

237305

December 23, 2014

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

ENTERED
Office of Proceedings
December 23, 2014
Part of
Public Record

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 in 2009, and that Segment has been transferred to MCC. The trail on the Memphis Segment, which is now completed, has been a great success within the community.

Since then, the Parties have continued their negotiations for the Cordova Segment. On June 30, 2010; June 9, 2011; June 20, 2012; and May 23, 2013, MCC and Shelby County requested one year extensions of the NITU to facilitate those negotiations. The most recent extension request, granted on June 2, 2014, was for 6 months. I am pleased to say that the parties completed the sale of the Cordova Segment from MP 216.92 to 212.79 on December 19, 2014.

However, the parties continue to negotiate over the final section of the Cordova Segment that extends from MP 212.79 to MP 210.66. They believe that they can complete those negotiations within one year. Therefore, the Parties request an extension of the NITU negotiating period with respect to the remainder of the Cordova Segment, until December 31, 2015.

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).

December 23, 2014

Page 2

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.

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.