

210177

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February 26, 2004

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

ENTERED
Office of Proceedings

FEB 27 2004

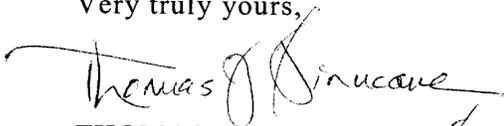
Part of
Public Record

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

Dear Mr. Williams:

In response to the Board's Order of January 16, 2004, we submit the enclosed Borough's Response in the pending matter. 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)

ENTERED
Office of Proceedings

FEB 27 2004

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

Part of
Public Record

RESPONSE

February 26, 2004

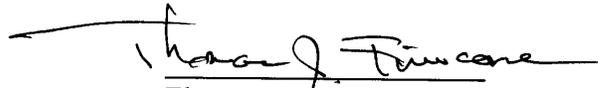
Thomas J. Finucane, Esquire
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Attorney for Borough of
Chambersburg

Response

1. The Borough has reviewed the affidavit of Frederick Armstrong Fox. The Borough disagrees with paragraph 38 (relating to Mr. Fox not understanding any reason why the Borough would want to acquire Segment 1).
2. The reasons, showing the public interest in the transfer of Segment 1 to the Borough were fully set forth in the Borough's recent filing.
3. The Borough stands ready to promptly acquire Segment 1 (the agreed funding is in an existing force account).

Wherefore it is requested that the various requests of the Foxes and their related entities be denied and the Borough permitted to proceed as set forth in the existing agreement between the Commonwealth of Pennsylvania and CSXT (submitted earlier) which required CSXT to transfer Segment 1 to the Borough or some other public entity.


Thomas J. Finucane
Borough Solicitor

February 26, 2004

CERTIFICATE OF SERVICE

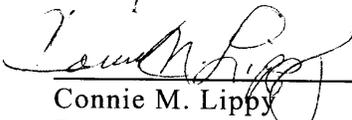
I, Connie M. Lippy, a secretary in the law offices of Finucane Law Office LLP, hereby certify that I have served this day the foregoing document, by depositing same in the United States First Class Mail, postage prepaid, in Chambersburg, Pennsylvania, to the person and address indicated below:

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

February 26, 2004



Connie M. Lippy
Finucane Law Office LLP