

ENTERED
Office of Proceedings
January 12, 2024
Part of
Public Record

National Association of Reversionary Property Owners (NARPO)
1100 Bellevue Way NE Ste.8A PMB 719
Bellevue WA. 98004
760-238-8420
dick156@earthlink.net

January 11, 2024

STB
Office of Proceedings
Washington, DC 20423

RE AB 55-794X CSX Abandonment Exemption in Pinellas County, Florida

On August 29, 2019 CSX Railroad filed an exemption for abandonment for a rail line in St. Petersburg and Pinellas County, Florida. On January 20, 2020 the STB granted a NITU to Georgetown and Highline Railroad, which is a subsidiary of CSX, for a one year period. GHLS NITU expires on 1/19,2021. It is now 4 years after the NITU was granted. Under the rules promulgated under EP749 Sub.1, extensions of NITUs are only allowed for 4 years total. On January 12, 2024 the STB allowed the City of St. Petersburg to have a one year NITU on this same rail line.

NARPO is aware of the litigation between property owners along this rail line which has been ongoing since the property owners filed their federal 5th Amendment takings case on January 13, 2020 which is the same day the STB granted the NITU to GHL. From January 13, 2020 there have been 167 separate Docket filings before the U.S. Court of Claims, see <https://www.courtlistener.com/docket/17350231/collective-edge-llc-v-united-states/>

The STB cannot approve an extension for the NITU just because the NITU parties may have changed, otherwise what is the purpose of the STB decision in EP-749 and 749-1? It wouldn't take too much imagination for someone to figure out how to beat the four year NITU maximum if the STB allows the City of St. Petersburg to come in right at the end of the four year time limit and get a new one year NITU.

It is quite obvious what CSX and their alter ego GHL have been attempting to pull off on at least 10 rail abandonments with NITUs in the past 10 years, and the STB appears to follow along like a sycophant.

NARPO requests the STB to terminate the NITU in AB 55-763X as of January 12, 2024 which is four years after the NITU was issued..

All Parties of Record and the Department of Justice have been served via email on 1/11/2024.

Richard Welsh--NARPO dick156@earthlink.net