

223329

EXPEDITED CONSIDERATION REQUESTED

August 21, 2008

Via Electronic Mail

RE. Docket No AB-55 (Sub-No. 684X), *CSX Transportation, Inc — Abandonment Exemption—in Shelby County, TN*, Request for Extension of NITU Negotiating Period

Dear Acting Secretary Quinlan.

Reference is made to the ongoing negotiations between and among the Memphis Community Connector ("MCC"), Shelby County ("Shelby County") and CSX Transportation, Inc. ("CSXT") regarding interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) (the "Trails Act") and 49 C.F.R. § 1152.29, of the above-captioned line (the "NITU request"), which was filed by the Memphis Community Connector ("MCC" and, together with Shelby County and CSXT, the "Parties") with the Board on October 5, 2007 (the "NITU request").

A brief extension of the NITU negotiating period was agreed to by the Parties, but expired on June 22, 2008. The consummation deadline with respect to abandonment of the line is August 21, 2008.

The Parties are writing to request an extension of the NITU negotiating period with respect to MP ONI 224 (VS 11812+37) to MP ONI 216.92 (VS 11439+97), which is located between downtown Memphis and Shelby Farms (the "Memphis Segment"), to Wednesday, November 19, 2008.¹ As information, the Parties have executed a separate letter agreement indicating each Party's willingness to enter into a trail use agreement with respect to the Memphis Segment, subject to general terms consistent with the Trails Act. In addition, the Parties have also indicated a desire to extend the NITU negotiating period with respect to the remaining segment of the line (the "Cordova Segment"), and will file a similar NITU extension request with respect to the Cordova segment simultaneously with this letter.

Because the NITU negotiating period has expired and the deadline for CSXT to consummate the abandonment is near, the Parties are requesting this extension, in order to have time to prepare a final Trail-Use Agreement with respect to the Memphis Segment and, pursuant to the separate extension request, continue negotiating with respect to the Cordova Segment.

¹ Because Shelby County, TN is a local government entity, the filing fees for this Request are waived pursuant to 49 C.F.R. 1002.2(c)(1).

EXPEDITED CONSIDERATION REQUESTED

The Parties are e-filing this letter. Thank you for your assistance and please feel free to contact any of us via phone or email (as set forth below our respective signatures) if you have any questions.

Very truly yours,



Jeffrey O. Moreno
Thompson Hine LLP
1920 N Street, NW
Washington, DC 20036
202-263-4107
Jeff Moreno at ThompsonHine.com
*Counsel for Memphis Community Connector
and Shelby County, TN*



Steven C. Armbrust
Counsel
CSX Transportation, Inc.
500 Water St
Jacksonville, FL 32202
904-359-1229
Steven.Armbrust@CSX.com

cc: Parties of Record (via electronic mail)