

December 13, 2017

Cynthia T. Brown
Chief of the Section of Administration,
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

 GRANTED	DECISION ID NO.: <u>46212</u>
	DECIDED DATE: <u>12-18-17</u>
	SERVICE DATE: <u>12-19-17</u>
	APPROVED: <u>[Signature]</u> Acting Director
	☒ extended to <u>12-31-18</u>

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ENTERED
Office of Proceedings
December 13, 2017
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, November 18, 2015, and December 12, 2016, 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, 2017, 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, the State of Tennessee Department of Transportation has not yet approved the right-of-way needed to complete the project, after which the procurement process will begin pursuant to federal property procurement requirements. The right-of-way approval is expected in January 2018. Therefore, the Parties request an extension of the NITU negotiating period with respect to the remainder of the Cordova Segment, until December 31, 2018.

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).

December 13, 2017

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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