

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

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STB Office of Proceedings  
Washington, DC 20423

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

NARPO writes in response to a letter filed with the STB in AB 565-1X on September 6, 2023 by CSX through their attorney, Lou Gitomer. This letter concerns a transfer of a NITU issued in 2001 between Georgetown and High Line Railway Company (GHL) and the City of Farmington, MA. GHL is an alter ego of CSX solely for the purpose of subverting and circumventing the STB rules in rails to trails cases and 49 CFR 1152.29.

GHL has had at least 10 NITUs issued by the STB in 10 different abandonments, all of which except for one or two have never ended in trail use agreements as specified by STB rules. Some of these NITUs that GHL has been issued by the STB have resulted in a Department of Justice (DOJ) investigation into damages the federal government has been requested to pay property owners through U.S. Court of Claims taking cases. Evidently the DOJ has seen through the scam CSX has been trying to pull on the U.S. taxpayers by using GHL as a front entity to extend NITUs in order to exact more money from possible trail use entities.

In this case, AB 565-1X, CSX/GHL was running out of time with the NITU issued in 2019 due to the fact of the new STB rules on trails Act extensions. So CSX/GHL conjured up a scheme to sign a trail use agreement on February 22, 2021 between themselves. This supposedly got CSX/GHL away from any STB rules on trails Act extensions. Now 2 ½ years later they want to transfer the NITU to the City of Farmington.

Clearly CSX/GHL are trying to make a mockery of STB rules so they can exact money from the City of Farmington and the U.S. taxpayers. The STB should see through this sham and not allow the requested transfer of the NITU from GHL to the City of Farmington. Due to the obvious subversion of STB rules, the STB should declare that the rail line in AB 565-1X is abandoned and consummated due to over 23 years of non use; see **RLTD v. STB**, 166 F3d 308, 1999.

As another matter on AB 565-1X, 1.4 mile on one end of this abandonment is still in limbo as no NITU extension has been requested for over 5 years. What is the STB intentions on stub end segments of NITUs that don't get trail use agreements? After over 23 years, one would think all the abutting reversionary property owners along both segments of AB 565-1X should have some finality as to their property rights as the STB enumerated in the STB Final Rules in EP746.

Richard Welsh, Exec. Director NARPO

All parties of record were served via email on September 7, 2023.