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October 6, 2023

307279

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
October 6, 2023
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 814X), CSX Transportation, Inc.—
Discontinuance of Trackage Rights Exemption—in Marengo and Choctaw
Counties, AL and Lauderdale County, MS**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to discontinue trackage rights over approximately 51 miles of the Meridian and Bigbee Railroad Company's ("MNBR") line beginning at the CSXT/MNBR connection at Myrtlewood, AL, to the CPKC/MNBR connection at Meridian, MS (the "Line"). The filing fee of \$4,700 has been paid via pay.gov.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FILED
OCTOBER 6, 2023
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
OCTOBER 6, 2023
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 814X)

CSX TRANSPORTATION, INC.–DISCONTINUANCE OF SERVICE EXEMPTION–
IN MARENGO AND CHOCTAW COUNTIES, AL AND LAUDERDALE COUNTY, MS

VERIFIED NOTICE OF EXEMPTION

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
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600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: October 6, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 814X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE OF TRACKAGE RIGHTS
EXEMPTION—
IN MARENGO AND CHOCTAW COUNTIES, AL AND LAUDERDALE COUNTY, MS

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to discontinue overhead trackage rights on a line of railroad of the Meridian and Bigbee Railroad Company’s (“MNBR”) extending from the CSXT/MNBR connection at Myrtlewood, AL, to the Kansas City Railway Company (“CPKC”)/MNBR connection at Meridian, MS (the “Line”), a distance of approximately 51 miles in Marengo and Choctaw Counties, AL and Lauderdale County, MS, including head and tail operating room at both connections. CSXT was granted trackage rights authority in *CSX Transportation, Inc.—Trackage Rights Exemption—Meridian and Bigbee Railroad* (STB Docket No. FD-32962) (STB served Jun. 6, 1996). CSXT has not moved any traffic over the Line during the past two years.

Based on information in CSXT’s possession, the Line does not contain any federally granted right of way. Any documentation in CSXT’s possession will be made available promptly to those requesting it.

1. Proposed consummation date. The proposed consummation date, if any, will be the same date that the CPKC consummates the acquisition of the Line.

2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

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

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue trackage rights over approximately 51 miles of the MNBR extending from the CSXT/MNBR connection at Myrtlewood, AL, to the CPKC/MNBR connection at Meridian, MS, including head and tail operating room at both connections. The following stations are on the Line: Meridian, MS, Yantley, Cromwell, Jachin, Pennington, Naheola and Myrtlewood, AL

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Codes 39301, 36910, 36912, 36916, and 36763.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be discontinued are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is

aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT is discontinuing trackage rights and not abandoning the Line, therefore the Line is not available for public use purposes. *See, BNSF Railway Company—Discontinuance of Trackage Rights Exemption—in Kootenai County, ID*, Docket No. AB-6 (Sub-No. 466X) (STB Served Mar. 4, 2009).

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed discontinuance of service will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. CSXT's proposed discontinuance of trackage rights is exempt from the environmental reporting requirements. Further STB authority is required for MNBR to abandon the line, and environmental matters related to any such abandonment would be considered at that time. 49 C.F.R. §1105.6(c)(2).

7. Historic Report. The proposed discontinuance is also exempt from historic preservation reporting requirements. Discontinuance will not result in the lease, transfer or sale of a railroad's lines, sites or structures, and further STB approval is required for abandonment of the MNBR line. 49 C.F.R. §1105.8(a).

Respectfully submitted,



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600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: October 6, 2023

EXHIBIT A-VERIFICATION AND CERTIFICATION

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA)
) ss.
COUNTY OF DUVAL)

I, Anthony DiDeo, state that I am Director of Joint Facilities for CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that CSXT has not moved freight traffic over the approximately 51 miles using the trackage rights it acquired over the Meridian and Bigbee Railroad Company's ("MNBR") line beginning at the CSXT/MNBR connection at Myrtlewood, AL, and extending to the CPKC/MNBR connection at Meridian, MS, for two years prior to the date hereof and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such 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. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.



Anthony DiDeo

EXHIBIT B-MAP

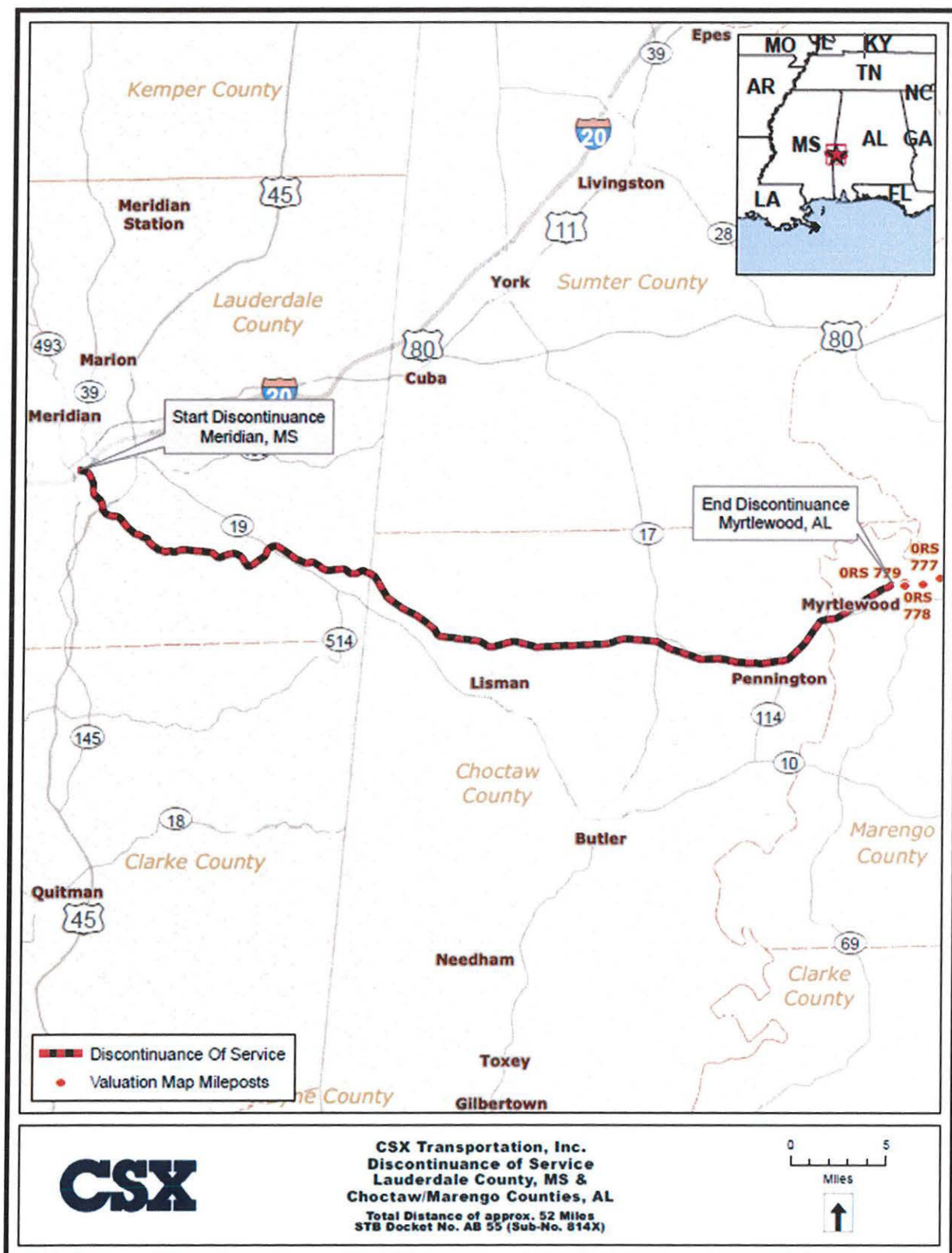


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed discontinuance in Docket No. AB-55 (Sub-No. 814X) was mailed via first class mail and sent via electronic mail where addresses were available on August 24, 2023.

State Public Service Commission

✓ Alabama Public Service Commission

Railway Safety
PO Box 304260
Montgomery, AL 36130

Mississippi Public Service Commission
Brent Bailey, Commissioner, Central District
Central.district@psc.ms.gov

Military Traffic Management Command

Headquarters
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
Usarmy.scott.sddc.mbx.g3-domestic-freight-services-branch@mail.mil

National Park Service

✓ Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

✓ U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
October 6, 2023

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 814X) in the following form was advertised on September 28, 2023 in the Demopolis Times, a newspaper of general circulation in Marengo County, and the Sun-Advocate, a newspaper of general circulation in Choctaw County, and September 29, 2023, in the Meridian Star, a newspaper of general circulation in Lauderdale County, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
October 6, 2023

Notice of Intent To Discontinue Service

CSX Transportation, Inc. ("CSXT") gives notice that on or before October 7, 2023, 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 discontinuance of overhead trackage rights on a line of railroad of the Meridian and Bigbee Railroad Company's ("MNBR") extending from the CSXT/MNBR connection at Myrtlewood, AL, to the CPKC/MNBR connection at Meridian, MS (the "Line"), a distance of approximately 51 miles which traverses through United States Postal Service ZIP Codes 39301, 36910, 36912, 36916, and 36763 in Marengo and Choctaw Counties, AL and Lauderdale County, MS. The proceeding will be docketed as No. AB-55 (Sub-No. 814X).

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 OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, 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 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: Louis E.

Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250,
Lou@lgraillaw.com.

**EXHIBIT D– ENVIRONMENTAL REPORT
NONE REQUIRED**

**EXHIBIT E– HISTORIC REPORT
NONE REQUIRED**