

BEFORE THE SURFACE TRANSPORTATION BOARD

ENTERED
Office of Chief Counsel
February 11, 2026
Part of
Public Record

CSX Transportation, Inc. – Abandonment Exemption—

In Pinellas County, Fla.,

AB 55 (Sub-no. 794)

Opposition to Request for Leave and “Letter Response”

Filed by Raymond Atkins PHD

on behalf of CSX Transportation, Inc. (“CSXT”) and
Georgetown and High Line Railroad Company (“GHL”)

For the reasons stated below, Rails to Trails Conservancy (RTC) opposes the CSXT and GHL Request of Leave to File a “letter response” embodied in a letter from “Raymond A. Atkins PHD” to STB’s Chief of Case Administration dated February 6, 2026 (“the Atkins Letter”). The Atkins Letter must be stricken from the record.

1. The Atkins Letter Violates the Applicable Rule

The Atkins Letter is a reply to a reply. This Board’s regulations bar such pleadings. 49 C.F.R. 1104.13(c) states that “[a] reply to a reply is not permitted.” In addition, the letter lacks a certificate of service and this Board’s regulations require a certificate showing simultaneous service on all parties of record. 49 C.F.R. 1104.13(a). For both independent reasons, the letter must be stricken from the record.

2. There is No Cause, Let Alone Good Cause, to Waive the Rule

The Atkins Letter argues that good cause exists to waive 49 C.F.R. 1104.13(c); namely that they seek to clarify “one factual point.” However, no clarification is needed. The Atkins Letter intentionally misconstrues RTC’s reply and in the end clarifies nothing. In particular, Atkins Letter asserts that RTC argued that the CSXT/GHL “Petition to Reopen” is silent concerning whether granting the petition “would interfere with or thwart” on-going trail use negotiations (referencing RTC’s Reply at pp. 2, 8-9). This mischaracterizes what RTC actually wrote in its Reply. RTC stated that ongoing negotiations “would potentially be compromised and even thwarted” (p.2) and noted (pp. 8-9) complications to the negotiations flowing from vacatur and reinstitution of GHL as the interim trail manager. As RTC said, the CSXT/GHL petition to reopen does not address the regulatory complications that would flow from possible reinstatement of GHL’s NITU and the effect it would have on the NITU issued to the City, pursuant to which trail use negotiations have been conducted. This is an accurate statement. The Atkins letter continues to assert only that CSXT and GHL intend to “continue to negotiate” in the event the 2023 Revocation Decision is vacated. It fails to address any of the questions and uncertainties that RTC referenced in our Reply. It clarifies nothing.

The Atkins letter states that “CSXT is confident that continued negotiations with the City will result in a mutually agreeable resolution with the City that is consistent with the terms of [the 2023 Revocation] decision.” If this is so, then it is grounds for CSXT and GHL to withdraw their Petition to Reopen, not to continue to pursue it, much less to purport to file a reply to RTC’s original reply. The Atkins Letter is tantamount to an admission that the 2023 Revocation Decision is serving its purpose (trail use negotiations by CSX with a qualified interim trail manager, namely the City, under the Trails Act). The Atkins Letter is also tantamount to an admission that CSXT and GHL have no need for reopening, and in particular that there is no need whatsoever for GHL -- which admittedly neither develops nor manages trails – to seek a regulatory action that would result in the reinstatement of the NITU issued to GHL. The entire Atkins letter begs the question why CSXT wishes to return to the prior status quo by vacating a decision that is evidently facilitating (not hampering in any way) negotiations with the City for interim trail use. The letter certainly does not show good cause to breach 49 C.F.R. 1104.13(c).

Respectfully submitted,

/s/ Andrea Ferster
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Certificate of Service

The undersigned hereby certifies service by email attachment or USPS, postage pre-paid first class, on all parties of record in this proceeding on 11 February 2026.

_____ s/ Charles H. Montange

