

National Association of Reversionary Property Owners (NARPO)

248428

1100 Bellevue Way NE Ste. 8APMB 719 Bellevue, WA 98004

760-238-8420

dick156@earthlink.net

September 3, 2019 E-FILED

Surface Transportation Board, Cynthia Brown, Administrator
794

ENTERED
Office of Proceedings
September 3, 2019
Part of
Public Record

RE: CSX Abandonment Exemption AB 55-~~749~~X in Pinellas County, Florida

Dear Ms. Brown:

On August 29, 2019, NARPO submitted a comment letter on AB 55-794X, but we left out part of the first paragraph which should have been at the end of the first paragraph. Basically we wanted to show the definition of what a rail carrier subject to STB jurisdiction is according to federal law. We request the STB to use this comment letter instead of the August 29, 2019 comment letter.

On August 28, 2019, the city attorney of St. Petersburg, Florida filed a request for a Public Use Condition on AB55-749X. Even though the letter asks for a Public Use Condition, it appears from the verbiage of the letter the city attorney is conflating a Public Use Condition with a request for Interim Trail Use; see under **A. Request for Public Use Condition . . .** “Second, banking the section of line will allow the possibility of conversion to light rail . . .” Two things seem wrong with this statement; 1) a public use condition is not the same as rail banking, and 2) railbanking is not used for light rail--only for interim trail use. See, “45 U.S. Code § 151. Definitions; When used in this chapter and for the purposes of this chapter—
First. . . **Provided, however, That the term “carrier” shall not include any street, interurban, or suburban electric railway,. . .** “

A Public Use Condition by itself is appropriate in this proposed abandonment. But intimating that this is some sort of rail banking is not appropriate. Also light rail is not approved under railbanking. It appears that another entity has asked for Interim Trail Use in another letter to the STB, and that letter is in proper form for an Interim Trail Use and there is no mention of light rail use in the other entity's letter.

Assuming that CSX agrees to Interim Trail Use and in the future the City of St. Petersburg decides to put light rail on this right of way, then NARPO assumes the City would have to ask the STB to have the NITU vacated and have CSX consummate the abandonment and have the right of way condemned or bought outright from the various owners of the reversionary rights to the right of way. NARPO reads 16 USC 1247(d) and 49 CFR 1152.29 as allowing Interim Trail Use, not light rail, and if NARPO has this wrong then the STB can set the record straight.

Richard Welsh--NARPO

NARPO has served all parties of record via email on August 29, 2019.
Richard Welsh--Executive Director NARPO