



To be typed on Town of Cheraw letterhead]

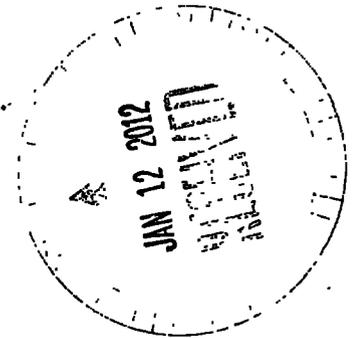
231671

January 11, 2012

ENTERED
Office of Proceedings

JAN 12 2012

Part of
Public Record



Sent by Federal Express

Ms. Cynthia T. Brown,
Chief of the Section of Administration, Office of Proceedings
SURFACE TRANSPORTATION BOARD
395 E. Street, S.W.
Washington, DC 20423

Re: Docket No. AB-312 (Sub-No.3X), South Carolina Railroad Company, LLC – Abandonment Exemption – in Chesterfield And Darlington Counties, South Carolina, and now filed Request for Public Use Condition, Request for Interim Trail Use and Statement of Willingness to Assume Financial Responsibility by Town of Cheraw, South Carolina

Dear Ms. Brown:

Enclosed are the original and 10 copies of a combined REQUEST And STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL REponsibility filed by the Town of Cheraw, SC, which is a local government entity. We enclose the \$250.00 filing fee but request that it be waived under 49 CFR Sec.1002.2(e)(1) and returned to the municipality.

Please time and date stamp the additional copy of this transmittal letter and the related REQUEST-STATEMENT and return them in the enclosed stamped envelop. Thank you for your assistance.

Town of Cheraw
Post Office Box 219, Cheraw, South Carolina 29520
843.537.8400, Fax 843.537.8407
www.cheraw.com

FILING FEE WAIVER

SURFACE TRANSPORTATION BOARD

Page 2, January 11, 2012

If you have any questions, please call me at 843-537-8401, or email me at msmith@cheraw.com. For distribution purposes, please include Mr. Brown whose name appears below on all future filings and notifications.

Sincerely Yours,



Michael D. Smith,
Town Administrator

Enclosures, as indicated

CC: Scott G. Williams, Esq.
Senior Vice President & General Counsel
Further attn. Jennifer Taylor, Mgr. CLA
RailAmerica, Inc.
7411 Fullerton Street, St. 300
Jacksonville, FL 32256

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
600 Baltimore Avenue, St. 301
Towson, MD 21204022

Richard Lane Brown III, Project Coordinator
Mail to Box 817 (Overnite delivery 404 3rd. Street)
Cheraw SC 29520-0817
Phone: 843-537-4671
Fax: 843-921-4402
Cell: 704-773-0008
Email: rlb3tax@bellsouth.net

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-312 (Sub-No.3X)

SOUTH CAROLINA CENTRAL RAILROAD COMPANY, LLC-
ABANDONMENT EXEMPTION
IN CHESTERFIELD AND DARLINGTON COUNTIES, SC

REQUEST FOR PUBLIC USE CONDITION, REQUEST FOR
INTERIM TRAIL USE, AND STATEMENT OF
WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

TO THE SECRETARY:

Attn. Chief of the Section of Administration,
Office of Proceedings

Surface Transportation Board
395 E Street, S.W.

Washington, DC 20423-0001 (for Fed Ex. 20024)

231671
ENTERED
Office of Proceedings
JAN 12 2012
Part of
Public Record
FILING FEE WAIVER

These REQUESTS are filed on behalf of the Town of Cheraw, South Carolina, a body politic and corporate under the laws of the State of South Carolina (herein "CHERAW"):

CHERAW respectfully requests issuance of a **Public Use Condition** as well as an **Interim Trail Use Condition** rather than an outright abandonment authorization for approximately 12.8 miles of line in Chesterfield and Darlington Counties, South Carolina, between Milepost 319.89 +/-, near Society Hill, SC and Milepost 332.48 in Cheraw, SC.

A. Request for Public Use Condition

CHERAW asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the property:

1. An Order prohibiting the Carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: The rail corridor in question is one of the most historical in South Carolina (dating from the 1850s), and will eventually connect the Cheraw State Park in Cheraw to other State Park lands on the Pee Dee River in Society Hill. The corridor will make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans, including the expansion of public utilities (water and sewer) to residential areas in Chesterfield County not presently served. In addition, the corridor provides wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes.

2. The time period sought is 180 days from the effective date of the Abandonment Authorization. CHERAW needs this much time to complete its rail plan, begin negotiations with the carrier, and ultimately complete its due diligence before taking title to the corridor. Due diligence includes title examination, securing a Phase I Environmental Assessment, obtaining a current boundary survey of the corridor lands, securing an engineering inspection/evaluation of trestles and culverts, developing a plan for utilities expansion, completing a risk assessment for liability purposes, having a MAI appraisal of the corridor, and most importantly, securing public, private and grant funding to make the acquisition financially feasible.

3. An Order barring removal or destruction of potential trail-related structures, such as bridges, trestles, culverts and railroad ballast. 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 reasons as indicated in par. 2 above.

B. Request for Interim Trail Use

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

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY:

In order to establish interim rail use and railbanking under Section 8(d) of the National Trails System Act, 16 USC 1247(d) and 49 CFR 1152.29, CHERAW, or its assignee, 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 payments of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the user.

The railroad right-of-way extends from railroad Milepost 319.89 +/- near Society Hill, SC [Endpoint A] to railroad Milepost 332.48 [Endpoint B], for a distance of approximately 12.8 miles in Chesterfield and Darlington Counties, South Carolina. The railroad right-of-way is the property which is proposed for abandonment in STB Docket No. AB-312 (Sub-No.3X).

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

CHERAW acknowledges that use of the right-of-way is subject to the user continuing to meet its responsibilities described above and also subject to the possible future reconstruction and reactivation of the railroad right-of-way for rail service as by law provided. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

Certificate of Service

By my signature below, I certify service upon the SOUTH CAROLINA
CENTRAL RAILROAD COMPANY LLC and upon its counsel of record
by US Mail postage pre-paid, first class, this 11th day of January, 2012.

Respectfully Submitted:

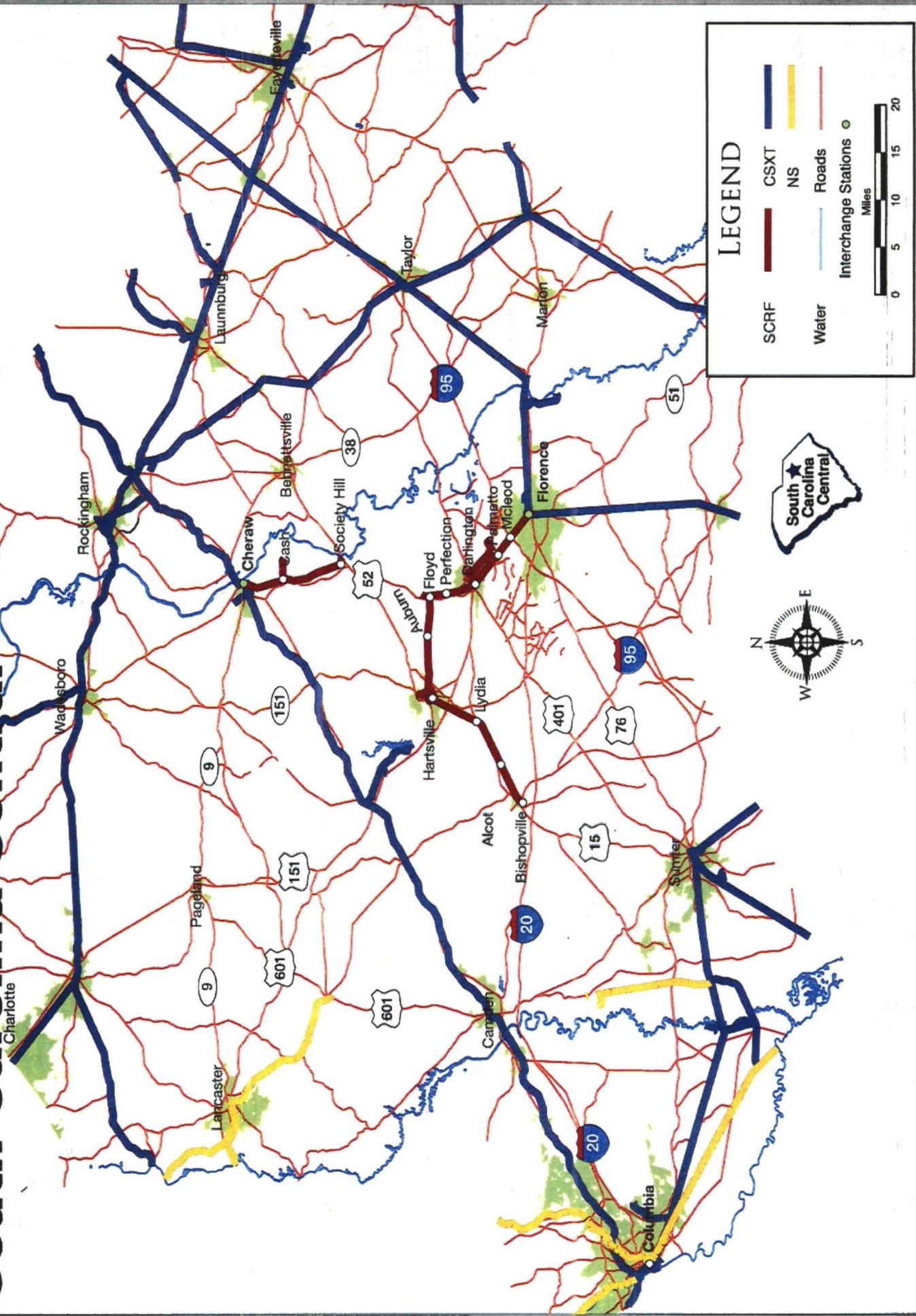
For the Town of Cheraw, SC:

By Michael D. Smith
Michael D. Smith,
Town Administrator

For the Cheraw to Society Hill
Rail Trail Coalition:

By Richard Lane Brown III
Richard Lane Brown III,
Project Coordinator

South Carolina Central



LEGEND

- SCRF (Blue line)
- CSXT (Red line)
- NS (Yellow line)
- Roads (Red line)
- Water (Blue line)
- Interchange Stations (Circle with dot)

Miles: 0 5 10 15 20

