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ENTERED  
Office of Proceedings  
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Part of  
Public Record

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January 29, 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:

On January 15, 2015, The Cincinnati, New Orleans and Texas Pacific Railway Company (“CNOTP”), a wholly owned subsidiary of Norfolk Southern Railway Company, filed a two year out-of-service notice of exemption seeking authority 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. On pages 5 and 6 of the notice, CNOTP stated that:

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 service on the Line.

To ensure a complete and accurate record, I am writing to provide clarification with respect to the above statements. The 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. Because CNOTP does not own the underlying track and structures, it is seeking discontinuance authority rather than abandonment authority. As a non-owner of the track, CNOTP has no right to undertake any salvage activities. Accordingly, the first sentence of the above language is an accurate statement.

Although the first sentence was an accurate statement, it was inaccurate to state that “[f]urther Board authority is required for CNOTP to abandon service on the Line.” Instead, upon discontinuance, CNOTP understands that CSR, as the owner of the track, has agreed to sell the track

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to KT Group, L.L.C., who CNOTP further understands intends to salvage the track, but not the ties. Accordingly, CNOTP will not be seeking further authority from the Board “to abandon service on the Line.”<sup>1</sup>

In order to ensure that all parties have an accurate record, this letter is being served on all parties of record and all parties required to be served pursuant to 49 C.F.R. § 1152.50(d)(1). 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](mailto:wmullins@bakerandmiller.com).

Sincerely,



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

Enclosures

cc: Parties of Record  
Parties provided notice under 49 C.F.R. § 1152.50(d)(1)  
Marc Kirchner, Maquiling Parkerson, LaWada Poarch

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<sup>1</sup> 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) whereby CNOTP seeks abandonment authority for a segment of track that it owns and that connects with the track owned by CSR.