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January 18, 2017

242491

VIA FEDEX

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings
January 19, 2017
Part of
Public Record

Re: Finance Docket No. 36093, Itawamba County Railroad Authority – Acquisition
Exemption – Mississippian Railway

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are the original and 10 copies of the Verified Notice of Exemption of the Itawamba County Railroad Authority pursuant to 49 C.F.R. § 1150.31, et seq. Also enclosed is a check in the amount of \$1,900.00, representing the appropriate fee for this filing, and a compact disc containing the text of the Notice and the Federal Register caption summary in Microsoft Word format.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance with this matter.

Respectfully submitted,


Rodney M. Love
Attorney for Applicant

Enclosures

FILED
January 19, 2017
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
January 19, 2017
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36093

**ITAWAMBA COUNTY RAILROAD AUTHORITY
– ACQUISITION EXEMPTION –
MISSISSIPPIAN RAILWAY**

**VERIFIED NOTICE OF EXEMPTION
OF
ITAWAMBA COUNTY RAILROAD AUTHORITY
PURSUANT TO 49 C.F.R. § 1150.31, ET SEQ.**

**Rodney M. Love
Mississippi Department of Transportation
401 North West Street
Suite 9500
Jackson, Mississippi 39201
Phone: (601) 359-7600
Facsimile: (601) 359-7774**

Attorney for Applicant

Date: January 18, 2017

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36093

**ITAWAMBA COUNTY RAILROAD AUTHORITY
– ACQUISITION EXEMPTION –
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**VERIFIED NOTICE OF EXEMPTION
OF
ITAWAMBA COUNTY RAILROAD AUTHORITY
PURSUANT TO 49 C.F.R. § 1150.31**

Pursuant to 49 C.F.R. § 1150.31, et seq., the Itawamba County Railroad Authority (“ICRA”), a non-carrier and political subdivision of the State of Mississippi, hereby files this Verified Notice of Exemption to acquire from the Itawamba County Port Commission¹ (“ICPC”) a line of railroad extending from Milepost 0.0 in Amory, Mississippi, to Milepost 25.0 in Fulton, Mississippi (the “Line”), commonly referred to as the “Mississippian Railway,” for a total distance of 25 route miles, as shown on Exhibit A hereto. Based on projected revenues for the Line, ICRA expects to become and remain a non-operating rail carrier.

This Notice is related to Finance Docket No. 36094, Itawamba Mississippian Railroad, LLC – Lease and Operation Exemption – Itawamba County Railroad Authority, which is being filed concurrently herewith, pursuant to 49 C.F.R. § 1150.31, et seq., to allow the Itawamba Mississippian Railroad, LLC (“IMR”) to lease and operate the Line once ICRA acquires the Mississippian Railway upon consummation of the transaction contemplated herein.

¹ The Itawamba County Development Council, authorized owner of the Mississippian Railway, Inc. pursuant to ICC Finance Docket No. 30862, conveyed unto ICPC, by way of warranty deed, all its right, title and interest in and to the Mississippian Railway and all its real property located in both Monroe and Itawamba Counties, Mississippi, on August 12, 2013.

In accordance with the requirements of 49 C.F.R. § 1150.33 and other applicable provisions, ICRA submits the following information:

Name and Address of Applicant: 49 C.F.R. § 1150.33(a)

The full name and address of the applicant in Finance Docket No. 36093 is as follows:

Itawamba County Railroad Authority
Post Office Box 776
Fulton, Mississippi 38843

Applicant's Representative: 49 C.F.R. § 1150.33(b)

The ICRA representative to whom correspondence regarding this transaction should be sent is as follows:

Rodney M. Love
Mississippi Department of Transportation
401 North West Street, Suite 9500
Jackson, Mississippi 39201

Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

An agreement has been reached for transfer of ownership of the Line and related assets by ICPC to ICRA.

Operator of Property: 49 C.F.R. § 1150.33(d)

ICRA has reached a lease and operation agreement with IMR, an experienced² rail operator, for its lease and operation of the Line. ICRA recognizes its obligation to operate the Line in the absence of such an agreement.

Summary of the Transaction: 49 C.F.R. § 1150.33(e)

ICRA, a non-carrier and political subdivision of the State of Mississippi, is filing this Verified Notice of Exemption to acquire ICPC's right, title, and interest in the Line.

² Upon the dissolution of the Mississippiian Railway Cooperative, Inc., former lease operator of the Mississippiian Railway, the Itawamba Mississippiian Railroad, LLC, acquired the railroad assets and employed the staff of the Mississippiian Railway Cooperative in 2016. The Mississippiian Railway Cooperative had operated the Mississippiian Railway since 1986.

(1) *The name and address of the railroad transferring the subject property:*

Itawamba County Port Commission
201 West Main Street
Fulton, Mississippi 38843

(2) *The proposed time schedule for consummation of the transaction:*

Subject to obtaining the necessary regulatory approvals, the transaction will be consummated on or after the date that this notice of exemption becomes effective.

(3) *The mileposts of the subject property, including any branch lines:*

The Line extends from Milepost 0.0 in Amory, Mississippi, to Milepost 25.0 in Fulton, Mississippi, commonly referred to as the “Mississippian Railway.”

(4) *The total route miles being acquired:*

A total of 25 route miles.

Map: 49 C.F.R. § 1150.33(f)

A map showing the Line and surrounding area is attached as Exhibit A to this notice.

Certificate of Compliance: 49 C.F.R. § 1150.33(g)

A Certificate of Compliance with the provisions of 49 C.F.R. 1150.43(g), certifying that ICRA’s projected annual revenues are not expected to exceed those that would qualify it as a Class III railroad carrier, is attached as Exhibit B to this notice.

Interchange Commitments: 49 C.F.R. § 1150.33(h)

ICRA hereby certifies that the proposed transaction does not involve any provision or agreement between ICPC and ICRA that would limit future interchange with a third-party connecting carrier.

Advance Notice: 49 C.F.R. § 1150.42(e)

The proposed transaction will not result in the creation of a carrier with projected annual revenues exceeding \$5 million, and, accordingly, the advance notice requirement of 49 CFR § 1150.42(e) is not applicable to this transaction. See Certification attached hereto as Exhibit B.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

Under 49 C.F.R. § 1105.6(c)(2), the proposed transaction is exempt from environmental reporting requirements. The proposed transaction will not result in significant changes in carrier operations, i.e., changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

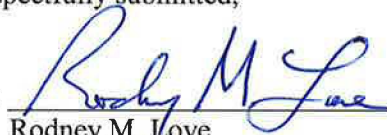
Under 49 C.F.R. § 1105.8(b)(1), the proposed transaction is exempt from historic preservation reporting requirements. The proposed transaction is for the purpose of continued rail operations. Further Board approval would be required for ICRA to abandon or discontinue any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Caption Summary: 49 C.F.R. § 1150.34

A caption summary in appropriate form is attached as Exhibit C to this notice.

Respectfully submitted,

By:



Rodney M. Love
Mississippi Department of Transportation
401 North West Street, Suite 9500
Jackson, Mississippi 39201
(601) 359-7600

Attorney for Applicant

Dated: January 18, 2017

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

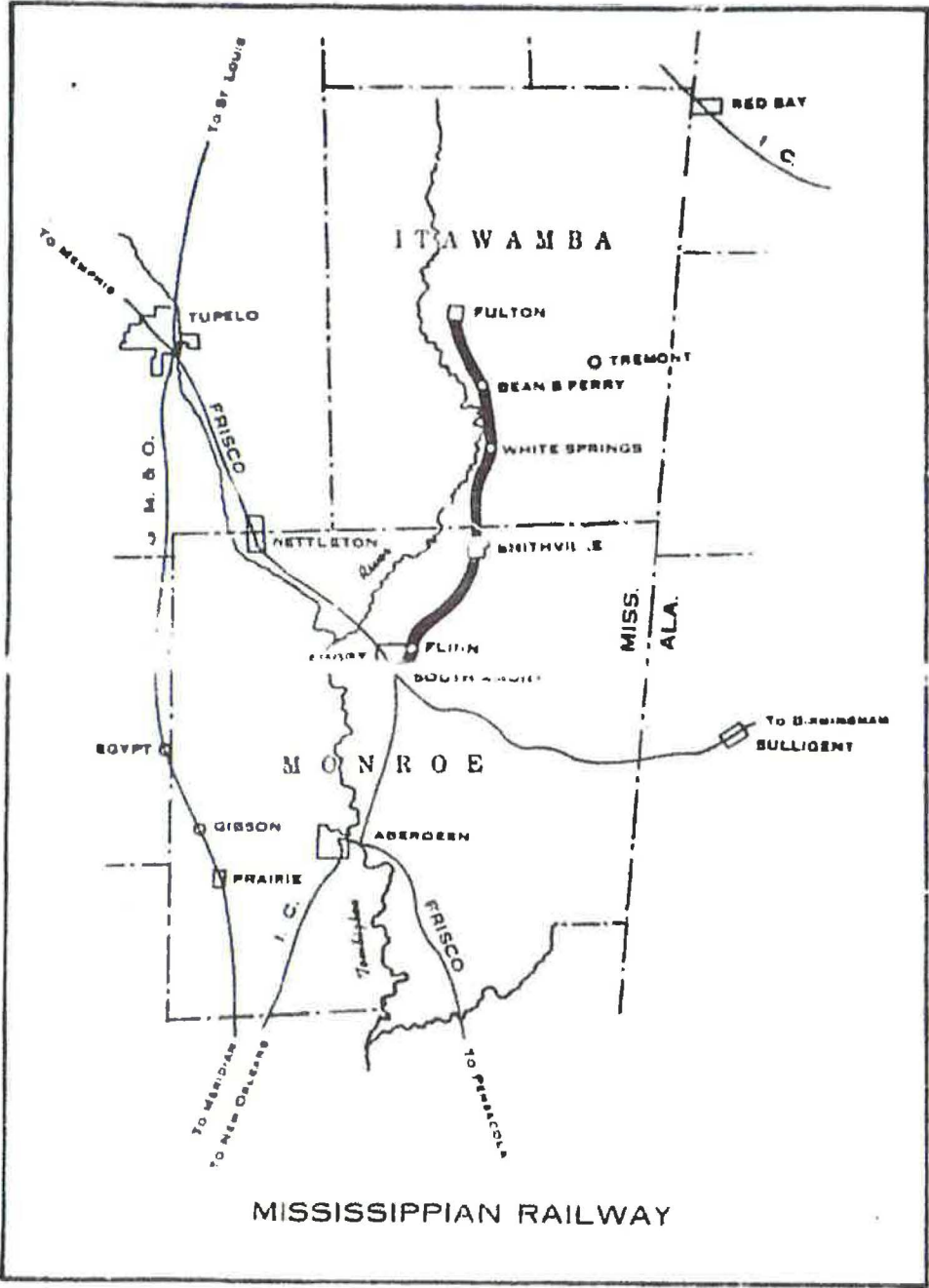
FINANCE DOCKET NO. 36093

**ITAWAMBA COUNTY RAILROAD AUTHORITY
– ACQUISITION EXEMPTION –
MISSISSIPPIAN RAILWAY**

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EXHIBIT A

MAP



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36093

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EXHIBIT B

CERTIFICATION

CERTIFICATION

I, Roy Cresap, hereby certify on behalf of the Itawamba County Railroad Authority that the applicant's projected revenue resulting from the consummation of the proposed transaction will not exceed \$5 million annually and will not result in the Itawamba County Railroad Authority becoming a Class I or Class II carrier under the provisions of 49 C.F.R. § 1201(1-1).

Dated: January 18, 2017



Roy Cresap, Board Chairman
Itawamba County Railroad Authority

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EXHIBIT C

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Docket No. FD 36093

ITAWAMBA COUNTY RAILROAD AUTHORITY
– ACQUISITION EXEMPTION –
MISSISSIPPIAN RAILWAY

The Itawamba County Railroad Authority (“ICRA”), a non-carrier and political subdivision of the State of Mississippi, has filed a Verified Notice of Exemption to acquire from the Itawamba County Port Commission a line of railroad extending from Milepost 0.0 in Amory, Mississippi, to Milepost 25.0 in Fulton, Mississippi, commonly referred to as the “Mississippian Railway,” for a total distance of 25 route miles.

All pleadings or comments referring to FD 36093 must be filed with the Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on ICRA’s representative, Rodney M. Love, Mississippi Department of Transportation, 401 North West Street, Suite 9500, Jackson, Mississippi 39201, (601) 359-7600.

This notice is filed under 49 C.F.R. § 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding 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 effectiveness of the exemption.

By the Board

Dated:

(SEAL)

Cynthia T. Brown
Chief, Section of Administration

VERIFICATION

I, Roy Cresap, declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Further, I certify that I am qualified and authorized to cause this Verified Notice of Exemption to be filed on behalf of the Itawamba County Railroad Authority.

Dated: January 18, 2017



Roy Cresap, Board Chairman
Itawamba County Railroad Authority