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Director, Office of Intermodal Planning

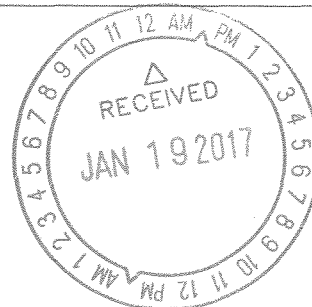
January 18, 2017

242494

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. 36094, Itawamba Mississippian Railroad, LLC – Lease and
Operation Exemption – Itawamba County Railroad Authority

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 Mississippian Railroad, LLC 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. 36094

**ITAWAMBA MISSISSIPPIAN RAILROAD, LLC
– LEASE AND OPERATION EXEMPTION –
ITAWAMBA COUNTY RAILROAD AUTHORITY**

**VERIFIED NOTICE OF EXEMPTION
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. 36094

**ITAWAMBA MISSISSIPPIAN RAILROAD, LLC
– LEASE AND OPERATION EXEMPTION –
ITAWAMBA COUNTY RAILROAD AUTHORITY**

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

The Itawamba Mississippian Railroad, LLC (“IMR”), a newly established non-carrier, hereby files this Verified Notice of Exemption pursuant to 49 C.F.R. § 1150.31, et seq., to lease and operate a line of railroad from the Itawamba County Railroad Authority (“ICRA”), a non-carrier and political subdivision of the State of Mississippi, extending from Milepost 0.0 in Amory, Mississippi, to Milepost 25.0 in Fulton, Mississippi (the “Line”), commonly referred to as the “Mississippian Railway.” The total distance of the Line to be leased by IMR is 25 route miles, as shown on Exhibit A hereto. Based on projected revenues for the Line, IMR expects to become a Class III rail carrier.

This Notice is related to Finance Docket No. 36093, Itawamba County Railroad Authority – Acquisition Exemption – Mississippian Railway, which is being filed concurrently herewith, pursuant to 49 C.F.R. § 1150.31, et seq., to allow the ICRA to acquire the Mississippian Railway from the Itawamba County Port Commission and become a non-operating rail carrier.

In accordance with the requirements of 49 C.F.R. § 1150.33 and other applicable provisions, IMR 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 36094 is as follows:

Itawamba Mississippian Railroad, LLC
Post Office Box 690
Pontotoc, Mississippi 38863

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

The IMR 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)

IMR and ICRA have entered into a five (5) year lease agreement under which IMR will lease and operate the Line on or after the date when this notice of exemption becomes effective.

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

Upon consummation of the transaction contemplated herein, IMR will be the operator of the Line pursuant to a lease.

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

IMR, a non-carrier, is filing this Verified Notice of Exemption to lease and operate the Line from ICRA.

(1) The name and address of the railroad transferring operating interests in the subject property:

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

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

IMR anticipates, subject to obtaining the necessary regulatory approvals, that the proposed schedule for consummation of the lease transaction will be on or after the date that this notice of exemption becomes effective.

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

IMR is leasing the Line from ICRA, which extends from Milepost 0.0 in Amory, Mississippi, to Milepost 25.0 in Fulton, Mississippi, commonly referred to as the

“Mississippian Railway.” Upon consummation of this lease transaction, IMR will operate over the Line as a common carrier and become a Class III railroad.

(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 IMR’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)

IMR hereby certifies that the proposed transaction does not involve any provision or agreement between ICRA and IMR 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**

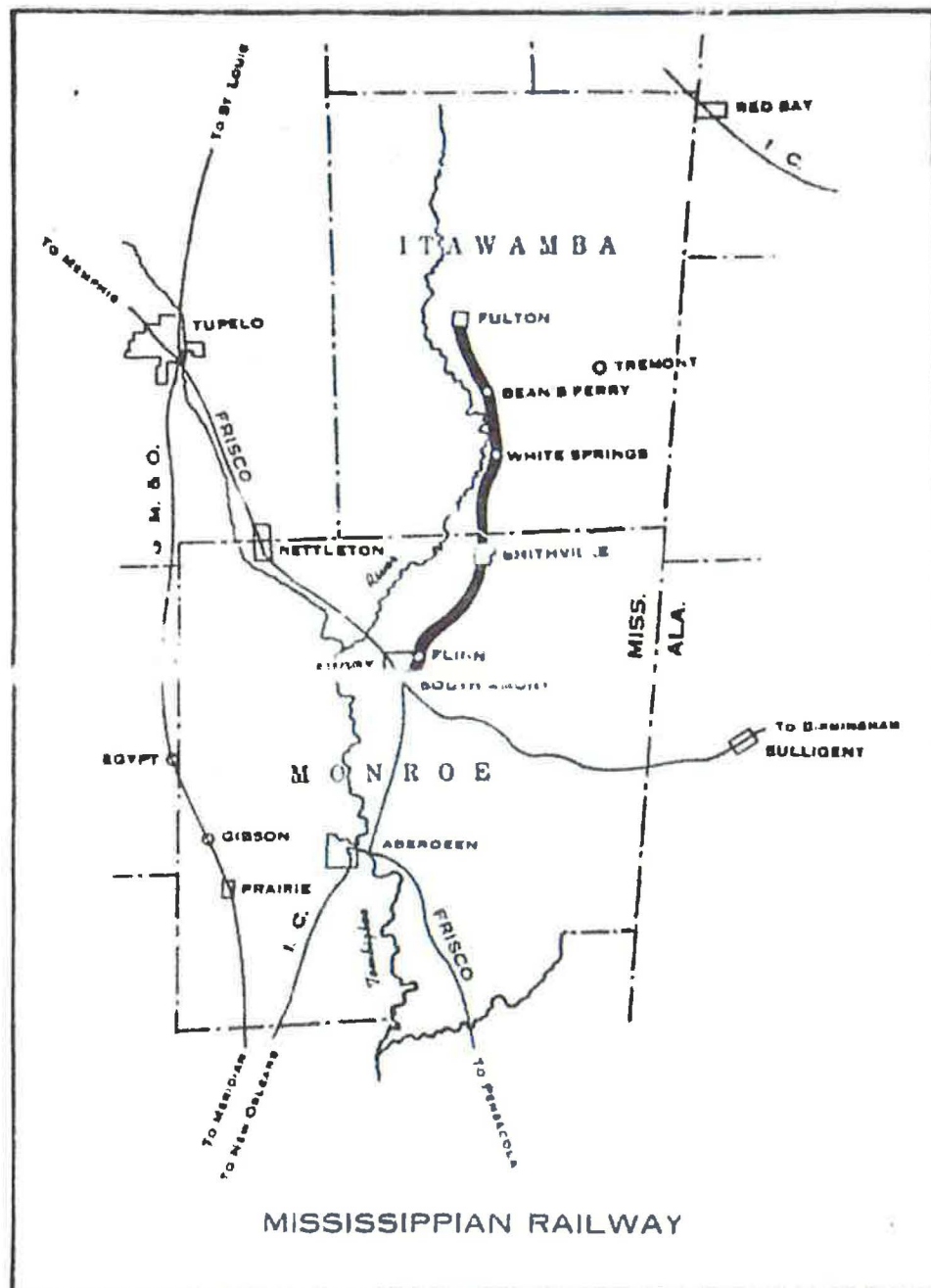
FINANCE DOCKET NO. 36094

**ITAWAMBA MISSISSIPPIAN RAILROAD, LLC
– LEASE AND OPERATION EXEMPTION –
ITAWAMBA COUNTY RAILROAD AUTHORITY**

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

EXHIBIT A

MAP



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36094

**ITAWAMBA MISSISSIPPIAN RAILROAD, LLC
– LEASE AND OPERATION EXEMPTION –
ITAWAMBA COUNTY RAILROAD AUTHORITY**

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

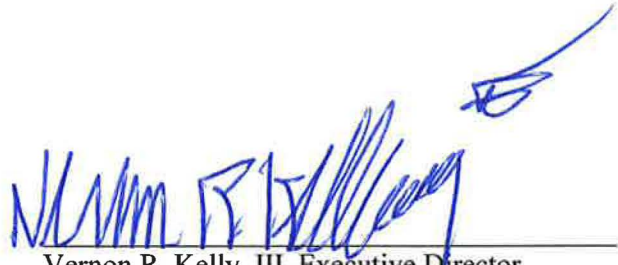
EXHIBIT B

CERTIFICATION

CERTIFICATION

I, Vernon R. Kelly, III, hereby certify on behalf of the Itawamba Mississippian Railroad, LLC 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 Mississippian Railroad, LLC becoming a Class I or Class II carrier under the provisions of 49 C.F.R. § 1201(1-1).

Dated: January 17, 2017



Vernon R. Kelly, III, Executive Director
Itawamba Mississippian Railroad, LLC

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36094

**ITAWAMBA MISSISSIPPIAN RAILROAD, LLC
– LEASE AND OPERATION EXEMPTION –
ITAWAMBA COUNTY RAILROAD AUTHORITY**

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

EXHIBIT C

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Docket No. FD 36094

ITAWAMBA MISSISSIPPIAN RAILROAD, LLC
– LEASE AND OPERATION EXEMPTION –
ITAWAMBA COUNTY RAILROAD AUTHORITY

The Itawamba Mississippian Railroad, LLC (“IMR”), a non-carrier, has filed a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150.31 to lease from the Itawamba County Railroad Authority and to operate over 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.” The total distance of the Line to be leased by IMR is 25 route miles.

All pleadings or comments referring to FD 36094 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 IMR’s representative, Rodney M. Love, Mississippi Department of Transportation, 401 North West Street, Suite 9500, Jackson, Mississippi 39201, (601) 359-7600.

The 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.

Dated:

(SEAL)

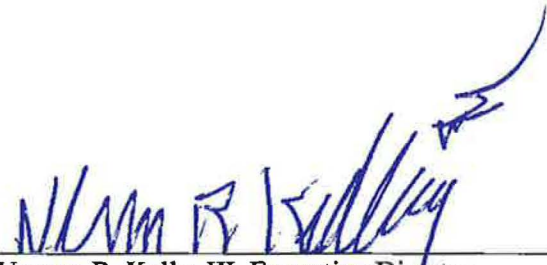
By the Board

Cynthia T. Brown
Chief, Section of Administration

VERIFICATION

I, Vernon R. Kelly, 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 Mississippian Railroad, LLC.

Dated: January 18, 2017



Vernon R. Kelly, III, Executive Director
Itawamba Mississippian Railroad, LLC