

**JOHN D. HEFFNER, PLLC**  
1920 N STREET, N.W.  
SUITE 800  
WASHINGTON, D.C. 20036  
(202) 263-4180  
FAX (202) 296-3939  
jheffner@verizon.net

**ORIGINAL**

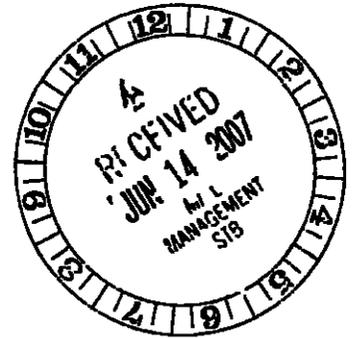
**ENTERED**  
Office of Proceedings

**JUN 14 2002**

Part of  
Public Record

BY HAND

June 14, 2007



Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

219531

**RE: STB Docket No. AB-297 Sub-No. 103X  
Columbus And Greenville Railway Company  
- Discontinuance of Service Exemption -  
Between West Point and Greenwood, MS**

Dear Mr. Williams:

On behalf of the Columbus and Greenville Railway Company ("CAGY"), I am filing in the above-captioned docket an original and ten copies of a Verified Notice of Exemption under 49 CFR 1152.50 for the discontinuance of service over an out of service rail line between West Point and Greenwood, MS.

I am also enclosing one check payable to the Board for \$3,200 to cover the applicable filing fee and a computer disk formatted in MS Word containing this filing.

Please date stamp and return one copy of this filing.

Sincerely yours,

**FILED**

*John D. Heffner*  
John D. Heffner

**JUN 14 2007**

Enclosures

cc: Mr. H. Lynn Gibson  
SURFACE  
TRANSPORTATION BOARD

**FEE RECEIVED**

**JUN 14 2007**

SURFACE  
TRANSPORTATION BOARD

**ENTERED**  
Office of Proceedings

**JUN 14 2007**

Part of  
Public Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB 297 (Sub-No. 103x)  
COLUMBUS AND GREENVILLE RAILWAY COMPANY  
-DISCONTINUANCE OF SERVICE EXEMPTION-  
BETWEEN WEST POINT AND GREENWOOD, MS

NOTICE OF EXEMPTION  
UNDER 49 CFR 1152.50

John D. Heffner  
John D. Heffner, PLLC  
1920 N Street, N.W.  
Suite 800  
Washington, D.C. 20036  
(202) 263-4180

Attorney for the Columbus and  
Greenville Railway Company

Dated: June 14, 2007

BEFORE THE  
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB 297 (Sub-No. 103x)  
COLUMBUS AND GREENVILLE RAILWAY COMPANY  
-DISCONTINUANCE OF SERVICE EXEMPTION-  
BETWEEN WEST POINT AND GREENWOOD, MS

NOTICE OF EXEMPTION  
UNDER 49 CFR 1152.50

Pursuant to the Board's regulations at 49 CFR 1152.50, the Columbus and Greenville Railway Company (CAGY) files this Notice of Exemption so that it may discontinue service over an out-of-service line of railroad ("the Line") between milepost 21.2 in West Point, MS, and milepost 110.7 in Greenwood, MS, a distance of 89.5 miles in Clay, Oktibbeha, Webster, Montgomery, Carroll, and Leflore Counties. The Line traverses United States Postal Service Zip Codes 39773, 39741, 39755, 39750, 39752, 39744, 39767, 39747, 38967, 38943, 38947, and 38930.

A map showing the subject line is attached as Exhibit A. Because no freight has moved over the Line since May 2001, this discontinuance is exempt from regulation under 49 CFR 1152.50. In accordance with the aforesaid regulation, CAGY makes the following assertions:

1. Proposed consummation date.

The proposed consummation date of this discontinuance of service will be at least 50 days from the filing date but no later than August 5, 2007.

2. Certification required in Section 1152.50(b).

The required certification by CAGY is set forth as Exhibit B to this Notice of Exemption.

3. 49 CFR 1152.22(a) (1): Exact name of applicants.

The exact name of the applicant is the Columbus and Greenville Railway Company.

4. 49 CFR 1152.22(a) (2): Common carrier status.

CAGY is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

5. 49 CFR 1152.22(a) (3): Relief sought.

CAGY seeks authority to discontinue rail service over the subject line.

6. 49 CFR 1152.22(a) (4): Detailed map.

A detailed map of the subject line in accordance with the requirements of 49 CFR 1152.22(a) (4) is attached hereto as Exhibit A.

7. 49 CFR 1152.22(a) (7): Representative information.

The name, title, and address of CAGY's representative to whom all correspondence should be sent is:

John D. Heffner  
John D. Heffner, PLLC  
Suite 800  
1920 N Street N.W.  
Washington, D.C. 20036  
(202) 263-4180

8. 49 CFR 1152.22(a) (8): U.S. Zip Codes.

The Line traverses United States Postal Service Zip Codes 39773, 39741, 39755, 39750, 39752, 39744, 39767, 39747, 38967, 38943, 38947, and 38930.

9. 49 CFR 1152.22(e) (4): Public use/property interests.

Applicant seeks discontinuance of service only.

Therefore this requirement is inapplicable.

10. Federally granted right-of-way.

Applicant seeks discontinuance of service only.

Therefore this requirement is inapplicable. Nevertheless, CAGY does not believe that the right-of-way consists of any federally granted lands.

11. The level of labor protection.

Applicant understands that, in exempting the proposed discontinuance of service, the Board cannot relieve a carrier of its statutory obligation to protect the interests of employees. See 49 CFR 1152.50(c). Accordingly, Applicant anticipates that the Board will impose the conditions set forth in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979), for the

benefit of any employee who may be adversely affected by the proposed discontinuance.

12. Certificate of compliance with the notice requirements of Sections 1152.50(d)(1) and 1105.11 and the newspaper publication requirements of Section 1105.12.

The required certificate is set forth as Exhibit C to this Notice of Exemption.

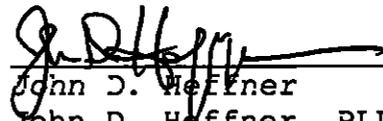
13. Environmental and Historic Reports.

No Environmental and Historic Report is furnished with this Notice of Exemption as only a discontinuance of service is requested. An Environmental and Historic Report will be prepared should CAGY ever decide to seek authority or an exemption for abandonment of the Line.

14. Verification

The required verification is set forth as Exhibit D to this Notice of Exemption.

Respectfully submitted,



---

John D. Heffner  
John D. Heffner, PLLC  
1920 N Street, N.W.  
Suite 800  
Washington, D.C. 20036  
Telephone: (202)263-4180

Counsel for the Columbus and  
Greenville Railway Company

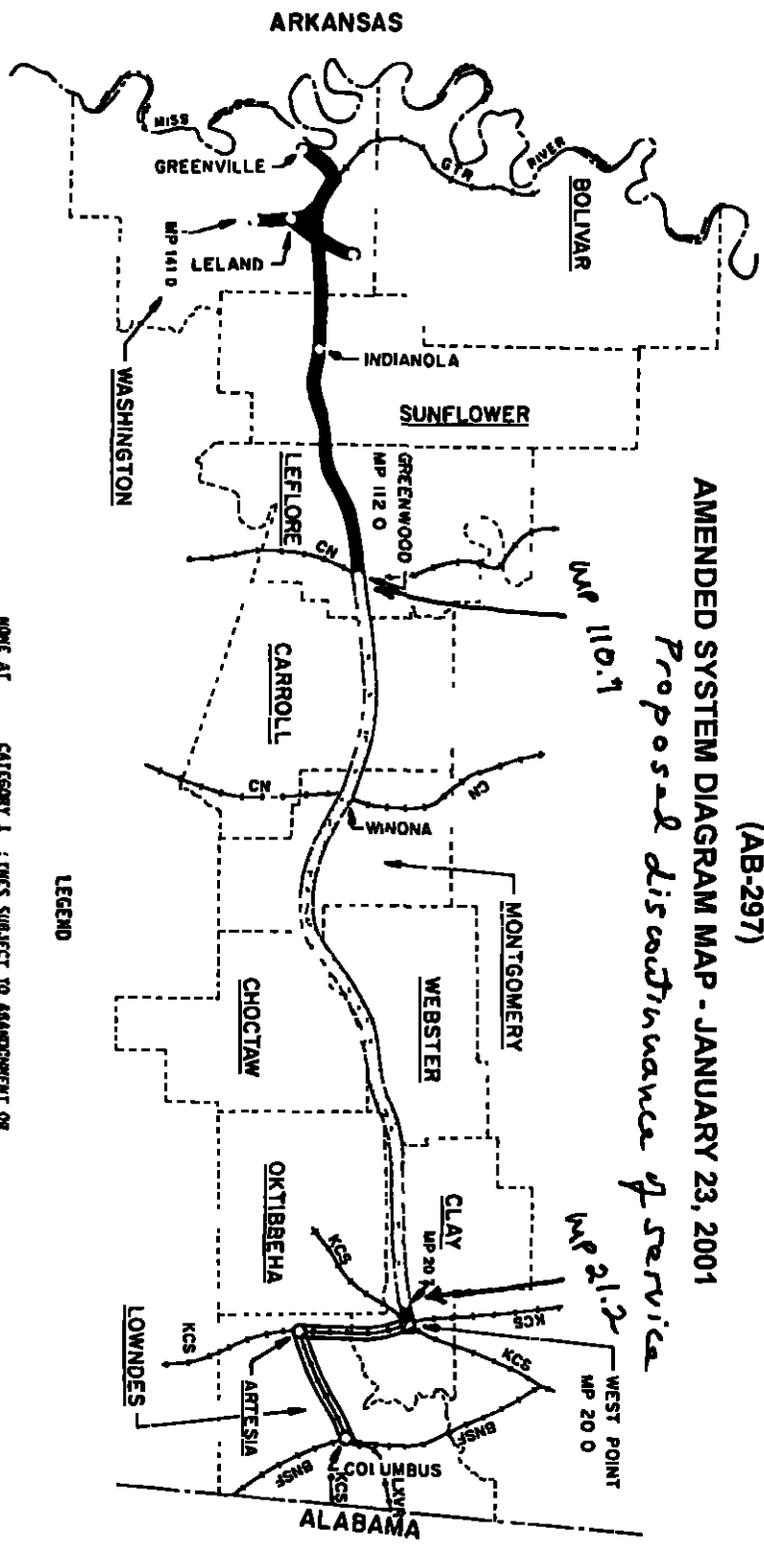
Dated: June 14, 2007

## **EXHIBIT A**

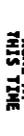
COLUMBUS AND GREENVILLE RAILWAY COMPANY  
 STATE OF MISSISSIPPI  
 (AB-297)

AMENDED SYSTEM DIAGRAM MAP - JANUARY 23, 2001

*Proposed discontinuance of service*



LEGEND

-  CATEGORY 1 LINES SUBJECT TO ABANDONMENT OR DISCONTINUANCE WITHIN THREE YEARS
-  CATEGORY 2 LINES UNDER STUDY AND MAY BE SUBJECT TO ABANDONMENT OR DISCONTINUANCE
-  CATEGORY 3 LINES FOR WHICH AN ABANDONMENT OR DISCONTINUANCE PETITION IS PENDING BEFORE THE COMMISSION
-  CATEGORY 4 LINES BEING OPERATED UNDER OFFERS OF FINANCIAL ASSISTANCE OR OTHER AGREEMENTS MADE AT THE TIME OF THE PETITION FOR ABANDONMENT OR DISCONTINUANCE (SUBSECTION APPLIES TO COMBATS)
-  CATEGORY 5 ALL OTHER LINES OR PORTION OF LINES
-  TRACKAGE RIGHTS
-  STATE BOUNDARIES
-  COUNTY BOUNDARIES
-  EVERY STANDARD METROPOLITAN AREA OR CITY WITH A POPULATION OF 5,000 OR MORE LOCATED WITHIN 5 AIR MILES OF THE LINE

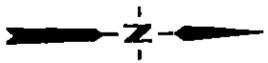


EXHIBIT B

CERTIFICATION REQUIRED  
IN 49 C.F.R. SECTION 1152.50(b)

In accordance with 49 C F R Section 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. AB-297 (Sub-No. 103X): (1) no traffic has moved over the line for at least two years prior to the date hereof and any overhead traffic on the line can be rerouted over other lines and (2) no formal complaint filed by a user of rail service on the line (or state or local governmental agency acting on behalf of such a user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two year period prior to the date hereof. The foregoing certification is made on behalf of the Columbus And Greenville Railway Company by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.

  
H. Lynn Gibson

Dated:

*June 12, 2007*

CERTIFICATE OF COMPLIANCE  
WITH NOTICE REQUIREMENTS OF  
49 C.F.R. 1152.50(d) (1)

In accordance with 49 C.F.R. 1152.50(d) (1), I hereby certify that:

On June 4, 2007 (at least 10 days before a notice of exemption was filed), I caused to be served by U.S. Mail (first class postage prepaid) written notice of intent by the Columbus and Greenville Railway Company to discontinue service over a line of railroad upon the following:

Secretary, Mississippi  
Public Service Comm'n  
Woolfolk Bldg.  
501 North West St.,  
Jackson, MS 39201

Mr. Dale Dorfman  
MTMCTEA  
720 Thimble Shoals Blvd.  
Suite 130  
Newport News, VA 23606-2574

Mr. Thomas Ross  
Division Chief,  
National Center for  
Recreation and Conservation  
1201 I St., N.W., 9<sup>th</sup> Flr.  
Washington, D.C. 20005

Mr. Dale Bosworth  
Chief, Forest Service  
U.S. Dept. of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C. 20250

  
\_\_\_\_\_  
John D. Heffner  
Counsel for the Columbus  
And Greenville Railway Company

EXHIBIT C, page 2

CERTIFICATE OF COMPLIANCE  
WITH NOTICE REQUIREMENTS OF  
49 C.F.R. 1105.11

Not applicable because this notice is just for  
discontinuance of service only.



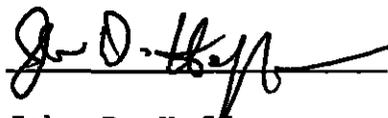
John D. Heffner  
Counsel for the Columbus  
And Greenville Railway Company

CERTIFICATE OF COMPLIANCE WITH THE  
NEWSPAPER PUBLICATION REQUIREMENTS OF  
SECTION 49 CFR 1105.12

The undersigned further certifies that a "Notice of Intent to Discontinue Rail Service" was published in the form prescribed by the Board for out of service discontinuance of service exemptions. The notice was published one time in a newspaper of general circulation in the counties in which the Line is located as follows:

<u>Counties</u>	<u>Newspaper</u>	<u>Date</u>
Clay, Oktibbeha, Webster, Montgomery, Carroll, And Leflore Counties	<i>The Clarion-Ledger,</i> Jackson, MS	June 11, 2007

Respectfully submitted,



John D. Hefner  
Counsel for the Columbus  
And Greenville Railway Company



**EXHIBIT D**

VERIFICATION

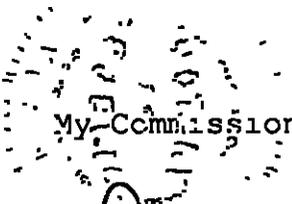
STATE OF MISSISSIPPI     )  
  )  
CITY OF COLUMBUS         )     SS

H. LYNN GIBSON, being duly sworn according to law, hereby deposes and states that he is authorized to make the Verification, has read the foregoing document, and knows the facts asserted therein are true and accurate as stated, to the best of his knowledge, information and belief.

H. Lynn Gibson

Subscribed and sworn to before me, a Notary Public, in and for the City of Columbus in the State of Mississippi, this 31st day of May.

Vernon H. Shumpert  
Notary Public



My Commission expires:  
February 5, 2008

Notary Public State of Mississippi At Large  
My Commission Expires February 5, 2008  
Bonded Thru Heiden, Brooks & Garland, Inc.