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February 19, 2020

Via E-Filing

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

Re: The Alabama Great Southern Railroad Company – Abandonment Exemption – In Gadsden, Etowah County, Alabama, AB-290 (Sub-No. 335X);
and Tennessee, Alabama and Georgia Railway Company– Abandonment Exemption – In Gadsden, Etowah County, Alabama, AB-290 (Sub-No. 340X)

Dear Ms. Brown:

Today, the City of Gadsden, Alabama ("City") requested that the Board extend the period of time allowed for the City and The Alabama Great Southern Railroad Company ("AGS") to negotiate interim trail use/rail banking ("NITU") in the AB-290 (Sub-No. 335X) proceeding ("NITU Extension Request") for one year¹ to wrap up NITU negotiations and afford the City and AGS the time necessary to finish due diligence and go to settlement on the City's acquisition of a 3.1-mile AGS rail line, which extends between milepost 2.40 AG (near Cabot Ave) and milepost 5.50 AG (near the intersection of River and Coosa Streets) ("AGS Segment"). AGS fully supports the City's request and anticipates settlement occurring in the near-term. As such, AGS is writing to notify the Board that it has not yet consummated abandonment for the AGS Segment and desires to consent to the City's request for a one-year extension of the negotiation period for a possible NITU arrangement for the AGS Segment, which is the subject of AB-290 (Sub-No. 335X).

As explained in the NITU Extension Request and the City's January 27, 2019 filing entitled Request to Modify and Partially Vacate the Notice of Interim Trail Use Issued April 3, 2013, the Purchase and Sale Agreement ("PSA") reached by AGS and the City only covers the AGS Segment and does not extend to the connecting Tennessee, Alabama and Georgia Railway Company ("TAG") rail line for which NSR sought abandonment authority for in AB-290 (Sub-No. 340X),² as such on January 27, 2019, the City requested that the Board vacate the NITU for the TAG Segment and issue a replacement NITU covering just the AGS Segment. Given that the PSA covers less than what was originally covered in the NITU, AGS is writing to join in the City's request that the Board issue a replacement NITU for just the AGS Segment.

¹ Per the Board's stamp decision served August 28, 2019, the NITU period expires on February 27, 2020.

² The TAG rail line extends from milepost TA 90.30 (located between the north end of Brookside Drive and Owls Hollow Road) to milepost TA 91.45 (at the TAG rail line's connection with the AGS Segment west of N 5th Street) ("Tag Segment").

As stated previously, the City is no longer interested in acquiring the TAG Segment. Accordingly, TAG is hereby notifying the Board that effective, February 28, 2020 (upon expiration of the existing NITU), TAG will be exercising discontinuance authority (rather than abandonment authority) for the TAG Line.³

Sincerely,



Crystal M. Zorbaugh
Attorney for The Alabama Great Southern Railroad Company
and Tennessee, Alabama, and Georgia
Railway Company

cc: All Parties of Record
Greg Summy
Garrett Urban
Laura Hoag
Scott Plum

³ The Board has held that if a railroad wishes to discontinue service over a portion of a rail line that has been authorized for abandonment, it may prior to consummating its abandonment authority opt to exercise the lesser included authorization of discontinuance authority rather than abandonment authority for the rail line segment. See T&P Ry.--Aban.--Shawnee, Jefferson, & Atchison Count., KS, 2 S.T.B. 36, 40 (1997). See also The Alabama Great Southern Railroad Company – Discontinuance Exemption – In Saint Bernard Parish, LA, STB Docket No. AB-290 (Sub-No. 323X) (STB served December 17, 2013). See also Almono LP–Abandonment Exemption–In Allegheny County, PA, STB Docket No. AB-842X (STB served Jan. 28, 2004).