

**National Association of Reversionary Property Owners
(NARPO)**

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**RE: AB 565-1X New York Central Lines LLC Abandonment
Exemption—in Middlesex County, Mass.**

On August 8, 2023 the City (City) of Farmington, Mass., filed a letter stating that the City and CSX have a tentative agreement on trail use of the right of way in AB 565-1X. The only problem is that the NITU is registered with GHL since 1/12/2020 not with the City as the STB transferred the NITU from the City to GHL on 1/12/2020. At the time the STB transferred the NITU to GHL, the STB allowed one year before the NITU would expire. Since 1/12/2020, there have been no requests for a NITU extension from either GHL or CSX or the City so the NITU has expired and the 4 years maximum allowed by 49 CFR 1152.29 has expired.

The NITU is now over 22 years old since it was issued by the STB. Under the rules promulgated by the STB under EP-749 and 49 CFR 1152.29 (c) (1) and (d) (1) in 2017, a NITU is limited to 4 years. Obviously the 4 years has long since passed as noted in the City's August 8, 2023 letter. With this revelation, the City thinks they can just say they have a tentative agreement and all is well and the STB will forget what has transpired for over 22 years.

GHL is a sham company formed by CSX for the express purpose of getting original NITUs or extending NITUs. GHL has been involved with ten NITUs from 10 different abandonments that CSX or their affiliates have filed for in the past 14 years.

If the STB allows what the City is asking for, then the rules promulgated in EP-749 are worthless. As the STB is aware, anybody or any entity can step forward with the proper wording and get a NITU granted. In the present case in Farmington, MA, there are at least three property owners who have reversionary rights to the rail line right of way that are waiting to get their property back without the railroad easement on top of the land.

NARPO is sure the STB is aware that the federal Department of Justice (DOJ) is looking into some the NITUs GHL has filed and are now in the U.S. Court of Claims for takings damages. This is an ongoing investigation by the DOJ.

After 22 years, enough is enough of these shenanigans of taking people's property. The STB should deny the City's request and declare the abandonment of the railroad line in AB 565-1X consummated. It is also questionable whether there is any operational rail line on either end of the 4.80 miles of rail line in this abandonment. In the past 22 years since the abandonment was initiated by New York Central line, an affiliate of CSX, some or all of the connecting rail lines are not operational which would negate an NITU anyway.

Richard Welsh, Exec. Director NARPO

All parties of record were served via email on August 9, 2023.