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August 1, 2012

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Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

ENTERED  
Office of Proceedings  
August 1, 2012  
Part of  
Public Record

RE: Docket No. AB-55 (Sub-No. 694X), *CSX Transportation, Inc.—  
Abandonment Exemption—in McMinn County, TN*

Dear Ms. Brown:

By letter filed July 31, 2012, McMinn County, TN, the City of Athens, and the City of Englewood (collectively the “Proponents”), request the Surface Transportation Board (the “Board”): (1) to impose a 180-day public use condition under 49 U.S.C. §10905, and (2) to extend the time period for the Proponents to negotiate interim trail use/rail banking with CSX Transportation, Inc. (“CSXT”), both for the 6.4-mile rail line on CSXT’s Southern Region, Huntington-West Division, KD Subdivision between Englewood, milepost OKW 327, and Athens, milepost OKW 333.4, including the spurs located near milepost OKW 332, in McMinn County, TN (the “Line”).

CSXT opposes the imposition of a second public use condition. The Board previously imposed a public use condition in *CSX Transportation, Inc.-Abandonment Exemption-in McMinn County, Tenn.*, STB Docket No. AB 55 (Sub-No. 694X) (STB served August 13, 2009) (the “Decision”). The 180-day period for the public use condition expired. The Board stated that “it is well-settled that 180 days is the maximum period permitted by statute for a public use condition and that the condition may not be extended beyond that time. See 49 U.S.C. § 10905; 49 C.F.R. § 1152.28(b); *Rail Abans.—Public Use Conditions—Revision*, 8 I.C.C.2d 392, 395-98 (1992).” *Union Pacific Railroad Company—Abandonment Exemption—in Freeborn County, Minn.*, STB Docket No. AB-33 (Sub-No. 298X) slip op. at 2 (STB served June 21, 2012). Therefore, CSXT respectfully requests that the Board deny the second public use condition.

In *CSX Transportation, Inc.-Abandonment Exemption-in McMinn County, Tenn.*, STB Docket No. AB 55 (Sub-No. 694X) (STB served May 1, 2012), the Board extended the period to negotiate interim trail use/rail banking to August 27, 2012. By this letter, CSXT notifies the Board that it agrees to negotiate trail use with Proponents and at this time agrees to a 180-day extension of the negotiation period from August 27, 2012 until February 23, 2013. As provided in 49 C.F.R. §1152.29(e)(2), the extension of the trail

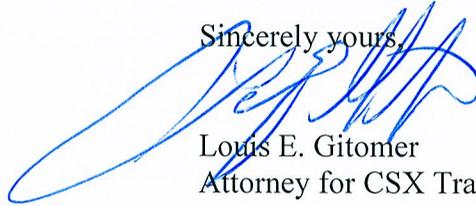
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negotiation period until February 23, 2013, creates a regulatory barrier to consummation of the abandonment, which provides CSXT with an additional 60 days to consummate the abandonment to April 24, 2013, if trail negotiation is unsuccessful. CSXT respectfully requests that the Board confirm that the extension of the consummation period as provided in the regulations applies in this instance.

CSXT also notifies the Board that it has complied with two of the conditions imposed in the *Decision*. On August 18, 2009, CSXT consulted with the Mayor of the Town of Englewood regarding maintenance of road crossings and property along the line prior to commencement of any salvage activities. In addition, CSXT notified the National Geodetic Survey of CSXT's intent to salvage the Line on October 3, 2009.

This letter is being efiled. Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



Louis E. Gitomer  
Attorney for CSX Transportation, Inc.

Cc: Mayor Gentry