


Finucane Law Office
LLP

Thomas J. Finucane
Eileen C. Finucane

www.finucanelawoffice.com

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273 Lincoln Way East
Chambersburg, PA 17201
717-264-4104
Fax 717-264-0142

October 10, 2003

209100



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

Re: STB Docket No. AB-55 (Sub-No. 568X)
CSX Transportation, Inc. – Abandonment
Exemption in Franklin County, Pennsylvania

Dear Mr. Williams:

I represent the Borough of Chambersburg. Enclosed herewith please find the original and 10 copies of the Borough's response to New Franklin Properties, LLC's petition to intervene.

Please file the original and 9 copies and return one stamped copy to me in the envelope provided.

Very truly yours,



THOMAS J. FINUCANE
Borough Solicitor

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BEFORE THE SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (SUB-NO. 568X)

CSX TRANSPORTATION, INC.
ABANDONMENT EXEMPTION
IN FRANKLIN COUNTY, PENNSYLVANIA

RESPONSE TO PETITION TO INTERVENE
OF FRANKLIN PROPERTIES, LLC

October 10, 2003

Thomas J. Finucane, Esquire
Finucane Law Office LLP
273 Lincoln Way East
Chambersburg, PA 17201
(717) 264-4104

Attorney for Borough of
Chambersburg

Reply to Petition to Intervene

Now comes the Borough of Chambersburg, by its Solicitor,
Thomas J. Finucane, Esq. and replies to the Motion to Intervene as
follows:

Background. New Franklin Properties, LLC (“New Franklin”) filed a
petition to intervene. Part II of the petition is “Response to the
Borough’s Position”.

Intervention. Borough has no objection to the requested intervention by
New Franklin.

However the Borough responds to the allegations in the New Franklin
“Response to Borough’s Positions” as follows:

1. It is believed that the time to apply for an OFA has expired or in the
alternative that the Borough’s offer to acquire the right of way
constitutes an OFA.

 2. The Borough intends to use the right of way as a sidetrack in
accordance with a sidetrack agreement that is required under the terms of
the proposed agreement between CSXT and the Borough. Federal funds
-

are set aside to pay CSXT for the value of the right of way (less a possible 20% contribution by CSXT).

3. The Borough's contends that the multi-party agreement (attached to the Borough's response to the Foxes OFA Petition) provided as an integral part of the document that the Borough or other public entity would acquire the right of way and further provided 5 years for CSXT and the Borough to enter an agreement.

4. The Foxes have advised the Borough that they wish to sell the land they own that is adjacent to the "middle" right of way, which is the right of way to the North of Main Street. Therefore it is advantageous that a governmental entity control the right of way.

5. The Borough understands that it may not sell the right of way for two years after acquisition from CSXT.

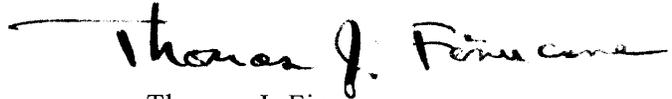
6. The Borough understands that a prior OFA (for the right of way adjoining the subject right of way on the North) from the Foxes, although approved, has not been paid to CSXT (although a partial payment was made).

7. The Borough incorporates herein by reference the Borough's
Response to the Foxes' OFA Petition.

Wherefore the Borough of Chambersburg concurs that the Petition
for Intervention be granted but that the relief requested by the Foxes in
their OFA Petition be denied.

Dated: October 10, 2003

Respectfully submitted,

A handwritten signature in black ink, reading "Thomas J. Finucane". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Thomas J. Finucane
Attorney for Borough

CERTIFICATE OF SERVICE

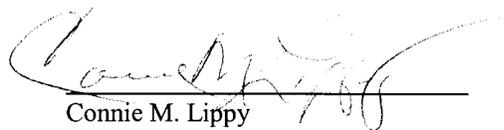
I, Connie M. Lippy, a secretary in the law offices of Finucane Law Office LLP, hereby certify that I have served this day the foregoing document, by depositing same in the United States First Class Mail, postage prepaid, in Chambersburg, Pennsylvania, to the person and address indicated below:

Natalie S. Rosenberg, Esquire
Senior Counsel
CSX Transportation, Inc.
Law Dept.
500 Water Street
Jacksonville, FL 32202

Charles O. Beckley, II, Esquire
Beckley & Madden
P.O. Box 11998
Harrisburg, PA 17108

Lynn MacBride, Esquire
247 Lincoln Way East
Chambersburg, PA 17201

October 10, 2003



Connie M. Lippy
Finucane Law Office LLP