



**MARION COUNTY COMMISSION
200 JACKSON STREET
FAIRMONT, WEST VIRGINIA 26554
304-367-5400
304-367-5431 Fax**

226569

March 10, 2010

Via electronic mail

Honorable Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
395 East Street, SW
Washington, DC 20423

FILED FEE WAIVED

Re: STB Docket No. AB-55 (Sub-No. 656X) – *CSX Transportation, Inc. – Abandonment Exemption in Marion County, West Virginia*

ENTERED
Office of Proceedings

MAR 10 2010

Part of
Public Record

Dear Secretary Quinlan:

The Marion County Commission (County) requested a notice of interim trail use/rail banking for approximately 17.51 miles of railroad on its Southern Region, Huntington Division East, Fairmont Subdivision, between Barrackville, milepost BS-306.32 and Mannington, milepost BS-319.48, including the Dents Run Spur between milepost BSB 0.00 and milepost BSB 4.35, in Marion County, West Virginia in the above-captioned proceeding. The last extension of the negotiating period expires this month.

From the date of the last extension and continuing to date, the County and CSX Transportation, Inc. (CSXT) were in discussions regarding the proposed trails and hoped to reach a final agreement in advance of the NITU extension deadline. In addition to negotiating with CSXT, the County was simultaneously working to secure funding for the trail. Funding has not been secured yet. However, CSXT and the funding agency and the Marion County Commission have agreed to look at funding this in three phases. The dollars aren't available to fund this entire corridor at one time and so the State has agreed to look at funding it in stages and CSXT is agreed to cooperate in a phased approach. We are excited to have broken ground on this new approach and feel confident movement in a positive direction will occur soon now.

The County has discussed this issue at length with CSXT [and the state rail agencies], and the parties have renewed their commitment to reaching a final agreement with respect to this trail in a timely fashion. For this reason, the County respectfully requests that the Board grant this extension request so that it may continue negotiations and have time to secure funding. CSXT has acknowledged its consent to this extension request and has informed the County that it will file a letter with the Board regarding this matter and its consent.

In addition, the County respectfully requests a waiver of the Board's filing fees in accordance with 49 CFR 1002.2(e)(1).

The County is e-filing this letter. Thank you for your assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'RWalt', is written over the typed name.

Richard Walton, Planning & Development Director

cc: Parties of Record