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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

CSX TRANSPORTATION, INC. -- ABANDONMENT EXEMPTION -- IN GREENBRIER AND FAYETTE COUNTIES, WV	)))))))	Docket No. AB-55 (Sub-No. 768X)
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**PETITION FOR LEAVE TO
LATE-FILE NOTICE OF INTENT
TO SUBMIT AN OFFER OF FINANCIAL ASSISTANCE**

JJ Resources, LLC, a West Virginia corporation (“JJR”), pursuant to 49 C.F.R. Part 1117.1, respectfully requests leave to file the accompanying Notice of Intent to Submit An Offer of Financial Assistance (“Notice”) three (3) days later than the date prescribed by 49 C.F.R. Part 1152.27(c)(2)(i). In support hereof, JJR shows as follows:

1. On or about January 9, 2017, CSX Transportation, Inc. (“CSXT”) filed a Verified Notice of Exemption in the captioned docket pursuant to 49 C.F.R. Part 1152.50, for the abandonment of approximately 6.0 miles of rail line between its mileposts CAF 21.0 and CAF 27.0 in Greenbrier and Fayette Counties, WV (the “Line”).
2. The Board published CSXT’s Verified Notice of Exemption on January 27, 2017. Therein, it was noted that any formal expressions of an intent to file an Offer of Financial Assistance (“OFA”) pursuant to 49 U.S.C. § 10904 and 49 C.F.R. Part 1152.27(c)(2) were due on February 6, 2017.
3. Through wholly-owned operating subsidiaries, JJR owns and/or controls substantial coal reserves in the region where the Line is located, and is desirous

of preserving access to rail service over the Line. As described in the accompanying Notice, JJR plans to create a rail carrier operating subsidiary for the purpose of acquiring and operating the Line through the OFA process. However, JJR only became aware of CSXT's plans to abandon the Line through local media reports published on January 28, 2017.¹ Though JJR acted promptly to retain counsel and inquire as to the details of the proposed abandonment, the Board's January 29, 2017 publication of CSXT's Verified Notice of Exemption was discovered only today, three (3) days after the February 6 filing date for Notices of Intent had passed.

4. The submission of an OFA by JJR and/or its operating subsidiary offers a *bona fide* prospect to preserve rail service and facilitate the renewed development of coal reserves in an area of the country that has been economically stressed for many years. Acceptance of JJR's Notice of Intent, which simply will preserve the *status quo* and would not prejudice any other interested party, would be an important first step in that process.

WHEREFORE, for good cause shown, JJR should be granted leave to late-file the accompanying Notice of Intent to Submit an Offer of Financial Assistance.

¹See Exhibit 1 hereto.

Respectfully submitted,

JJ Resources, LLC
3127 Keller Bend Road
Knoxville, TN 37922

Of Counsel:
SLOVER & LOFTUS LLP
1224 Seventeenth St., N.W.
Washington, D.C. 20036

Dated: February 9, 2017

By: Kelvin J. Dowd
A. Rebecca Williams
SLOVER & LOFTUS LLP
1224 Seventeenth St., N.W.
Washington, D.C. 20036
(202) 347-7170

A handwritten signature in black ink, appearing to read 'KJ Dowd', is written over the printed name of Kelvin J. Dowd.

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CSX wants to abandon 6 miles of track in Greenbrier, Fayette counties

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By Jeff Jenkins in News | January 28, 2017 at 3:13PM

SEWELL VALLEY, W.Va. — CSX wants to abandon six miles of track in Greenbrier and Fayette counties because no rail traffic has moved on it for more than two years.

A company spokesperson confirms CSX filed a request this week with the federal Surface Transportation Board to abandon the track in CSX's Sewell Valley Subdivision.

CSX Media Relations Manager Laura Phelps said the track isn't being used because of the decline in the coal industry.

Phelps said if the Surface Transportation Board approves the company's request, "we plan to transfer the corridor to the Greenbrier County Commission and the Fayette County Commission so they can convert the line to a walking trail."

Specifically the area is known as Rainelle Junction near Snake Island Road and continuing six miles north/northwest along the Meadow River.

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**Jeff Jenkins**

jjenkins@wvradio.com
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The award-winning native of Pratt, W.Va, took over as head of the news division of MetroNews in August 2000.

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CERTIFICATE OF SERVICE

I hereby certify that this 9th day of February, 2017, I have caused copies of the Petition of JJ Resources, LLC to be served electronically upon counsel for CSX Transportation, Inc. as follows:

Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204



Kelvin J. Dowd

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

CSX TRANSPORTATION, INC. --	)	
ABANDONMENT EXEMPTION -- IN	)	Docket No. AB-55
GREENBRIER AND FAYETTE	)	(Sub-No. 768X)
COUNTIES, WV	)	
	)	

**NOTICE OF INTENT TO
SUBMIT AN OFFER OF FINANCIAL ASSISTANCE**

JJ Resources, LLC, a West Virginia corporation ("JJR"), pursuant to 49 U.S.C. § 10904 and 49 C.F.R. Part 1152.27 (c)(2), hereby gives notice to the Board and to CSX Transportation, Inc. ("CSXT") of JJR's intent to submit an Offer of Financial Assistance ("OFA") with respect to the approximately 6.0-mile rail line from CSXT milepost CAF 21.0 to milepost CAF 27.0, in Greenbrier and Fayette Counties, WV, that is the subject of the Verified Notice of Exemption filed by CSXT in the captioned docket on January 9, 2017 (the "Line").¹ The OFA to be submitted by JJR will be for the purchase of the Line, and for its continued operation pursuant to 49 U.S.C. § 10904(f)(4) by a rail carrier subsidiary or affiliate of JJR.²

¹ This Notice is being submitted three (3) days after the date specified by the Board in its January 27, 2017 publication of CSXT's Verified Notice of Exemption. Accompanying this Notice is a Petition for Leave to Late-File Notice of Intent to Submit an Offer of Financial Assistance, wherein JJR shows good cause why it should be granted leave to file the Notice at this time.

² The new rail carrier subsidiary or affiliate will be established pursuant to applicable State law prior to the consummation of any agreement of sale that may result from JJR's OFA.

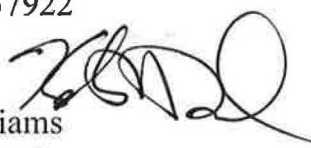
Counsel for JJR will submit to counsel for CSXT a request for the information described in 49 C.F.R. Part 1152.27(a).

Respectfully submitted,

JJ Resources, LLC
3127 Keller Bend Road
Knoxville, TN 37922

Of Counsel:
SLOVER & LOFTUS LLP
1224 Seventeenth St., N.W.
Washington, D.C. 20036

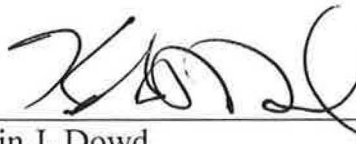
Dated: February 9, 2017

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Kelvin J. Dowd