

ENTERED
Office of Proceedings
July 16, 2021
Part of
Public Record

LAW OFFICE
THOMAS F. McFARLAND, P.C.
2230 MARSTON LANE
FLOSSMOOR, ILLINOIS 60422-1336
TELEPHONE (708) 704-7679
mcfarland@aol.com

July 16, 2021

By e-filing

Ms. Cynthia T. Brown
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Docket No. AB-1065 (Sub-No. 3), *Landowners -- Adverse Abandonment --
Indiana Southwestern Railway Co. in Posey and Vanderburgh Counties, Ind.*

Dear Ms. Brown:

The Landowners identified in prior filings in this docket hereby notify the Board and the parties of record that in the circumstances they will not go forward with filing an Application for Adverse Abandonment of the involved rail line.

In Docket No. AB-1065 (Sub-No. 3), the Landowners are seeking the adverse abandonment of two rail lines of Indiana Southwestern Railway Co. (ISW), i.e., between Poseyville and Cynthiana, Indiana, and between Poseyville and German Township, Indiana (the Poseyville Lines).

After completion of all pre-filing requirements for adverse abandonment of the Poseyville Lines, the Landowners intended to file their Application for Adverse Abandonment on or about July 7, 2021.

However, shortly before that date, the Landowners received a copy of a Notice of Exemption in Docket No. AB-1065 (Sub-No. 4X) in which ISW itself seeks to voluntarily abandon the Poseyville Lines and another rail segment not here at issue.

The Petition in Docket No. AB-1065 (Sub-No. 4X) seeks the same relief sought by the Landowners in Docket No. AB-1065 (Sub-No. 3), i.e., a Board finding that the present or future public convenience and necessity permits or requires abandonment of the Poseyville Lines.

Ms. Cynthia T. Brown
July 16, 2021
Page 2

There is far less cost and delay involved in processing a Notice of Exemption for voluntary abandonment than in an Application for Adverse Abandonment. Accordingly, this is intended to notify the Board and all parties of record that the Landowners do not intend to process their Application for Adverse Abandonment to conclusion at this time.

Respectfully submitted,

/s/ Thomas F. McFarland

Thomas F. McFarland

One of the Attorneys for Landowners

TMcF:mg:1899\efSTB3

cc: All parties of record