

September 12, 2007

Honorable Vernon A. Williams
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Docket No. AB-1010
CSX Transportation, Inc. - Adverse Abandonment in Shelby County, Tennessee

Dear Secretary Williams:

On April 26, 2007, Memphis Community Connector ("MCC") filed a Petition for Waiver and Exemption in anticipation of filing an adverse abandonment application in the above-referenced docket. MCC intends to file an application for adverse abandonment of an unused CSX Transportation, Inc. ("CSXT") line, known as the Cordova Branch, in order to establish a public trail on the railroad's right-of-way. Because the Board has not yet decided MCC's Petition, MCC has been unable to file its adverse abandonment application.

On August 21, 2007, CSXT filed a Verified Notice of Exemption for voluntary abandonment of the Cordova Branch line, in *CSX Transportation, Inc. - Adverse Abandonment in Shelby County, Tennessee*, Docket No. AB-55 (Sub-No. 684X). However, CSXT subsequently withdrew its Notice in a letter to the Board dated August 23, 2007, but then asked the Board to reinstate its Notice in a September 7, 2007 letter.

CSXT's initiation of a voluntary abandonment appears to render any application for adverse abandonment of the Cordova Line unnecessary at this time. MCC instead intends file a rails-to-trails request in Docket No. AB-55 (Sub-No. 684X).

Nevertheless, MCC desires to ensure that CSXT's abandonment of the Cordova Branch occurs in a timely fashion. MCC notes that CSXT initiated an abandonment proceeding for this same line several years ago, but ultimately elected to discontinue service.¹ Moreover, CSXT has displayed similar behavior in the past month by filing, withdrawing, and then refileing its abandonment application. MCC desires to ensure that CSXT diligently prosecutes its abandonment application and does not use the process to delay MCC's request. Moreover, MCC desires to ensure that, if CSXT does not negotiate a rails-to-trails agreement, CSXT promptly consummates the abandonment upon obtaining Board authorization. The only way for MCC to do this is through an adverse abandonment application.

¹ See, *CSX Transportation, Inc. - Adverse Abandonment in Shelby County, Tennessee*, Docket No. AB-55 (Sub-No. 590 X), served Dec. 12, 2001..

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MCC, therefore, requests that the Board proceed to issue a decision on MCC's pending Petition for Waiver and Exemption in STB Docket No. AB-1010. This will enable MCC to promptly file an adverse abandonment application if CSXT discontinues its voluntary abandonment proceeding or unreasonably delays or fails to consummate the abandonment.

Sincerely,



Nicholas J. DiMichael
Attorney for Memphis Community Connector

cc: Louis Gitomer