

Dealing with CSX can be a long haul for some towns

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Railroad giant CSX Corporation owns miles of land that crisscross Massachusetts and is a corporate citizen in many MetroWest cities and towns, but some communities say the company is difficult to work with.

The company was founded in 1980, and has grown significantly over the last 30 years as rail companies consolidated or went bankrupt. CSX owns active train tracks that ship freight all over the Northeast and former rail beds that lie dormant, making the company a major player in local transportation issues.

Some local officials have been frustrated in negotiations with CSX. The company maintains 670 miles of active rail lines and owns many more of abandoned trail bed. MetroWest communities including Framingham, Sudbury, Natick, Holliston and Sherborn have been working to buy property from CSX to create and connect rail trails for hikers and bikers.

The communities say those negotiations have often been long, drawn out affairs where CSX offers very little sense of urgency in selling property.

"Each proposal is different, but we try to work with the communities, and meet with them, and talk with them, and we do have people in the company who really focus on this because its something that is an interest to communities across our system," said CSX spokesman Robert Sullivan.

In Holliston, the town has partnered with Sherborn to purchase two miles of CSX trail bed, a process that has taken 14 years to complete. Robert Weidknecht, chairman of the Holliston Trails Committee, said the town hopes to close on the property sometime in November. The section of trail stretches 6.7 miles, so the towns will lease the rest of the property.

"I won't say we're a success story until we've actually signed the closing documents," Weidknecht said. "I won't pop a cork until I actually see the paper in my hand, the deed to the town of Holliston."

Weidknecht said Holliston and Sherborn were close to purchasing the property before in 1998, when Conrail still owned the property. The company was even going to donate two miles to the towns. But before a deal could be struck, Conrail went bankrupt and half its holdings were bought by CSX.

Since then, Weidknecht and Holliston have been trying to work with CSX to come to a deal.

"A simple question takes months to get a response from them," Weidknecht said. "It was very frustrating to go through this whole process of dealing with them and the time lag of dealing with CSX on that."

Weidknecht said part of the issue was that CSX's initial terms were very strict, with environmental cleanup requirements significantly more stringent than what's required by the state Department of Environmental Protection.

"Their agreements tend to be onerous, and you have to look at them carefully," Weidknecht said. "You can't take their initial documents, because they have to be one-sided. They're very sensitive to litigation and environmental issues. (Negotiating) all this takes time, which is the most frustrating part of it all."

Natick has been negotiating with CSX to buy abandoned trail bed since 2006. The land goes from downtown Natick to the Natick Mall, so a trail could

be a key link to the commuter rail station in the middle of town.

But Natick has had trouble finding common ground with CSX. Selectmen Josh Ostroff said the company has been valuing the property as if it were an active train line, when the last freight train on the tracks was in 2005.

"CSX, about five or six years ago, significantly hardened their bargaining position," said Ostroff. "They are seeking to extract maximum value on their right of way. The town and CSX have had negotiations, and the two sides are very far apart."

Sullivan said the company is publicly traded, and its business decisions do have to take into account its responsibility to investors.

"We have interest in helping communities achieve their goals and their visions, but at the same time we do have an asset that we are selling," Sullivan said. "At times the appraisals are apart, and that's not uncommon."

Natick's trail study committee is reviewing proposals for an electric motorized shuttle to run between downtown and the mall, to run in addition to a walking and biking trail. The town received \$500,000 from Natick Mall owner General Growth Properties specifically to help pay for the rail trail. That isn't enough to purchase the property, but has been used so far for feasibility studies.

"That gives us a great asset for planning our project that other communities don't have," Ostroff said. "We may be able to acquire the property using federal grants. That's no sure thing, but it is no less promising than the prospect of negotiating with CSX."

Sullivan said CSX would work with cities and towns to improve communication.

"We do very much try to work with these communities, and if there are issues where they say the communication is not there, we will try to work with them to make sure there is that open line of communication," Sullivan said. "It doesn't mean we can always be as immediately responsive as some people would like but we do try to do that."

Framingham and Sudbury are negotiating with CSX to connect their rail bed with the Bruce Freeman Rail Trail. The trail is currently built from the Lowell/Chelmsford line into Westford; the abandoned line runs all the way to Framingham.

John Stasik, a former Framingham selectman and the town's representative to the Friends of the Bruce Freeman Rail Trail committee, said the state purchased the majority of the trail from Lowell into Sudbury years ago. Framingham's first feasibility study for linking the land was in 2002. But there is about a mile of track in Sudbury and three miles in Framingham still owned by CSX, and both towns have had difficulty getting the rest of the land.

"We're in sort of limbo," Stasik said. "Just getting them to the table to talk to us has been difficult. They're not nasty or anything, it's just inaction."

Framingham's relationship with CSX is complex. The company owns four rail yards in town, and the freight lines that pass through town on the way to Worcester and Fitchburg. The town has nine at-grade street railroad crossings, and has been actively searching for a way to bypass the tracks to clear up the downtown traffic congestion the trains cause.

Framingham is trying to negotiate with the company to purchase the North Yard, which sits on the shores of Farm Pond.

Maurice O'Connell, CSX's local vice-president of community affairs, said the company has met with Framingham officials, but the issue is complicated.

"We have met with the town of Framingham on several occasions to discuss our rail operations," O'Connell said. "Land availability is an issue, and the delicate balance with the passenger issue is also a concern, and we don't want to do any thing that will affect the on time performance with the MBTA trains. All those things have to be considered."

Alison Steinfeld, Framingham's director of community and economic development, said he town hopes to build a mixed-use development on the site, creating housing and commercial space so citizens can take advantage of the water.

"We're confident that could be done from an operational point of view," Steinfeld said. "Engineers are working to identify alternatives for the operations from the North Yard. Those are ongoing discussions, and they're extremely technical and involve highly specialized engineers."

"The town has a good working relationship with CSX, although certainly most negotiations can be frustrating," she said. "The town wants to move faster than CSX might want to, but we are working with them. The town of Framingham understands that their priority is operations, and it has to be. I think

CSX understands the impact that all these trains have on the town."

CSX recently struck a deal with a MetroWest community; the company agreed to pay Westborough \$1 million for infrastructure improvements after the town approved CSX's planned \$18 million expansion of its bulk materials off-loading site, Town Manager Jim Malloy said.

"When we met with them and negotiated the impact of having that business here in town, we negotiated some off-site mitigation," Malloy said. "They were pretty good about increasing (the payment) so it was able to meet what all our department heads felt that they needed."

The expansion in Westborough will allow CSX to sell its Allston train yard to the state and reduce freight traffic on the Worcester-Framingham line into Boston. That will allow more commuter rail trains on the line by the end of 2012.

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