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April 9, 2007

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

RE: Docket No. AB-55 (Sub-No. 598X), CSX Transportation, Inc.—Abandonment  
Exemption—in Greenbrier County, WV

Dear Secretary Williams:

CSX Transportation, Inc. (“CSXT”) respectfully requests reinstatement of and an extension of time until June 1, 2007, in which to consummate the above-titled abandonment.

CSXT filed a notice of exemption on September 24, 2001 under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 13.6-mile line of railroad between Rupert Junction at milepost CAH-7.2 and Clearco at milepost CAH-20.8 in Greenbrier County, WV (the “Line”). Notice of the exemption was served and published in the *Federal Register* on October 12, 2001 (66 FR 52180-81).

Even though the Line had been out of service for over two years when CSXT sought the abandonment exemption, the coal mine located on the Line believed that in the future it would become economical to mine coal and desired to preserve the Line as part of its facility for that future purpose. CSXT entered negotiations to lease the Line to the coal mine. The parties determined that the best use of the Line would be as spur and switch track only serving the coal mine in the future. In order to accommodate the coal mine, CSXT planned (1) to negotiate a lease with the coal mine, and (2) to abandon the Line immediately prior to consummating the lease, to reclassify the Line as spur track, and to consummate the lease.

To facilitate the plan to accommodate the request of the coal mine, CSXT sought several extensions of the consummation date for the abandonment of the Line while the parties

negotiated the lease of the Line. Inadvertently, the last extension sought by CSXT was filed on April 9, 2004 and granted by the Board on April 16, 2004, extending the consummation date until October 9, 2004.

CSXT and the coal mine have now successfully completed the negotiation of the lease of the Line. However, before consummating the lease, CSXT must abandon the Line to accommodate the coal mine. In order to consummate the abandonment, CSXT must either receive reinstatement of the abandonment and an extension of the consummation date, or file a new abandonment notice of exemption. CSXT contends that there is good cause to reinstate the abandonment and grant an extension.

CSXT sought to abandon the Line where service had not been provided for more than two years. Since filing the notice of exemption, CSXT has not received a request to provide rail service over the Line and has not moved any traffic over the Line. To seek new abandonment authority, CSXT would be required to incur the time and expense of again complying with the Board's rules, even though nothing has changed since abandonment authority was sought in 2001. In addition, reclassification of the Line and its lease to the coal mine would be delayed. Further, requiring CSXT to file a new notice of exemption would be contrary to the rail transportation policy because it would: (1) not minimize Federal regulatory control over the rail transportation system (49 U.S.C. §10101(2)); (2) not promote a safe and efficient rail transportation system (49 U.S.C. §10101(3)); (3) not foster sound economic conditions in transportation (49 U.S.C. §10101(5)); (4) not reduce regulatory barriers to exit (49 U.S.C. §10101(7)); and (5) not provide for the expeditious handling and resolution of proceedings (49 U.S.C. §10101(15)).

CSXT respectfully requests the Board to reinstate the abandonment and grant an extension of time to consummate the abandonment until June 1, 2007.

CSXT is e-filing this letter. Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours



Steven C. Armbrust