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September 20, 2019

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

Dear Rob and Tom:

It is provided in 49 C.F.R. § 1152.27(c)(1)(ii) in pertinent part as follows:

. . . If the Board does not issue a decision regarding the preliminary financial responsibility demonstration within 10 days of receipt of the expression of intent, the party submitting the expression of intent will be presumed to be preliminarily financially responsible and, upon request, the applicant must provide the information required under paragraph (a) of this Section. . .

The Brady Line Shipper Group (the Shipper Group) filed a formal expression of intent to file an offer of financial assistance (purchase) to continue rail service over the rail line proposed to be abandoned in the captioned proceeding. That expression of intent was accompanied by a demonstration of preliminary financial responsibility. The expression of intent and demonstration of preliminary financial responsibility were received by the Board on September 9, 2019.

The Board did not issue a decision regarding the Shipper Group's demonstration of preliminary financial responsibility within 10 days after the Board's receipt of the Shipper Group's expression of intent (i.e., on or before September 19, 2019). Therefore, in accordance with 49 C.F.R. § 1152.27(c)(1)(ii), the Shipper Group is presumed to be financially responsible on a preliminary basis. That being the case, the applicant Central Texas & Colorado River Railway, LLC (CTXR) is required to provide the information required under 49 C.F.R. § 1152.27(a) if requested by the Shipper Group to do so.

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This constitutes the Shipper Group's request for that information. CTXR is requested to provide:

- (1) its estimate of the minimum purchase price required to keep the rail line in operation (49 C.F.R. § 1152.27(a)(1)(i));
- (2) its most recent report on the physical condition of the involved line (49 C.F.R. § 1152.27(a)(2)); and
- (3) its estimate of the net liquidation value of the line, with supporting data reflecting available real estate appraisals, assessments of the quality and quantity of track materials in the line, and removal cost estimates (including the cost of transporting removed materials to point of sale or point of storage for relay use) (49 C.F.R. § 1152.27(a)(3)).

If the estimated net liquidation value (NLV) is supported by a real estate appraisal, or in the absence of such an appraisal, if the NLV includes a positive value for any parcel of land in the right-of-way of the line, CTXR is specifically requested to provide evidence that CTXR has marketable fee title to any such parcel. That title information is necessary to allow the Shipper Group to calculate an adequate purchase offer. *See* 49 U.S.C. § 10904(b)(4).

The requested information is to be provided "promptly", as specified required in both 49 C.F.R. § 1152.27(a) and 49 U.S.C. § 10904(b).

Very truly yours,



Thomas F. McFarland
Attorney for Brady Line Shipper Group

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cc: all parties of record