



OFFICE OF THE CITY ATTORNEY

ENTERED
Office of Proceedings
September 9, 2019
Part of
Public Record

September 9, 2019

Chief
Section of Administration
Surface Transportation Board
395 E Street, S.W
Washington, D.C. 20423-0001

Re: Docket No. AB-55
Response to Narpo Letter dated September 3, 2019
CSX Transportation Inc. – Abandonment Exemption in Pinellas County, FL

Dear sir or ma'am:

Please find the attached Response to Narpo Letter dated September 3, 2019 in the above referenced proceeding. The Petition has been efiled and served by email on all parties designated in the Certificate of Service.

If you have any questions about this matter, please do not hesitate to contact our office.

Very truly yours,

/s/Bradley S. Tennant

Bradley S. Tennant
Assistant City Attorney

:acb

Before the
SURFACE TRANSPORTATION BOARD
Washington, D.C. 20423

STB Docket No. AB-55 (Sub-No. 794X)

CSX TRANSPORTATION INC. — ABANDONMENT EXEMPTION
IN PINELLAS COUNTY, FL

RESPONSE TO NARPO LETTER DATED SEPTEMBER 3, 2019.

The City of St. Petersburg, FL (“City”), by and through the undersigned counsel, responds to the Letter from the National Association of Reversionary Property Owners (“NARPO”), dated September 3, 2019 (“NARPO Letter”). In response to the NARPO Letter and in the interest in clarifying the City’s prior filings, the City states as follows:

I. RESPONSE

The City has filed two requests to date, a Request for Public Use Condition, dated August 28, 2019, and a Request for Interim Trail Use, entered by the Board on September 4, 2019. Though ostensibly related, they are both separate requests for Board consideration.

Insofar as the City’s Request for Interim Trail Use, the City is only seeking a Certificate of Interim Trail Use or Abandonment (“CITU”) at this time. The City referenced the potential for light rail in the context of maintaining the integrity of the entire line and while discussing the benefits of rail banking the subject property. Though the City is not ruling out a request for a “State of Maine” condition/exception from the Board, the relevant project is still in the

planning/conceptual stages between the Florida Department of Transportation and the local counties and municipalities.

In response to the final paragraph of the Letter, the City does not intend to intimate that light rail is compatible with trail use under 49 CFR § 1152.29 and makes no representation either way. As noted above, the reference was regarding keeping the entire line intact to maintain the possibility of such in the future. Furthermore, the City, as a holder of certain reversionary/concurrent interests related to the subject property, understands that a conversion to a use not authorized under Board regulations and precedent could potentially require actions outside of the Board's authority – particularly in light of Supreme Court precedent.

Respectfully submitted this 9th day of September, 2019.

OFFICE OF THE CITY ATTORNEY
FOR THE CITY OF ST. PETERSBURG

By: /s/ Bradley S. Tennant _____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail service or U.S. Postal Service, first class, to all parties in the instant action.