



www.cn.ca

Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

ENTERED  
Office of Proceedings

AUG 15 2013

Part of  
Public Record

August 13, 2013

Via Overnight Mail

234684



Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, DC 20424

Re: Docket No. AB-43 (Sub-No 186X), Illinois Central Railroad Company —  
Abandonment Exemption — Jackson, Mississippi

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Exemption of Illinois Central Railroad Company dated August 13, 2013, pursuant to 49 C.F.R. § 1152.50. I am also enclosing a check in the amount of \$3,700.00, representing the appropriate fee for this filing.

The Environmental and Historic Reports for this proceeding have already been filed with the Board. Feel free to contact me if you have any questions. Thank you for your assistance in this matter.

Respectfully submitted,

Thomas J. Healey  
Attorney for  
Illinois Central Railroad Company

**RECEIVED**  
AUG 15 2013  
SURFACE  
TRANSPORTATION BOARD

Encls.

cc: Mississippi Department of Transportation

**FILED**

AUG 15 2013

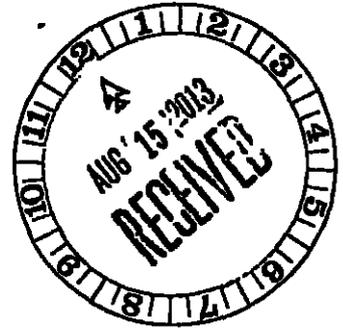
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-43 (SUB-NO. 186X)

234684

ILLINOIS CENTRAL RAILROAD COMPANY  
— ABANDONMENT EXEMPTION —  
IN JACKSON, HINDS COUNTY, MISSISSIPPI



VERIFIED NOTICE OF EXEMPTION OF  
ILLINOIS CENTRAL RAILROAD COMPANY  
PURSUANT TO 49 C.F.R. § 1152.50

ENTERED  
Office of Proceedings

AUG 15 2013

Part of  
Public Record

~~SEE~~ RECEIVED

AUG 15 2013

SURFACE  
TRANSPORTATION BOARD

FILED

AUG 15 REC'D

SURFACE  
TRANSPORTATION BOARD

Thomas J. Healey  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345  
(708) 332-4381

ATTORNEY FOR  
ILLINOIS CENTRAL RAILROAD COMPANY

Dated: August 13, 2013

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

DOCKET NO. AB-43 (Sub-No. 186X)

---

ILLINOIS CENTRAL RAILROAD COMPANY  
- ABANDONMENT EXEMPTION -  
IN JACKSON, HINDS COUNTY, MISSISSIPPI

---

VERIFIED NOTICE OF EXEMPTION OF  
ILLINOIS CENTRAL RAILROAD COMPANY  
PURSUANT TO 49 C.F.R. § 1152.50

---

Illinois Central Railroad Company ("IC") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon its line of railroad in Jackson, Hinds County, Mississippi, referred to herein as the "Line" between milepost 0.36 and milepost 0.20, a distance of 0.16 miles

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), IC submits the following information:

**General Corporation Information:** 49 C.F.R. § 1152.22(a)(1)-(2)

*IC is a Class I common carrier by rail which owns and operates approximately 2,550 miles of rail line in six Midwestern and south central states. IC is a wholly-owned subsidiary of Canadian National Railway Company. The complete name and address of IC is:*

Illinois Central Railroad Company  
17641 S Ashland Avenue  
Homewood, IL 60430-1345

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

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, IC intends to abandon its line of railroad between Mileposts 0.36 to 0.20, a distance of approximately 0.16 miles in Jackson, Hinds County, Mississippi

**Map: 49 C.F.R. § 1152.22(a)(4)**

A map of the Line to be abandoned is attached hereto as Exhibit A.

**IC's Representative: 49 C.F.R. § 1152.22(a)(7)**

IC's representative to whom correspondence regarding this abandonment should be sent is

Thomas J. Healey  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345  
(708) 332-4381

**ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)**

The portion of the Line to be abandoned traverses United States Postal Service ZIP Code 39204

**Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)**

Per the certificate and verification attached hereto as Exhibit B, IC certifies that no local revenue traffic has moved over the portion of the Line to be abandoned for at least the last two years, there is no overhead traffic on this trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service on the portion of the Line to be abandoned (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the proposed abandonment is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

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

IC will not consummate the proposed abandonment any earlier than October 8, 2013.

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

IC does not believe that the right-of-way would be of interest to the State or any other entity as a highway or mass transportation line or other similar public use because it sits in a highly developed urban area with a mature roadway system.

**Labor Protection: 49 C.F.R. 1152.50(d)(2)**

The level of labor protection applicable in rail line abandonment is that established in *Oregon Short Line Co. — Abandonment — Goshen*, 360 I.C.C. 91 (1979).

**Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)**

A certificate that the notice of requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

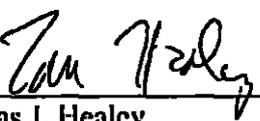
**Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8**

An Environmental and Historic Report, prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, was already filed with the Surface Transportation Board in this proceeding.

Since filing the Environmental and Historic Report with the Surface Transportation Board, IC has received correspondence from the Mississippi Department of Archives and History, see attached as Exhibit D. The MDA&H has stated that they have no objection with the proposed abandonment.

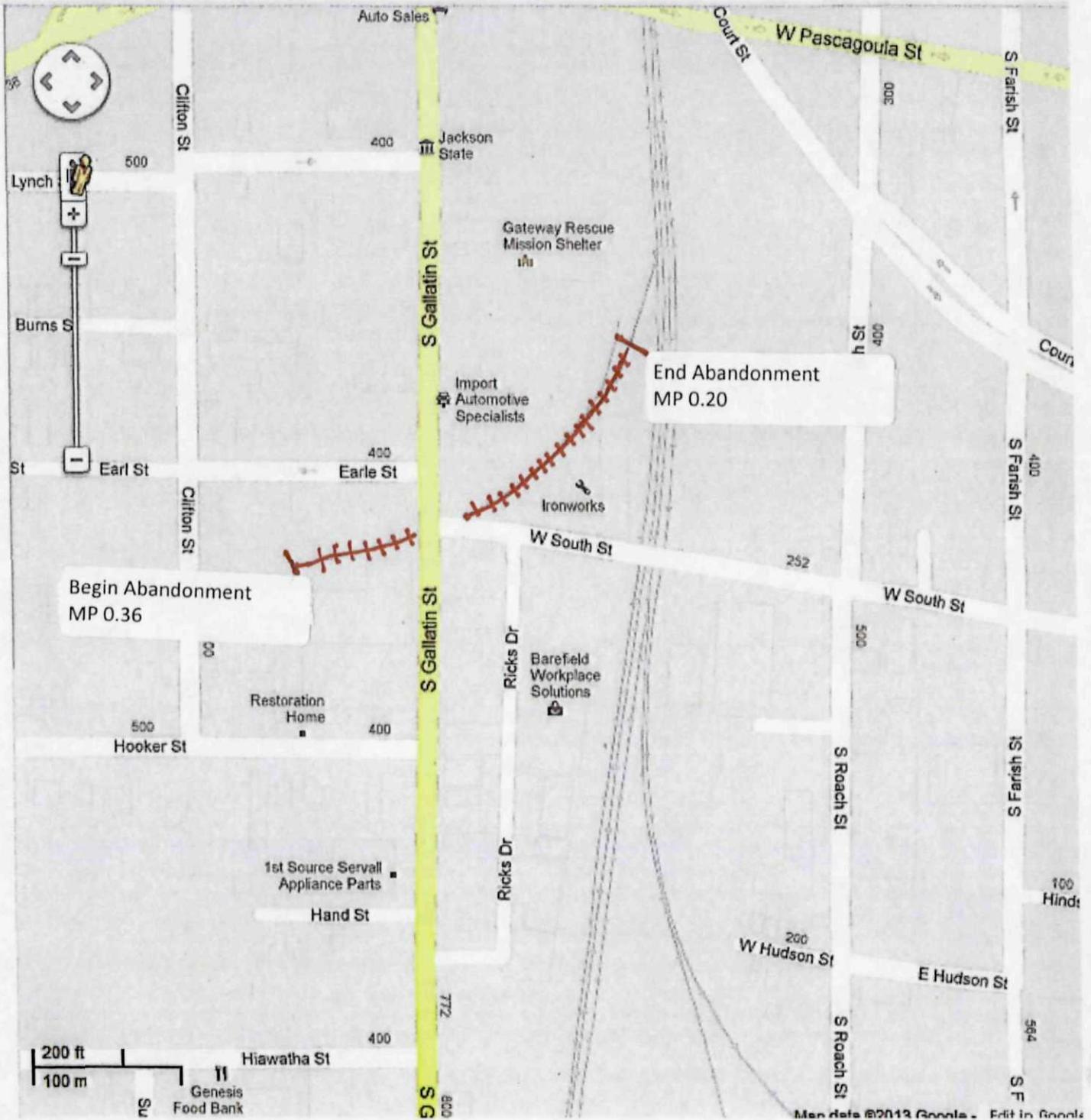
IC has also received correspondence from the Mississippi Department of Wildlife, Fisheries and Parks, see attached Exhibit E. While the Department located 3 species within a 2 mile range of the proposed abandonment, they believe that with best management practices, the proposed project likely poses no threat to the species or their habitats.

Respectfully submitted,

By 

Thomas J. Healey  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345  
(708) 332-4381  
ILLINOIS CENTRAL RAILROAD COMPANY

EXHIBIT A



**EXHIBIT B**

**DOCKET NO. AB-43 (SUB-NO. 186X)**

**ILLINOIS CENTRAL RAILROAD COMPANY  
— ABANDONMENT EXEMPTION —  
IN JACKSON, HINDS COUNTY, MISSISSIPPI**

**CERTIFICATE AND VERIFICATION**

STATE OF ILLINOIS        )  
                                  ) ss  
COUNTY OF COOK        )

Brian Buchanan, being duly sworn, deposes and says:

1. That no local traffic has moved over the line of Illinois Central Railroad Company ("IC") from milepost 0 36 to 0 20, a distance of 0 16 miles in Hinds County, Jackson, Mississippi, for at least two years, and that there is no overhead traffic to be rerouted over other lines, and

2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and

3. That he has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated

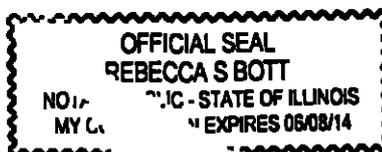
Date: August 13, 2013



Brian Buchanan  
Manager – Network Strategies  
Illinois Central Railroad Company

Subscribed and sworn to  
before me this 13 day of  
August, 2013.

  
Notary Public



**EXHIBIT C**

**CERTIFICATE**

I, Thomas J. Healey, an attorney for Illinois Central Railroad Company, hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-43 (Sub-No. 186X), Illinois Central Railroad Company — Abandonment Exemption — in Hinds County, Jackson, Mississippi:

(1) The notice requirements of 49 C F R. § 1152.50(d)(1) have been complied with, to-wit: On July 23, 2013, written notice was mailed to the: (a) Mississippi Department of Transportation; (b) Surface Deployment and Distribution Command; (c) U S. Department of Agriculture; and (d) National Center for Recreation and Conservation (copies of which are attached hereto as Attachments 1-4).

(2) The notice requirements of 49 C F.R. § 1105.11 have been complied with, to wit. On June 19, 2013, the Environmental Report and Historic Report for this proceeding, which reports have also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 5) were served by first class mail, postage prepaid, on the parties listed on Attachment 6, which list includes the state historic preservation officer, as required by 49 C F.R. § 1105.7(b) and § 1105 11.

(3) A newspaper notice was published on February 28, 2013, in The Clarion-Ledger, a newspaper of general circulation in Hinds County, Mississippi. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice and Affidavit of Publication are attached to this Certificate as Attachment 7.



Thomas J. Healey

Dated: August 13, 2013



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Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

July 23, 2013

Mississippi Department of Transportation  
Lisa Hancock, Deputy Executive Director  
401 North West Street  
Jackson, MS 39201

Re: Docket No. AB-43 (Sub No. 186X), Illinois Central Railroad Company  
Notice of Exemption in Jackson, Hinds County, Mississippi

Dear Ms. Hancock:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after August 6, 2013, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.16 miles of railroad line starting at milepost 0.36 and ending at milepost 0.20 in Hinds County, Jackson, Mississippi. Such line runs through U.S. Postal Zip Code 39204.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Illinois Central Railroad Company

ATTACHMENT 1



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Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

July 23, 2013

Railroads for National Defense Program  
Transportation Engineering Agency  
Surface deployment and Distribution Command  
1 Soldier Way  
Scott AFB, IL 62225

Re: Docket No. AB-43 (Sub No. 186X), Illinois Central Railroad Company  
Notice of Exemption in Jackson, Hinds County, Mississippi

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after August 6, 2013, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.16 miles of railroad line starting at milepost 0.36 and ending at milepost 0.20 in Hinds County, Jackson, Mississippi. Such line runs through U.S. Postal Zip Code 39204.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Illinois Central Railroad Company

ATTACHMENT 2



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Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4361  
F - 708-332-4361  
tom.healey@cn.ca

July 23, 2013

Ms. Abigail Kimball  
Chief, Forest Service  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
RM 4NW YATESBG  
Washington, DC 20250

Re: Docket No. AB-43 (Sub No. 186X), Illinois Central Railroad Company  
Notice of Exemption in Jackson, Hinds County, Mississippi

Dear Ms. Kimball,

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after August 6, 2013, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.16 miles of railroad line starting at milepost 0.36 and ending at milepost 0.20 in Hinds County, Jackson, Mississippi. Such line runs through U.S. Postal Zip Code 39204.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Illinois Central Railroad Company

ATTACHMENT 3



www.cn.ca

Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

July 23, 2013

Mr. Thomas Ross, Division Chief  
National Center for Recreation and Conservation  
National Park Service  
1849 C. Street, N.W.  
Org. Code 2220  
Washington, D.C. 20420

Re: Docket No. AB-43 (Sub No. 186X), Illinois Central Railroad Company  
Notice of Exemption in Jackson, Hinds County, Mississippi

Dear Mr. Ross

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after August 6, 2013, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.16 miles of railroad line starting at milepost 0.36 and ending at milepost 0.20 in Hinds County, Jackson, Mississippi. Such line runs through U.S. Postal Zip Code 39204

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Illinois Central Railroad Company

ATTACHMENT 4



Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

www.cn.ca

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

June 19, 2013

**Re: Illinois Central Railroad Company Notice of Exemption for Abandonment – Jackson, Hinds County, Mississippi - Docket AB-43 (Sub-No. 186X)**

To Whom It May Concern,

Any time on or after July 15, 2013, Illinois Central Railroad Company ("IC") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located between milepost 0 36 and milepost 0 20, a distance of 0 16 miles, in Jackson, Hinds County, Mississippi. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423-0001, (202) 245-0245, and refer to the above docket number.

IC will file the Environmental Report and Historic Report with the STB on or about June 19, 2013. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (708) 332-4381 or by mail at the above address.

Sincerely,

Thomas J. Healey  
Attorney for Illinois Central Railroad Company

Encls.

ATTACHMENT 5

14

Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W  
Washington, DC 20460

Mississippi Office of Coastal Ecology  
Department of Marine Resources  
1141 Bayview Avenue, Suite 101  
Biloxi, MS 39530

Robert Graham  
District 1 Board of Supervisors  
P O. Box 686  
Jackson, MS 39205-0686

Mississippi Environmental Protection Agency  
Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

Mississippi Department of Wildlife, Fisheries, & Parks  
1505 Eastover Dr.  
Jackson, MS 39211

USACE, Mississippi Valley Division  
Public Affairs Office  
1400 Walnut Street  
Vicksburg, MS 39180

Mississippi District Park Headquarters  
Gulf Islands National Seashore  
1801 Gulf Breeze Parkway  
Gulf Breeze, FL 32563

Natural Resource Conservation Service  
Jackson Service Center  
322 New Market Drive  
Jackson, MS 39209-9678

Mississippi Department of Transportation  
Lisa Hancock, Deputy Executive Director, Administration  
401 North West Street  
Jackson, MS 39201

Historic Preservation Division  
Charlotte Capers Archives and History Building  
P O. Box 571  
Jackson, MS 39205-0571

**PROOF OF PUBLICATION  
THE STATE OF MISSISSIPPI  
HINDS COUNTY**

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

**PASTE PROOF HERE**

C20112  
CN LAW DEPARTMENT,  
0200430780  
Abandonment Notice (Post 0 20)

ANN MIDDEKE

an authorized clerk of THE CLARION-LEDGER, a newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows

2/28/2013

Size 363 words / 1 00 col x 91 00 lines  
Published 1 time(s)  
Total \$52 06

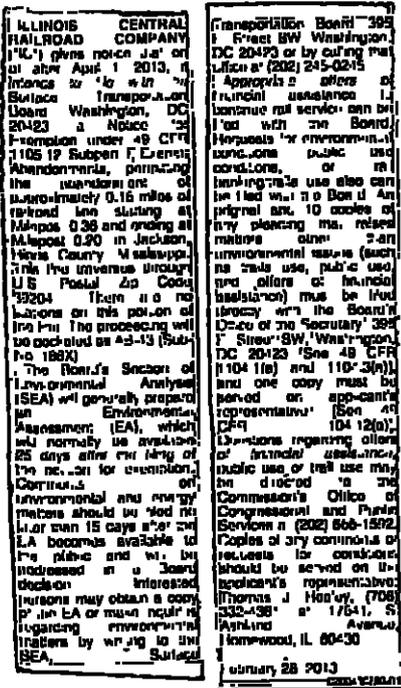
Signed *Ann Middeke*  
Authorized Clerk of  
The Clarion-Ledger

SWORN to and subscribed before me on 2/28/2013

*Rick Tyler*  
Notary Public  
RICK TYLER

Notary Public State of Mississippi at Large Bonded thru  
Notary Public Underwriters

(SEAL)



ATTACHMENT 7

MISSISSIPPI DEPARTMENT *of* ARCHIVES AND HISTORY



PO Box 571 Jackson, MS 39205-0571  
601-576-6850 • Fax 601-576-6975  
mdah.state.ms.us  
*H T Holmes, Director*

June 26, 2013

Mr. Thomas J. Healey  
Canadian National  
17641 South Ashland Avenue  
Homewood, Illinois 60430-1339

RE: Proposed abandonment of 0.16 miles of railroad line between milepost 0.36 and milepost 0.20 in Jackson, by Illinois Central Railroad Company, MDAH Project Log #06-130-13, Hinds County

Dear Mr. Healey:

We have reviewed your request for a cultural resources assessment, received on June 24, for the above referenced project in accordance with our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After reviewing the information provided, it is our determination that no cultural resources are likely to be affected. Therefore, we have no objection with the proposed undertaking.

Should there be additional work in connection with the project, or any changes in the scope of work, please let us know in order that we may provide you with appropriate comments in compliance with the above referenced regulations.

If you have any questions, please do not hesitate to contact us at (601) 576-6940.

Sincerely,

A handwritten signature in black ink that reads "Hal Bell".

Hal Bell  
Review and Compliance Assistant

FOR: Greg Williamson  
Review and Compliance Officer

EXHIBIT D



MISSISSIPPI  
DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS

Sam Polles, Ph.D.  
Executive Director

July 26, 2013

Thomas Healey  
CN  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

Re. Illinois Central Railroad Company Notice of Exemption for Abandonment  
Dock AB-43 (Sub-No. 186X) R# 9622  
Jackson, Hinds County, Mississippi

To Mr. Thomas Healey,

In response to your request for information dated June 19, 2013, we have searched our database for occurrences of state or federally listed species and species of special concern that occur within 2 miles of the site of the proposed project. Please find our concerns and recommendations below.

The following species of concern may occur within 2 miles of the proposed project area:

SCIENTIFIC NAME	COMMON NAME	FED	STATE	STATE RANK
<i>Uniomerus declivis</i>	Tapered Pondorn			S2
<i>Alosa alabamae</i>	Alabama Shad			S1
<i>Arcidens confragosus</i>	Rock Pocketbook			S2

State Rank

S1 — Critically imperiled in Mississippi because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because of some factor(s) making it vulnerable to extirpation

S2 — Imperiled in Mississippi because of rarity (6 to 20 occurrences or few remaining individuals or acres) or because of some factor(s) making it vulnerable to extirpation.

S3 — Rare or uncommon in Mississippi (on the order of 21 to 100 occurrences)

State and Federal Status

LE Endangered — A species which is in danger of extinction throughout all or a significant portion of its range

LT Threatened — A species likely to become endangered in foreseeable future throughout all or a significant portion of its range

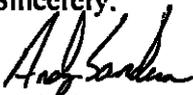
Exhibit E

18

**Based on information provided, we conclude that if best management practices are properly implemented, monitored, and maintained (particularly measures to prevent, or at least, minimize negative impacts to water quality), the proposed project likely poses no threat to listed species or their habitats.**

Please feel free to contact us if we can provide any additional information, resources, or assistance that will help minimize negative impacts to the species and/or ecological communities identified in this review. We are happy to work with you to ensure that our state's precious natural heritage is conserved and preserved for future Mississippians.

Sincerely,



Andy Sanderson, MNHP Coordinator  
Mississippi Natural Heritage Program  
(601) 576-6046

The Mississippi Natural Heritage Program (MNHP) has compiled a database that is the most complete source of information about Mississippi's rare, threatened, and endangered plants, animals, and ecological communities. The quantity and quality of data collected by MNHP are dependent on the research and observations of many individuals and organizations. In many cases, this information is not the result of comprehensive or site-specific field surveys; most natural areas in Mississippi have not been thoroughly surveyed and new occurrences of plant and animal species are often discovered. Heritage reports summarize the existing information known to the MNHP at the time of the request and cannot always be considered a definitive statement on the presence, absence or condition of biological elements on a particular site.