

OFFICE OF THE GOVERNOR

**ROBERT BENTLEY**  
GOVERNOR



STATE OF ALABAMA

ALABAMA DEPARTMENT OF ECONOMIC  
AND COMMUNITY AFFAIRS

**JIM BYARD, JR.**  
DIRECTOR

232134

ENTERED

Office of Proceedings  
March 29, 2012  
Part of  
Public Record

March 29, 2012

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

Re: *Alabama & Florida Railway Co., Inc. ("A&F") – Abandonment Exemption – In Geneva, Coffee, and Covington Counties, AL*, STB Docket Number AB-1073X

Dear Ms. Brown:

This request is filed on behalf of The Alabama Trails Commission, a government agency interested in the development of recreational trails, which is hereinafter referred to as "proponent." While not taking a position on the merits of this abandonment, proponent requests issuance of a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 581.3 at Andalusia, Alabama, and milepost 624.2 at Geneva, Alabama.

In a decision served September 7, 2011, in AB-1073X, *Alabama & Florida Railway Co., Inc. – Abandonment Exemption – In Geneva, Coffee, and Covington Counties, AL.*, the Board granted the proponent's request for a Public Use Condition but denied its request for a Notice of Interim Trail Use because A&F indicated that they were not willing to negotiate for interim trail use. A&F has now stated in a letter filed with the Board on March 20, 2012, that they have entered into an agreement with CSX Transportation, Inc. ("CSXT"), granting CSXT, the actual owner of the corridor, the right to negotiate trail use on behalf of both CSXT and A&F. A copy of this letter is included with this filing, as is a letter from CSXT expressing their willingness to negotiate interim trail use.

Accordingly, proponent respectfully requests that the Board accept this late filed request.

Proponent requests the STB to find that the railroad right-of-way in this proceeding is suitable for railbanking for recreational trail use and 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 Alabama Trails 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/or the Alabama & Florida Railway Co., Inc., and operated by the Alabama & Florida Railway Co., Inc.

**FILING FEE WAIVED**

Ms. Cynthia T. Brown  
March 29, 2012  
Page 2

The property, known as the Alabama & Florida Railway, extends from railroad milepost 581.3 at Andalusia, Alabama to railroad milepost 624.2 at Geneva, Alabama, a distance of 42.9 miles in Geneva, Coffee, and Covington Counties in Alabama. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1073X. A map depicting the right-of-way is attached.

The Alabama Trails 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 the Alabama & Florida Railway Co., Inc., and CSX Transportation, Inc., by U.S. Mail, postage prepaid, first class, on March 29, 2012:

Alabama & Florida Railway Co., Inc.

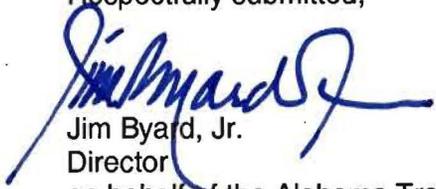
William A. Mullins  
Robert A. Wimbush  
Baker & Miller PLLC  
2401 Pennsylvania Avenue, NW, Suite 300  
Washington, DC 20037

Daniel A. LaKemper, General Counsel  
Alabama & Florida Railway Co., Inc.  
1318 South Johanson Road  
Peoria, IL 61607

CSX Transportation, Inc.

Louis E. Gitomer  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204-4022

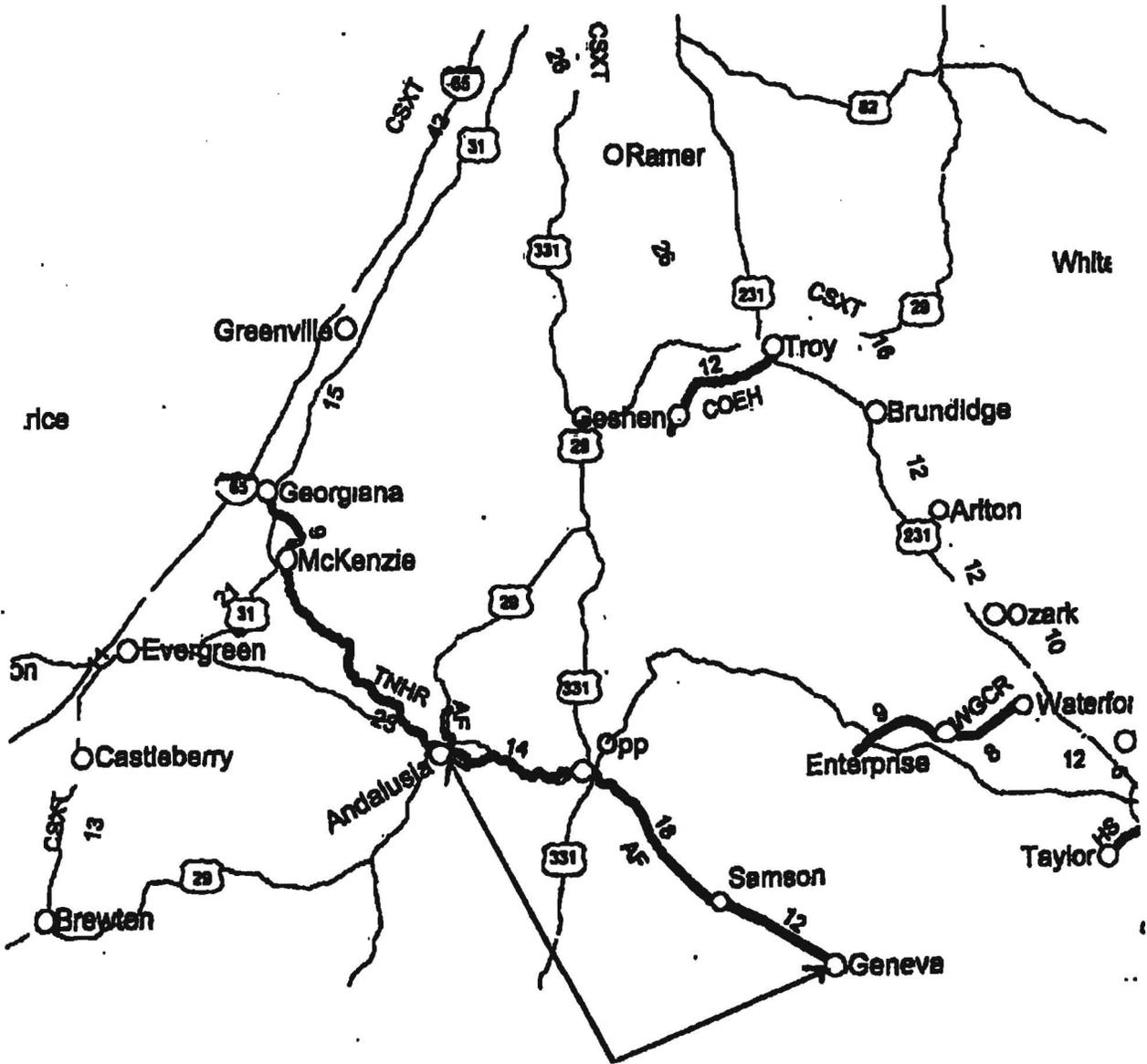
Respectfully submitted,



Jim Byard, Jr.  
Director  
on behalf of the Alabama Trails Commission

enclosure

JB:BMF:RG



**Alabama & Florida Railway Line  
from Andalusia, AL to Geneva, AL**

232077

**ALABAMA & FLORIDA RAILWAY CO., INC.**  
**1318 S. JOHANSON ROAD**  
**PEORIA, ILLINOIS 61607**  
**(309) 697-1400**

March 20, 2012

Rachel D. Campbell, Director  
Office of Proceedings  
Surface Transportation Board  
395 "E" Street, S.W.  
Washington, D.C. 20423

**ENTERED**  
**Office of Proceedings**

MAR 20 2012

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**Public Record**

RE: Alabama & Florida Railway Co., Inc. – Abandonment in Geneva, Coffee and Covington Counties, Alabama, STB Docket No. AB-1073X

Dear Ms. Campbell:

This is to advise the Board that Alabama & Florida Railway Co., Inc. ("A&F") has no objection to trail use negotiations. A&F has entered into an agreement with CSX Transportation (the landowner) granting CSX the right to negotiate trail use on behalf of both CSX and A&F.

Please call me if you have any questions.

Sincerely yours,



Daniel A. LaKemper,  
General Counsel.

cc: Louis E. Gitomer (CSX Transportation, Inc.)  
Alabama Trails Commission  
William A. Mullins

LAW OFFICES OF  
**LOUIS E. GITOMER, LLC.**

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August 26, 2011

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

RE: Docket No. AB-1073X, *Alabama & Florida Railway Co., Inc.—Abandonment  
Exemption—in Geneva, Coffee and Covington Counties, Ala.*

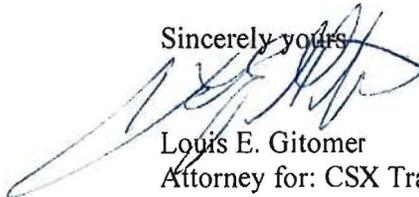
Dear Ms. Brown:

CSX Transportation, Inc. (“CSXT”) sold the track and materials and the common carrier obligation to the predecessor of the Alabama & Florida Railway Co., Inc. (“A&F”) while retaining ownership of the real estate and leasing it to A&F. A&F filed a Notice of Exemption on July 20, 2011 to abandon the entire line between Andalusia, AL, milepost 581.3, and Geneva, AL, milepost 624.2, a total distance of 42.9 miles (the “Line”). By letter dated August 17, 2011, the Alabama Trails Commission (“ATC”) filed a request for a Notice of Interim Trail Use (a “NITU”) for the Line.

By letter filed on August 26, 2011, A&F correctly indicates that CSXT, as the owner of the real estate is the proper party to address whether there is interest in negotiating interim trail use/rail banking. CSXT agrees to negotiate interim trail use/rail banking for the Line with ATC.

CSXT is e-filing this response. Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours



Louis E. Gitomer  
Attorney for: CSX Transportation, Inc.

cc: Mr. Byard  
Mr. Mullins