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May 20, 2002

VIA AIRBORNE EXPRESS

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
Mercury Building
1925 K Street, N.W.
Washington, D.C. 20423

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Office of the Secretary

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**RE: Docket No. AB-565 (Sub-No. 8X)
New York Central Lines, LLC - Abandonment
Docket No. AB-55 (Sub-No. 608X)
CSX Transportation, Inc. - Discontinuance of Service
Delaware County, Ohio**

Dear Mr. Williams:

This letter is in response to the decision of the Board served on April 12, 2002 in the above captioned matter. CSXT requests a minor clarification to the decision to the extent the Board deems it necessary upon consideration of the facts set out below.

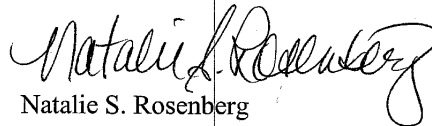
CSXT's exemption in this matter was based on a unique set of circumstances. Specifically, as CSXT noted in its notice of exemption, there is currently overhead freight traffic on the line. CSXT indicated that such overhead freight traffic on the line will be diverted to another CSXT rail line upon the construction of a track connection. CSXT further indicated that the track connection had not yet been constructed, but that CSXT was negotiating an agreement with the city of Delaware and the Ohio Rail Development Commission ("ORDC") wherein the ORDC would contribute funds for the construction of the connection track in exchange for the closure of the five grade crossings on the line. In order for the funds to be made available by ORDC, CSXT is required to procure abandonment authority. Because this line is utilized for overhead traffic, CSXT explained that it did not intend to consummate the abandonment until such time as the connection track construction is complete. As part of this discussion, CSXT indicated "*to the extent required*, CSXT will petition the Board for approval of the construction of the connection track. At this point, it appears that the connection will be constructed on CSXT property."

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In the Board's decision, the Board stated that "CSXT will petition the Board for approval of the construction of the connection track." CSXT is concerned that the "to the extent required" portion of the statement did not appear in the Board's decision. Upon further investigation, CSXT does not believe that Board approval is necessary for the construction of the connection track. I have learned that an old, dilapidated connection track currently exists at this location. It seems that CSXT would merely be refurbishing an old connection on CSXT property. Under the Board's authority relating to railroad relocations and reactivations of a railroad's existing system¹, CSXT does not believe that the Board would have authority over the rehabilitation of the connection track. Due to the language in the Board's decision, however, stating that CSXT would seek permission from the Board, CSXT felt it necessary to bring this matter to the Board's attention.

Please feel free to contact my office if you have any questions.

Very truly yours,


Natalie S. Rosenberg

¹ See Union Pacific Railroad Company-Petition for Declaratory Order-Rehabilitation of Missouri-Kansas-Texas Railroad Between Jude and Ogden Junction, TX, STB Finance Docket No. 33611 (August 21, 1998); City of Detroit v. Canadian National Ry. Co. et al, 9 I.C.C.2d 1208 (1993).