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247535

April 19, 2019

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
April 19, 2019
Part of
Public Record

Re: **Docket No. AB-1275X, Transkentucky Transportation Railroad, Inc.—
Discontinuance of Trackage Rights Exemption—in Mason County, KY**

Dear Ms. Brown,

Enclosed are the original and 10 copies of a Verified Notice of Exemption for Transkentucky Transportation Railroad, Inc. to discontinue trackage rights over CSXT's Cincinnati Subdivision between milepost CA 595.6, near Springdale, KY, and milepost CA 608.7, near Charleston Bottoms, KY, a total distance of approximately 13.1 miles all in Mason County, KY. Also enclosed are a check for the filing fee of \$4,200, and a CD containing the Notice in WORD and pdf format.

Please time and date stamp the additional copy of this letter and Notice and return it in the self-addressed prepaid envelope.

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

Sincerely yours,



Melanie B. Yasbin
Attorney for Transkentucky Transportation
Railroad, Inc.

Enclosure

FEE RECEIVED
April 19, 2019
SURFACE
TRANSPORTATION BOARD

FILED
April 19, 2019
SURFACE
TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-1275X

TRANSKENTUCKY TRANSPORTATION RAILROAD INC.– DISCONTINUANCE OF
TRACKAGE RIGHTS EXEMPTION–
IN MASON COUNTY, KY

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.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: Transkentucky Transportation
Railroad, Inc.

Dated: April 19, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-1275X



TRANSKENTUCKY TRANSPORTATION RAILROAD INC.—DISCONTINUANCE OF
TRackage RIGHTS EXEMPTION—
IN MASON COUNTY, KY

VERIFIED NOTICE OF EXEMPTION

Transkentucky Transportation Railroad Inc. (“TTI”) a wholly owned subsidiary of CSX Transportation, Inc. (“CSXT”)¹ files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for TTI to discontinue trackage rights over CSXT’s Cincinnati Subdivision between milepost CA 595.6, near Springdale, KY, and milepost CA 608.7, near Charleston Bottoms, KY, a total distance of approximately 13.1 miles all in Mason County, KY. (the “Line”).² No local rail traffic has moved over the Line during the past two years.

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

¹ CSX Corporation, CSX Transportation, Inc. and The Carrollton Railroad—Control—Transkentucky Transportation Railroad, Inc. (Finance Docket No. 31991) (Served April 9, 1002)

² Transkentucky Transportation Railroad, Incorporated—Trackage Rights Exemption—CSX Transportation, Inc. (Finance Docket No. 31595) (Served Feb. 9, 1990).

1. Proposed consummation date. The proposed consummation date is June 8, 2019.
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. Transkentucky Transportation Railroad, Inc.

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

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

Subtitle IV, Chapter 105.

(3) Relief sought. TTI seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue trackage rights over CSXT's Cincinnati Subdivision between milepost CA 595.6, near Springdale, KY, and milepost CA 608.7, near Charleston Bottoms, KY, a total distance of approximately 13.1 miles all in Mason County, KY. There is one station on the line at Maysville (FSAC 70). The station can be closed.

(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 41056.

(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.

TTI is discontinuing trackage rights. Because this is a discontinuance of trackage rights proceeding and not an abandonment, 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. TTI's proposed discontinuance of trackage rights is exempt from environmental reporting. Because the Line has not been used in several years, there will be no diversion of traffic from rail to truck. Further, STB authority is required for CSXT 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)(5).

7. Historic Report. TTI is discontinuing trackage rights over the Line. There will be no impact on historic properties. Therefore, TTI does not have to prepare or file an Historic Report. 49 C.F.R. §1105.8(a).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Louis E. Gitomer".

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

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

Attorneys for: Transkentucky Transportation
Railroad, Inc.

Dated: April 19, 2019

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, Randall M. Gully, state that I am President for Transkentucky Transportation Railroad, Inc. ("TTI"); 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 TTI has moved no freight traffic over CSXT's Cincinnati Subdivision between milepost CA 595.6, near Springdale, KY, and milepost CA 608.7, an approximately 13.1-mile rail line, 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 TTI 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.

Randall M. Gully

SUBSCRIBED AND SWORN TO before me this 9th day of April 2019.

My Commission Expires: 12.16.19

J. Brooks Gully
Notary Public

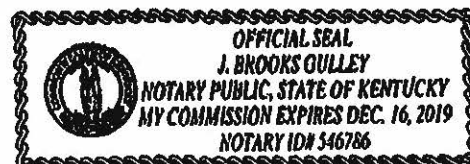


EXHIBIT B-MAP

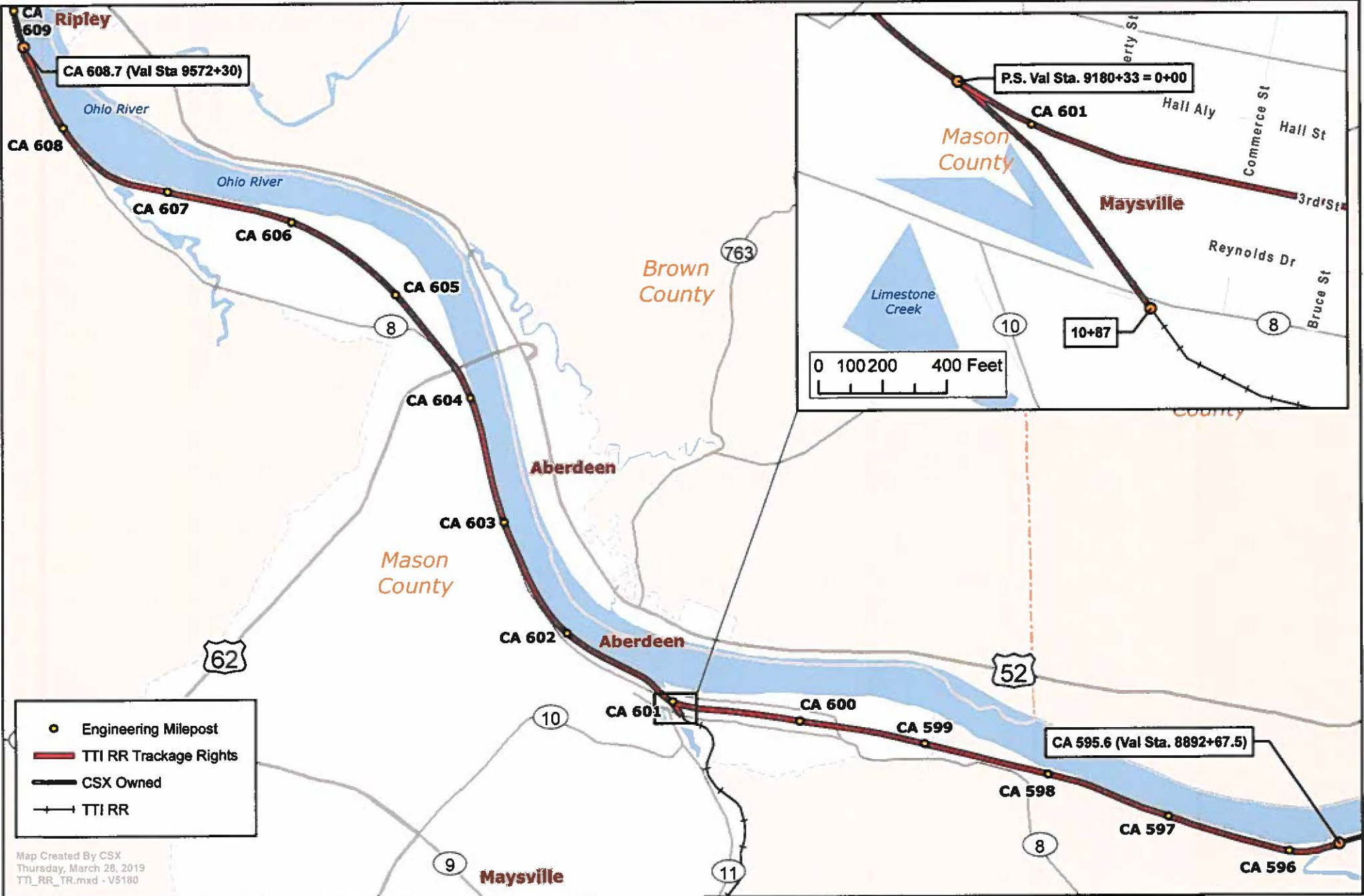


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-1275X was mailed via first class mail on April 9, 2019, to the following parties:

State Public Service Commission

Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

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

National Park Service

Mr. Rick Potts
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

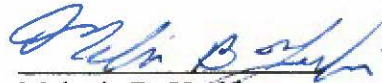
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
April 19, 2019

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-1275X in the following form was advertised on April 17, 2019, in the Ledger Independent, a newspaper of general circulation in Mason County as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin

April 19, 2019

Notice of Intent To Discontinue Service

Transkentucky Transportation Railroad, Inc. ("TTI") gives notice that on or about April 19, 2019, 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 trackage rights over CSXT's Cincinnati Subdivision between milepost CA 595.6, near Springdale, KY, and milepost CA 608.7, near Charleston Bottoms, KY, a total distance of approximately 13.1 miles which traverses through United States Postal Zip Code 41056 in Mason County, KY (the "Line"). The proceeding will be docketed as AB-1275X.

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**