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May 28, 2009

Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20024

RE: Docket No. AB-565 (Sub-No. 1X), *New York Central Lines, LLC—Abandonment Exemption—in Middlesex County, MA*

Dear Acting Secretary Quinlan:

Reference is made to the letter, dated May 27, 2009 (and filed with the Board on May 28, 2009), from Maureen G. Valente, Town Manager, on behalf of the Town of Sudbury (“Sudbury”), requesting an extension of the NITU negotiating deadline for a portion of the 1.4-mile portion of line (the “Sudbury Line”) in the above captioned matter that extends north from the Framingham town line at MP QBS 3.40 to the intersection of the former Penn Central Transportation Company line at MP QBS 4.80¹ (the “Sudbury Extension Request”). (The entire line in the above captioned matter consists of a 4.80-mile portion of a line of railroad known as the Albany Division, Fitchburg Subdivision, extending from milepost QBS 0.00 at Framingham to milepost QBS 4.80 at South Sudbury, in Middlesex County, MA (the “Line”).)

Reference is also made to the letter, dated May 11, 2009 (and filed with the Board on May 18, 2009), from A. Ginger Esty, Chair, on behalf of the Town of Framingham (“Framingham”), requesting an extension of the NITU negotiating deadline for the 3.4-mile portion of the line (the “Framingham Line”) in the above captioned matter that extends from milepost QBS 0.00 at Framingham to milepost QBS 3.40 at the Framingham town line (the “Framingham Extension Request”).²

CSX Transportation, Inc. (“CSXT”), as successor by merger to New York Central Lines, LLC, acknowledges the Sudbury Extension Request and the Framingham Extension Request (collectively, the “NITU Extension Requests”) and wishes to continue the negotiations for an NITU with respect to the Sudbury Line and the Framingham Line for

¹ Sudbury inadvertently described the end point of the Sudbury Line at “MP QBS 4.90”.

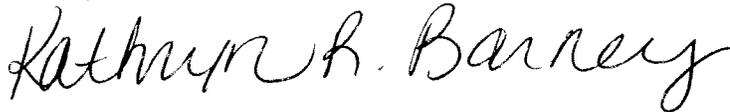
² Based on the NITU expiration date, CSXT will deem the Framingham Extension Request to refer to November 9, 2009.

the reasons described in each of the NITU Extension Requests. Therefore, CSXT concurs in the requests for an extension of the negotiating deadline to November 9, 2009 and also requests an extension of the consummation deadline for abandonment of the Line to January 8, 2010.³

Accordingly, CSXT respectfully requests that the Board grant the NITU Extension Requests.⁴

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

Very truly yours,



Kathryn R. Barney

cc: Parties of Record

³ The most recent extension for negotiating trail use for the Line expired on May 13, 2009 (the “Negotiating Deadline”) and the current consummation deadline for consummating the abandonment is July 12, 2009. Sudbury appears to have inadvertently calculated the 180-day extension of the NITU expiration date to be November 11, 2009 – as opposed to November 9, 2009. Although CSXT would accept either date as the new NITU negotiating deadline, CSXT respectfully suggests setting the date to November 9, 2009 to avoid confusion in the future.

⁴ As the Board noted in its Decision in this proceeding on February 13, 2009, “[in the event a] carrier has not consummated an abandonment at the end of the previously imposed negotiating period and has indicated its willingness to continue negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended.” See STB Docket AB-565 (Sub-No. 1X), February 13, 2009 (citing Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Village v. Missouri Pac. R.R. Co., 95 F.3d 654, 659 (8th Cir. 1996)).