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January 21, 2022

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VIA E-FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
January 21, 2022
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 775X)**
CSXT Transportation, Inc. – Abandonment Exemption – In Clark,
Floyd, Lawrence, Orange, & Washington Counties, Ind.

Request for Extension of Interim Trails Use Negotiation Period

Dear Ms. Brown:

The City of New Albany, Indiana (“New Albany”) hereby requests a one-year extension of the interim trails use negotiations period (currently scheduled to expire on February 18, 2022) to permit trails use negotiations with CSX Transportation, Inc. (“CSXT”) concerning the right-of-way underlying the railroad line (the “Line”) that is the subject of the above-referenced abandonment proceeding to continue until February 18, 2023. The subject Line extends from Milepost OOQ251.7 near Bedford, Indiana, to Milepost OOQ314.0 near New Albany, Indiana, a total distance of approximately 62.3 route miles.

New Albany acknowledges that in ordinary circumstances its extension request might be restricted under the rules promulgated by way of *Limiting Extensions of Trail Use Negotiating Periods* (EP 749 (Sub-No. 1), *et al.* (STB served Dec. 4, 2019)). However, by decision served in a separate abandonment/trails use proceeding this past spring, the Board has explained that “in light of the unprecedented effects of the pandemic over the past year, the Board will grant, upon request and with the consent of the involved railroad, one additional one-year extension of an existing NITU or CITU without a showing of ‘extraordinary circumstances’ in cases involving a NITU or CITU for which the very next extension after the effective date of this decision would otherwise require a showing of ‘extraordinary circumstances.’” *BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.*, Docket No. AB 6 (Sub-No.

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482X) (STB served Apr. 16, 2021) “*BNSF-Cook County*”), 4. In keeping with *BNSF-Cook County*, New Albany respectfully requests that the Board grant a one-year extension of the negotiation period without the need for a separate showing of extraordinary circumstance.

New Albany has contacted the involved railroad (CSXT), and has been informed that CSXT is amenable to the extension.

As a municipal subdivision of the State of Indiana, the filing fee associated with this extension request does not apply to New Albany.

Respectfully submitted,

Robert A. Wimbish

Robert A. Wimbish
Counsel for the City of New Albany, Indiana

RAW:bjs

cc:All parties of record