



*Office of the County Mayor*

6 East Madison Avenue  
Athens, Tennessee 37303

**John M. Gentry**  
County Mayor



225200

May 26, 2009

**FILE FEE WAIVED**

Secretary  
Surface Transportation Board  
Washington, DC 20423-0001

**Re: CSX Transportation Abandonment of the Athens Branch in McMinn County, Tennessee, (STB Docket No. AB-55/Sub No. 694X)**

Dear Secretary:

This request is filed on behalf of McMinn County, the City of Athens, Tennessee and the City of Englewood, Tennessee. which are governmental institutions interested in promoting transportation and recreation hereinafter referred to "Proponent".

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between OKW327.0 and OKW333.4 including both spurs located after OKW 332.

**A. Request for Public Use Condition**

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

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 connects two towns in McMinn County, one the county seat, and will traverse a scenic route. The corridor would make an excellent recreational trail and conversion is in accordance with local plans. The proposed trail would also enhance the Tennessee Department of Transportation's Multimodal goals as identified in the Greenways and Trails Plan found in Proposal No. 9 of the Tennessee State Recreation Plan. In addition, the trail provides important wildlife habitat and open space and its preservation is consistent with local purposes. The time period being sought is 180 days from the effective date of the abandonment authorization. Proponent needs this time to complete a trail plan and begin 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.

**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, 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.

Section 1247(d) and 49 CFR Section 1152.29, McMinn County is a political subdivision of the State of Tennessee and is immune from liability incidental to the ownership of real property, but agree to hold CSX harmless from for any legal liability arising out of the transfer or use, and are willing to assume full responsibility for the management of and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by CSX Transportation.

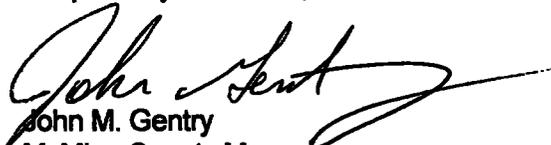
The property, known as the Athens Branch, extends from railroad milepost near OKW327.0 to railroad milepost near OKW333.4, including both spurs located after OKW 332 for a distance of approximately 6.4 miles in McMinn County. The right-of-way is part of a railroad line proposed for abandonment in STB docket No. AB-55/Sub No. 694X.

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

McMinn County, the City of Athens, Tennessee acknowledges that 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, 500 Water Street, Jacksonville, FL 32202, by US Mail, postage pre-paid, first class, this day of May 26, 2009.

Respectfully submitted,

  
John M. Gentry  
McMinn County Mayor

Cc: Bruce McMahon  
Louis E. Gitomer, Esq.  
Russell Thress  
Bob Cass  
Mitch Moore