

EI-18813

NOV 18 2011

Monroe County Commission

MONROE COUNTY

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"A County Older than the State"

November 17, 2011

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: CSX Transportation, Inc. Abandonment Exemption in Monroe County, Alabama, [STB Docket Number – AB-55 (Sub-no. 713X)]

Dear Ms. Quinlan:

This request is filed on behalf of the Monroe County Commission which is a county government agency interested in the development of recreation trails 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 ORA 676.27 and milepost Ora 677.79 at the end of the track in Hybart, AL.

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 and signal equipment, except of public use on reasonable terms. The justification for this condition is that corridor would make an excellent recreational trail and conversion of this property to trail use is in accordance with state and local plans. 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 detailed 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.

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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 Monroe County Commission 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 1.5-mile rail line on its Southern Region, Atlanta Division, Southern Alabama Subdivision extends from railroad milepost ORA 676.27 to railroad milepost ORA 677.79, at the end of the track in Hybart, Monroe County, AL. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub No. 713X).

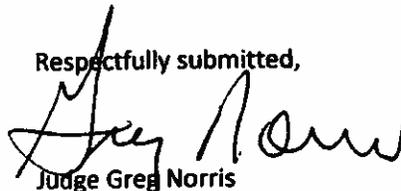
A map depicting the right-of-way is attached.

The Monroe County Commission 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 November 17, 2011.

Kathryn Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

Respectfully submitted,



Judge Greg Norris

Chairman, Monroe County Commission

Legend

- Proposed Abandonment
- AGR
- CSXT Trackage Rights Over AGR
- CSXT

