

## EXPEDITED CONSIDERATION REQUESTED

January 30, 2009

### Via Electronic Filing

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 Acting Secretary Quinlan:

Reference is made 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”).

A brief extension of the NITU negotiating period was agreed to by the Parties, but expired on June 22, 2008. Further extensions until November 19, 2008 and January 30, 2009 were requested and granted by the Board as to the “Memphis Segment,” which extends from MP ONI 224 (VS 11812+37) to MP ONI 216.92 (VS 11439+97), which is located between downtown Memphis and Shelby Farms.<sup>1</sup>

The Parties are writing to request an extension of the NITU negotiating period with respect to the “Memphis Segment”, for an additional 60 days, until March 31, 2009.<sup>2</sup> As information, the Parties have executed a separate letter agreement indicating their willingness to enter into a trail use agreement with respect to the Memphis Segment, and are negotiating the terms of that agreement. There are, however, several additional steps remaining to be taken to consummate this transaction, which necessitate an extension of the NITU.

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<sup>1</sup> The Party’s also requested and obtained an extension of the NITU, until June 22, 2009, for the “Cordova Segment,” which is comprised of the remainder of the CSXT line. The Cordova Segment is not a subject of this NITU extension request.

<sup>2</sup> 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).

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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.

Very truly yours,



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cc: Parties of Record (via electronic mail)