

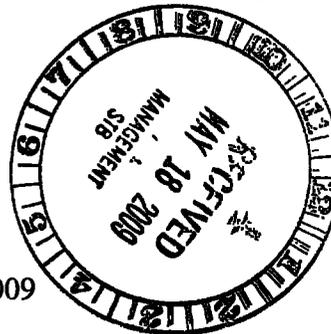


TOWN OF FRAMINGHAM

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Town Manager
Julian M. Suso

Assistant Town Manager
Timothy D. Goddard



May 11, 2009

Board of Selectmen
A. Ginger Esty, Chair
Laurie Lee, Vice Chair
Charles J. Sisitsky, Clerk
Dennis L. Giombetti
Jason A. Smith

Honorable Anne K. Quinlan, Acting Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, D. C. 20423

225122

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Office of Proceedings

MAY 18 2009

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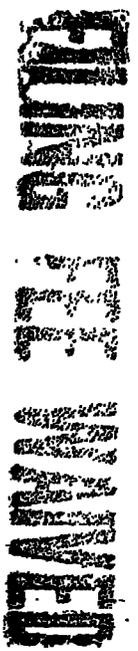
RE: Docket No. AB-565 (Sub-No. IX), *New York Central Lines, LLC—
Abandonment Exemption—in Middlesex County, MA*
~~Docket No. AB-55 (Sub-No. 593X), *CSX Transportation, Inc.—Discontinuance
of Service Exemption—in Middlesex County, MA*~~

Dear Secretary Quinlan:

The Town of Framingham, MA ("Framingham") requests that the Surface Transportation Board (the "Board") issue a notice of interim trail use/rail banking pursuant to 16 U.S.C. § 1247(d) for a line of railroad that extends from railroad milepost QBS 0.00 at Framingham to railroad milepost QBS 3.40 at the Framingham town line, a distance of 3.40 miles in Middlesex County, MA, in the above-entitled proceeding. Framingham understands that the line is now owned and operated by CSX Transportation, Inc. ("CSXT"), successor by merger to New York Central Lines, LLC., and that CSXT has not consummated the abandonment of the line.

As required by the Board's rules at 49 C.F.R. § 1152.29(a)(3), Framingham submits the following Statement of Willingness to Assume Financial Responsibility.

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, the Town of Framingham is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by CSX Transportation, Inc. The property, known as the Albany Division, Fitchburg Subdivision, extends from railroad milepost QBS 0.00 in Framingham to railroad milepost QBS 3.40 at the Framingham town line, a distance of 3.40 miles in Middlesex County, MA. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-565 (Sub-No. IX).



In addition, the town of Framingham has recently completed an independent appraisal of the property and is about to initiate discussions with CSX to share information regarding the value of the ROW. We have been in discussions with CSX regarding this extension and they are in agreement with our request.

A map of the property depicting the right-of-way is attached.

The Town of Framingham acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

The Town of Framingham is a local government entity. Therefore, a waiver of the filing fee is requested pursuant to 49 C.F.R. § 1102.2(e)(1).

Enclosed is the original and one copy of this letter. Please time and date stamp the additional copy of this letter and return to this office. Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



A. Ginger Esty
Chair

Enclosures

cc: Board of Selectmen
Julian M. Suso, Town Manager
Christopher J. Petrini, Town Counsel
Eugene Kennedy, Assistant Director of Planning
Tom Michelman, President of the FBFRT
Bruce McMahan, CSX Regional Property Manager
Mr. David Geraci, CSX Manager of Network Rationalization
John Stasik