

# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS  
2401 PENNSYLVANIA AVENUE, NW  
SUITE 300  
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239338  
ENTERED  
October 8, 2015  
SURFACE  
TRANSPORTATION BOARD

WILLIAM A. MULLINS

(202) 663-7823 (Direct Dial)  
E-Mail: wmullins@bakerandmiller.com

October 8, 2015

## **BY HAND DELIVERY**

Cynthia T. Brown, Chief  
Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington DC 20423-0001

Re: Trustees of the Cincinnati Southern Railway Company – Abandonment  
Exemption – In Scott County, Tennessee, AB-557 (Sub-No. 1X)

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights, enclosed are an original and 11 copies of a verified abandonment notice of exemption for the abandonment of a rail line owned by the Trustees of the Cincinnati Southern Railway Company (“CSR”), which holds legal title to the approximately 3.09-mile rail line for the benefit of the City of Cincinnati. Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of \$3,900.00.

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier for return to me.

Sincerely,



William A. Mullins

Enclosures

cc: Emily Woerner  
Maqui Parkerson

FILED  
October 8, 2015  
SURFACE  
TRANSPORTATION BOARD

FEE RECEIVED  
October 8, 2015  
SURFACE  
TRANSPORTATION BOARD

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-557 (Sub-No. 1X)**

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**TRUSTEES OF THE CINCINNATI SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN SCOTT COUNTY, TENNESSEE**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**William A. Mullins  
CRYSTAL M. ZORBAUGH  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20037  
Tel: (202) 663-7820  
Fax: (202) 663-7849**

October 8, 2015

**Attorneys for the Trustees of the Cincinnati  
Southern Railway Company**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-557 (Sub-No. 1X)**

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**TRUSTEES OF THE CINCINNATI SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN SCOTT COUNTY, TENNESSEE**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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The Trustees of the Cincinnati Southern Railway Company (“CSR”), which holds legal title to the CSR line for the benefit of the City of Cincinnati, hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for CSR to abandon approximately 3.09 miles of rail line (referred to herein as the “Line”) extending from milepost NR 215.61 (near Helenwood) to milepost NR 218.7 (at New River) in Scott County, Tennessee.<sup>1</sup> The Line traverses United States Postal Zip Code territory 37755. There are no customers served on the Line, and the Line has been out of service for more than two years. In accordance with the

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<sup>1</sup> This proceeding is related to The Cincinnati, New Orleans and Texas Pacific Railway Company – Discontinuance of Service Exemption, STB Docket No. AB-290 (Sub-No. 354X)(STB served June 12, 2015) in which The Cincinnati, New Orleans and Texas Pacific Railway Company (“CNOTP”), a long term lessee of the CSR line, obtained authority to discontinue its operations over the CSR line. During the AB-290 (Sub-No. 354X) proceeding, CNOTP mistakenly believed that CSR was not carrier; thus, it did not coordinate with CSR to have CSR seek abandonment authority in conjunction with CNOTP’s discontinuance. CSR is in fact a rail carrier subject to the jurisdiction of the Board. See Trustees of the Cincinnati Southern Railway – Abandonment Exemption – & The Cincinnati, New Orleans & Texas Pacific Railway Company – Discontinuance Of Operations -- At Cincinnati, Ohio, AB-557X, AB-290 (Sub-No. 187X) (STB served Dec. 22, 1998). As a common carrier, CSR requires abandonment authority to extinguish its common carrier obligation. Accordingly, CSR is now seeking abandonment authority.

requirements of 49 C.F.R. §§ 1152.50(b) and (d), CSR provides the following information in support of its abandonment notice:

**Certification: 49 C.F.R. § 1152.50(b)**

CSR certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of Thomas C. Kilcoyne, President of the Trustees of the Cincinnati Southern Railway Company, attached hereto and made part hereof as Exhibit A.

**Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

The proposed abandonment will be consummated on or after November 27, 2015 (50 days after filing the notice of exemption).

**Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)**

**Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):**

Trustees of the Cincinnati Southern Railway Company, which holds legal title to the CSR line for the benefit of the City of Cincinnati.

**Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):**

CSR is a common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV, chapter 105.

**Relief sought (49 C.F.R. § 1152.22(a)(3)):**

CSR has invoked the Board's two-year-out-of-service class exemption procedures to abandon service over an approximately 3.09-mile rail line extending from milepost NR 215.61 (near Helenwood) to milepost NR 218.7 (at New River) in Scott County, TN.

**Map (49 C.F.R. § 1152.22(a)(4)):**

A detailed map showing the location of the Line is attached hereto as Exhibit B.

**Applicant's representative (49 C.F.R. § 1152.22(a)(7)):**

CSR's representatives to whom correspondence regarding this proceeding should be sent is as follows:

William A. Mullins  
Crystal M. Zorbaugh  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW, Suite 300  
Washington, DC 20037  
Tel: (202) 663-7820  
Fax: (202) 663-7849

**USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):**

The Line is located in United States Postal Zip Code territory 37755.

**Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):**

Following consummation of the abandonment, CSR has agreed to sell its interest in the right-of-way to KT Group. The corridor may be suitable for possible alternative public use(s) but this decision would be made by KT Group. There are three bridges on the Line that are also being conveyed to KT Group, L.L.C. Based on the information in CSR's possession, the Line does not contain federally-granted right-of-way. As appropriate, CSR is willing to make promptly available any information in its possession to anyone so requesting it.

**Labor Protection**

Because the Line has been out of service for over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of CSR employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

**Certifications**

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11.

**Environmental and Historic Report**

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), CSR has prepared a combined Environmental and Historic Report (“E&HR”) in anticipation of the proposed abandonment of the Line that conforms to the requirements of 49 C.F.R. §§ 1105.8 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).<sup>2</sup>

Respectfully submitted,



William A. Mullins  
Crystal M. Zorbaugh  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20037  
Tel: (202) 663-7820  
Fax: (202) 663-7849

October 8, 2015

Attorneys for Trustees of the Cincinnati Southern Railway  
Company

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<sup>2</sup> CSR notes that as part of the AB-290 (Sub-No. 354X) proceeding, which involved this same CSR line, CNOTP disclosed that the CSR line was to be sold to KT Group and that KT Group intended to salvage the line upon its abandonment. The Board issued an Environmental Assessment on May 8, 2015. In a decision issued on June 23, 2015, the Board issued a finding of no significant impact under 49 C.F.R § 1105.10(g) will be made pursuant to 49 C.F.R. § 1011.7(a)(2)(ix).

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-557 (Sub-No. 1X)**

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**TRUSTEES OF THE CINCINNATI SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN SCOTT COUNTY, TENNESSEE**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**VERIFICATION**

## Verification

I, Thomas C. Kilcoyne, President of the Board of Trustees for the Cincinnati Southern Railway Company ("CSR"), which holds legal title to the CSR for the benefit of the City of Cincinnati, hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of CSR in connection with this proceeding before the Surface Transportation Board.

Executed this 6<sup>th</sup> of October, 2015



Thomas C. Kilcoyne  
President, Board of Trustees for the  
Cincinnati Southern Railway

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-557 (Sub-No. 1X)**

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**TRUSTEES OF THE CINCINNATI SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN SCOTT COUNTY, TENNESSEE**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**EXHIBIT A**

**CSR CERTIFICATION**

**CERTIFICATION**

STATE OF TENNESSEE:

ss:

CITY OF CINCINNATI:

Thomas C. Kilcoyne makes oath and says that he is President of the Board of Trustees for the Cincinnati Southern Railway (“CSR”), which holds legal title to the CSR for the benefit of the City of Cincinnati; that the rail line between Mileposts NR 215.61 and NR 218.7, over which service is to be abandoned, is subject to the Trustees’ supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

  
\_\_\_\_\_  
Thomas C. Kilcoyne

Subscribed and sworn to before me  
this 6 day of October, 2015.

  
\_\_\_\_\_  
Notary Public

My commission expires:



Susan M. Howard  
Notary Public, State of Ohio  
My Commission Expires 10-16-2017

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-557 (Sub-No. 1X)**

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**TRUSTEES OF THE CINCINNATI SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN SCOTT COUNTY, TENNESSEE**

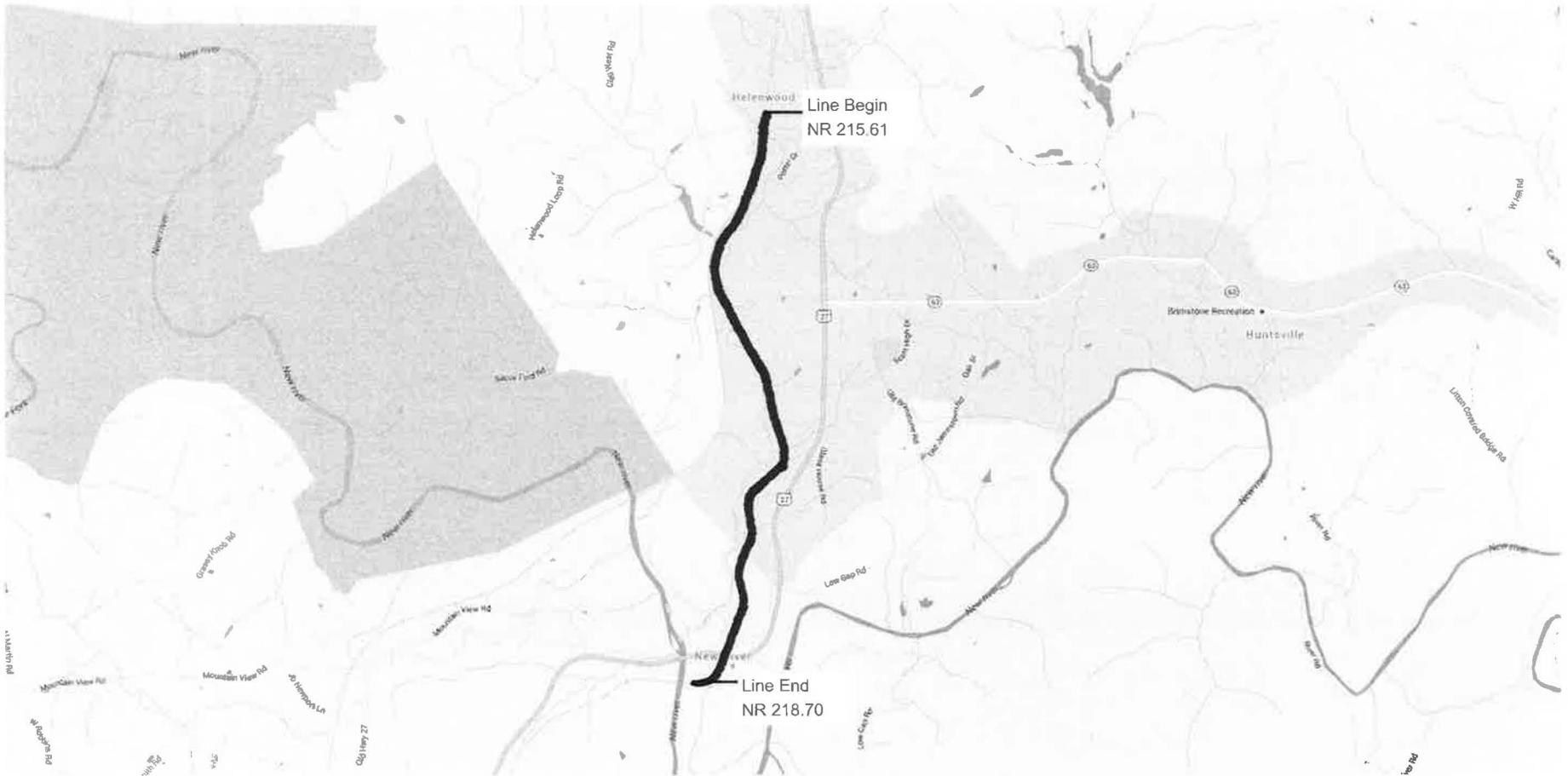
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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**EXHIBIT B**

**MAP**



Map data ©2015 Google 2000 ft

**Trustees of the Cincinnati Southern Railway Company**  
**Helenwood to New River, TN**  
**Milepost NR 215.61 - Milepost NR 218.70**  
**STB Docket No. AB 557 (Sub-No. 1X)**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-557 (Sub-No. 1X)**

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**TRUSTEES OF THE CINCINNATI SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN SCOTT COUNTY, TENNESSEE**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**EXHIBIT C**

**CERTIFICATES OF SERVICE/PUBLICATION**

**Certificate of Service of Advance Notice**

**49 C.F.R. § 1152.50(d)(1) – Notice**

I certify that, on September 17, 2015, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of the Trustees of the Cincinnati Southern Railway Company to invoke the Board's notice of exemption procedures to abandon approximately 3.09 miles of rail line in Scott County, Tennessee.

**Public Service Commission, et al.**

Herb Hilliard  
Chairman  
Tennessee Regulatory Authority  
502 Deaderick Street, 4th Floor  
Nashville, TN 37243

John Schroer  
Commissioner of Transportation  
Tennessee Department of Transportation  
James K. Polk Building, Suite 700  
505 Deaderick Street  
Nashville, TN 37243-0349

**Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)**

David Dorfman  
SDDCTEA  
Railroads for National Defense  
709 Ward Dr., Bldg. 1990  
Scott AFB, IL 62225

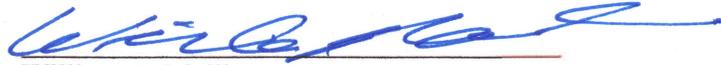
**The National Park Service, Recreation Resources Assistance Division**

Charlie Stockman  
National Park Service  
Rivers & Trails Conservation Program  
1201 Eye Street, NW, 9th Floor (Org. Code 2220)  
Washington, D.C. 20005

**U.S. Department of Agriculture, Chief of the Forest Service**

Thomas L. Tidwell, Chief  
Forest Service  
U.S. Department of Agriculture  
Sidney R. Yates Federal Building  
201 14th Street SW  
Washington, DC 20024

October 8, 2015



William A. Mullins  
Attorney for Trustees of the Cincinnati Southern Railway  
Company

**Certificate of Newspaper Publication**

**49 C.F.R. § 1105.12 – Newspaper Notice**

I certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on September 24, 2015, in The Independent Herald, a newspaper of general circulation in Scott County, Tennessee.

October 8, 2015



William A. Mullins  
Attorney for Trustees of the Cincinnati Southern  
Railway Company

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-557 (Sub-No. 1X)**

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**TRUSTEES OF THE CINCINNATI SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN SCOTT COUNTY, TENNESSEE**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**EXHIBIT D**

**CERTIFICATE OF COMPLIANCE WITH  
ENVIRONMENTAL AND HISTORIC REPORT  
REQUIREMENTS**

**Environmental and Historic Report Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-557 (Sub-No. 1X) was mailed via first class mail on September 17, 2015 to the following parties:

STATE ENVIRONMENTAL  
PROTECTION AGENCY

Mr. Bob Martineau, Jr., Commissioner  
Department of Environmental &  
Conservation  
312 Rosa L. Parks Ave -Tennessee Tower -  
2nd Floor Nashville, TN 37243

STATE CLEARINGHOUSE (DOT)

TDOT Commissioner's Office James K. Polk  
Building, Suite 700 505 Deaderick Street  
Nashville, TN 37243

REGIONAL ENVIRONMENTAL  
PROTECTION AGENCY

Regional EPA - Region 4 Atlanta Federal  
Center 61 Forsyth Street, SW Atlanta, GA  
30303

STATE HISTORIC PRESERVATION  
OFFICE

Tennessee Historic Resources  
E. Patrick McIntyre, Jr., Executive Director  
2941 Lebanon Road  
Nashville, TN 37243

STATE COASTAL ZONE MANAGEMENT

Not Applicable

NATURAL RESOURCES  
CONSERVATION SERVICE

Mr. J. Kevin Brown, State Conservationist  
USDA NRCS  
801 Broadway Suite 675  
Nashville, TN 37203

U.S. FISH AND WILDLIFE SERVICE

Ms. Cindy Dohner, Regional Director  
U.S. Fish and Wildlife Service - Region 4  
1875 Century Blvd., Suite 400  
Atlanta, GA 30345

NATIONAL PARK SERVICE

Charlie Stockman National Park Service  
Rivers and Trails Conservation Program 1201  
Eye Street, NW 9th floor Washington D.C.  
20005

NATIONAL GEODETIC SURVEY

National Geodetic Survey Geodetic Service  
Division Room 9202 NGS/12  
1315 East-West Hwy Silver Spring, MD  
20910

US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers Nashville  
District  
110 9th Avenue South  
Nashville, TN 37203

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY USEPA

Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Mail Code 1101-A  
Washington, D.C. 20460

COUNTY

Mayor Jeff Tibbals  
Scott County Office Building 2845 Baker  
Highway  
Huntsville, TN 37756

  
William A. Mullins  
September 17, 2015

**ATTACHMENT 1**  
**ENVIRONMENTAL AND HISTORIC REPORT**  
**INCLUDING SAMPLE TRANSMITTAL LETTER**

# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS  
2401 PENNSYLVANIA AVENUE, NW  
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WASHINGTON, DC 20037  
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William A. Mullins

Direct Dial: (202) 663-7823  
E-Mail: [wmullins@bakerandmillers.com](mailto:wmullins@bakerandmillers.com)

September 17, 2015

Mayor Jeff Tibbals  
Scott County Office Building  
2845 Baker Highway  
Huntsville, TN 37756

Re: Trustees of the Cincinnati Southern Railway Company – Abandonment Exemption – In Scott County, Tennessee, AB-557 (Sub-No. IX)

Dear Mr. Tibbals,

The Trustees of the Cincinnati Southern Railway Company (“CSR”),<sup>1</sup> which holds legal title to the CSR for the benefit of the City of Cincinnati, expect to file with the Surface Transportation Board (“Board”) a Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments, permitting CSR to abandon approximately 3.09 miles of rail line (referred to herein as the “Line”) extending from milepost NR 215.61 to milepost NR 218.7 in Scott County, TN.

Enclosed is an Environmental and Historic Report (“E&HR”), which describes the proposed abandonment and other pertinent information. A map of the proposed abandonment

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<sup>1</sup> This proceeding is related to The Cincinnati, New Orleans and Texas Pacific Railway Company – Discontinuance of Service Exemption AB-290 (Sub-No. 354X)(STB served June 12, 2015) in which The Cincinnati, New Orleans and Texas Pacific Railway Company (“CNOTP”), a long term lessee of the CSR line, obtained authority to discontinue its operations over the CSR line. During the AB-290 (Sub-No. 354X) proceeding, CNOTP mistakenly believed that CSR was not carrier; thus, it did not coordinate with CSR to have CSR seek abandonment authority in conjunction with CNOTP’s discontinuance. CSR is in fact a rail carrier subject to the jurisdiction of the Board. See FD 1098 and Trustees of the Cincinnati Southern Railway – Abandonment Exemption – & The Cincinnati, New Orleans & Texas Pacific Railway Company – Discontinuance Of Operations -- At Cincinnati, Ohio, AB-557X, AB-290 (Sub-No. 187X) (STB served Dec. 22, 1998). As a common carrier, CSR requires abandonment authority to extinguish its common carrier obligation. Accordingly, CSR is now seeking abandonment authority.

**BAKER & MILLER PLLC**

Mayor Jeff Tibbals  
September 17, 2015  
Page 2

can be found in Appendix A to the report. Appendix B of the report lists the various agencies receiving it.

We are providing this E&HR so that you may review the information that will form the basis for the Board's environmental analysis of this proceeding. If any of the information in the E&HR appears to be misleading or incorrect, pertinent information appears to be missing, or you have any questions about the Board's environmental review process, please contact the Board's Office of Environmental Analysis ("OEA"), Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295 and refer to Docket No. AB-557 (Sub-No. 1X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the OEA (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this E&HR, please contact me directly. I am CSR's representative in this matter. I can be contacted by telephone at (202) 663-7823, and by mail and by e-mail at the addresses shown above.

Sincerely,



William A. Mullins  
Counsel for Trustees of the Cincinnati  
Southern Railway Company

Enclosure

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB DOCKET NO. AB-557 (Sub-No. 1X)**

**TRUSTEES OF THE CINCINNATI SOUTHERN RAILWAY COMPANY**

**PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MILEPOST NR 215.61 AND MILEPOST NR 218.7**

**IN SCOTT COUNTY, TENNESSEE**

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**Combined Environmental and Historic Report**

The Trustees of the Cincinnati Southern Railway Company (“CSR”),<sup>1</sup> which hold legal title of the CSR for the benefit of the City of Cincinnati, submits this Combined Environmental and Historic Report (“E&HR”) pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with its proposed abandonment of 3.09 miles of rail line between milepost NR 215.61 and milepost NR 218.7 in Scott County, Tennessee. This proceeding is related to The Cincinnati, New Orleans and Texas Pacific Railway Company – Abandonment Exemption – In Scott County, Tennessee, STB Docket No. AB-290 (Sub-No. 355X)(STB served Feb. 4, 2015) whereby CNOTP sought and obtained authority to abandon approximately 12.63 miles of rail line from milepost NR 0.0 at New River to milepost NR 12.63 at Sterling, in Scott County, TN, which

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<sup>1</sup> CSR leased the entirety of its rail interest to The Cincinnati, New Orleans and Texas Pacific Railway Company (“CNOTP”), a wholly-owned subsidiary of Norfolk Southern Railway Company on October 11, 1881. See In the Matter of the Application of the Cincinnati, New Orleans & Texas Pacific Railway Company for Authority to Assume, as Lessee of the Cincinnati Southern Railway, Obligations in Respect of In an Issue of Bonds of The City of Cincinnati, FD 1098 (STB served Dec. 15, 1920).

CNOTP line connects with the CSR track that is the subject of this proceeding. This proceeding is also related to The Cincinnati, New Orleans and Texas Pacific Railway Company – Discontinuance of Service Exemption, STB Docket No. AB-290 (Sub-No. 354X)(STB served June 12, 2015) whereby CNOTP obtained authority to discontinue operating over CSR’s line that is the subject of this proceeding.<sup>2</sup>

In the AB-290 (Sub-No. 354X) discontinuance proceeding, CNOTP filed a combined environmental and historic report governing the precise line that is also the subject of this E&HR. The Surface Transportation Board's Office of Environmental Analysis (“OEA”) examined that report, verified its data, and analyzed the probable effect of the proposed action on the quality of the human environment. OEA served a draft Environmental Assessment (“EA”) on May 8, 2015. No comments to the EA were received by the May 22, 2015 due date. OEA then issued a final EA on May 22, 2015. In that proceeding, no environmental or historic preservation issues were raised by any party or identified by OEA and no environmental or historic conditions were imposed. CSR submits that nothing has changed that would warrant a different conclusion.

August, 2015

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<sup>2</sup> In the AB-290 (Sub-No. 354X) proceeding, CNOTP erroneously stated that “[t]he underlying track for which CNOTP operates over is owned by the City of Cincinnati through an instrumentality known as Cincinnati Southern Railway (“CSR”), which is not a corporation and is not, and has never been, a common carrier.” See CNOTP Clarification Letter, filed on January 29, 2015. Assuming it was not a common carrier, CSR did not seek abandonment authority in conjunction with CNOTP’s discontinuance. Subsequent research has determined that CNOTP’s January 29, 2015 statement and the Board’s reliance on that statement in its June 12, 2015 notice was incorrect. CSR is in fact a rail carrier subject to the jurisdiction of the Board. See FD 1098 and Trustees of the Cincinnati Southern Railway – Abandonment Exemption – & The Cincinnati, New Orleans & Texas Pacific Railway Company – Discontinuance Of Operations -- At Cincinnati, Ohio, AB-557X, AB-290 (Sub-No. 187X) (STB served Dec. 22, 1998). As a common carrier, CSR requires abandonment authority to extinguish its common carrier obligation.

## ENVIRONMENTAL REPORT

### 49 CFR 1105.7(e)(1)

#### Proposed Action and Alternatives

*Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

CSR proposes to abandon 3.09 miles of rail line between milepost NR 215.61 at Helenwood and milepost NR 218.70 at New River, in Scott County, Tennessee (the “Line”). The Line proposed for abandonment was operated by CNOTP pursuant to a lease for over a hundred years, but the Line has been dormant for many years and has had no active shippers.

Following abandonment, the rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, CSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will be sold as scrap. There are no current plans to remove any crossties, but to the extent any crossties are removed, they will be disposed of by KT Group, LLC (“KT Group”) in accordance with applicable federal and state laws and regulations. There are three bridges on the Line.

The alternative to abandonment is to not abandon the Line and retain the track in place.

This alternative is not satisfactory. CSR would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained. Further, CSR has agreed to sell the track on the Line and its interest in the underlying right-of-way to KT KT Group, who CSR understands intends to salvage the track, but not the ties. Thus, denying CSR abandonment authority would prevent CSR from selling the track to KT Group and serve no public purpose.

A map depicting the Line is attached as Appendix A. An example of the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies that CSR has contacted is attached as **Appendix B**. Comments received as a result of CSR's written requests for feedback can be found in **Appendix C**.

**49 CFR 1105.7(e)(2) Transportation system.**

*Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic on the Line. Consequently, no rail traffic will be diverted to highway or other modes as a result of the abandonment.

**49 CFR 1105.7(e)(3) Land use.**

*(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

RESPONSE: Consultation on this proposed abandonment's consistency with existing land use plans has been requested from the Mayor of Scott County. Any response received will be

included in the E&HR (Appendix C), which will be submitted to the Board when CSR files its Notice of Exemption.

*(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

RESPONSE: Consultation on this proposed abandonment has been requested from the United States Department of Agriculture Natural Resources Conservation Service. Any response received will be included in the E&HR (Appendix C), which will be submitted to the Board when CSR files its Notice of Exemption.

*(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.*

RESPONSE: Not Applicable.

*(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.*

RESPONSE: Following consummation of the abandonment, CSR has agreed to sell its interest in the right-of-way to KT Group. The corridor may be suitable for possible alternative public use(s) but this decision would be made by KT Group.

**49 CFR 1105.7(e)(4) Energy.**

*(i) Describe the effect of the proposed action on transportation of energy resources.*

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic has moved over the Line for many years.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment. There is no rail freight or passenger traffic originating or terminating on the Line.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in any material impact in overall energy efficiency.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

#### **49 CFR 1105.7(e)(5) Air**

(i) If the proposed action will result in either:

- (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
- (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

- (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
- (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are

*within the parameters established by the State Implementation Plan.*

RESPONSE: The above thresholds will not be exceeded. For the record, Scott County, Tennessee is an attainment area for all National Ambient Air Quality Standard (“NAAQS”) pollutants according to the U.S. Environmental Protection Agency.

*(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

RESPONSE: Not applicable.

**49 CFR 1105.7(e)(6) Noise.**

*If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:*

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

*If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.*

RESPONSE: The above thresholds will not be exceeded.

**49 CFR 1105.7(e)(7) Safety.**

*(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

RESPONSE: Abandonment of the Line will have no adverse impact on public health and safety.

*(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

RESPONSE: Not applicable.

*(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

#### **49 CFR 1105.7(e)(8) Biological Resources.**

*(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

RESPONSE: Consultation on this proposed abandonment has been requested from the U.S. Fish & Wildlife Service. Any response received will be included in the E&HR (Appendix C), which will be submitted to the Board when CSR files its Notice of Exemption.

*(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

RESPONSE: The Line does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

**49 CFR 1105.7(e)(9) Water.**

*(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the rail line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There are three bridges on the Line. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts. Consultation has been requested from the State of Tennessee Department of Environment & Conservation and from the regional Environmental Protection Agency office. Any response received will be included in the E&HR (Appendix C), which will be submitted to the Board when CSR files its Notice of Exemption.

*(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

RESPONSE: CSR does not believe the geometry of the roadbed will be altered nor in-stream work contemplated. To CSR's knowledge, there should be no discernible effects on either 100-year flood plains or adjacent wetlands in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers. Any response received will be included in the E&HR (Appendix C), which will be submitted to the Board when CSR files its Notice of Exemption.

*(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.*

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the Line to be abandoned, to undertake in-stream work or to dredge or use any fill materials, although CSR understands that KT Group, LLC will salvage the track, but not the ties. To CSR's knowledge, salvage by KT Group, LLC should not result in soil excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will be required. Nevertheless, CSR has requested input from the Regional Environmental Agency and the TNDEC's Division of Water Resources. Any response received will be included in the E&HR (Appendix C), which will be submitted to the Board when CSR files its Notice of Exemption.

**49 CFR 1105.7(e)(10) Proposed Mitigation.**

*Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

RESPONSE: Abandonment of the Line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment, such as KT Group's removal of railroad appurtenances. Crossties will remain. CSR understands that KT Group will comply with all applicable state and federal environmental laws with respect to its salvage plans.

## HISTORIC REPORT

### 49 CFR 1105.8(d)

#### PROPOSED ACTION AND ALTERNATIVES

The Trustees of the Cincinnati Southern Railway Company (“CSR”), which hold legal title of the CSR for the benefit of the City of Cincinnati, proposes to abandon 3.09 miles of rail line between milepost NR 215.61 at Helenwood and milepost NR 218.70 at New River, in Scott County, Tennessee. The Line proposed for abandonment has been dormant for many years. There are no customers served on the segment to be abandoned.

Following abandonment, the rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, CSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will be sold as scrap. There are no current plans to remove any crossties, but to the extent any crossties are removed, they will be disposed of by KT Group in accordance with applicable federal and state laws and regulations. There are three bridges on the Line.

The alternative to abandonment is to not abandon the Line and retain the remaining track in place. This is unacceptable to CSR and would prevent CSR from selling the track and right of way to KT Group for salvage. This would serve no public purpose. A map depicting the Line is attached as **Appendix A**.

### **ADDITIONAL INFORMATION**

- (1) **U.S.G.S. Topographic Map** – Maps were furnished to the Tennessee Historical Commission.
- (2) **Written Description of Right of Way** – The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board (“STB”) policy, the railroad's right-of-way will constitute the Area of Potential Effect (“APE”) for this undertaking.
- (3) **Photographs** – There are three bridges on the Line. Photographs of the three bridges were furnished to the Tennessee Historical Commission.
- (4) **Date of Construction of Structures** – There are three bridges on the Line. The bridges are located at Milepost 215.98, Milepost NR 216.60, and Milepost NR 218.60. The first bridge is a 20’ concrete arch structure located at milepost NR-215.98. The date of construction for this structure is unknown, but it was probably constructed in the early 1900’s. The second bridge, which is a six-barrel concrete box structure located at milepost NR-216.60, was constructed in 1918. The remaining bridge structure, which crosses over State Route 29 and is located at milepost NR-218.60, was built in 1990.
- (5) **History of Operations and Changes Contemplated** – The Cincinnati Southern Railway extends from Cincinnati to Chattanooga. The City of Cincinnati holds Legal title of the CSR for the benefit of the City of Cincinnati. Construction began in 1873 and was completed in 1879. Operations began in 1880. In 1881, The Cincinnati Southern Railway was leased to The Cincinnati, New Orleans and Texas Pacific Railway. In 1963, the line between Helenwood and Robbins was relocated westward as part of a project to improve clearances, curvature, and grade. The segment between Helenwood and New River was retained to allow access to the Brimstone Railroad. In

1982, as the result of a consolidation with Norfolk and Western Railway Company, Southern Railway Company became owned by Norfolk Southern Corporation. In 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. The Line has been dormant for many years and has had no active shippers.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for**

**Documenting a Structure That Is Found To Be Historic** – While plans may be available for the structures on the Line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction because all three structures are typical construction

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** –

The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** – The

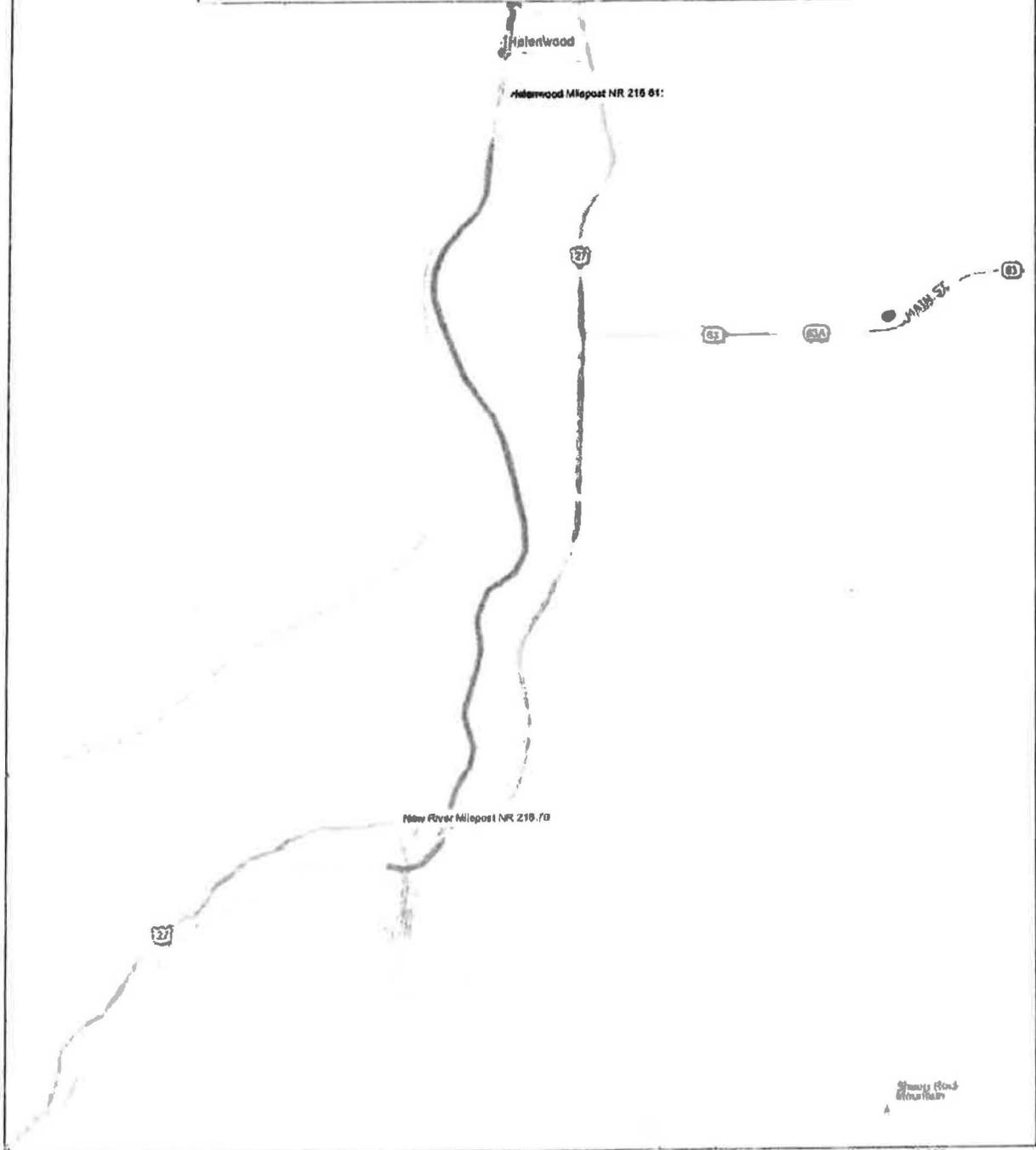
railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the Line and KT Group's salvage of the track material from the surface should not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment will not result in activities below the surface, or below the level of initial disturbance.

(9) **Follow-Up Information** – Additional information will be provided as appropriate.

# **APPENDIX A**

## **Site Map**

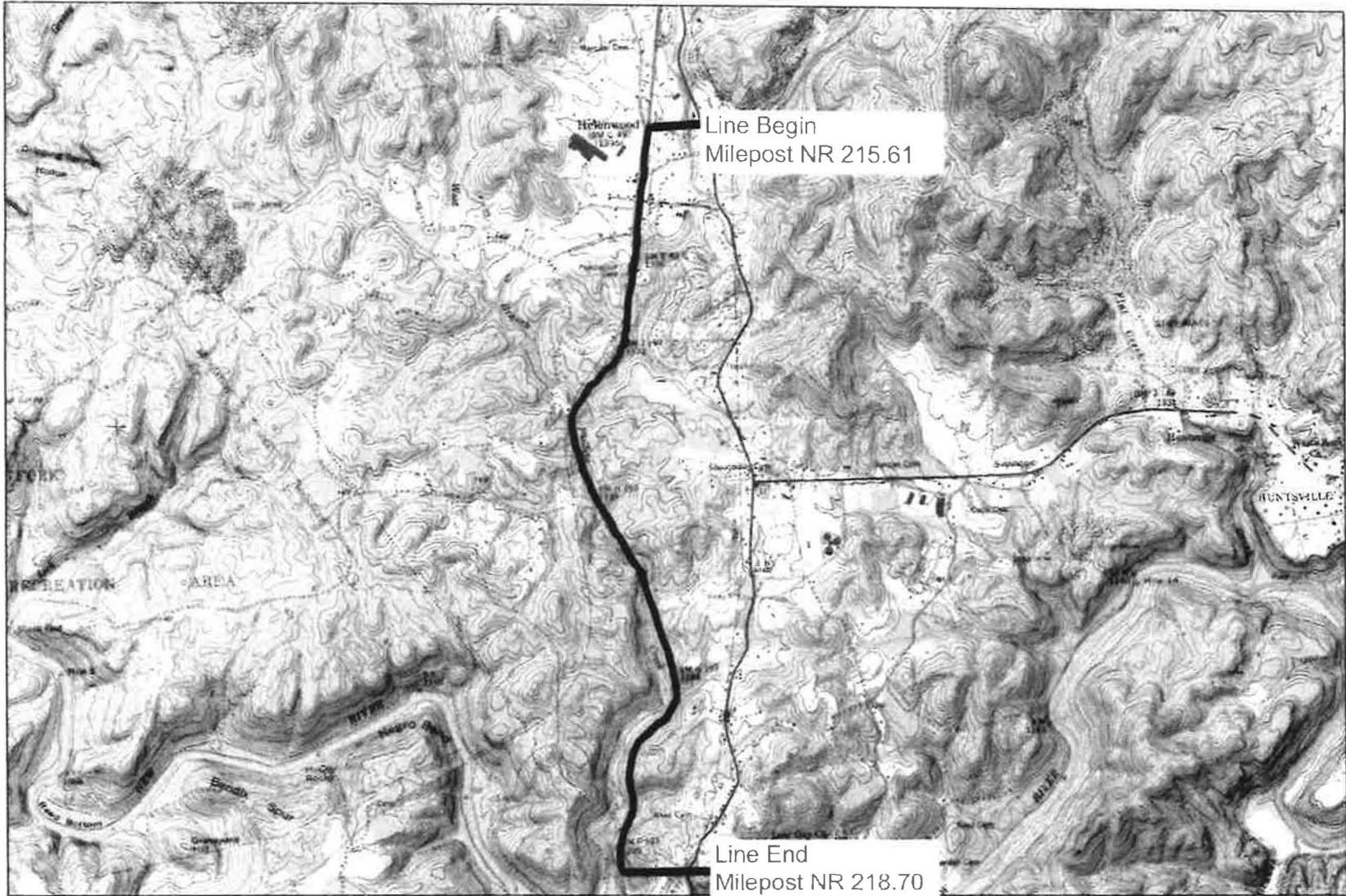
**Trustees of the Cincinnati Southern Railway Company  
 - Abandonment Exemption -  
 In Scott County, TN  
 STB Docket No. AB-557 (Sub-No. 1X)**



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 www.delorme.com



Scale 1 : 37,500  
 1" = 3,125.0 ft Date Zoom 12-4



**Trustees of the Cincinnati Southern Railway Company**  
**Helenwood to New River, TN**  
**Milepost NR 215.61 - Milepost NR 218.70**  
**STB Docket No. AB 557 (Sub-No. 1X)**



NR-216.60 A



NR-218.60



NR-215.98



NR-216.60 B

## **APPENDIX B**

### **List of Agencies Consulted**

**Environmental and Historic Report Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-557 (Sub-No. 1X) was mailed via first class mail on September 17, 2015 to the following parties:

STATE ENVIRONMENTAL  
PROTECTION AGENCY

Mr. Bob Martineau, Jr., Commissioner  
Department of Environmental &  
Conservation  
312 Rosa L. Parks Ave -Tennessee Tower -  
2nd Floor Nashville, TN 37243

STATE CLEARINGHOUSE (DOT)

TDOT Commissioner's Office James K. Polk  
Building, Suite 700 505 Deaderick Street  
Nashville, TN 37243

REGIONAL ENVIRONMENTAL  
PROTECTION AGENCY

Regional EPA - Region 4 Atlanta Federal  
Center 61 Forsyth Street, SW Atlanta, GA  
30303

STATE HISTORIC PRESERVATION  
OFFICE

Tennessee Historic Resources  
E. Patrick McIntyre, Jr., Executive Director  
2941 Lebanon Road  
Nashville, TN 37243

STATE COASTAL ZONE MANAGEMENT

Not Applicable

NATURAL RESOURCES  
CONSERVATION SERVICE

Mr. J. Kevin Brown, State Conservationist  
USDA NRCS  
801 Broadway Suite 675  
Nashville, TN 37203

U.S. FISH AND WILDLIFE SERVICE

Ms. Cindy Dohner, Regional Director  
U.S. Fish and Wildlife Service - Region 4  
1875 Century Blvd., Suite 400  
Atlanta, GA 30345

NATIONAL PARK SERVICE

Charlie Stockman National Park Service  
Rivers and Trails Conservation Program 1201  
Eye Street, NW 9th floor Washington D.C.  
20005

NATIONAL GEODETIC SURVEY

National Geodetic Survey Geodetic Service  
Division Room 9202 NGS/12  
1315 East-West Hwy Silver Spring, MD  
20910

US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers Nashville  
District  
110 9th Avenue South  
Nashville, TN 37203

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY USEPA

Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Mail Code 1101-A  
Washington, D.C. 20460

COUNTY

Mayor Jeff Tibbals  
Scott County Office Building 2845 Baker  
Highway  
Huntsville, TN 37756

  
William A. Mullins  
September 17, 2015

**APPENDIX C**

**Agency Responses**

**ATTACHMENT 2**  
**CONSULTING AGENCY RESPONSES TO**  
**ENVIRONMENTAL AND HISTORIC REPORT**  
**(POST-CIRCULATION)**

From: Simon Monroe <simon.monroe@noaa.gov>  
To: wnullins@bakerandmiller.com,  
Cc: Surface Transportation Board <sea@stb.dot.gov>, Lucy Hall <Lucy.Hall@noaa.gov>, Simon Monroe <Simon.Monroe@noaa.gov>  
Date: 09/23/2015 04:09 PM  
Subject: NGS Response, STB docket AB-557 (SUB NO. 001X)

> -----  
> Thank you for sharing your railroad abandonment environmental report for  
> HELENWOOD, Scott County TENNESSEE.

>  
> Approximately 006 geodetic survey marks may be located in the area  
> described. If these marks will be disturbed by the abandonment, NGS  
> requests 90-day advance notice to attempt their relocation. These  
> marks are described below. Additional advice is provided at  
> <http://geodesy.noaa.gov/marks/railroads/>

> -----  
>  
> |Dist|PID...|H V|Vert\_Source|Approx.|Approx..|Stab|Designation  
>  
> |----|-----| - -|-----|-----|-----|----|-----

|....|GB0936|1934|CGS...|. |  
1|88/ADJUSTED|N362534.....|W0843239.....|B...|N|E 49 E

|....|GB0935|1950|CGS...|. |  
1|88/ADJUSTED|N362515.....|W0843245.....|A...|G|J 197

|....|GB0932|1950|CGS...|. |  
1|88/ADJUSTED|N362401.....|W0843231.....|A...|N|G 197

|....|GB0933|1968|CGS...|. |  
1|88/ADJUSTED|N362415.....|W0843237.....|A...|S|W 250

|....|GB2584|1965|TNHD..|2 .|29/VERT  
ANG|N362316.96526|W0843237.21411|....|N|KIRBY

|....|GB0930|1968|CGS...|. |  
1|88/ADJUSTED|N362335.....|W0843244.....|A...|S|X 250

>  
>  
>  
>

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-557 (Sub-No. 1X)**

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**TRUSTEES OF THE CINCINNATI SOUTHERN RAILWAY COMPANY  
– ABANDONMENT EXEMPTION –  
IN SCOTT COUNTY, TENNESSEE**

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**VERIFIED NOTICE OF EXEMPT ABANDONMENT**

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**DRAFT NOTICE OF EXEMPTION  
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB 557 (Sub-No. 1X)]

Trustees of the Cincinnati Southern Railway Company – Abandonment Exemption – In Scott County, Tennessee

The Trustees of the Cincinnati Southern Railway Company (“CSR”), which holds legal title to the CSR line for the benefit of the City of Cincinnati, filed on October 8, 2015, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon an approximately 3.09-mile rail line extending from milepost NR 215.61 (near Helenwood) to milepost NR 218.7 (at New River) in Scott County, TN. The Line traverses through United States Postal Service Zip Code territory 37755.

CSR has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To

address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 27, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),<sup>4</sup> and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by \_\_\_\_\_, 2015. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by \_\_\_\_\_, 2015, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to CSR's representative:  
William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300,  
Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by \_\_\_\_\_, 2015. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available

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<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>4</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25).

through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), CSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CSR's filing of a notice of consummation by November 27, 2016, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: \_\_\_\_\_, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.