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July 23, 2020

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

VIA E-FILING

Re: *Cathcart Rail, LLC—Continuance in Control Exemption—Belpre Industrial Parkersburg Railroad, LLC*,
Finance Docket No. 36421

Dear Ms. Brown:

Enclosed for e-filing in the above-captioned proceeding is the Verified Notice of Exemption by Cathcart Rail, LLC ("BIP") to continue in control of Belpre Industrial Parkersburg Railroad, LLC ("BIP"), a non-carrier upon BIP becoming a Class III rail carrier in *Belpre Indus. Parkersburg R.R., LLC—Lease and Operation Exemption—CSX Transp., Inc.*, Docket No. FD 36388.

The filing fee pursuant to 49 C.F.R. § 1002.2(f)(39)(iv) has been paid via Pay.gov.

Please let me know if you have questions. Thank you.

Sincerely,

Stinson LLP

David F. Rifkind

DFR:ma

Enclosure

FEE RECEIVED
July 23, 2020
SURFACE
TRANSPORTATION BOARD

FILED
July 23, 2020
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36421

CATHCART RAIL, LLC
—CONTINUANCE IN CONTROL EXEMPTION—
BELPRE INDUSTRIAL PARKERSBURG RAILROAD, LLC

VERIFIED NOTICE OF EXEMPTION

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Counsel for Cathcart Rail, LLC

Date: July 23, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

No. FD 36421

CATHCART RAIL, LLC
—CONTINUANCE IN CONTROL EXEMPTION—
BELPRE INDUSTRIAL PARKERSBURG RAILROAD, LLC

VERIFIED NOTICE OF EXEMPTION

Pursuant to 49 C.F.R. § 1180.2(d)(2), Cathcart Rail, LLC, a non-carrier holding company ("Applicant"), hereby files this Verified Notice of Exemption from 49 U.S.C. § 11323 for Applicant to continue in control of Belpre Industrial Parkersburg Railroad, LLC ("BIP"), a non-carrier upon BIP becoming a Class III rail carrier in *Belpre Indus. Parkersburg R.R., LLC—Lease and Operation Exemption—CSX Transp., Inc.*, Docket No. FD 36388, while Applicant remains in control of a STB regulated carrier (currently non-operating), Bucyrus Industrial Railroad, LLC ("BIR") in Bucyrus, Ohio.¹

This proceeding is related to *Belpre Indus. Parkersburg R.R., LLC—Lease and Operation Exemption—CSX Transp., Inc.*, Docket No. FD 36388 (STB served Apr. 3, 2020), in which the Board authorized BIP to lease and operate as a common carrier the following approximately 46.9 miles of rail lines and yard property owned by CSX Transportation, Inc. ("CSXT"): 1) the "Marietta Subdivision" between Belpre, OH, at or near CSXT milepost BUS 0.0 and Relief, OH, at or near CSXT milepost BUS 38.0, a distance of approximately 38 miles; 2) the "Parkersburg

¹ Due to an unintentional oversight, Applicant failed to file this Verified Notice of Exemption concurrently with Finance Docket No. FD 36388. BIR's operation as a carrier was authorized in *Bucyrus Indus. R.R., LLC—Operation Exemption—Bucyrus Railcar Repair, LLC*, Docket No. FD 36329 (STB served July 25, 2019).

Running Track" between Parkersburg, WV, at or near CSXT milepost BB 194.59 and Belpre, OH, at or near CSXT milepost BB 189.3, a distance of approximately 5.29 miles; 3) the "High Yard", located in Parkersburg, WV at or near CSXT milepost BA 383.04, including all support, ancillary, and other tracks forming the yard; and 4) the "High Yard Main Track" extending through the High Yard, beginning at or near CSXT Milepost BA 384.8 and extending from the east end of the yard to the end of track, at or near CSXT Milepost BA 381.19 in Parkersburg, WV, a distance of approximately 3.61 miles.

In accordance with 49 C.F.R. § 1180.2(d)(2), Applicant hereby certifies that (i) the lines to be operated by BIP to be controlled pursuant to this proceeding do not connect with those of BIR, (ii) the subject continuance in control proceeding is not a part of a series of anticipated transactions that would connect these railroads with each other, and (iii) the continuance in control transaction does not involve a Class I carrier.

In accordance with the requirements of 49 C.F.R. § 1180.4(g), Applicant submits the following information:

INFORMATION REQUIRED BY 49 C.F.R. § 1180.6(a)

(1) A description of the proposed transaction, including appropriate references to any supporting exhibits and statements contained in the application and discussing the following:

49 C.F.R. § 1180.6(a)(1)(i) – Description of Transaction and Parties Thereto

In this proceeding, Applicant seeks to continue in control of BIP upon BIP becoming a Class III rail carrier in Docket No. FD 36388, while Applicant remains in control of BIR.

Applicant's Legal Name, Address, and Phone Number

Cathcart Rail, LLC
811 Hopley Avenue
P.O. Box 643
Bucyrus, Ohio 44820

Legal counsel to whom questions should be addressed

David F. Rifkind
Stinson LLP
1775 Pennsylvania Avenue NW, Suite 800
Washington, D.C. 20006
(202) 969-4218

49 CFR §1180.6(a)(1)(ii) - Schedule for Consummation

The parties intend to consummate the transaction once the notice of exemption becomes effective. Applicant requests that the Board make this notice effective retroactive to the date the BIP exemption became effective, which was April 18, 2020. *See* Docket No. FD 36388, slip op. at 2.

49 CFR §1180.6(a)(1)(iii) - Purpose to be accomplished by the transaction

The purpose of this transaction is for Applicant to remain in control of BIP, which will replace the common carrier services currently provided by CSXT. BIP intends to provide economical and responsive service and work closely with the on line shippers, the local community, and the connecting carrier to further develop the freight potential of the line.

49 CFR §1180.6(a)(5) -- State(s) in which the property of each carrier is situated

BIR Ohio

BIP Ohio and West Virginia

49 CFR § 1180.6(a)(6) -- Map

Maps are attached hereto as Exhibit 1.

49 CFR § 1180.6(a)(7)(ii) -- Copy of Agreement

There is no agreement covering Applicant's control of BIP.

49 CFR §1180.4(g)(1)(i) - Level of Labor Protection

This proposed transaction involves only Class III carriers and no labor protection applies to this transaction. 49 U.S.C. § 11326(c).

49 CFR § 1180.4(g)(4) -- Interchange Commitment

Applicant certifies that this continuance in control transaction does not contain any provision or agreement that would limit future interchange with a third-party connecting carrier. The related proceeding, *Belpre Indus. Parkersburg R.R., LLC—Lease and Operation Exemption—CSX Transp., Inc.*, Docket No. FD 36388, also does not contain an interchange commitment.

49 C.F.R. § 1105.6 through 1105.8 - Environmental and Historic Report

This continuance in control proceeding is exempt from environmental review under 49 C.F.R. § 1105.6(c)(2)(i) because the proposed action will not cause any operating changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5). In addition, this proceeding is exempt from historic review under 49 C.F.R. § 1105.8(b)(1) because there are no plans to dispose of or alter properties subject to Board jurisdiction that are at least 50 years old. Accordingly, no historic report is required.

Caption Summary

A caption summary in an appropriate form is attached as Exhibit 3 to this notice. As noted above, Applicant requests that the Board make this notice effective retroactive to April 18, 2020, the date on which the BIP exemption became effective.

Respectfully submitted,

/s/ *David F. Rifkind*

David F. Rifkind

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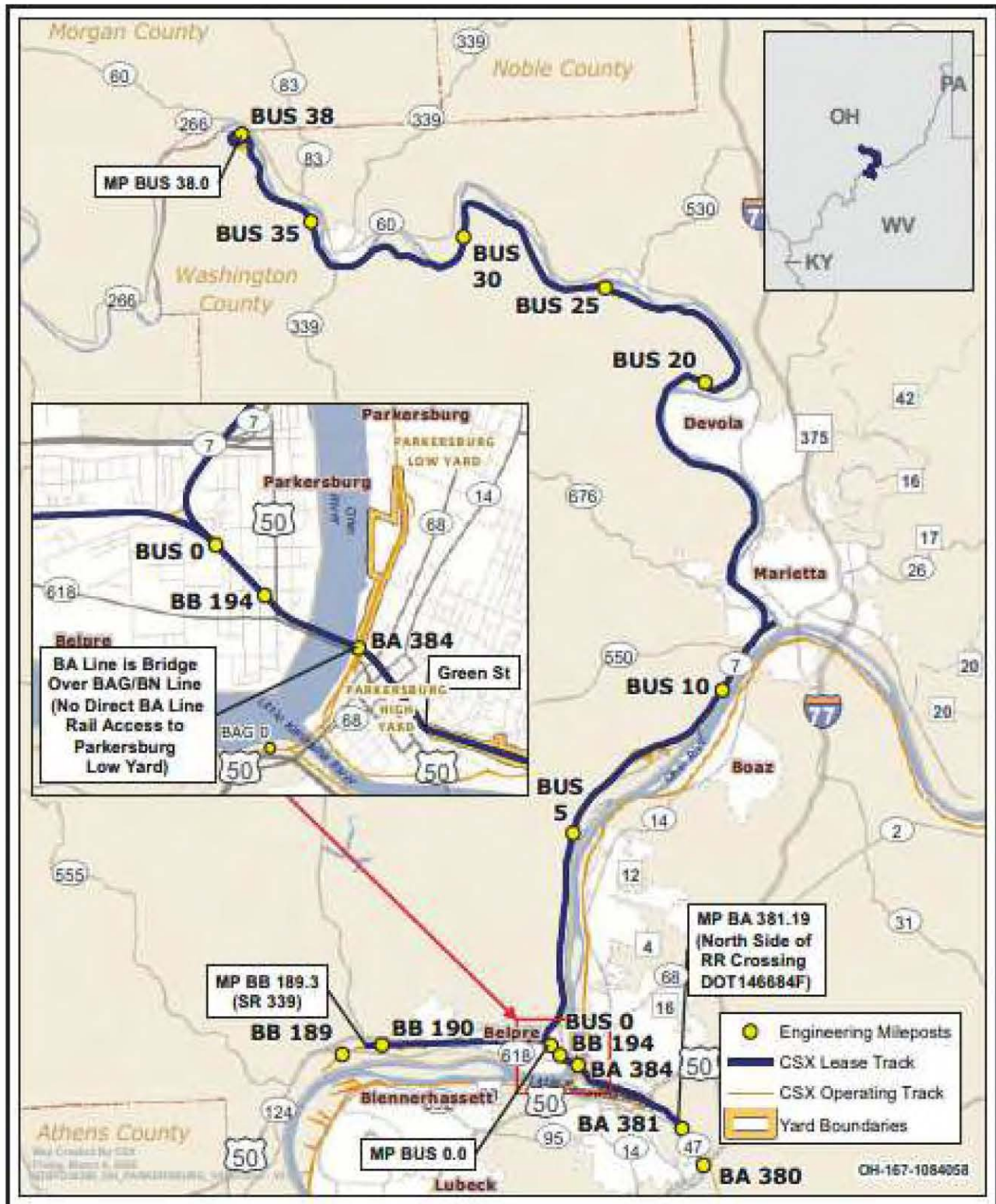
(612) 335-7088

karl.hansen@stinson.com

Attorneys for Counsel for Belpre Industrial
Parkersburg Railroad, LLC

Exhibit 1
Maps

Belpre Industrial Parkersburg Railroad



Bucyrus Industrial Railroad

Bucyrus, Ohio

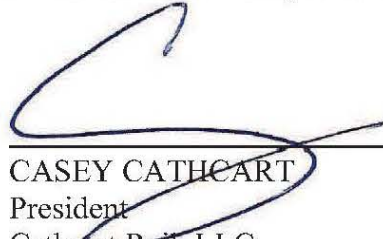


Bucyrus Industrial Railroad —————
Norfolk Southern Railway —————

Exhibit 2

VERIFICATION AND CERTIFICATION

I, Casey Cathcart, declare under penalty of perjury that I am the President of Cathcart Rail, LLC, and that I have read the foregoing Verified Notice of Exemption, know the facts asserted therein, and that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this notice.



CASEY CATHCART
President
Cathcart Rail, LLC
Dated: July 22, 2020

Exhibit 3
Caption

SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36421

CATHCART RAIL, LLC
—CONTINUANCE IN CONTROL EXEMPTION—
BELPRE INDUSTRIAL PARKERSBURG RAILROAD, LLC

Cathcart Rail, LLC, a non-carrier holding company, has filed a Verified Notice of Exemption pursuant to 49 C.F.R. § 1180.2(d)(2) to continue in control of Belpre Industrial Parkersburg Railroad, LLC ("BIP"), upon BIP becoming a Class III rail carrier in *Belpre Industrial Parkersburg Railroad, LLC—Lease and Operation Exemption—CSX Transportation, Inc.*, Docket No. FD 36388, while Applicant remains in control of a STB regulated carrier, Bucyrus Industrial Railroad, LLC ("BIR").

This proceeding is related to *Belpre Industrial Parkersburg Railroad, LLC—Lease and Operation Exemption—CSX Transportation, Inc.*, Docket No. FD 36388, in which the Board on April 3, 2020 authorized BIP to lease and operate as a common carrier the following approximately 46.9 miles of rail lines and yard property owned by CSX Transportation, Inc. ("CSXT"): 1) the "Marietta Subdivision" between Belpre, OH, at or near CSXT milepost BUS 0.0 and Relief, OH, at or near CSXT milepost BUS 38.0, a distance of approximately 38 miles; 2) the "Parkersburg Running Track" between Parkersburg, WV, at or near CSXT milepost BB 194.59 and Belpre, OH, at or near CSXT milepost BB 189.3, a distance of approximately 5.29 miles; 3) the "High Yard", located in Parkersburg, WV at or near CSXT milepost BA 383.04, including all support, ancillary, and other tracks forming the yard; and 4) the "High Yard Main Track" extending through the High Yard, beginning at or near CSXT Milepost BA 384.8 and extending from the east end of the yard to the end of track, at or near CSXT Milepost BA 381.19 in Parkersburg, WV, a distance of approximately 3.61 miles.

Applicant intends to consummate the transaction once the notice of exemption becomes effective.

Comments must be filed with the Board and served on David F. Rifkind, Stinson LLP, 1775 Pennsylvania Avenue NW, Suite 800, Washington, D.C. 20006.

The notice is filed under 49 C.F.R. § 1180.2(d). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated: _____, 2020

By the Board