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# FLETCHER & SIPPEL LLC

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October 25, 2019

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room #1034  
Washington, DC 20423-0001

Re: **Docket No. AB-1272X**  
**Central Texas & Colorado River Railway, LLC – Abandonment Exemption – in**  
**McCulloch, San Saba, Mills, and Lampasas Counties, TX**

Dear Ms. Brown:

Central Texas and Colorado River Railway, LLC (“CTXR”) respectfully requests that the Board hold the above-referenced abandonment proceeding in abeyance for a period of ninety (90) days.

CTXR has been engaged in negotiations with multiple parties for the sale of the railroad line that is the subject of this proceeding (the “Line”). Such a sale is intended to avert abandonment, and to restore rail common carrier service. Negotiations have advanced to a point that CTRX believes its resources are best spent attempting to secure a privately-negotiated sale agreement. If negotiations are successful, then CTRX could seek to withdraw its petition, and Board action on the merits of that (now-pending) petition would be unnecessary. The requested abeyance would facilitate such objectives and outcomes.

CTXR has discussed a Board-issued abeyance order with principals of the two parties of record that have given notice of intent to pursue acquisition of the Line by way of the Board’s offer of financial assistance processes – the Brady Line Shippers Group (“BSG”) and North Central Railcorp, Inc. (“North Central”) and heard no direct opposition to the same.

A Board-issued abeyance order to facilitate a privately-negotiated sale of the Line to preserve common carrier rail service would promote an efficient rail transportation system in keeping with the Rail Transportation Policy (49 U.S.C. § 10101(3)), and would be in keeping with the Board’s preference for negotiated resolution of matters otherwise subject to the agency’s regulatory and adjudicatory functions. Precedent supports an abeyance order under the circumstances. See, e.g., New York State Dept. of Env. Cons. – Adverse Abandonment – Johnsbury, N.Y., Docket AB-1261X (STB issued Oct. 23, 2018); Grenada Railway LLC –

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Abandonment Exemption – In Montgomery, Carroll, Homes, Yazoo, and Madison Counties, Miss., Docket No. AB-1087 (Sub-No. 1X), et al. (STB served Feb. 9, 2015).

For the foregoing reasons, CTXR requests that the Board hold this proceeding in abeyance for a period of ninety (90) days. CTXR will report back to the Board on the status of negotiations at that time or before.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. A. Wimbish".

Robert A. Wimbish  
Attorney for Central Texas &  
Colorado River Railway, LLC

RAW/ah

cc: All parties of record