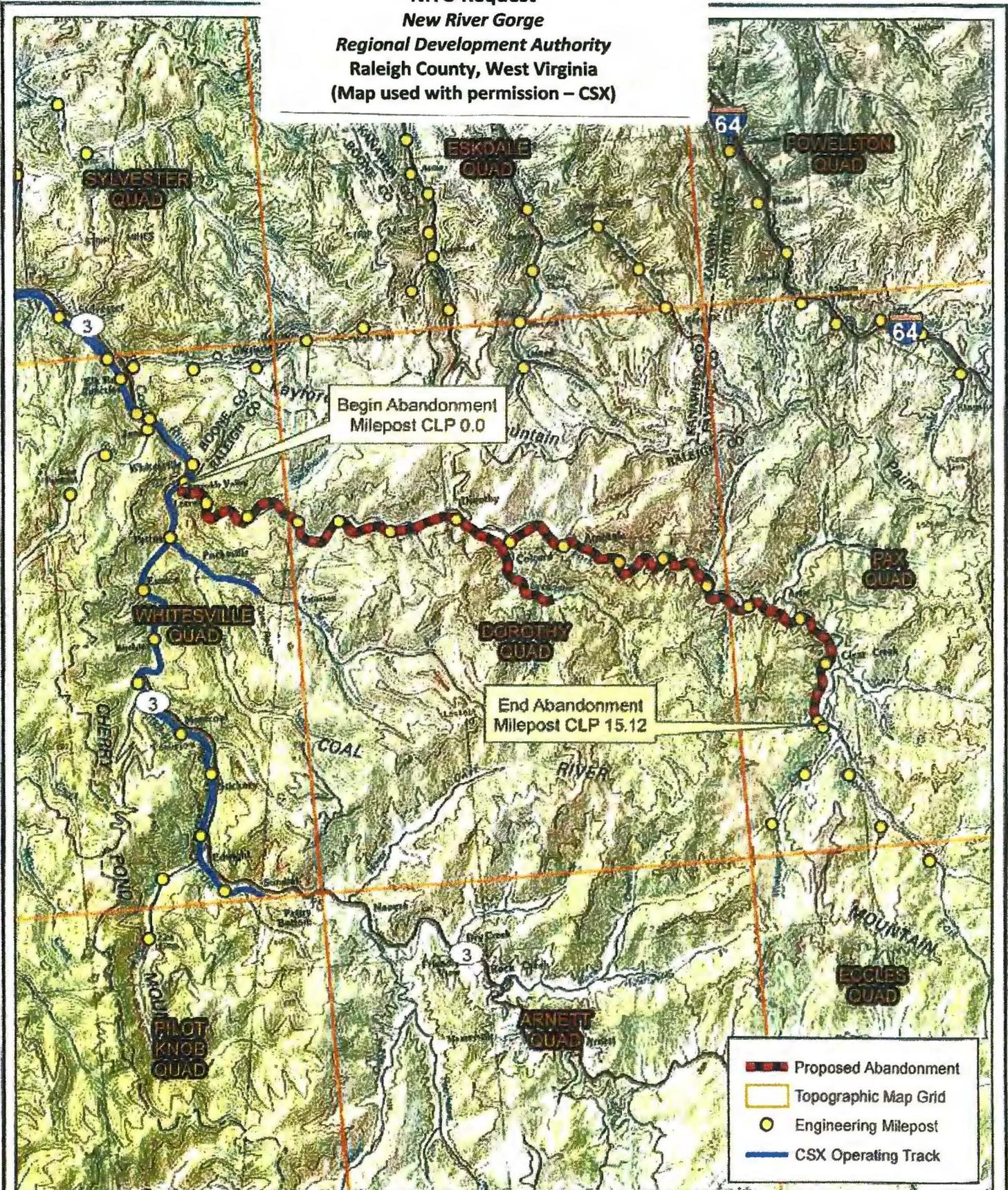


CHADWICK J WYKLE
EXECUTIVE DIRECTOR

Chadwick J. Wykle, Executive Director
On behalf of New River Gorge Regional Development Authority

C: CSX Transportation, Inc.

**NITU Request
New River Gorge
Regional Development Authority
Raleigh County, West Virginia
(Map used with permission – CSX)**



-  Proposed Abandonment
-  Topographic Map Grid
-  Engineering Milepost
-  CSX Operating Track



**CSX Transportation, Inc.
Proposed Abandonment Southern Region
Milepost CLP 0.0 - CLP 15.12 (15.12 Miles Total)
STB Docket No. AB55 (Sub No. 741X)
Huntington East Division - Former Jarrolds Valley Subdivision
Whitesville, Raleigh County, West Virginia**

