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Office of Proceedings
October 21, 2021
Part of
Public Record

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October 21, 2021

VIA E-FILING

Re: Connecticut Southern Railroad, Inc. – Abandonment Exemption –
in Hartford County, CT
Surface Transportation Board Docket No. AB 979 (Sub-No. 3X)

Dear Ms. Brown:

Enclosed for filing in the above referenced docket is a notice of exempt abandonment being filed on behalf of the Connecticut Southern Railroad, Inc. The filing fee has been paid via pay.gov.

If you have any questions related to this filing, please let me know.

FILED
October 21, 2021
SURFACE
TRANSPORTATION BOARD

Sincerely,



Justin J. Marks
Counsel to Connecticut Southern Railroad, Inc.

Enclosure

FEE RECEIVED
October 21, 2021
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 979X (Sub-No. 3X)

CONNECTICUT SOUTHERN RAILROAD, INC.
- ABANDONMENT EXEMPTION - IN HARTFORD COUNTY, CT

NOTICE OF EXEMPTION

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

*Counsel for Connecticut Southern
Railroad, Inc.*

Dated: October 21, 2021

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 979X (Sub-No. 3X)

CONNECTICUT SOUTHERN RAILROAD, INC.
- ABANDONMENT EXEMPTION - IN HARTFORD COUNTY, CT

NOTICE OF EXEMPTION

Connecticut Southern Railroad, Inc. (“CSO”) is filing this Notice of Exemption under the Board’s class exemption procedures at 49 C.F.R. Part 1152, Subpart F, seeking exemption authority for its abandonment of a line of railroad between approximately milepost 8.33 (Station 5730+04) and milepost 9.40 (Station 5673+42) (the “Subject Line”) There are no stations on the Subject Line. Maps of the Subject Line are attached as Exhibit A.

No local service has been provided since approximately July of 2016, and there is no overhead traffic on the Subject Line. At this time, following abandonment, CSO plans to sell the Subject Line to the State of Connecticut Department of Transportation (“CTDOT”).

This Notice of Exemption is being filed pursuant to the requirements of 49 C.F.R. §1152.50 regarding exemptions for out of service rail lines. In accordance with such requirements, CSO hereby provides the following information in support of its request for an abandonment exemption:

- 1) The exact name of the Applicant is Connecticut Southern Railroad, Inc.
- 2) CSO is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

- 3) The relief sought by CSO is an exemption for the abandonment of the line of railroad extending between approximately milepost 8.33 (Station 5730+04) and milepost 9.40 (Station 5673+42).
- 4) A map of the Subject Line is attached hereto as Exhibit A.
- 5) The representative of CSO to whom correspondence should be sent is: Eric M. Hocky, Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103; (215) 640-8523; or Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916.
- 6) The Subject Line traverses through United States Postal Service ZIP Code 06042.
- 7) CSO understands that portions of the Subject Line may be suitable for trail use or other public purposes, and currently intends to sell the Subject Line to CTDOT.
- 8) CSO proposes to consummate the abandonment on or after December 11, 2021.
- 9) CSO certifies that:
 - a) No local traffic has moved over the Subject Line since approximately July 2016.
Because the Subject Line is not a “through line,” there is no overhead traffic.
 - b) No formal complaint 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 Subject Line either is pending with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two year period prior to the filing of this Notice.
- 10) Although no employees of CSO will be affected by the proposed abandonment, CSO recognizes that its abandonment of the Subject Line will be made subject to the standard

employee protective conditions as set forth in *Oregon Short Line Railroad Co.- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

- 11) CSO filed an Environmental / Historic Report (“EHR”) with the Board, and served the agencies identified in 49 C.F.R. §1105.7(b) and the Connecticut State Historical Preservation Office, on October 1, 2021, twenty days prior to this filing.
- 12) CSO certifies that it has complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.11. Notice of the proposed abandonment was published in the *Journal Inquirer* on September 21, 2021. A copy of the form of notice and a copy of the proof of publication are attached as Exhibit B.
- 13) CSO certifies that it has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). A copy of the notice dated October 5, 2021, sent to the required governmental agencies is attached hereto as Exhibit C.

For the reasons set forth above, the Board should find that CSO's proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152.50, and should issue the appropriate notice.

Respectfully submitted,



Eric M. Hocky
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Two Commerce Square
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Suite 2620
Philadelphia, PA 19103
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ehocky@clarkhill.com

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

*Counsel for Connecticut Southern
Railroad, Inc.*

Dated: October 21, 2021

VERIFICATION

I hereby verify on behalf of Connecticut Southern Railroad, Inc., under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on October 20, 2021.



Leonard Wagner, President

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Exemption was served on the persons shown on the attached list by email or first class mail, postage prepaid.

Mr. Thomas L. Morgart, State Conservationist USDA Natural Resources Conservation Service Connecticut State Office 344 Merrow Road, Suite A thomas.morgart@ct.usda.gov	Environmental Protection Agency New England, Region 1 5 Post office Squire – Suite 100 Boston, MA 02109-3912 rlweb.mail@epa.gov
United States Department of Agriculture Natural Resources Conservation Service Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250	U.S. Army Corp of Engineers 696 Virginia Road Concord, MA 01742-2751 cenae-r-ct@usace.army.mil
National Park Service 1849 C Street, NW Washington, DC 20240	National Park Service Region 1 1234 Market Street 20th Floor Philadelphia, PA 19107
U.S. Fish & Wildlife Service North Atlantic-Appalachian Region Regional Director's Office 300 Westgate Center Dr. Hadley, MA 01035-9587 Northeast@fws.gov	National Geodetic Survey ngs.infocenter@noaa.gov
Connecticut Dept. of Energy and Environmental Protection 79 Elm Street Hartford, CT 06106-5127 deep.webmaster@ct.gov	Mr. Steve Stephanou Town of Manchester General Manager 41 Center Street Manchester, CT 06040 sstephanou@manchesterct.gov
State Historic Preservation Office Attn: Environmental Review 450 Columbus Boulevard, Suite 5 Hartford, CT 06103	Julie Thomas Supervising Rail Officer Office of Rails Connecticut Department of Transportation

	2800 Berlin Turnpike Newington CT, 06131 Julie.thomas@ct.gov
Mr. David Blatt Connecticut Coastal Management Program Office of Planning and Development David.blatt@ct.gov	United States Department of the Army Military Surface Deployment and Distribution Command Transportation Engineering Agency ATTN: SDTE-SA (Railroads for National Defense) 1 Soldier Way, Building 1900W Scott AFB, IL 62225
U.S. Department of the Interior - National Park Service RTCA Program 1849 C Street, NW Washington, DC 20240	Office of Chief of Forest Service U.S. Department of Agriculture 1400 Independence Ave., SW Washington, DC 20250-1111



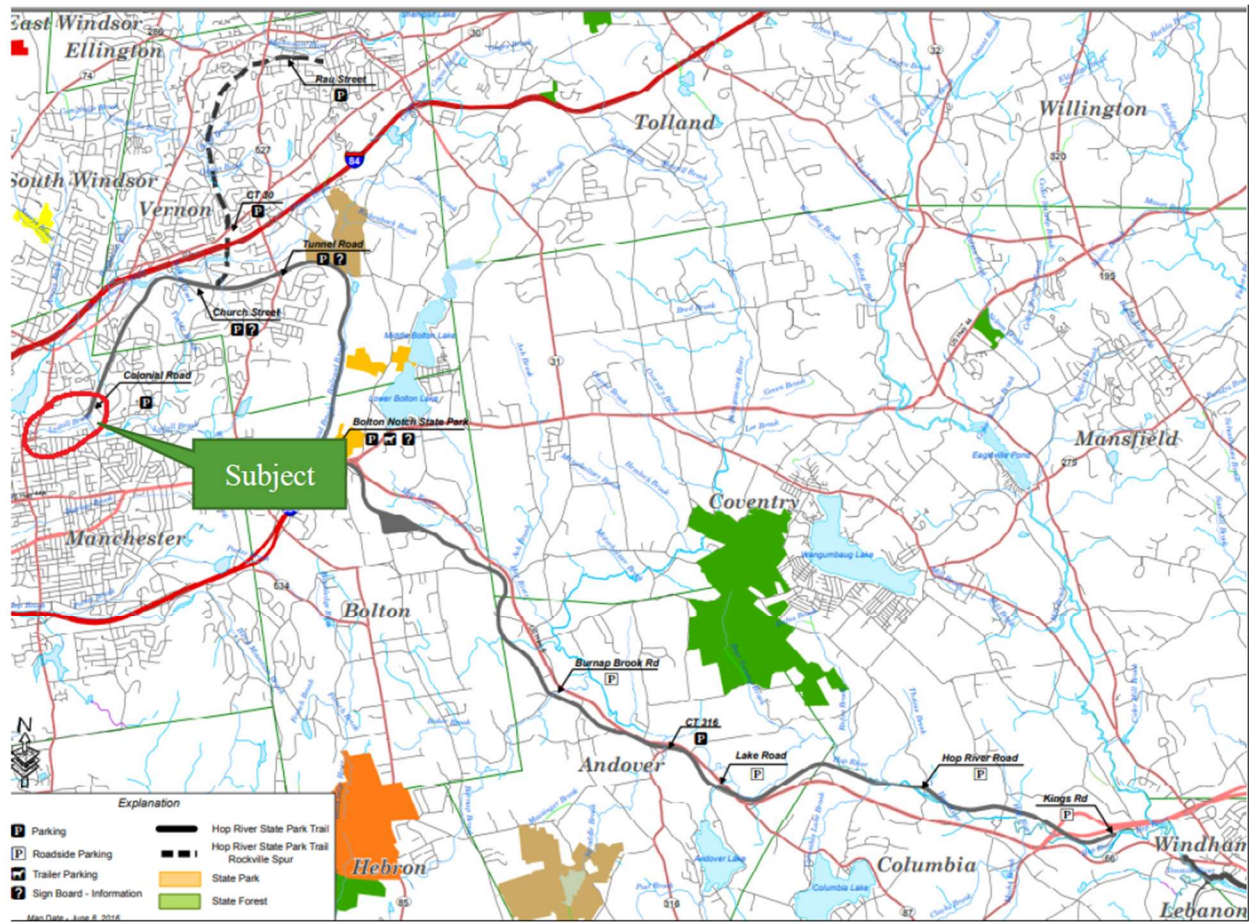
Justin J. Marks

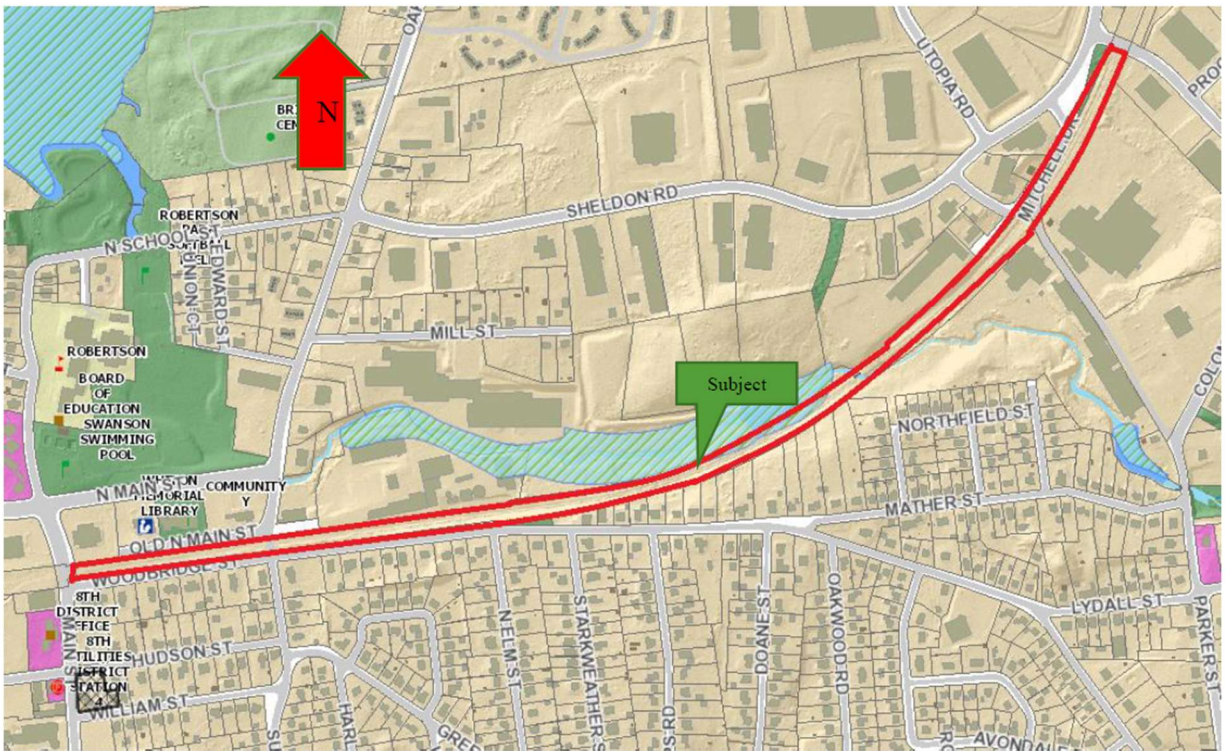
Dated: October 21, 2021

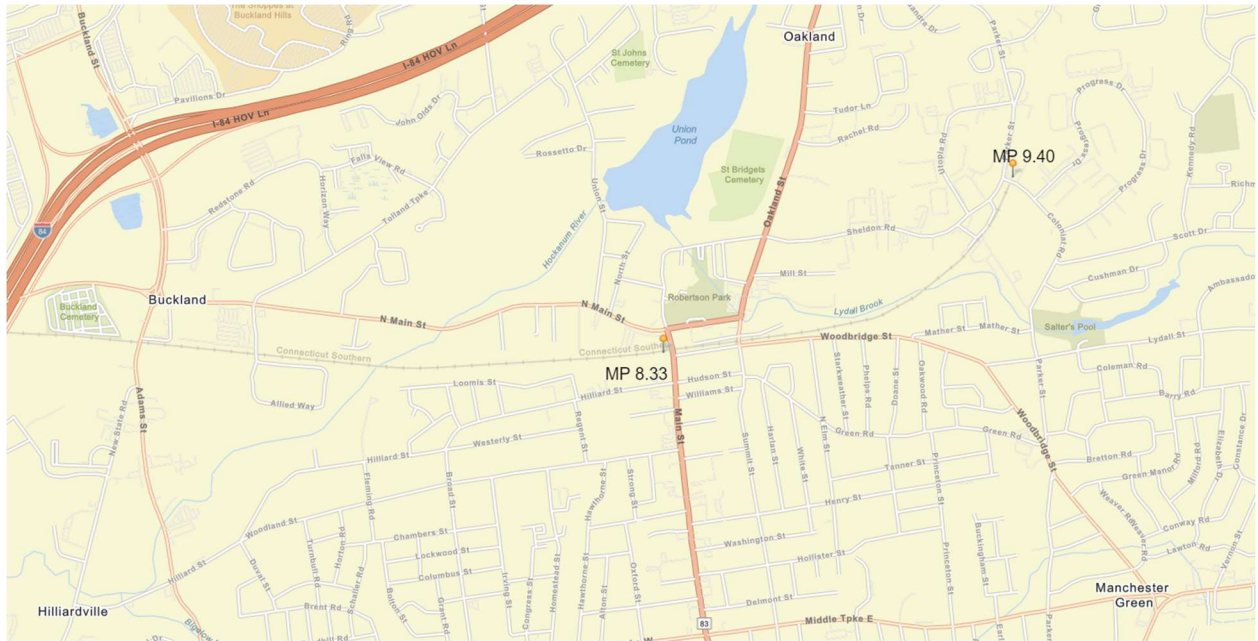
NOTICE OF EXEMPTION

EXHIBIT A

MAPS







NOTICE OF EXEMPTION

EXHIBIT B

NEWSPAPER NOTICE

Affidavit of Publication

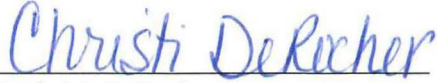
State of Connecticut
County of Hartford } ss. Manchester

I Christi DeRocher do solemnly swear that I am the Credit Manager of the
JOURNAL INQUIRER printed and published at Manchester in the state of
Connecticut and that from my own personal knowledge and reference to the files
of said publication the advertisement of

ABANDON RAILROAD SERVICE

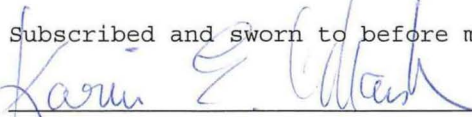
was inserted in the regular editions on the dates as follows:

09/21/2021



Christi DeRocher
Credit Manager

Subscribed and sworn to before me this 21st day of September, 2021



Notary Public

KARIN E. MARSH
NOTARY PUBLIC
MY COMMISSION EXPIRES OCT. 31, 2023

Seal

Ad text : PUBLIC NOTICE

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Connecticut Southern Railroad, Inc. gives notice that on or about October 20, 2021, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to permit the abandonment of a 1.07-mile segment of railroad line between approximately milepost 8.33 (Station 5730+04) and milepost 9.40 (Station 5673+42) in Hartford County, CT, traversing through United States Postal Service ZIP Code 06042. The proceeding will be docketed as No. AB 979 (Sub-No. 3X).

The Board's Office of Environmental Analysis (OEA) 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 Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC or by calling that office at (202) 245-0245.

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 Proceedings either via e-filing or addressed to 395 E. Street S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004; (202) 772-0916; jmarks@clarkhill.com.

Journal Inquirer
September 21, 2021

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October 8, 2021

October 22, 2021

PUBLIC NOTICE

NOTICE OF INTENT TO ABANDON RAIL SERVICE

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Journal Inquirer
September 21, 2021

NOTICE OF EXEMPTION

EXHIBIT C

10-DAY NOTICE LETTERS



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Clark Hill
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F (202) 772-0919

October 5, 2021

ALL AGENCIES ON THE ATACHED SERVICE LIST

Re: Connecticut Southern Railroad, Inc. – Abandonment Exemption –
in Hartford County, CT
Surface Transportation Board Docket No. AB 979 (Sub-No. 3X)

To Whom it May Concern:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Connecticut Southern Railroad, Inc. ("CSO") intends to file a notice for exemption for CSO to abandon rail service over the line of railroad described below, by filing a verified notice of exemption pursuant to the provisions of 49 C.F.R. Part 1152 Subpart F. CSO expects to file the notice of exemption with the Surface Transportation Board ("STB") on or about October 21, 2021, under STB Docket No. AB 979 (Sub-No. 3X).

CSO will invoke the STB's exemption procedures to abandon service of the line of railroad between approximately milepost 8.33 (Station 5730+04) and milepost 9.40 (Station 5673+42) in the Town of Manchester, Hartford County, Connecticut. The subject line traverses through United States Postal Service ZIP Code 06042. A map of the subject line is enclosed.

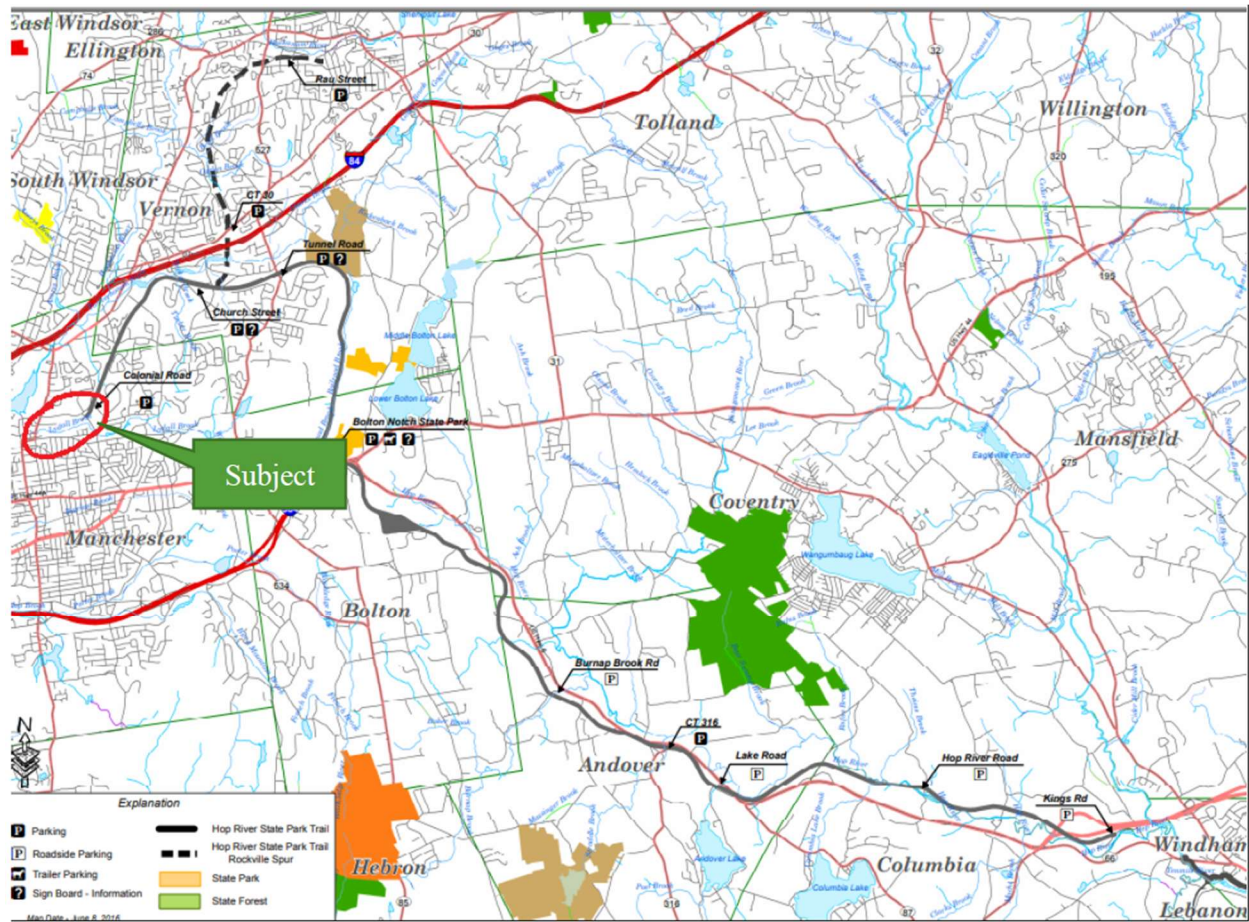
Based upon information in CSO's possession, the subject line does not contain federally granted rights of way. Any documentation in CSO's possession will be made available to those requesting it.

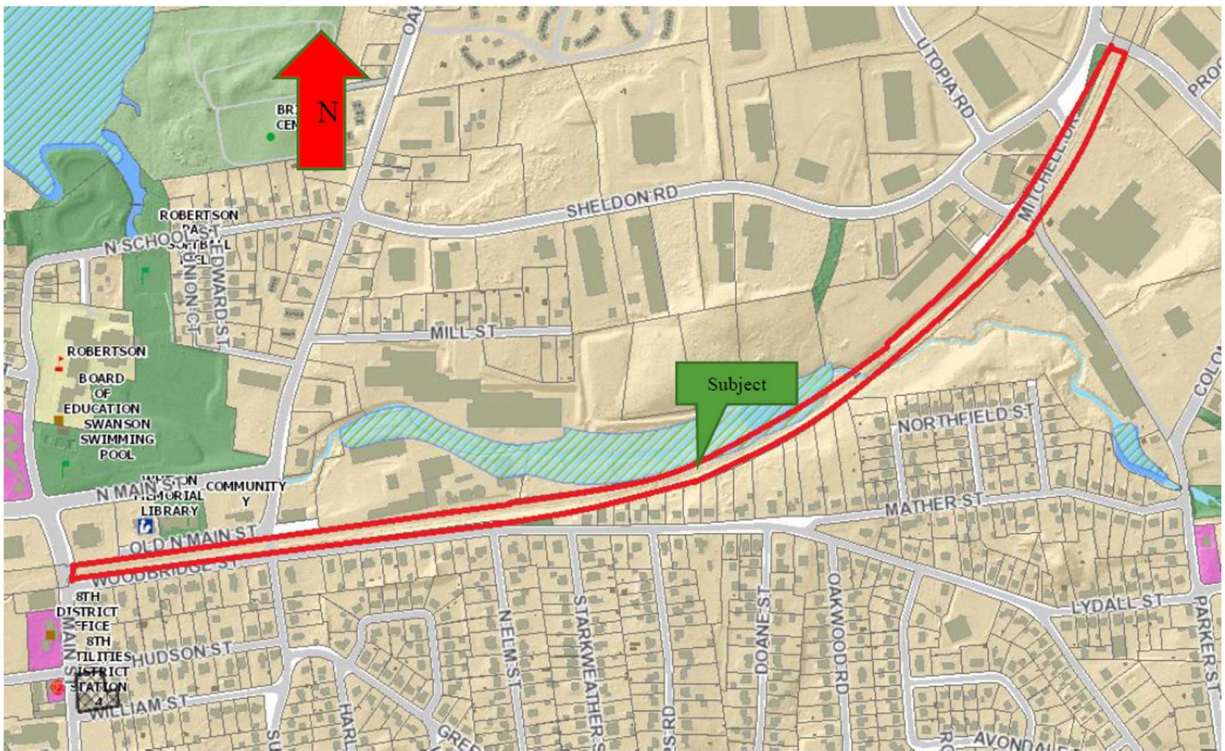
Sincerely,

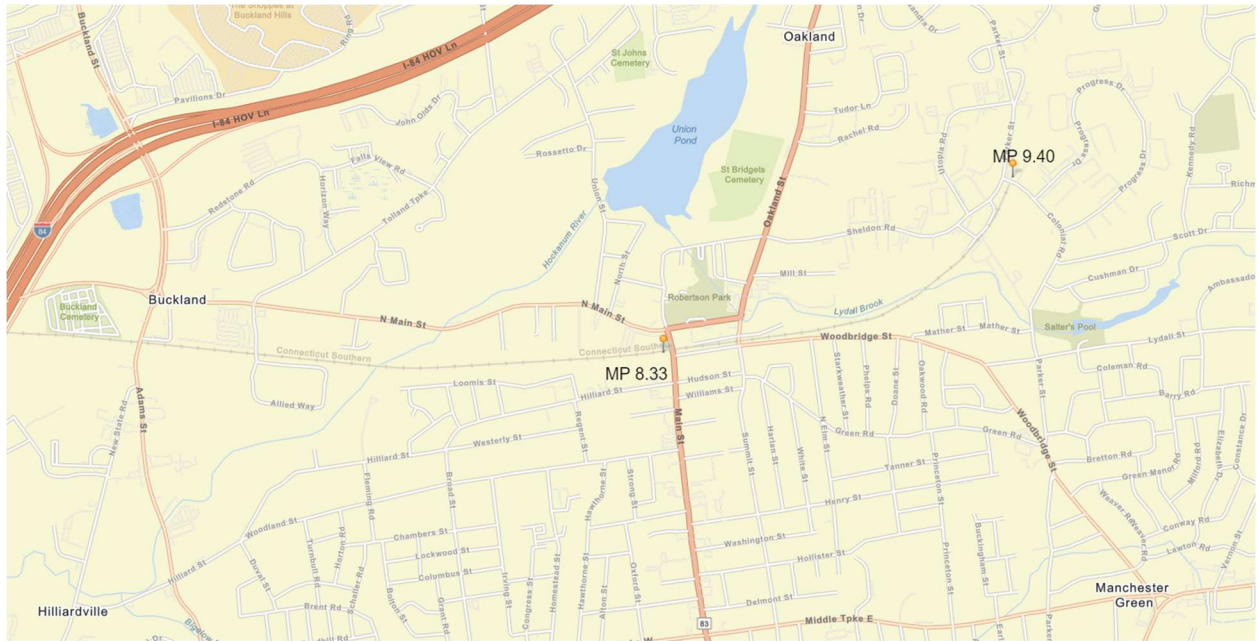
A handwritten signature in blue ink that reads 'Justin J. Marks'.

Justin J. Marks
Counsel to Connecticut Southern Railroad, Inc.

Enclosure







Advance Notice List under 1152.50

United States Department of the Army Military Surface Deployment and Distribution Command Transportation Engineering Agency ATTN: SDTE-SA (Railroads for National Defense) 1 Soldier Way, Building 1900W Scott AFB, IL 62225	U.S. Department of the Interior - National Park Service RTCA Program 1849 C Street, NW Washington, DC 20240
Office of Chief of Forest Service U.S. Department of Agriculture 1400 Independence Ave., SW Washington, DC 20250-1111	Supervising Rail Officer Office of Rails Connecticut Department of Transportation 2800 Berlin Turnpike Newington CT, 06131 Julie.thomas@ct.gov