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April 10, 2023

By E-Filing

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Re: STB Docket No. AB-55 (Sub-No. 794X), *CSX Transportation, Inc.—
Abandonment Exemption—In Pinellas County, Fla.*

Dear Ms. Brown:

I write on behalf of CSX Transportation, Inc. (“CSXT”) and Georgetown & High Line Railway Company, LLC (“GHL”), to oppose the motion to strike by the Rails to Trails Conservancy (“RTC”) filed on April 6, 2023. RTC asks the STB to strike the March 28 response of CSXT and GHL as an impermissible reply-to-reply.

However, RTC ignored the reasons offered by CSXT and GHL for the responsive comments. *See* CSXT & GHL Response to Comments at 1 n.1 (filed March 28, 2023). CSXT and GHL observed that STB practice permits parties to respond to new requests for relief set forth in a reply filing. *See, e.g., Pet. of Tex. Ry. Exch. LLC for Issuance of a Crossing Order Pursuant to 49 U.S.C. § 10901(d)*, Docket No. FD 36186 (Sub-No. 1), slip op. at 2–3 (STB served Apr. 4, 2019). The response was limited to addressing those new requests for relief and accompanying rationales. And to the extent it was necessary, CSXT and GHL further sought leave to respond to the new arguments and requests for relief, in the interest of compiling a more complete record.

In the end, the record shows nothing improper about the steps CSXT and GHL have taken to preserve this rail line for potential future freight rail service. CSXT and GHL have complied with all of the Board’s regulations under 49 C.F.R. § 1152.29 in a fully transparent manner. Well-established precedent places no deadline on GHL to either create a trail or find an alternative sponsor. CSXT and GHL would happily re-start negotiations with the City of St. Petersburg, if the city is prepared to make a commercially reasonable offer to become the trail

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sponsor. And finally, even RTC is forced to concede that CSXT's use of GHL as a trail sponsor has been successful in creating numerous trails and avoiding the abandonment of rail lines in favor of rail banking, which promotes the broader public interest in preserving these corridors for reactivation of freight service. There is no reason for the STB to disturb that precedent or practice given its ministerial role under the Trails Act.

Respectfully submitted,

/s/ Raymond Atkins

Raymond A. Atkins

cc: Parties of Record