

# CITY OF FULTONDALE

POST OFFICE BOX 699  
FULTONDALE, ALABAMA 35068  
PHONE: (205) 841-4481  
FAX: (205) 841-2124

MAYOR:  
JIM LOWERY

MAYOR PRO-TEM:  
JOSEPH BOLTON

CITY CLERK:  
JANE HICKS

227808  
COUNCIL:  
WILLIAM HOWELL  
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September 13, 2010

Ms. Cynthia T. Brown  
Chief of Section Admin., Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20423



SEP 15 2010

Part of  
Public Record

Re: STB Docket No. AB-55 (Sub-No. 613x)

Dear Ms. Brown:

By decision served on October 2, 2007, the Surface Transportation Board (STB) issued a notice of interim trail use or abandonment (NITU) substituting the City of Fultondale, Al (the City), as the interim trail use proponent in lieu of Jefferson County, Alabama with respect to the 16.47-mile line which is the subject of the above-referenced proceeding. The Board also authorized a new negotiation period for the City and CSXT extending from October 2, 2007, until March 30, 2008.

By decisions served on April 3, 2008, October 2, 2008, April 6, 2009, and September 28, 2009, the trail use negotiation period under the NITU was extended to March 20, 2010. These decisions also extended the consummation notice filing deadline until March 19, 2010.

During the current extension period the City and CSXT have been involved in the negotiation of a Right-of-Entry Agreement required in order for the city to conduct environmental testing under the draft Purchase Sale Agreement, and the City obtained conditional access to funds available through an EPA Brownfield Grant to cover the cost of that ESA testing work. The City has now approved and is in the process of executing the Right-of-Entry Agreement to be submitted to CSXT for its approval and execution.

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"A FRIENDLY CITY"

Material progress has been made in these negotiations to-date, and the City desires an extension of the March 20, 2010 deadline in order to gain access to the site and conduct the ESA testing work to be funded through the Brownfield Grant. By copy of this letter to CSXT, I am requesting that CSXT notify you of its agreement with this requested extension of 180 days from the March 20<sup>th</sup> date. During the last extension we have received right-of-entry and have completed the environmental testing. By receiving this letter we are requesting that CSXT notify you of its agreement with this request extension of 180 days from September 15<sup>th</sup> date so we can complete the negotiations.

Respectfully submitted,

  
Jim Lowery, Mayor  
City of Fultondale

cc: CSX Transportation  
Attn: Bruce McMahon  
Manager- Public Agency Services  
301 West Bay Street, Suite 900, J-180  
Jacksonville, FL 32202

CSX Transportation  
Asset Management  
Attn: Stephanie Lemmon  
500 Water Street-J200  
Jacksonville, FL 32202