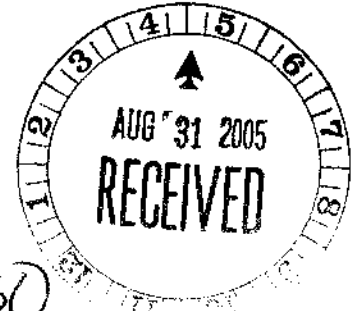


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August 31, 2005

## BY HAND DELIVERY

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

AUG 31 2005

Part of  
Public Record

Re: STB Docket No. AB-490 (Sub-No. 1X)  
Greenville County Economic Development Corporation - Petition For  
Exemption For Partial Discontinuance And Partial Abandonment - In  
Greenville County, SC

Dear Secretary Williams:

This letter responds on behalf of Greenville County Economic Development Corporation ("GCEDC") to letters filed with the Board in this proceeding on August 11 and August 25, 2005 by Western Carolina Railway Service Corporation ("WCRS"). GCEDC does not believe that either WCRS letter requires any action by the Board.

WCRS's August 11 letter appears to ask that the Board toll the period for filing offers of financial assistance ("OFA's") until sometime after GCEDC tenders WCRS a form of liability release for WCRS's proposed inspection of the line at issue. No such tolling is necessary. GCEDC has already fully complied with the Board's regulations for providing information to WCRS, a fact that WCRS does not dispute. Those same regulations do not require GCEDC to provide physical access to the line. Thus, even if GCEDC refused to allow WCRS to inspect the line, tolling the OFA filing period would not be warranted.

Nonetheless, in an effort to provide WCRS with as much information as possible regarding the line, GCEDC offered to allow WCRS physical access to the line if WCRS would sign an appropriate liability release form. Although WCRS claims to have requested such a form via an e-mail sent on Sunday, July 31<sup>st</sup>, Mr. Andy White, local counsel for GCEDC, has no record of receiving such an e-mail and was out of the office the week that WCRS made its August 11 filing. Upon Mr. White's subsequent return to his office, a proposed release form was forwarded to Mr. Hawkins, WCRS's president. Since that time, the parties have been in discussions regarding the language of the form. Today, GCEDC and WCRS agreed on the terms of the release, the release was executed, and WCRS's inspection can begin promptly. As a result

The Honorable Vernon A. Williams  
August 31, 2005  
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and because OFA's will not be due until after the Board issues its scheduled October 12 decision on GCEDC's abandonment exemption petition, WCRS has ample time to inspect the line, review the information already provided to it, and to prepare an OFA. Accordingly, tolling the OFA filing period as requested by WCRS is neither appropriate nor necessary.

WCRS also filed an August 25 letter. This letter appears to seek some sort of Board intervention with respect to replacement of a grade crossing on the Northern Segment of GCEDC's line by the South Carolina Department of Transportation ("SC DOT"). In particular, it appears that WCRS fears that SC DOT is removing materials currently installed in the line. The Board need take no action on WCRS's August 25 request. GCEDC has advised SC DOT that it should not remove any portion of the rail line currently in place; pending complete resolution of the Board's proceeding here. GCEDC expects that SC DOT will comply with GCEDC's request. Accordingly, GCEDC believes that it is not necessary for the Board to take any action with respect to WCRS's fears that track is being dismantled by SC DOT.

A copy of this letter is being served today on all parties of record, including WCRS, by first class mail, postage prepaid. If there are any questions concerning this submission, please contact me by telephone at (202) 663-7823 or by e-mail at [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com).

Sincerely,



William A. Mullins

cc: Chairman, GCEDC  
Andrew J. White, Jr., Esq.  
Peter M. Strub