



City of Montgomery, Alabama

DEPARTMENT OF PLANNING & DEVELOPMENT
Robert Smith, Director of Planning

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August 4, 2016

241245
241246

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

ENTERED
Office of Proceedings
August 4, 2016
Part of
Public Record

RE: 180 Extension Request from City of Montgomery to Complete Negotiations with Norfolk Southern and Waiver of Fee

City of Montgomery, Alabama Response to Docket No. AB-290 (Sub-No. 278X), Central of Georgia Railroad Company/Norfolk Southern - Abandonment - in Montgomery County, Alabama

City of Montgomery, Alabama Response to Docket No. AB-55 (Sub-No. 728X), CSX Transportation, Inc. - Discontinuance of Operating Rights - in Montgomery County, Alabama

Dear Ms. Brown:

This request is filed on behalf of the City of Montgomery, which is interested in the property that an abandonment and discontinuance of operating rights for a rail line from milepost H411.50 to H413.62 for transportation purposes was filed by Norfolk Southern (NS)/Central of Georgia Railroad (CGR) and CSX. We understand that the STB issued a Notice of Intent for Trail Use or abandonment, which provided for a 180 day period in which the City of Montgomery and NS/CGR can negotiate an interim trail use/rail banking agreement.

We have been in communication with NS representatives in Montgomery and Virginia to negotiate an interim trail use/rail banking agreement since the STB action occurred. In addition, we have initiated and completed the process of getting an appraisal on the referenced property and any other relevant information needed to make a sound decision. NS/CGR declined the initial offer of purchase and has initiated the preparation of their own appraisal but has not completed the appraisal. Based on continued negotiations and communications that are ongoing, the City of Montgomery hereby request an extension of the 180 day period by an additional 180 days in order to complete all tasks associated with this property transaction. Also, the City of Montgomery requests a waiver of the fee for filing this extension.

Thank you for your consideration in this request.

If you have any questions please feel free to give me a call at (334) 625-2218.

Sincerely,

Robert Smith
Director of Planning

Cc: William Mullins, Norfolk Southern, Baker & Miller PLLC
Louis Gitomer, CSX, Law Offices of Louis E. Gitomer, LLC
Elizabeth Lawlor, Norfolk Southern
Warren Walls, Norfolk Southern

	DECISION ID NO.: <u>45367</u>
	DECIDED DATE: <u>3/18/16</u>
	SERVICE DATE: <u>8/19/16</u>
	APPROVED: <u>Robert Campbell</u> Director
Office of Proceedings	<input checked="" type="checkbox"/> <u>extended to 2/18/17</u>