

LAW OFFICES OF  
**LOUIS E. GITOMER**

LOUIS E. GITOMER  
LOU\_GITOMER@VERIZON.NET

THE ADAMS BUILDING, SUITE 301  
600 BALTIMORE AVENUE  
TOWSON, MARYLAND 21204-4022  
(202) 466-6532  
FAX (410) 332-0885

March 22, 2010

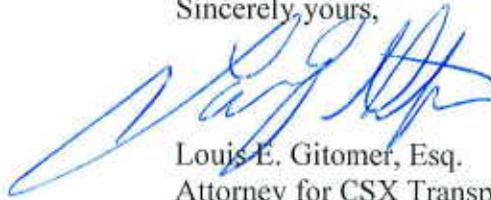
Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

**RE:** Finance Docket No. 35312, *Massachusetts Department of Transportation-  
Acquisition Exemption-Certain Assets of CSX Transportation, Inc.*

Dear Ms. Brown:

Enclosed for e-filing is the Response of CSX Transportation, Inc. to the Motion to File Reply. Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer, Esq.  
Attorney for CSX Transportation, Inc.

Enclosure

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

FINANCE DOCKET NO. 35312

---

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
– ACQUISITION EXEMPTION –  
CERTAIN ASSETS OF CSX TRANSPORTATION, INC.

---

RESPONSE OF CSX TRANSPORTATION, INC. TO MOTION TO FILE REPLY OF THE  
BROTHERHOOD OF RAILROAD SIGNALMEN, BROTHERHOOD OF MAINTENANCE  
OF WAY EMPLOYEES DIVISION/IBT AND AMERICAN TRAIN DISPATCHERS  
ASSOCIATION

---

Peter J. Shudtz, Esq.  
Steven C. Armbrust, Esq.  
CSX Transportation, Inc.  
500 Water Street J-150  
Jacksonville, FL 32202  
(904) 359-1229

Louis E. Gitomer, Esq.  
Melanie B. Yasbin, Esq.  
Law Offices of Louis E. Gitomer, LLC  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204  
(410) 296-2250

Counsel for CSX Transportation, Inc.

Dated: March 22, 2010

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

FINANCE DOCKET NO. 35312

---

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
– ACQUISITION EXEMPTION –  
CERTAIN ASSETS OF CSX TRANSPORTATION, INC.

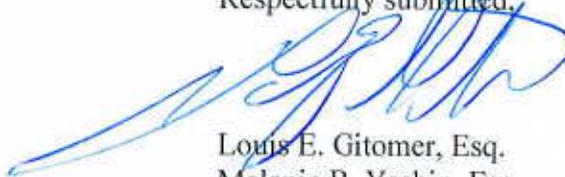
---

RESPONSE OF CSX TRANSPORTATION, INC. TO MOTION TO FILE REPLY OF THE  
BROTHERHOOD OF RAILROAD SIGNALMEN, BROTHERHOOD OF MAINTENANCE  
OF WAY EMPLOYEES DIVISION/IBT, AND AMERICAN TRAIN DISPATCHERS  
ASSOCIATION

---

CSX Transportation, Inc. (“CSXT”) does not oppose the Motion to File Reply of the Brotherhood of Railroad Signalmen, Brotherhood of Maintenance of Way Employees Division/IBT, and the American Train Dispatchers Association (“Labor”) filed on March 5, 2010 (the “Motion”). The Reply clarifies Labor’s position and demonstrates that the underlying theory of *Maine DOT-Acq. Exemption, ME. Central R. Co.*, 8 I.C.C.2d 835 (1991) (“*State of Maine*”) is correct and supported by precedent as provided in CSXT’s Response.

Respectfully submitted,



Peter J. Shudtz, Esq.  
Steven C. Armbrust, Esq.  
CSX Transportation, Inc.  
500 Water Street J-150  
Jacksonville, FL 32202  
(904) 359-1229

Louis E. Gitomer, Esq.  
Melanie B. Yasbin, Esq.  
Law Offices of Louis E. Gitomer, LLC  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204  
(410) 296-2250

Counsel for CSX Transportation, Inc.

Dated: March 22, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing document to be served electronically or by first class mail, postage pre-paid on the parties of record to this proceeding.



Louis E. Gitomer, Esq.  
March 22, 2010