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May 7, 2009

VIA ELECTRONIC FILING

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: **Finance Docket No. 35110**
Florida Department of Transportation -- Acquisition
Exemption -- Certain Assets of CSX Transportation, Inc.

Dear Secretary Quinlan:

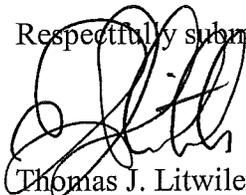
On April 3, 2009, Florida Department of Transportation ("FDOT") filed a Verified Notice of Exemption and an accompanying Motion to Dismiss in the above-captioned proceeding. FDOT hereby withdraws its previous request for expedited consideration of its motion to dismiss and respectfully requests that the Board hold these matters in abeyance pending further filing from FDOT.

Last week, the Florida legislation contemplated for the proposed transaction which is the subject of this proceeding was not passed. The implications of this development are under review, and FDOT will advise the Board of its intentions within not more than 30 days from the date of this letter.

In the meantime, it is unnecessary for the Board and other parties to continue their consideration of the matters presented by FDOT's motion to dismiss.

FDOT's abeyance request also renders moot the request for extension of time filed on May 5 by the Brotherhood of Railroad Signalmen.

Respectfully submitted,



Thomas J. Litwiler
Attorney for Florida Department of Transportation

TJL:tl

cc: Richard S. Edelman, Esq.