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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)**
)
)

**PETITION TO TOLL PERIOD
TO SUBMIT AN OFFER OF FINANCIAL ASSISTANCE**

JJ Resources, LLC, ("JJR"), pursuant to 49 C.F.R. Part

1152.27(c)(2)(ii)(C), petitions the Board to toll the 30-day period that otherwise is applicable to JJR's submission of an Offer of Financial Assistance ("OFA") under 49 U.S.C. § 10904, to purchase the rail line that is the subject of the captioned proceeding. In support hereof, JJR shows as follows:

1. On or about January 9, 2017, CSX Transportation, Inc. ("CSXT") filed a Verified Notice of Exemption to abandon approximately 6 miles of rail line on its Sewell Valley Subdivision in Greenbrier and Fayette Counties, WV (the "Line"). The Board published CSXT's Notice on January 27, 2017.
2. On February 9, 2017, JJR filed a Notice of Intent to Submit an Offer of Financial Assistance to acquire the Line, pursuant to 49 U.S.C. § 10904 and 49 C.F.R. Part 1152.27.¹ On February 10, 2017, JJR made a written request to CSXT for

¹ The Notice of Intent was accompanied by a request for leave to submit it three (3) days after the due date specified in 49 C.F.R. Part 1152.27(c)(2)(i), on the ground that JJR did not become aware of CSXT's filing until published reports surfaced at the end of

information necessary and relevant to the preparation of the OFA, in accordance with 49 C.F.R. Part 1152.27(a). A copy of the request is appended to this Petition as Exhibit A.

3. Under applicable rules, JJR's OFA would be due within thirty (30) days after publication of CSXT's Verified Notice of Exemption; *i.e.*, on February 27, 2017. However, CSXT has not yet responded to JJR's *bona fide* request for information concerning the Line, which was not included in the Verified Notice of Exemption and is essential to the preparation of an OFA. Under these circumstances, JJR is unable to comply with the otherwise applicable 30-day deadline for submission of its offer.

4. When JJR made its request to CSXT on February 10, it asked that the information be provided by February 17, 2007, thereby allowing JJR a reasonable period of time (ten (10) days) to evaluate the information, verify and/or correct it as appropriate, and prepare a formal offer to purchase the Line. JJR is prepared to abide by the same timeline if this Petition is granted.

WHEREFORE, for good cause shown, the Board should toll the time period for submitting an OFA in this matter under 49 C.F.R. Part 1152.27(c)(2) until at least ten (10) days after the date that JJR receives from CSXT the information requested in Exhibit A.

January, and was not aware of the due date for its Notice until after the date had passed and JJR had retained counsel.

Respectfully submitted,

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

Of Counsel:
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Washington, D.C. 20036

By: Kelvin J. Dowd 
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Dated: February 22, 2017

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February 10, 2017

VIA E-MAILLouis E. Gitomer, Esq.
Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204Re: STB Docket No. AB-55 (Sub-No. 768X),
CSX Transportation, Inc. -- Abandonment Exemption --
In Greenbrier and Fayette Counties, WV

Dear Lou:

As you know, yesterday JJ Resources, LLC ("JJR") served a Notice of Intent to submit an Offer of Financial Assistance ("OFA") under 49 U.S.C. § 10904 and 49 C.F.R. Part 1152.27(c), for the purchase of the 6.0-mile line that CSXT has proposed for abandonment in the referenced docket. Pursuant to 49 C.F.R. Part 1152.27(a), the purpose of this letter is to request that CSXT provide certain information to JJR concerning the line in question, to assist JJR in the preparation of its OFA.

Specifically, we request that CSXT provide the following:

1. An estimate of the minimum purchase price that CSXT would accept for the line, and all supporting information or documents.
2. The most recent available information (including but not limited to completed reports) that CSXT has in its possession regarding the condition of the line and the adjacent property.
3. CSXT's best estimate of the net liquidation value of the line, including available real estate appraisals, any assessments of the

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quality, quantity and salvage or re-use value of tracks, ties and other appurtenances in place on the line, and all supporting information or documents.

4. CSXT's best estimate of the cost of removing the rail assets and related materials from the line, and transporting these assets and materials to their likely next point of use or sale, with supporting documentation.
5. Documentation evidencing the nature of CSXT's real property interest (if any) in the right-of-way underlying the line.

In accordance with the applicable rules (49 C.F.R. Part 1152.27(c)(2)(ii)(B)), JJR plans to submit its OFA on or before February 27, 2017. To enable JJR to meet that date, we request that CSXT provide the information requested above no later than February 17, 2017. We would appreciate your advising us promptly if CSXT cannot comply with this request, or otherwise requires additional time that would justify extension of the deadline for the OFA pursuant to 49 C.F.R. Part 1152.27(c)(2)(ii)(C) or (D).

Please contact me at your earliest convenience if you have questions or otherwise would like to confer.

With best regards,

Sincerely,



Kelvin J. Dowd

KJD:lad

cc: Charles Kite, Esq.
A. Rebecca Williams, Esq.

CERTIFICATE OF SERVICE

I hereby certify that this 22nd day of February, 2017, I have caused copies of the foregoing 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


A. Rebecca Williams