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## CORRECTED LETTER TO REPLACE AUGUST 25, 2011 LETTER

August 26, 2011

ENTERED  
Office of Proceedings

AUG 26 2011

Part of  
Public Record

### VIA E-FILING

Cynthia T. Brown, Chief  
Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington DC 20423-0001

Re: *Alabama & Florida Railway Co., Inc. – Abandonment Exemption – In Geneva, Coffee and Covington, Counties, AL*, STB Docket No. AB-1073X

Dear Ms. Brown:

In a letter filing dated August 17, 2011, The Alabama Trails Commission (“ATC”) requested the Surface Transportation Board (“Board”) to impose a Public Use Condition (“PUC”) and a Certificate or Notice of Interim Trail Use in this proceeding between milepost 581.3 at Andalusia, Alabama, and milepost 624.2 at Geneva, Alabama. ATC’s request for a PUC would not prohibit the Alabama & Florida Railway Co., Inc. (“A&F”) from disposing of tracks, ties, and signal equipment, but would prohibit the disposal of the right-of-way corridor and the removal or destruction of potential trail-related structures such as bridges and trestles for a period of 180 days.<sup>1</sup> A&F hereby responds to ATC’s August 17 filing.

A&F has no interest at this time in negotiating a trails use arrangement. While A&F acquired all of CSX Transportation, Inc.’s (“CSXT”) common carrier obligations and rights when it acquired the railroad, and is thus the only necessary party to the abandonment, A&F does not own the real property that comprises the subject rail line’s right-of-way. Rather, the

<sup>1</sup> A&F has previously notified the Board’s Office of Environmental Analysis, and hereby confirms for the purposes of the PUC and trails use request, that it has no plans to remove any of the bridges, culverts or trestles along the subject right-of-way (there are no tunnels).

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Ms. Cynthia Brown

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underlying right-of-way is owned by CSXT.<sup>2</sup> A&F's right to use the underlying real estate is governed by a real property lease arrangement between A&F and CSXT. Under that agreement, CSXT would need to consent to a trails use arrangement.

As information, A&F promptly forwarded to CSXT's counsel a copy of ATC's PUC and trails use request upon A&F's receipt of the same. A&F will also furnish CSXT with a copy of this letter. Should A&F learn of CSXT's willingness to discuss a trails use arrangement, we will promptly so notify the Board and ATC.

Please contact the undersigned if you have any questions concerning A&F's response to ATC's request for a Board-issued PUC and a trails use condition in this abandonment proceeding.

Sincerely,



William A. Mullins  
Attorney for Alabama & Florida  
Railway Co., Inc.

cc: All parties of record  
J. Michael Carr (A&F)  
Louis E. Gitomer (CSXT)

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<sup>2</sup> See A&F Abandonment Notice of Exemption at 4-5.