

DEPARTMENT OF LAW

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April 12, 2002

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423

AB 55 592

Office of the Secretary  
ENTERED  
APR 15 2002  
Part of  
Public Record

Re: **Docket No. AB-55 (Sub-No. 529X)**  
**CSX Transportation, Inc. - Abandonment Exemption**  
**Clark County, Indiana**

Dear Mr. Williams:

On April 5, 2002, the Surface Transportation Board (the "Board") issued a decision granting a request made by CSX Transportation ("CSX") to extend the NITU negotiating period for the line segment between milepost B-1.3 and milepost B-4.96.

Because CSX had already consummated abandonment of the line segment between milepost B-4.96 and milepost B-5.52, the Board ruled that its jurisdiction over this segment expired and that NITU conditions could no longer be applied to this 0.56 mile segment.

The Board also ruled that NITU conditions could no longer apply to the segment between milepost B-5.52 and B-6.7. In support of this ruling, the Board wrote:

"the predicate for interim trail use of rail lines is that the right-of-way be available 'rail-banked' for future active rail use. Such future use cannot be assured if the connections between the rail banked lines and the national rail system are withdrawn from the Board's jurisdiction. Because the railroad states that it has now consummated the abandonment of the segment of line between B-4.96 and B-5.52, it appears that the segment between milepost B-5.52 and B-6.7 no long qualifies for a NITU."

## DEPARTMENT OF LAW



Page Two  
April 12, 2002  
Letter to Vernon Williams

The Board's decision allowed CSX or the City of Jeffersonville until April 15 to submit evidence explaining why the segment between milepost B-5.52 and milepost B-6.7 still qualifies for a NITU. The City of Jeffersonville respectfully contends that this segment does qualify for a NITU and in support submits the following.

The attached map shows that although the segment in question has been severed from the CSX rail system, it remains connected to the national system and under the Board's jurisdiction via a connection to the Louisville & Indiana Railroad Company's active right-of-way at approximately milepost B-6.1 and milepost B-6.45. The fact that this segment intersects active railroad right-of-way means that it is still possible for the segment to be available – "rail-banked"-for future active rail use. The City of Jeffersonville therefore argues that this 1.18 mile segment remains under the Board's jurisdiction and that it still qualifies for a NITU.

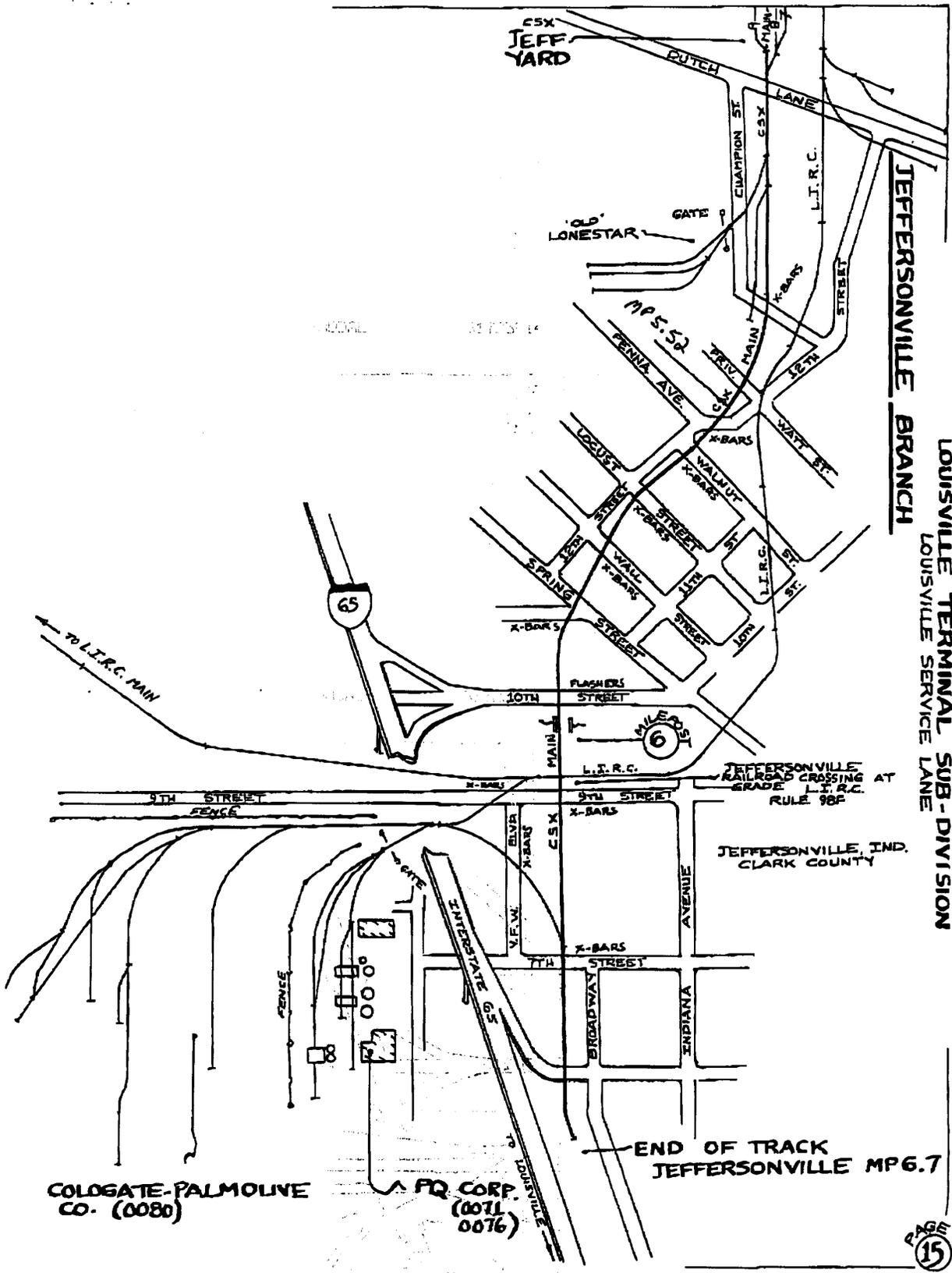
The City of Jeffersonville therefore requests that the Board amend its April 5, 2002 decision to include an extension of the NITU negotiating period for the segment between milepost B-5.52 and milepost B-6.7. The City of Jeffersonville requests that said extension be granted (per CSX's original request) until September 30, 2002, in order for the City to complete trail negotiations with the railroad.

Yours truly,

Anne Marie Galligan  
City Attorney

AMG/slk

cc: Natalie S. Rosenberg  
CSX Transportation –Law Department  
500 Water Tower (J150)  
Jacksonville, FL 32202



**JEFFERSONVILLE BRANCH**

**LOUISVILLE TERMINAL SUB-DIVISION**  
**LOUISVILLE SERVICE LANE**

JEFFERSONVILLE RAILROAD CROSSING AT GRADE L.I.R.C. RULE 98F

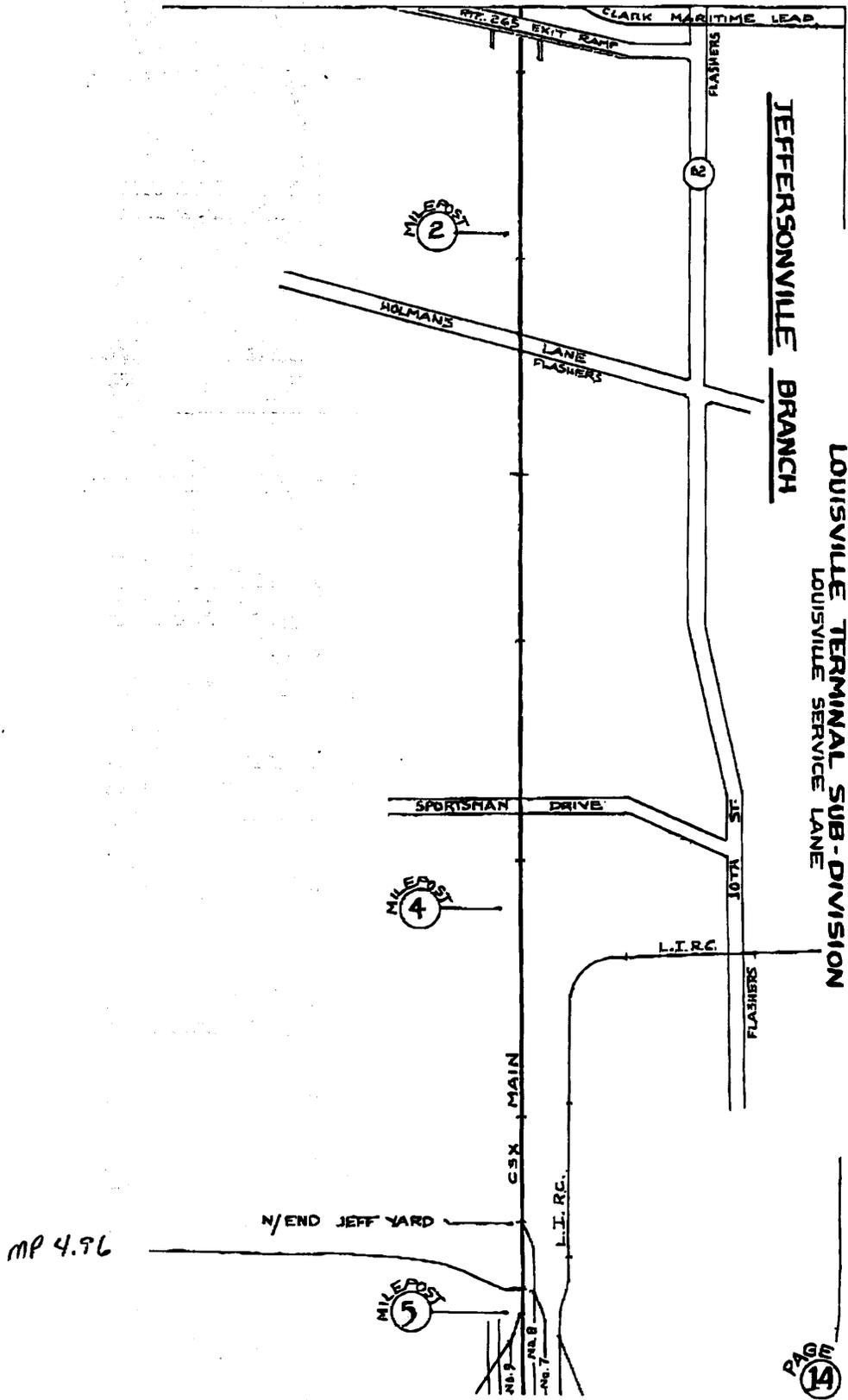
JEFFERSONVILLE, IND. CLARK COUNTY

END OF TRACK JEFFERSONVILLE MP 6.7

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PQ CORP. (0071, 0076)

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