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ENTERED
 Office of Proceedings
 January 15, 2015
 Part of
 Public Record

William A. Mullins

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January 15, 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: The Cincinnati, New Orleans and Texas Pacific Railway Company – Discontinuance of Service Exemption – In Scott County, TN, STB Docket No. AB-290 (Sub-No. 354X)

Dear Ms. Brown:

Enclosed please find an original and eleven copies of a Notice of Exemption by The Cincinnati, New Orleans and Texas Pacific Railway Company, a wholly owned subsidiary of Norfolk Southern Railway Company, to discontinue rail 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. 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. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice.

Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of \$3,800.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7823 or by e-mail: wmullins@bakerandmiller.com.

Sincerely,

William A. Mullins
 Counsel for The Cincinnati, New Orleans and Texas
 Pacific Railway Company

Enclosures

cc: Marc Kirchner, Maquiling Parkerson, LaWada Poarch

FILED
 January 15, 2015
 SURFACE
 TRANSPORTATION BOARD

FEE RECEIVED
 January 15, 2015
 SURFACE
 TRANSPORTATION BOARD

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

STB DOCKET NO. AB-290 (Sub-No. 354X)

**THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SCOTT COUNTY, TN**

NOTICE OF EXEMPTION

**Maquiling B. Parkerson
General Attorney
Norfolk Southern Corporation
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Norfolk, Virginia 23510
Telephone: (757) 533-4939
Facsimile: (757) 533-4872**

**William A. Mullins
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2401 Pennsylvania Ave., NW
Suite 300
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Tel: (202) 663-7820
Fax: (202) 663-7849**

**Attorneys for The Cincinnati, New
Orleans and Texas Pacific Railway
Company**

January 15, 2015

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

STB DOCKET NO. AB-290 (Sub-No. 354X)

**THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SCOTT COUNTY, TN**

NOTICE OF EXEMPTION

INTRODUCTION

The Cincinnati, New Orleans and Texas Pacific Railway Company (“CNOTP”), a wholly owned subsidiary of Norfolk Southern Railway Company, hereby submits a notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights), to discontinue service over an approximately 3.09-mile rail line (referred to herein as the “Line”) extending from milepost NR 215.61 (near Helenwood) to milepost NR 218.7 (at New River). The entire Line is located in Scott County, TN. In accordance with the Board’s regulations at 49 C.F.R. §§ 1152.50(b) and (d), CNOTP provides the following information in support of its notice:

Certification: 49 C.F.R. § 1152.50(b)

Under the provisions located at 49 C.F.R. part 1152, subpart F, the Line satisfies the criteria for a discontinuance of service notice of exemption. See Certification of T.L. Reynolds, General Manager Western Region for The Cincinnati, New Orleans and Texas Pacific Railway Company, attached hereto and made part hereof as Exhibit A.

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

The subject discontinuance will be consummated on or after March 6, 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)):

The Cincinnati, New Orleans and Texas Pacific Railway Company

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

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

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

CNOTP has invoked the Board's two-year-out-of-service class exemption procedures to discontinue 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 representatives (49 C.F.R. § 1152.22(a)(7)):

CNOTP's representatives to whom correspondence regarding this discontinuance 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 lies within the following U.S. Postal Service ZIP Code territory 37755.

Rural and Community Impact (49 C.F.R. § 1152.22(e)(4)):

The Line has been dormant for over two years due to a lack of shipper demand. As such, CNOTP anticipates no rural or community impact from the discontinuance of its common carrier obligation. Because the Line has not been used for local rail shipments for over twenty-four (24) months, there will be no effect on regional or local transportation systems and patterns, and there will be no diversion of traffic to other transportation systems or modes.

The informational requirement of section 1152.22(e)(4) (alternative public uses of rail property) appears to be pertinent only in cases where the railroad proposes to abandon rail property.¹ In this proceeding, CNOTP is filing a notice of exemption to discontinue service over the Line, not abandon it, and for this reason CNOTP has no opinion on whether or not the subject rail property might be appropriate for use for other public purposes. Although the following is of questionable relevance here (because the proposed action does not entail abandonment of a rail line), based on the information in its possession, CNOTP is unaware of any condition that would affect the transfer of title to or the use of the railroad right-of-way for other than rail purposes.

¹ See, e.g., Columbus and Greenville Railway Company – Discontinuance of Service Exemption – in Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X), slip op. at 2 n.2 (STB served July 3, 2007) (“CAGY-Greenwood”) (“Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate”); Norfolk Southern Railway Company—Discontinuance Exemption—in Mahoning County, OH, STB Docket No. AB-290 (Sub-No. 292X), slip op. at 2 n.2 (“NS-Mahoning”) (STB served March 15, 2007) (same); Chillicothe-Brunswick Rail Maintenance Authority—Discontinuance Exemption—in Livingston, Linn, and Chariton Counties, MO, STB Docket No. AB-1001X, slip op at 2 n.3 (“CBRA-Livingston”) (STB served Feb 23, 2007) (same).

Labor Protection

The interests of affected railroad employees, if any, will be protected by the conditions set forth in Oregon Short Line Railroad —Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are the Certificates of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1105.12 and 1152.50(d)(1). For reasons set forth in the “Environmental and Historic Report” section below, the certification of service requirement at 49 C.F.R. § 1105.11 (transmittal of Environmental and Historic Reports) is not applicable here.

Environmental and Historic Report

The Board does not normally require a carrier seeking to discontinue service over a particular rail line to prepare and submit for review a combined environmental and historic report.² Here, the discontinuance is exempt from environmental reporting requirements under 49 C.F.R. § 1105.6(c) and from historic reporting requirements under 49 C.F.R. § 1105.8(b) because CNOTP seeks only to discontinue service. CNOTP does not anticipate engaging in any salvage activities and does not intend to remove any potentially historic structures (such as bridges) as a result of obtaining discontinuance authority. Further Board approval is required for CNOTP to abandon

² See, e.g., Everett Railroad Company – Discontinuance of Service Exemption – In Blair County, PA, STB Docket No. AB-271X slip op. at 2 n.2 (STB served Nov. 16, 2007) (“Because this is a discontinuance proceeding and not an abandonment, . . . no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively”); Columbus and Greenville Railway Company – Discontinuance of Service Exemption – in Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X), slip op. at 2 n.2 (STB served July 3, 2007) (same); Norfolk Southern Railway Company—Discontinuance Exemption—in Mahoning County, OH, STB Docket No. AB-290 (Sub-No. 292X), slip op. at 2 n.2 (STB served March 15, 2007) (same); Chillicothe-Brunswick Rail Maintenance Authority—Discontinuance Exemption—in Livingston, Linn, and Chariton Counties, MO, STB Docket No. AB-1001X, slip op at 2 n.3 (STB served Feb 23, 2007) (same).

service on the Line. Accordingly, no environmental or historic report was prepared, and the STB need not prepare an environmental assessment.

Respectfully submitted,



Maquiling B. Parkerson
General Attorney
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Norfolk, Virginia 23510
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Attorneys for The Cincinnati, New Orleans
and Texas Pacific Railway Company

January 15, 2015

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

STB DOCKET NO. AB-290 (Sub-No. 354X)

**THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SCOTT COUNTY, TN**

NOTICE OF EXEMPTION

EXHIBIT A

**CERTIFICATION PURSUANT TO
49 C.F.R. § 1152.50(b)**

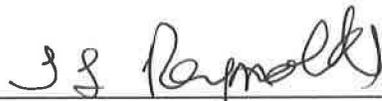
CERTIFICATION

STATE OF GEORGIA:

SS:

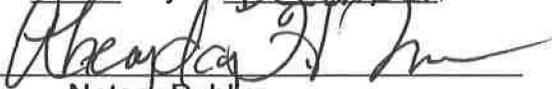
CITY OF ATLANTA:

T. L. Reynolds makes oath and says that he is General Manager Western Region for Cincinnati, New Orleans and Texas Railway Company; that the rail line between Mileposts NR 215.61 and NR 218.7, over which service is to be discontinued, is subject to his 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.



T. L. Reynolds

Subscribed and sworn to before me
this 3 day of December, 2014.



Notary Public

My commission expires:

9/16/18

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

STB DOCKET NO. AB-290 (Sub-No. 354X)

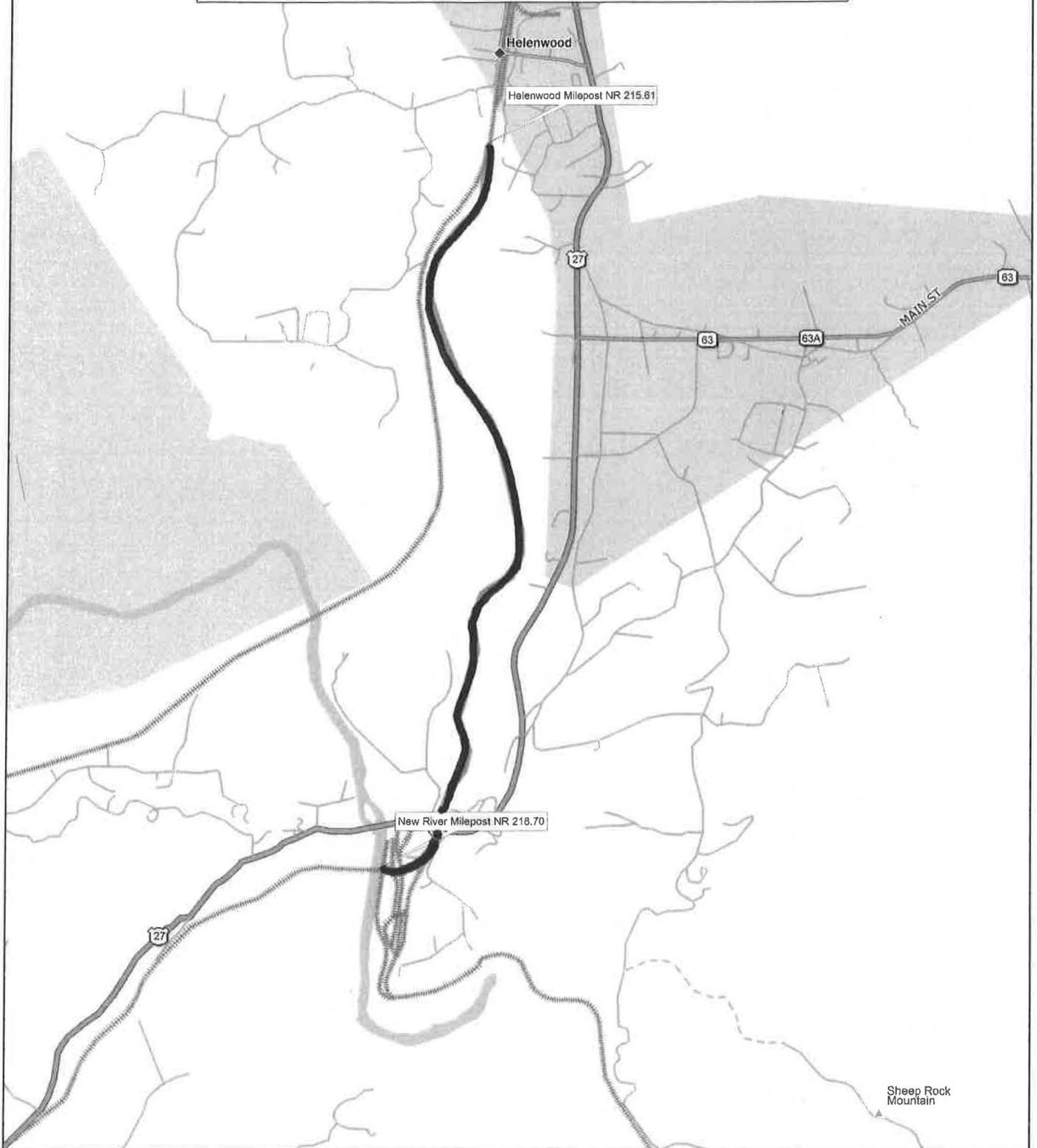
**THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SCOTT COUNTY, TN**

NOTICE OF EXEMPTION

EXHIBIT B

MAP

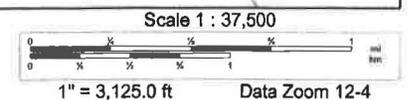
**Cincinnati, New Orleans and Texas Pacific Railway Company
 Proposed Discontinuance of Operations Under Lease
 Helenwood to New River, TN
 Milepost NR 215.61 - Milepost NR 218.70
 STB Docket No. AB-290 (Sub No. 354X)**



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NOTICE OF EXEMPTION

EXHIBIT C

**CERTIFICATIONS OF
SERVICE/PUBLICATION**

Certificate of Service

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on December 24, 2014, 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 Cincinnati, New Orleans and Texas Pacific Railway Company to invoke the Board's notice of exemption procedures to discontinue an approximately 3.09-mile rail line in Scott County, TN.

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

Dave Dorfman
SDDC TEA
Attn: MTT-SA
709 Ward Drive
Scott Air force Base, IL 62225

Charlie Stockman
Rivers, Trails and Conservation Assistance
Program
National Park Service
RTCA Program
1201 Eye St., NW, 9th Floor (Org Code
2240)
Washington, DC 20005

Thomas Tidwell, Chief
U.S. Forest Service
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250-0003

January 15, 2015


William A. Mullins
Attorney for The Cincinnati, New Orleans and
Texas Pacific Railway Company

Certificate of Publication

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

I certify that a “Notice of Intent to Discontinue Rail Service” for The Cincinnati, New Orleans and Texas Pacific Railway Company (“CNOTP”) was published in a newspaper of general circulation in each county in which the Line is located and in the form prescribed by the Surface Transportation Board for a notice of exemption to discontinue rail service. The notice was published one time on January 12, 2015 in The Independent Herald. As of January 15, 2015, CNOTP has confirmed publication in the newspaper, but we have not yet received the standard affidavit of publication that typically follows.

January 15, 2015



William A. Mullins
Attorney for The Cincinnati, New Orleans and
Texas Pacific Railway Company

**BEFORE THE
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NOTICE OF EXEMPTION

DRAFT FEDERAL REGISTER NOTICE

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB-290 (Sub-No. 354X)]

The Cincinnati, New Orleans and Texas Pacific Railway Company – Discontinuance of Service Exemption—in Scott County, TN.

The Cincinnati, New Orleans and Texas Pacific Railway Company (“CNOTP”) filed on January 15, 2015, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments and Discontinuances of Service and Trackage Rights to discontinue 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. The Line traverses through United States Postal Service Zip Code territory 37755.

CNOTP 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 applicable requirements at 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 discontinuance 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 February ___, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 C.F.R. § 1152.27(c)(2) must be filed by _____.¹ Petitions to reopen 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 CNOTP'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.

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.

¹ 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). Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

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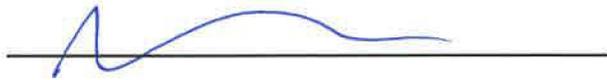
NOTICE OF EXEMPTION

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company, parent company of The Cincinnati, New Orleans and Texas Pacific Railway Company ("CNOTP"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing discontinuance of service notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of CNOTP in connection with this proceeding before the Surface Transportation Board.

Executed this fifth day of December, 2014



John H. Friedmann
Vice President