

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

October 12, 2017

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

244520

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

ENTERED
Office of Proceedings
October 12, 2017
Part of
Public Record

RE: **Docket No. AB-1073X, Alabama & Florida Railway Co., Inc.—Abandonment
Exemption—in Geneva, Coffee and Covington Counties, Ala.**

Dear Ms. Brown:

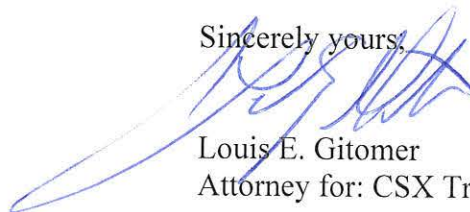
CSX Transportation, Inc. ("CSXT") responds to the letter dated October 4, 2017 by the Alabama Trails Commission ("ATC") seeking an extension of time to negotiate interim trail use/rail banking (copy attached).

As the owner of the real estate underlying the Line, CSXT agrees with the six-month extension of time from October 14, 2017 to April 14, 2018 to negotiate interim trail use/rail banking for the 42.9-mile line of railroad between Andalusia, AL, milepost 581.3, and Geneva, AL, milepost 624.2 (the "Line"). CSXT sold the track and materials and the common carrier obligation to the predecessor of the Alabama & Florida Railway Co., Inc. ("A&F") while retaining ownership of the real estate and leasing it to A&F. A&F has not consummated the abandonment of the Line. The Amendment to the Conditional Lease dated February 16, 2012 between CSXT and A&F is still effective.

As provided in 49 CFR 1152.29(e)(2), the extension of the trail negotiation period until April 14, 2018, creates a regulatory barrier to consummation of the abandonment, which provides A&F with an additional 60 days to consummate the abandonment to June 13, 2018, if trail negotiation is unsuccessful. CSXT respectfully requests that the Board confirm that the extension of the consummation period applies in this instance.

CSXT is efilng this response. Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



Louis E. Gitomer
Attorney for: CSX Transportation, Inc.

cc: Ms. Rauworth
Mr. LaKemper

Alabama

Trails Commission

Post Office Box 5690 | Montgomery, Alabama 36103-5690

October 4, 2017

Surface Transportation Board
395 East Street S.W.
Washington, D. C. 20423-0001

Re: Request for 6-month NITU Extension for Negotiations with Alabama and Florida Railway Co., Inc. & CSX Transportation, Inc. – Abandonment Exemption – in Geneva, Coffee, and Covington Counties, AL: STB Docket Number AB (Sub-No. 1073X)

Dear Members of the Surface Transportation Board:

This request is filed by the Alabama Trails Commission, a public entity, hereinafter referred to as the “proponent.” The proponent remains engaged in discussions with CSX Transportation, Inc. (CSX) and Alabama and Florida Railway Co., Inc. (A & F) toward the desired outcome for all parties, which is an agreement regarding acquisition and trail use of the rail line and interconnecting lines owned by CSX.

The STB has granted the proponent’s request in the past to impose interim trail use/rail banking to allow for negotiating the acquisition of the rail line for use. We are actively engaged in an appraisal process with a funding agency and will need time to finish this process. We hope that the board will continue to grant the NITU. CSX and A & F are amenable to this extension and continued negotiations. We would like a 6-month extension beginning on October 14, 2017 to give us more time with the funding agency.

By my signature below, the Alabama Trails Commission will e-file this letter with STB and service a copy of it upon CSX by email and A & F by email.

Respectfully Submitted,



Amy Rauworth
Chairman

Cc Via E-mail:

Matt Coffing – CSX Transportation, Inc.
Dan LaKemper – Alabama and Florida Railway Co., Inc.
Louis Gitomer – CSX Transportation, Inc. Attorney
William A. Mullens - Baker & Miller PLLC