

May 23, 2013

Cynthia T. Brown

Chief of the Section of Administration, Office of Proceedings

Surface Transportation Board

395 E Street, SW

Washington, D.C. 20423

234292

ENTERED
Office of Proceedings
May 23, 2013
Part of Public
Record



Office of
Proceedings

DECISION ID NO.: 43139

DECIDED DATE: 6/14/13

SERVICE DATE: 6/17/13

APPROVED: Rachelle D. Campbell
Director

attended to 6/3/14.

RE: Docket No. AB-55 (Sub-No. 684X), *CSX Transportation, Inc.— Abandonment Exemption—in Shelby County, TN*; Request for Extension of NITU Negotiating Period

Dear Ms. Brown:

This request pertains to the ongoing negotiations between and among the Memphis Community Connector (“MCC”), Shelby County (“Shelby County”), and CSX Transportation, Inc. (“CSXT”) regarding interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) (the “Trails Act”) and 49 C.F.R. § 1152.29, of the above-captioned line (the “NITU request”), which was filed by the Memphis Community Connector (“MCC” and, together with Shelby County and CSXT, the “Parties”) with the Board on October 5, 2007 (the “NITU request”).¹ The NITU request covered two segments of the CSXT line, hereinafter referred to as the “Memphis Segment,” which extends from MP ONI 224 (VS 11812+37) to MP ONI 216.92 (VS 11439+97), and the “Cordova Segment,” which extends from MP ONI 210.66 to MP ONI 216.92.

The Parties entered into a Purchase and Sale Agreement for the Memphis Segment, and that Segment has been transferred to MCC. On June 30, 2010, June 9, 2011 and June 20, 2012, MCC and Shelby County requested one year extensions of the NITU so that they could continue their negotiations for the Cordova Segment. The trail on the Memphis Segment, which is now completed, has been a great success within the community, and the Parties desire to continue their negotiations for the Cordova Segment. The process for obtaining Tennessee Department of Transportation approval for this transaction, however, has taken longer than anticipated when the most recent NITU extension was requested. Nevertheless, progress has been made and the County is optimistic that an agreement can be reached with a further extension.

In light of the anticipated time required to negotiate the sale and purchase of the Memphis Segment and to secure the requisite local government approvals, the Parties request an extension of the NITU negotiating period with respect to the Cordova Segment, until June 30, 2014.

The Parties are e-filing this letter. Thank you for your assistance and please feel free to contact any of us via phone or email (as set forth below our respective signatures) if you have any questions.

¹ Because Shelby County, TN is a local government entity, the filing fees for this Request are waived pursuant to 49 C.F.R. 1002.2(e)(1).

May 23, 2013

Page 2

Respectfully submitted,



Jeffrey O. Moreno
Thompson Hine LLP
1919 M Street, NW, Suite 700
Washington, DC 20036
202-263-4107
Jeff.Moreno@ThompsonHine.com
*Counsel for Memphis Community Connector
and Shelby County, TN*

Steven C. Armbrust
Counsel
CSX Transportation, Inc.
500 Water St.
Jacksonville, FL 32202
904-359-1229
Steven_Armbrust@CSX.com
Counsel for CSX Transportation, Inc.
