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 GRANTED Office of Proceedings	DECISION ID NO.: <u>45606</u>	CLEVELAND	DAYTON	WASHINGTON, D.C.
	DECIDED DATE: <u>12/23/16</u>	CINCINNATI	INDIANAPOLIS	NEW YORK
	SERVICE DATE: 12/23/2016			
	APPROVED: <u>Rachel Campbell</u>			
	☒ <u>added to 12/31/17</u>			

December 12, 2016

Cynthia T. Brown

Chief of the Section of Administration, Office of Proceedings

Surface Transportation Board

395 E Street, SW

Washington, D.C. 20423

Director 242236

ENTERED

Office of Proceedings

December 12, 2016

Part of

Public Record

RE: Docket No. AB-55 (Sub-No. 684X), *CSX Transportation, Inc. — Abandonment Exemption—in Shelby County, TN*; Request for Extension of NITU Negotiating Period

Dear Ms. Brown:

This request pertains to the ongoing negotiations between and among the Memphis Community Connector (“MCC”), Shelby County (“Shelby County”), and CSX Transportation, Inc. (“CSXT”) regarding interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) (the “Trails Act”) and 49 C.F.R. § 1152.29, of the above-captioned line (the “NITU request”), which was filed by the Memphis Community Connector (“MCC” and, together with Shelby County and CSXT, the “Parties”) with the Board on October 5, 2007 (the “NITU request”).¹ The NITU request covered two segments of the CSXT line, hereinafter referred to as the “Memphis Segment,” which extends from MP ONI 224 (VS 11812+37) to MP ONI 216.92 (VS 11439+97), and the “Cordova Segment,” which extends from MP ONI 210.66 to MP ONI 216.92.

On June 30, 2010; June 9, 2011; June 20, 2012; May 23, 2013; June 2, 2014; December 23, 2014 and November 18, 2015, MCC and Shelby County requested extensions of the NITU to facilitate those negotiations, which the Board has granted. During the foregoing extension periods, the Parties entered into a Purchase and Sale Agreement for the entire Memphis Segment in 2009. The trail on the Memphis Segment, which is now completed, has been a great success within the community. In addition, the parties completed the sale of a portion of the Cordova Segment from MP 216.92 to 212.79 on December 19, 2014. The most recent NITU extension, which expires on December 31, 2016, has enabled the Parties to continue their negotiations for the remainder of the Cordova Segment that extends from MP 212.79 to MP 210.66.

Although the County has obtained funding to complete its acquisition of the remainder of the Cordova Segment and has submitted their environmental investigation to the State of Tennessee, it has not received approval of this report which must be granted before going forward to the next step which is the appraisal process. Therefore, the Parties request an extension of the NITU negotiating period with respect to the remainder of the Cordova Segment, until December 31, 2017.

¹ Because Shelby County, TN is a local government entity, the filing fees for this Request are waived pursuant to 49 C.F.R. 1002.2(e)(1).

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December 12, 2016

Page 2

The Parties are e-filing this letter. Thank you for your assistance and please feel free to contact any of us via phone or email (as set forth below our respective signatures) if you have any questions.

Respectfully submitted,



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