

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

RECEIVED
TRANSPORTATION BOARD
March 21, 2006

Via Overnight Delivery

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

216052



Re: Docket No. AB-43 (Sub-No. 177X), Illinois Central Railroad Company—
Abandonment Exemption — in Lawrence County, Mississippi

Dear Secretary Williams:

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 March 21, 2006 pursuant to 49 C.F.R. § 1152.50. A check in the amount of \$3,000.00, representing the appropriate fee for this filing, also is enclosed.

One extra copy of this transmittal letter is enclosed as well. Please date stamp this copy to show receipt and return them to me in the enclosed envelope.

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.

FILED

MAR 22 2006

TRANSPORTATION BOARD

Respectfully submitted,

Michael J. Barron, Jr.
Michael J. Barron, Jr.
Attorney for Illinois Central
Railroad Company

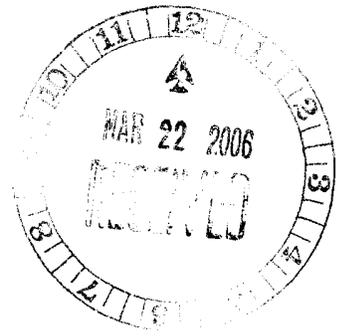
Encls.

ENTERED
Office of Proceedings

MAR 22 2006

Part of
Public Record

216052



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-43 (SUB-NO. 177X)

ILLINOIS CENTRAL RAILROAD COMPANY —
ABANDONMENT EXEMPTION — IN LAWRENCE COUNTY, MISSISSIPPI

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

FILED

MAR 22 2006

TRANSPORTATION BOARD

ENTERED
Office of Proceedings

MAR 29 2006

Part of
Public Record

Michael J. Barron, Jr.
FLETCHER & SIPPEL LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

ATTORNEY FOR
ILLINOIS CENTRAL RAILROAD COMPANY

Dated: March 21, 2006

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-43 (SUB-NO. 177X)

ILLINOIS CENTRAL RAILROAD COMPANY —
ABANDONMENT EXEMPTION — IN LAWRENCE 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 between milepost 53.0 near Silver Creek and milepost 57.1 near Ferguson, a distance of 4.1 miles in Lawrence County, Mississippi ("Lawrence County Line").

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

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 milepost 53.0 near Silver Creek and milepost 57.1 near Ferguson, a distance of approximately 4.1 miles in Lawrence County, Mississippi.

Map: 49 C.F.R. § 1152(a)(4)

A map of the Lawrence County Line 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:

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, IL 60606-2832
(312) 252-1500

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

The Lawrence County Line traverses United States Postal Service ZIP Code 39663.

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 Lawrence County Line for at least the last two years, there is no overhead traffic on the Lawrence County Line that would have to be rerouted over other lines (indeed the track stub ends at milepost 53.0), and no formal complaint filed by a user of rail service on the Lawrence County Line (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 May 15, 2006.

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

The Lawrence County Line right-of-way may be suitable for use as a trail. 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 as the line travels through an undeveloped area.

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

The level of labor protection applicable in rail line abandonments 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 Report and Historic Report, prepared pursuant to C.F.R. §§ 1105.7 and 1105.8, were already filed with the Surface Transportation Board in this proceeding. Since serving those reports, IC has received acknowledgements of receipt from the Lawrence County Board of Supervisors, Corps of Engineers, the State Clearinghouse, and the Mississippi Department of Wildlife, Fisheries and Parks, but IC has not received any substantive response.

Respectfully submitted,

By Michael J. Barron, Jr.

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, IL 60606-2832
(312) 252-1500

Dated: March 21, 2006

ATTORNEY FOR ILLINOIS CENTRAL
RAILROAD COMPANY

DOCKET NO. AB-43 (SUB-NO. 177X)

ILLINOIS CENTRAL RAILROAD COMPANY — ABANDONMENT EXEMPTION —
IN LAWRENCE COUNTY, MISSISSIPPI

CERTIFICATE AND VERIFICATION

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

I, Robert M. Wedam, Senior Manager Network Strategies for the Illinois Central Railroad Company, being duly sworn, deposes and says:

1. That no local traffic has moved over the line between milepost 53.0 near Silver Creek and milepost 57.1 near Ferguson, in Lawrence County, 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. I have read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

Robert M. Wedam
Date: 3/17/06

Subscribed and sworn to
before me this 17 day of
March, 2006.

Patricia A. Zieminski
Notary Public

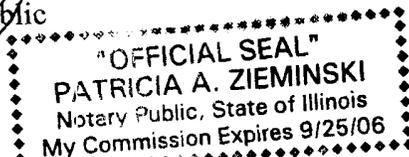


EXHIBIT B

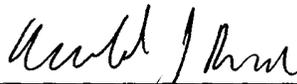
CERTIFICATE

I, Michael J. Barron, Jr., 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. 177X), Illinois Central Railroad Company — Abandonment Exemption — in Lawrence County, Mississippi:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to-wit: On March 9, 2006, written notice was mailed to the: (a) United States Department of Defense, MTMCTEA, Attn: Railroads for National Defense; (b) Chief of the Forest Service, U.S. Department of Agriculture; (c) National Center for Recreation and Conservation, National Park Service; and (d) Mississippi Department of Transportation (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 February 27, 2006, 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 Clearinghouse and State Historic Preservation Officer, as required by 49 C.F.R. § 1105.7(b) and § 1105.11.

(3) A newspaper notice was published on November 9, 2005, in the Lawrence County Press, a newspaper of general circulation in Lawrence 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 proof of publication are attached to this certificate as Attachment 7.



Michael J. Barron, Jr.

Dated: March 21, 2006

EXHIBIT C

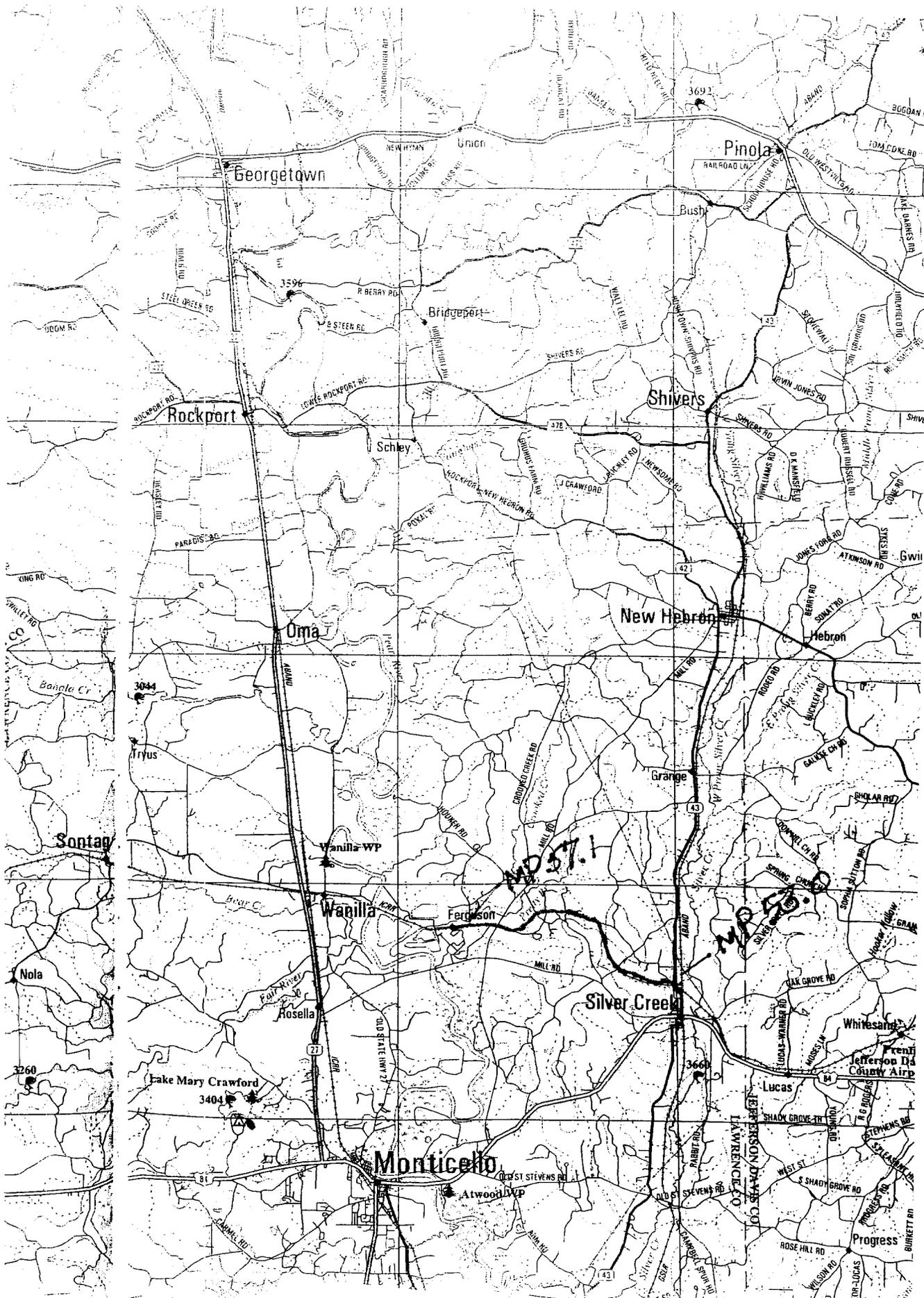


EXHIBIT A

1" = 2.9 mi (4.6 km)

Continue on Page 36

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Phone: (312) 252-1500
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www.fletcher-sippel.com

March 9, 2006

United States Department of Defense
MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Re: Docket No. AB-43 (Sub-No. 177X), Illinois Central Railroad Company
Notice of Exemption in Lawrence 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 March 20, 2006, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 4.1 mile line of railroad between milepost 53.0 near Silver Creek and milepost 57.1 near Ferguson in Lawrence County, Mississippi. Such line runs through U.S. Postal Zip Code 39663.

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. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,


Michael J. Barron, Jr.
Attorney

ATTACHMENT 1

FLETCHER & SIPPEN LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

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MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

March 9, 2006

Mr. Dale Bosworth
Chief, Forest Service
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Re: Docket No. AB-43 (Sub-No. 177X), Illinois Central Railroad Company
Notice of Exemption in Lawrence County, Mississippi

Dear Mr. Bosworth:

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 March 20, 2006, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 4.1 mile line of railroad between milepost 53.0 near Silver Creek and milepost 57.1 near Ferguson in Lawrence County, Mississippi. Such line runs through U.S. Postal Zip Code 39663.

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. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,



Michael J. Barron, Jr.
Attorney

ATTACHMENT 2

FLETCHER & SIPPEN LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

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mbarron@fletcher-sippel.com

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Fax: (312) 252-2400
www.fletcher-sippel.com

March 9, 2006

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. 177X), Illinois Central Railroad Company
Notice of Exemption in Lawrence 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 March 20, 2006, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 4.1 mile line of railroad between milepost 53.0 near Silver Creek and milepost 57.1 near Ferguson in Lawrence County, Mississippi. Such line runs through U.S. Postal Zip Code 39663.

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. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,


Michael J. Barron, Jr.
Attorney

ATTACHMENT 3

FLETCHER & SIPPEN LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

March 9, 2006

Mr. William R. Balentine
Director, Office of Intermodal Planning
Mississippi Department of Transportation
P.O. Box 1850
Jackson, MS 39115-1850

Re: Docket No. AB-43 (Sub-No. 177X), Illinois Central Railroad Company
Notice of Exemption in Lawrence County, Mississippi

Dear Mr. Balentine:

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 March 20, 2006, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 4.1 mile line of railroad between milepost 53.0 near Silver Creek and milepost 57.1 near Ferguson in Lawrence County, Mississippi. Such line runs through U.S. Postal Zip Code 39663.

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. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,


Michael J. Barron, Jr.
Attorney

ATTACHMENT 4

FLETCHER & SIPPET LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

February 27, 2006

Re: Illinois Central Railroad Company Notice of Exemption for Abandonment—Lawrence County, Mississippi—Docket AB-43 (Sub-No. 177X)

To Whom It May Concern:

Any time on or after March 20, 2006, 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 53.0 near Silver Creek and milepost 57.1 near Ferguson, a distance of 4.1 miles, in Lawrence 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, 1925 K Street, N.W., Washington, D.C. 20423-0001, (202) 565-1545, and refer to the above docket number.

IC will file the Environmental Report and Historic Report with the STB on or about February 27, 2006. 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 (312) 252-1511 or by mail at the above address.

Sincerely,



Michael J. Barron, Jr.
Attorney for Illinois Central
Railroad Company

Encls.

ATTACHMENT 5

Mr. William R. Balentine
Director, Office of Intermodal Planning
Mississippi Department of Transportation
P.O. Box 1850
Jackson, MS 39115-1850

Mr. Homer L. Wilkes
State Conservationist
USDA Natural Resources Conservation Service
100 West Capitol Street, Room 1321
Jackson, MS 39269

Mr. Jerry Brashier
Director of Wetland Permitting
Mississippi Coastal Program
Mississippi Dept of Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, MS 39530

Mr. Heinz Mueller
NEPA Program Office
U.S. Environmental Protection Agency
61 Forsyth Street.
Atlanta, GA 30303

Mr. Christopher A. Alonzo
Director, Environmental Programs
Mississippi Dept. of Wildlife,
Fisheries and Parks
1505 Eastover Drive
Jackson, MS 39211-6322

Ms. Kathy W. Lunceford
Environmental Coordinator
U.S. Fish & Wildlife Service
6578 Dogwood view Parkway, Suite A.
Jackson, MS 39213

Ms. Cynthia Rickis-Gordon
Environmental Biologist
Mississippi Natural Heritage Program
Mississippi Museum of Natural Science
2148 Riverside Drive
Jackson, MS 39202-1353

Mr. Jerry Banks
Mississippi Dept. of Environmental Quality
P.O. Box 20305
Jackson, MS 39289-1305

Ms. Elizabeth S. Guynes
Chief, Regulatory Branch
U.S. Army Corp of Engineers
Vicksburg District, Operations Division
4155 Clay Street
Vicksburg, MS 39280-3435

Clerk
Lawrence County Courthouse
P.O. Box 1160
Monticello, MS 39654-1160

ATTENTION: County Executive

Mr. Thomas H. Waggener
Review and Compliance Officer
Mississippi Dept. of Archives and History
Historic Preservation Division
P.O. Box 571
Jackson, MS 39205-0571

Mr. Edward J. McKay
Chief Spatial Reference System Division
National Geodetic Survey
Nat'l Oceanic and Atmospheric Administration
1315 East West Highway, Room 8813
Silver Spring, MD 20910-3282

D. Thomas Ross
Assistant Director, Recreation and Conservation
National Park Service
Department of Interior
1849 C Street, NW
Org. Code 2220
Washington, DC 20240

Ms. Deb Biggers, Director
501 N. West Street, Suite 1301E
Mississippi Dept. of Finance and Administration
Office of Budget and Fund Management
Jackson, MS 39201

Mr. Glenn L. Odom
Surface Water Division
Mississippi Dept. of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

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

Personally appeared before the undersigned authority in and for said county and state, John Carney, who being duly sworn, deposeth and saith that he is editor and publisher of the *Lawrence County Press*, a newspaper published continuously for the past two years or more, in the Town of Monticello, in said county and state, that the notice, a true copy of which is hereto attached, was published in said newspaper for 1 consecutive times as follows:

| | | | |
|---------------|---------------|-----------|-----------|
| No. <u>11</u> | Vol. <u>9</u> | <u>20</u> | <u>05</u> |
| No. _____ | Vol. _____ | <u>20</u> | _____ |
| No. _____ | Vol. _____ | <u>20</u> | _____ |
| No. _____ | Vol. _____ | <u>20</u> | _____ |
| No. _____ | Vol. _____ | <u>20</u> | _____ |
| No. _____ | Vol. _____ | <u>20</u> | _____ |

John Carney

Sworn to and subscribed before me this the 9th day of Nov. 20 05
Kenneth R. Buffington
My Commission Expires September 18, 2006

Printer's fee \$ 32.76
Proof fee 3.00
Total 35.76

NOTICE

ILLINOIS CENTRAL RAILROAD COMPANY gives notice that on or after November 30, 2005 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments, permitting the abandonment of a line of railroad between milepost 53.0 near Silver Creek and milepost 57.1 near Ferguson, all in Lawrence County, Mississippi, which line traverses through U.S. Postal Zip Code 39663. The proceeding will be docketed as AB-43 (Sub-No. 177X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, 1925 K Street NW, Washington, DC 20423 or by calling that office at (202) 565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street NW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative. [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Commission's Office of Congressional and Public Services at (202) 565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Michael J. Barron, Jr., (312)252-1511 at Fletcher & Sippel, 29 N. Wacker Drive, Suite 920, Chicago, IL 60606-2832.

LCP 11-9-2005

ATTACHMENT 7