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August 26, 2015

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W., Room 1034
Washington, DC 20423

AB 55

**Re: Docket No. AB (Sub-No. 613X), CSX Transportation, Inc - Abandonment
Exemption in Jefferson County, Alabama**

Dear Ms. Brown:

The Five Mile Creek Capitol Improvement Cooperative District (the "District") respectfully requests that the Surface Transportation Board (the "Board") issue a Notice of Interim Trail Use or Abandonment to the District.

The Board served a Notice of Exemption on September 22, 2003 in the above-entitled proceeding exempting the abandonment of an approximately 16.47-mile rail line extending from milepost ONC 384.00 at Black Creek to milepost ONJ 400.47 at West Jefferson, in Jefferson County, AL (the "Line"), by CSX Transportation, Inc. ("CSXT"). By decision served on October 21, 2003, the Board served a Decision and Notice of Interim Trail Use or Abandonment in order for the Jefferson County Commission (the "County") to negotiate interim trail use/rail banking with CSXT for the Line. After several extensions, the City of Fultondale, AL (the "City") sought to be substituted for the County to negotiate interim trail use/rail banking with CSXT. On October 2, 2007, the Board served a Decision and Notice of Interim Trail Use or Abandonment in order for the City to negotiate interim trail use/ rail banking with CSXT for the Line. The Board has extended the negotiation period since that decision.

The District is an Alabama public corporation made up of the cities of Fultondale, Brookside, Center Point, Gardendale, Graysville and Tarrant. The District was established for the purpose of purchasing, acquiring, and improving the Line to be used as a trail. The District now requests that it be authorized, effective upon STB approval, to replace the City of Fultondale as interim trail proponent during the current negotiating period, which was extended to February 22, 2016. The District's Statement of Willingness to Assume Financial Responsibility as required by 49 CFR 1152.29(a)(3) is below.

FILING FEE WAIVED

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STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned and operated by CSX Transportation, Inc. ("CSXT"), the Five Mile Creek Capitol Improvement Cooperative District is willing to assume full responsibility for: (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The property is an approximately 16.47-mile rail line extending from milepost ONC 384.00 at Black Creek to milepost ONJ 400.47 at West Jefferson, in Jefferson County, AL. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB 55 (Sub-No. 613X). A map of the property depicting the right-of-way is attached.

The Five Mile Creek Capitol Improvement Cooperative District acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

The District is a local government entity and therefore requests waiver of the filing fee pursuant to 40 CFR 1002.2(3)(1).

The District is e-filing this request. Thank you for your assistance. Please contact me if you have any questions.

Sincerely yours,



Mary Sue Morgan
District President

Attachment

Certificate of Service

I certify that I have this day served copies of document upon all parties of record in this proceeding by email.

Adam Green

8/27/2015