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BY E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

ENTERED
Office of Proceedings
December 17, 2020
Part of
Public Record

Re: Independence Rail Works, Ltd. – Acquisition and Operation Exemption – Byesville
Scenic Trails, LLC
Docket No. FD 36432
Columbus and Ohio River Railroad Supplemental Information

Dear Ms. Brown:

This letter is being filed on behalf of Columbus and Ohio River Railroad (“CUOH”) in response to the Board’s decision served November 19, 2020 (the “*November 19 Decision*”) in this proceeding.

In particular, the November 19 Decision requests that CUOH provide relevant information relating to the ownership of the segment of track between milepost 4.9 and milepost 5.14, and clarification of where CUOH’s lease ends and where the track owned by IRW begins. *November 19 Decision*, slip op at 3.

As noted by the Board, CUOH does not own any of the segments of track, and it does not have any documents relevant to the ownership of the track. CUOH leases, *inter alia*, the line of railroad between Cambridge, Ohio (milepost 0.0) and Byesville, Ohio (milepost 5.14) pursuant to a lease between CUOH and CSX Transportation, Inc. (“CSXT”) dated October 27, 2004. CUOH’s lease and operation of the line was authorized by the Board in *Columbus & Ohio River Railroad – Acquisition and Operation Exemption – Rail Lines of CSX Transportation, Inc.*, FD 34540 (served December 20, 2004).

Based on the lease, CUOH believed that CSXT owned the rail line to milepost 5.14, and that beyond milepost 5.14 the track was privately owned, currently by Independence Rail Works, Ltd. (“IRW”). Pursuant to an operating rights agreement with IRW dated April 29, 2016, CUOH has provided switching service over IRW’s tracks to and from property owned by IRW’s affiliate at approximately milepost 8.0. CUOH did not operate over this segment prior to April 29, 2016. CUOH has operated over the track between milepost 5.14 and milepost 8.0 as an industrial sidetrack. A copy of the operating rights agreement was filed with IRW’s Petition for Exemption in this proceeding.

CUOH does not oppose the relief proposed, or future actions anticipated by, IRW. CUOH desires to continue to operate and provide service as it has, and hopes that the Board will acknowledge and determine the current ownership and status of the tracks so as to allow operations and service by CUOH to continue as they have been provided previously with no interruption.

To the extent that the Board determines that additional action by CUOH is required to continue operations as are currently provided, CUOH would be amenable to taking any necessary actions in conjunction with the other interested parties.

By my signature below, I certify service of a copy of this letter on the parties of record shown below, by email where shown or by US first class mail, postage prepaid.

Respectfully submitted,

CLARK HILL PLC

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Columbus and Ohio River Railroad

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