

June 22, 2010

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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: STB Docket No. AB-55 (Sub-No. 471X), CSX Transportation Inc.- Abandonment.  
Exemption-in Lucas County, OH

Dear Ms. Brown:

This comment is filed on behalf of the Metroparks of the Toledo Area, which is an Ohio political subdivision (government entity established under Section 1545 of the Ohio Revised Code) interested in natural resource conservation, education and recreation, including the establishment of pedestrian and inter-modal corridors, hereinafter referred to as "Commenter." Pursuant to 49 C.F.R. 1002.2(e)(1), Commenter as a state government entity requests waiver of the fee for filing this request for a Public Use Condition and Notice of Interim Trail Use.

Commenter requests issuance of a Notice of Interim Trail Use for CSX Transportation, Inc.'s ("CSXT") 1.58-mile rail line between milepost CO 12.73 and milepost CO 14.31, near Gould, in Lucas County, OH (the "Line").

The railroad right-of-way in this proceeding is suitable for railbanking. CSXT received authorization from the Interstate Commerce Commission to abandon the Line in *CSX Transportation, Inc.-Abandonment Exemption-in Lucas County, OH*, ICC Docket No. AB-55 (Sub-No. 471X) (ICC served August 11, 1993) and abandonment of the Line was subjected to an historic condition in *CSX Transportation, Inc.-Abandonment Exemption-in Lucas County, OH*, ICC Docket No. AB-55 (Sub-No. 471X) (ICC Served September 10, 1993). Commenter does not believe that the historic condition has been removed. Even if the historic condition has been removed, Commenter is advised by CSXT that CSXT has not consummated the abandonment. Since CSXT sought abandonment authority on July 22, 1993, the abandonment is not subject to 49 C.F.R. §1152.29(e)(2), requiring the filing of a notice of consummation within one year of the service. *See Aban. And Discon. Of R. lines and Transp. Under 49 U.S.C. 10903, 2 S.T.B. 311, 317 (1997)* ("we clarify that the rule requiring a mandatory notice of consummation applies only to abandonment proceedings filed *after* the effective date of the new regulations, January 23, 1997.")

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under section 16 U.S.C. § 1247(d), and 49 C.F.R. §1152.29, Metroparks of the Toledo Area is willing to thereupon assume full responsibility for management of, for any legal liability arising out of the transfer or use of, 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 operated by CSX Transportation Inc. The property extends from railroad milepost CO-12.73 to milepost CO-14.31, near Gould, a distance of 1.58 miles in Lucas County, OH. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-No. 471X).

**FILING FEE WAIVED**

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

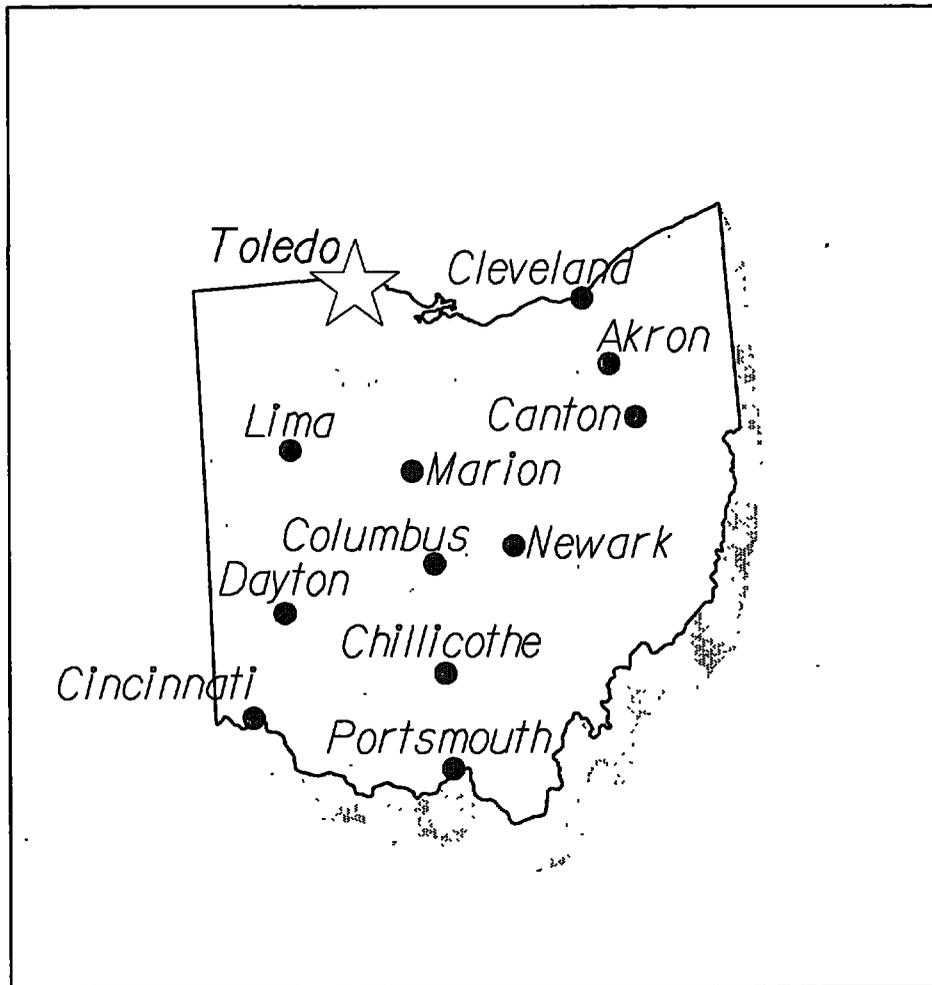
The Metroparks of the Toledo Area acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on CSXT on the same date it is being served on the Board.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald R. Rettig". The signature is written in a cursive style with a large initial "D".

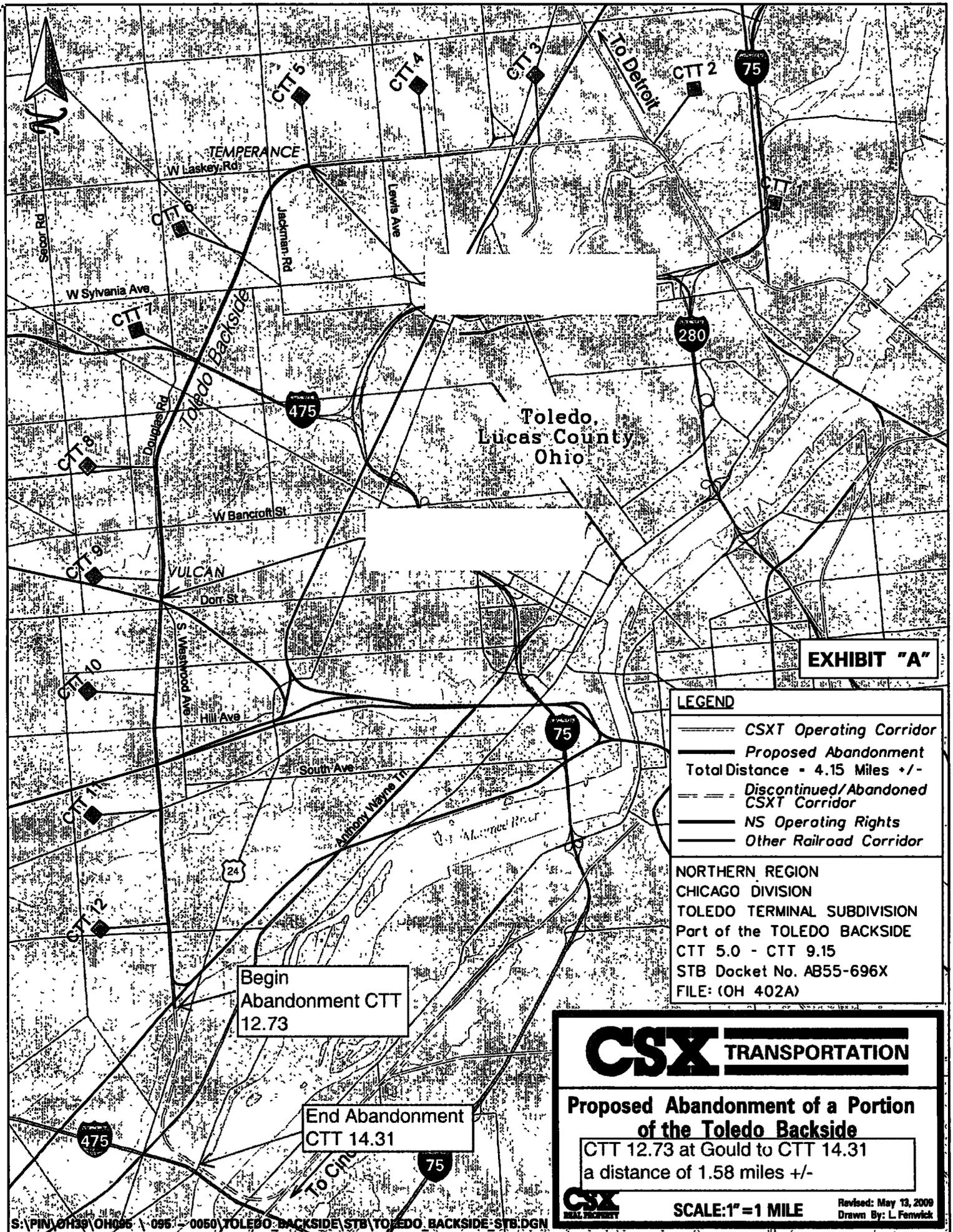
Don Rettig  
Director

Cc: CSX Transportation, Inc.  
The Trust for Public Land  
Toledo Metropolitan Council of Governments  
University of Toledo  
Ohio Department of Transportation, District 2



Toledo, OH  
**AREA MAP**

**A Portion of the Toledo Backside  
From, Milepost CO 12.73 to Milepost 14.31 near Gould,  
A Distance of 1.58 miles +/-.  
City of Toledo, Lucas County, Ohio**



**EXHIBIT "A"**

- LEGEND**
- CSXT Operating Corridor
  - Proposed Abandonment  
Total Distance - 4.15 Miles +/-
  - Discontinued/Abandoned CSXT Corridor
  - NS Operating Rights
  - Other Railroad Corridor

NORTHERN REGION  
 CHICAGO DIVISION  
 TOLEDO TERMINAL SUBDIVISION  
 Part of the TOLEDO BACKSIDE  
 CTT 5.0 - CTT 9.15  
 STB Docket No. AB55-696X  
 FILE: (OH 402A)

Begin  
 Abandonment CTT  
 12.73

End Abandonment  
 CTT 14.31

**CSX TRANSPORTATION**

**Proposed Abandonment of a Portion  
 of the Toledo Backside**

CTT 12.73 at Gould to CTT 14.31  
 a distance of 1.58 miles +/-

**CSX** REAL PROPERTY

**SCALE: 1" = 1 MILE**

Revised: May 13, 2009  
 Drawn By: L. Fenwick