



Henry L Hayes, Jr.
Town Manager

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301242

November 2, 2020

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

ENTERED
Office of Proceedings
November 2, 2020
Part of
Public Record

RE: Docket No. AB-565 (Sub-No. 1X), *New York Central Lines, LLC–
Abandonment Exemption–in Middlesex County, MA*

Dear Ms. Brown:

The Town of Sudbury, Massachusetts (the “Town”) hereby requests the Surface Transportation Board (the “Board”) to grant a one-year extension of time until December 1, 2021 to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (“CSXT”), the successor by merger to New York Central Lines, LLC, over the 1.40-mile portion of the line proposed for abandonment in the above-entitled proceeding between milepost QBS 3.40, at Framingham, MA, and milepost QBS 4.80, at the intersection of the former Penn Central Transportation Company line (the “Line”).

The Town and CSXT have negotiated and executed a written agreement for the sale of the Line to the Town, which is contingent upon the completion of due diligence on the Line to the Town’s satisfaction. The due diligence is expected to be completed in the first quarter of 2021. If the due diligence is completed to the Town’s satisfaction, the Town expects to close on the acquisition of the Line for interim trail use and rail banking shortly thereafter and in 2021.

The Town is requesting a one-year extension until December 1, 2021 pursuant to the rules adopted by the Board in *Limiting Extensions of Trail Use Negotiating Periods*, Docket No. EP 749 (Sub-No. 1) et al. (served December 4, 2019), slip op. at 11, which provided “Parties in negotiations under existing CITUs or NITUs on the effective date of these rules who wish to extend their negotiating period will be required to seek extensions of one year, rather than 180 days as is the current common practice (or any other duration).” This request for a one-year extension is proper under the Board’s transitional rule, which provides “as a transitional measure, parties engaged in negotiations under an existing CITU or NITU that was originally issued before February 2, 2017, may request one additional extension of one year, beyond the four-year anniversary of the issuance of the CITU or NITU, without showing extraordinary

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circumstances.” *Id. See CSX Transportation, Inc.-Abandonment Exemption-in Logan County, W. Va.*, Docket No. AB 55 (Sub-No. 763X) (served October 14, 2020), slip op. at 2. Sudbury was granted a Notice of Interim Trail Use on October 12, 2001 in *New York Central Lines, LLC—Abandonment Exemption—In Middlesex County, MA*, STB Docket No. AB-565 (Sub-No. 1X) (served October 12, 2001).

Note further that in its Decision under Docket No. AB 565 (Sub-No. 1X) decided December 23, 2019, the STB determined that the final rule in Docket No. EP 749 (Sub-No. 1) does not apply to Sudbury and Framingham’s last extension request because the final rule did not become effective until February 2, 2020, thus this request is the first extension request made under the new rule limiting extension requests.

The Town further requests that the filing fee for this extension request be waived pursuant to 49 CFR 1002.(e)(1) because the Town is a local government entity.

I certify that a copy of this request for an extension of time has been served on the parties of record to this proceeding by first class mail postage pre-paid or by e-mail.

The Town is e-filing this letter. If you have any questions please call or e-mail me.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Henry L. Hayes, Jr.", with a stylized, cursive script.

Henry L. Hayes, Jr.
Town Manager

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