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September 3, 2004

VIA FEDERAL EXPRESS

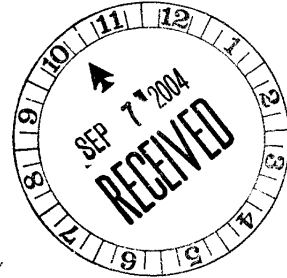
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SEP 07 2004

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, DC 20006

SURFACE

TRANSPORTATION BOARD



ENTERED
Office of Proceedings

SEP 07 2004

Part of
Public Record

Re: **Docket No. AB-875X** 211946
**R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky**

Docket No. AB-876X 211947
**R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceedings are an original and ten copies of the **Petition for Exemption of R.J. Corman Railroad Company/Bardstown Line and R.J. Corman Equipment Company, LLC**, dated September 3, 2004. Two checks each in the amount of \$4,700, representing the appropriate fees for this filing, are attached.

In accordance with 49 C.F.R. § 1152.60(c), a computer diskette containing the text of the draft *Federal Register* notice of this petition for exemption (Exhibit B to the Petition) in MS Word 2000 format also is enclosed. For convenience, this diskette also contains the text of the Petition for Exemption. Finally, one extra copy of the Petition and this letter are enclosed. I would request that you date-stamp those items to show receipt of this filing and return them to me in the provided envelope.

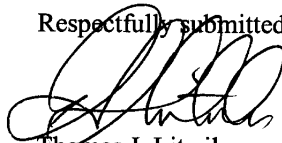
The original copy of the Environmental/Historic Report (Exhibit C to the Petition) has been provided directly to the Board's Section of Environmental Analysis. That version of the Report includes color photographs of the bridge structures on the line to be abandoned that are 50 years old or older.

FLETCHER & SIPPEL LLC

Mr. Vernon A. Williams
September 3, 2004
Page 2

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

Respectfully submitted,

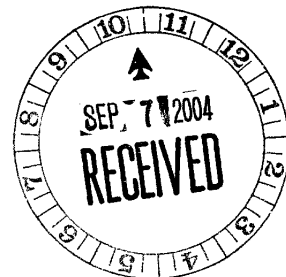


Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Enclosures

cc: Ms. Victoria J. Rutson, Room 504



ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-875X

R.J. CORMAN RAILROAD COMPANY/BARDSTOWN LINE
-- DISCONTINUANCE EXEMPTION --
IN JOHNSON, MAGOFFIN AND BREATHITT COUNTIES, KY

DOCKET NO. AB-876X

R.J. CORMAN EQUIPMENT COMPANY, LLC
-- ABANDONMENT EXEMPTION --
IN JOHNSON, MAGOFFIN AND BREATHITT COUNTIES, KY

**PETITION FOR EXEMPTION OF
R.J. CORMAN RAILROAD COMPANY/BARDSTOWN LINE
AND R.J. CORMAN EQUIPMENT COMPANY, LLC**

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**ATTORNEYS FOR R.J. CORMAN RAILROAD
COMPANY/BARDSTOWN LINE AND
R.J. CORMAN EQUIPMENT COMPANY, LLC**

Dated: September 3, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-875X

R.J. CORMAN RAILROAD COMPANY/BARDSTOWN LINE
-- DISCONTINUANCE EXEMPTION --
IN JOHNSON, MAGOFFIN AND BREATHITT COUNTIES, KY

DOCKET NO. AB-876X

R.J. CORMAN EQUIPMENT COMPANY, LLC
-- ABANDONMENT EXEMPTION --
IN JOHNSON, MAGOFFIN AND BREATHITT COUNTIES, KY

**PETITION FOR EXEMPTION OF
R.J. CORMAN RAILROAD COMPANY/BARDSTOWN LINE
AND R.J. CORMAN EQUIPMENT COMPANY, LLC**

Pursuant to 49 U.S.C. § 10502 and the regulations of the Surface Transportation Board (the "Board") at 49 C.F.R. §§ 1121 and 1152.60, R.J. Corman Railroad Company/ Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE" and, collectively with RJCR, "Corman") hereby petition the Board for an exemption from the prior approval requirements of 49 U.S.C. § 10903 for RJCR to discontinue service on and RJCE to abandon a line of railroad, referred to herein as the "Dawkins Line," extending from milepost 0.05 at Dawkins, Kentucky to the end of line at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles. A map showing the location of the line to be abandoned is attached to this Petition as Exhibit A. A draft *Federal Register* notice of this Petition in the form prescribed by 49 C.F.R. § 1152.60(c) is attached hereto as Exhibit B.

No rail traffic of any kind has moved on the Dawkins Line since March, 2003, after cessation of coal shipments from the mine which was the line's sole significant shipper. As

a result of serious flooding in Eastern Kentucky in the spring of 2004, extensive repair and rehabilitation of the Dawkins Line would be necessary to allow any resumption of rail operations. Corman also faces substantial opportunity costs in retaining the inactive Dawkins Line, which is laid with continuous welded rail and has significant salvage value. In the meantime, there is no reasonable prospect for the resumption or development of new rail traffic in the near future that would support operations on the line. As discussed further below, abandonment¹ of the Dawkins Line plainly satisfies the exemption criteria of 49 U.S.C. § 10502, and this petition should be granted.

A copy of this petition has been served on the two shippers which have made any use of rail service on the Dawkins Line in recent years.

I. IDENTIFICATION OF PETITIONERS

Petitioner RJCR is a Class III common carrier by rail which, in addition to the Dawkins Line, owns and operates a 20-mile rail line between Bardstown Junction, Kentucky (south of Louisville) and Bardstown, Kentucky. RJCR was formerly known as R.J. Corman Railroad Corporation. Petitioner RJCE is a non-operating Class III common carrier by rail which, in addition to the Dawkins Line, owns rail lines in Wooster, Ohio, between Lexington and Versailles, Kentucky, and between Anchorage (Louisville), Lexington and Winchester, Kentucky. R.J. Corman Equipment Company, LLC -- Acquisition Exemption -- Line of CSX Transportation, Inc., Finance Docket No. 34226 (STB served August 6, 2002); R.J. Corman Equipment Company, LLC -- Acquisition Exemption -- Line of Lexington & Ohio Railroad Co, Inc., Finance Docket No. 34325 (STB served April 14, 2003); R.J. Corman Equipment

¹ For convenience, and except where otherwise indicated, "abandon" and "abandonment" are hereinafter used to refer to both the discontinuance of service over the Dawkins Line by RJCR and the abandonment of that line by RJCE.

Company, LLC -- Acquisition Exemption -- Lines of CSX Transportation, Inc., Finance Docket No. 34386 (STB served September 12, 2003).²

RJCR and RJCE are commonly controlled by Richard J. Corman and are part of the R.J. Corman family of railroads, which includes seven other Class III rail carriers in the eastern United States. Richard J. Corman -- Continuance in Control Exemption -- R.J. Corman Equipment Company, LLC, Finance Docket No. 34167 (STB served February 15, 2002); see Richard J. Corman -- Continuance in Control Exemption -- R.J. Corman Railroad Company/Central Kentucky Lines, Finance Docket No. 34327 (STB served April 14, 2003).

The complete name and address of RJCR and RJCE are:

R.J. Corman Railroad Company/Bardstown Line
R.J. Corman Equipment Company, LLC
One Jay Station, Box 788
Nicholasville, Kentucky 40356
(859) 885-9457

II. DESCRIPTION OF LINE TO BE ABANDONED

The Dawkins Line is a single-track, stub-ended line that begins at a connection with a main line of CSX Transportation, Inc. ("CSXT") at milepost 0.05 in Dawkins (Paintsville) Kentucky and extends in a generally southwesterly and southeasterly direction a distance of approximately 36.08 miles to the end of track at milepost 36.13 near Evanston, Kentucky. RJCE acquired the Dawkins Line from CSXT in 2002, and RJCR simultaneously leased the line from RJCE. R.J. Corman Equipment Company, LLC -- Acquisition Exemption -- Line of CSX Transportation, Inc., Finance Docket No. 34165 (STB served February 15, 2002); R.J. Corman Railroad Company/Bardstown Line -- Lease and Operation Exemption -- Line of R.J. Corman Equipment Company, LLC, Finance Docket No. 34166 (STB served February 15, 2002).

² Like the Dawkins Line, the other rail lines owned by RJCE are leased to Corman affiliates for operation.

Additional trackage beyond Evanston had previously been abandoned by CSXT in 1990. CSX Transportation, Inc. -- Abandonment Exemption -- In Breathitt County, KY, Docket No. AB-55 (Sub-No. 340X) (ICC served February 7, 1990). The Dawkins Line includes the stations of Paintsville (MP 0.0), Ivyton (MP 14.2), Royalton (MP 17.8), Magoffin (MP 19.5) and Skyline (MP 32.8), and traverses United States Postal Service ZIP Codes 41240, 41260, 41222, 41465 and 41339.

The right-of-way of the Dawkins Line is generally 40 feet wide. Pursuant to 49 C.F.R. § 1152.60(d), Corman states that, based on information in its possession, the Dawkins Line does not contain federally granted rights-of-way. Any relevant documentation on this subject in Corman's possession will be made available promptly to those requesting it.

The Dawkins Line is equipped with 122-, 131-, 132- and 140-pound continuous welded rail laid between 1974 and 1988, and was previously maintained to FRA Class 2 levels. Major tie replacement and surfacing was conducted on the line in 1999. The heavy rail and well-maintained condition of the Dawkins Line reflected its primary use for unit coal trains. While the Dawkins Line remains in good condition generally, serious flooding in Eastern Kentucky during the spring of 2004 resulted in numerous washouts along the line, including the undercutting of several bridge approaches. Corman estimates that returning the line to service would require approximately \$70,000 in emergency washout repairs, and \$128,000 in longer term bridge repairs.

The Dawkins Line was utilized primarily to service a coal mine at Skyline, Kentucky, near the end of line at Evanston, operated by Appalachian Fuels LLC. After Appalachian Fuels encountered financial difficulties, rail shipments of coal from the mine ceased in early 2003 and have not resumed. Corman does not believe that mining operations are

currently being conducted at the Skyline mine, and has not been informed that they are likely to resume at any time in the near future. Corman has made several contacts with Appalachian Fuels orally and in writing regarding the status of the Dawkins Line and potential arrangements for preserving the availability of future rail service, including a monthly rental payment that would allow Corman to retain the line in its current inactive and out-of-service status.³ Corman has received no formal response to any of these contacts. While Corman has been contacted by parties with an ownership interest in coal reserves accessible from the Skyline mine, none of them has indicated that mining operations and traffic will be resuming or offered any arrangement for further preservation of the Dawkins Line.

Besides unit coal trains from the Skyline mine, the only other rail traffic handled on the Dawkins Line in recent years was a minimal volume (approximately 20 cars annually) of scrap steel from Ivyton, Kentucky. That traffic is now handled by truck. Since March of 2003 there have been no rail operations of any kind on the Dawkins Line, which is physically isolated from other Corman rail lines. Because there are now no resident employees assigned to the inactive line, Corman must dispatch employees from other Corman locations several hours away to perform any necessary work on the line (such as responding to grade crossing maintenance complaints). Corman is aware of no prospects for other, new sources of traffic on the Dawkins Line.

Corman estimates that the net liquidation value of the Dawkins Lines was at least \$3,000,000 in 2002, and is significantly higher now. That NLV reflects the high value of the continuous welded rail on the line and the recent installation of a large number of ties. Corman has incurred significant opportunity costs in holding the inactive Dawkins Line for the past

³ Under an existing transportation contract between Appalachian Fuels and Corman, Appalachian Fuels pays a minimum monthly transportation charge to Corman regardless of the volume of traffic actually shipped. That transportation contract will expire in early 2005.

eighteen months, and wants to salvage the line and redeploy its significant asset value elsewhere in the Corman railroad family.

III. JURISDICTION AND STATUTORY STANDARDS

The Board has jurisdiction over the proposed abandonment of Corman's Dawkins Line pursuant to 49 U.S.C. § 10903. Generally, a common carrier by rail must obtain authority from the Board under Section 10903 before abandoning a line of railroad. However, 49 U.S.C. § 10502 requires the Board to exempt a person, transaction or service from the statutory and regulatory requirements otherwise applicable to a rail carrier when the Board determines that: (1) application of those requirements is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope or (b) regulation is not needed to protect shippers from an abuse of market power.

IV. CRITERIA OF 49 U.S.C. § 10502

A. Detailed Scrutiny Under 49 U.S.C. § 10903 Is Not Necessary To Carry Out The Rail Transportation Policy Of 49 U.S.C. § 10101

Granting Corman an exemption to abandon the Dawkins Line is consistent with the goals articulated in the national Rail Transportation Policy, 49 U.S.C. § 10101. By allowing Corman to avoid the expense of retaining, repairing and maintaining a line that generates no traffic or future revenue -- and by permitting Corman to redeploy its assets more productively elsewhere -- exemption will encourage the honest and effective management of railroads and promote the development of an economically sound and efficient transportation system. 49 U.S.C. §§ 10101(3), (4), (5) and (9). Given the absence of any current or prospective on-line traffic, there is no reasonable likelihood that the Dawkins Line could be operated profitably, and no justification under the criteria of Section 10101 to burden Corman with retention of the line.

The rail transportation policy also provides that the Board should minimize the need for federal regulatory control over the rail transportation system, expedite regulatory decisions and reduce barriers to exit. 49 U.S.C. §§ 10101(2), (7), and (15). The statutory exemption procedure of Section 10502 obviates the need for the expensive and time-consuming processes attendant to a proceeding under Section 10903, including the costs of preparing an application. Reliance on the adequate and expeditious exemption procedure herein would minimize Board regulation of this transaction and reduce the regulatory burden on Corman.

None of the other rail transportation policy criteria will be adversely affected. No rail service of any kind has been provided on the Dawkins Line for the last year and a half. The only previously significant shipper on the line, Appalachian Fuels, has ceased all rail transportation of coal, and does not appear either likely to resume operations in the near future or particularly interested in exploring options for preservation of the Dawkins Line. In any event, having already held the inactive Dawkins Line for eighteen months -- incurring significant opportunity costs in the process -- there is no basis to compel Corman to retain the line indefinitely for hypothetical future coal shipments. See CSX Transp., Inc. v. STB, 96 F.3d 1528 (D.C. Cir. 1996). The only other former customer on the Dawkins Line shipped a small volume of exempt traffic that has been successfully diverted to truck. A copy of this petition is being served on both shippers.

B. The Transaction Is Of Limited Scope

The transaction for which exemption is sought consists solely of the abandonment of an unused stub-ended branch line totaling 36 miles in a rural area and formerly operated to reach a single major customer. No rail service has been provided on the line for eighteen months, the only previous significant shipper on the line has ceased operations, and the only

other recent shipper of any kind on the line now utilizes motor carrier service for its transportation needs. There are no reasonable prospects for future rail traffic on the Dawkins Line, particularly given that no traffic besides that of Appalachian Fuels and the Ivyton scrap shipper has moved over the line in recent years. The proposed abandonment clearly is of limited scope.

C. Regulation Is Not Necessary To Protect Shippers From An Abuse Of Market Power

Since this transaction is of limited scope, Corman does not need to demonstrate that regulation is unnecessary to protect shippers from abuse of market power. 49 U.S.C. § 10502(a)(2). Even so, it is clear that this transaction will not and cannot subject shippers to any market power abuse.

Appalachian Fuels, the only previous significant shipper on the Dawkins Line, has suspended mining operations and shipments and no longer requires or utilizes rail service. The only other former shipper on the line used rail service solely for the movement of scrap steel, an exempt commodity presumptively subject to effective intermodal transportation options and competition. 49 C.F.R. § 1039.11(a); Rail General Exemption Auth. -- Exem. of Ferrous Recyclables, 10 I.C.C.2d 635 (1995). Indeed, that traffic has been handled by truck for the past eighteen months, apparently without problem. Any other potential shippers in the area would have access to service from motor carriers and would retain access to rail service from CSXT at Paintsville. Accordingly, regulation by the Board of this abandonment is not and cannot be necessary to protect any shipper from an abuse of power.

V. LEVEL OF LABOR PROTECTION TO BE IMPOSED

Corman does not anticipate any adverse impact on employment levels as a result of the proposed abandonment. No operations or regular maintenance have been conducted on

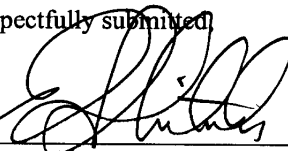
the Dawkins Line for the last eighteen months. Corman agrees that the appropriate level of employee protection to be imposed on this discontinuance and abandonment is that established in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

VI. ENVIRONMENTAL REPORT

In accordance with the requirements of 49 C.F.R. §§ 1105.7(a), 1105.8(a) and 1121.3(b), an Environmental/Historic Report is attached as Exhibit C to this Petition.

WHEREFORE, Corman respectfully requests that the Board exempt from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by RJCE of, and the discontinuance by RJCR of service over, Corman's Dawkins Line extending from milepost 0.05 at Dawkins to milepost 36.13 near Evanston, in Johnson, Magoffin and Breathitt Counties, Kentucky.

Respectfully submitted,

By: 

Ronald A. Lane
Thomas J. Litwiler
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29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEYS FOR R.J. CORMAN RAILROAD
COMPANY/BARDSTOWN LINE AND
R.J. CORMAN EQUIPMENT COMPANY, LLC**

Dated: September 3, 2004

EXHIBIT A

Milepost 0.05
Valuation Station 2+70
Dawkins, Kentucky

EQUATION STATION
1281+50 BACK - 0+00 AHEAD

Milepost 36.13
Valuation Station 627+60
Evanston, Kentucky

Docket No. AB-875X
R.J. Corman Railroad Company/
Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin
and Breathitt Counties, Kentucky
Docket No. AB-876X
R.J. Corman Equipment Co., LLC --
Abandonment Exemption --
In Johnson, Magoffin and Breathitt
Counties, Kentucky

Federal Register Notice

Docket No. AB-875X

Docket No. AB-876X

Notice of Petition for Exemption to Abandon
and Discontinue Service

On September 7, 2004, R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE") filed with the Surface Transportation Board, Washington, DC 20423, a petition for exemption for RJCR to discontinue service on and RCJE to abandon a line of railroad known as the Dawkins Line extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The line for which the abandonment exemption request was filed traverses United States Postal Service ZIP Codes 41240, 41260, 41222, 41465 and 41339 and includes the stations of Paintsville, Ivyton, Royalton, Magoffin and Skyline.

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.

The interest of railroad employees will be protected by the conditions specified in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested parties should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

Any environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

BEFORE THE
SURFACE TRANSPORTATION BOARD

COPY

DOCKET NO. AB-875X

R.J. CORMAN RAILROAD COMPANY/BARDSTOWN LINE
-- DISCONTINUANCE EXEMPTION --
IN JOHNSON, MAGOFFIN AND BREATHITT COUNTIES, KY

DOCKET NO. AB-876X

R.J. CORMAN EQUIPMENT COMPANY, LLC
-- ABANDONMENT EXEMPTION --
IN JOHNSON, MAGOFFIN AND BREATHITT COUNTIES, KY

ENVIRONMENTAL/HISTORIC REPORT

R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE" and, collectively with RJCR, "Corman") submit this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§ 1105.7 and 1105.8. Supporting correspondence is attached. It is the conclusion of this Report that the proposed discontinuance and abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(E)

1. Proposed Action and Alternatives. RJCR seeks to discontinuance service over and RJCE seeks to abandon¹ a line of railroad, referred to herein as the "Dawkins Line," extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.15 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt

¹ For convenience, the terms "abandon" and "abandonment" are hereinafter used in this report to refer to both the discontinuance of service over the Dawkins Line by RJCR and the abandonment of that line by RJCE.

extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.15 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The Dawkins Line is owned by RJCE and leased to RJCR. The stub-ended line is physically isolated from the remainder of Corman's rail lines, and has a single rail connection at Dawkins (Paintsville), Kentucky with CSX Transportation, Inc. ("CSXT").

The Dawkins Line was utilized primarily to service a coal mine located at Skyline, Kentucky, near the end of line at Evanston. After the mine operator encountered financial difficulties, rail shipments of coal from the mine ceased in early 2003 and have not resumed. The only other rail traffic handled on the Dawkins Line in recent years was a minimal volume (approximately 20 cars annually) of scrap steel from Ivyton, Kentucky. No rail traffic of any kind has moved on the Dawkins Line since March, 2003. Following abandonment, Corman intends to salvage rail, ties and track materials from the Dawkins Line. The tunnels, bridges, railbed and subgrade of the Dawkins Line will remain in place and not be disturbed. Corman believes that local governmental parties may be interested in exploring a rails-to-trails conversion of a portion of the Dawkins Line.

No alternatives to the proposed abandonment have been considered. The only alternative is retention of the Dawkins Line in its current, unused state, which would have no environmental impact.

A map showing the location of the Dawkins Line is attached hereto as Appendix A.

2. Transportation System. Corman does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment. No rail service is currently provided on the Dawkins Line, and no current rail traffic will be diverted

to other modes as a result of abandonment. Rail shipments of coal from the mine at Skyline ceased more than a year ago and are not likely to resume. The former scrap shipper at Ivyton has access to and presently utilizes motor carrier service, and any other former shipper on the line would have similar options. Alternative rail service will continue to be available from CSXT at Paintsville. There is no overhead traffic on the Dawkins Line, and no passenger trains are operated over the line.

Abandonment of the Dawkins Line will allow permanent closure of a total of thirty-two public highway grade crossings (including thirteen such crossings with automatic flashers), fifty-two open private crossings (residential/farming/industrial), and fourteen currently closed private crossings. Corman has contacted and requested comments from the Kentucky Transportation Cabinet. See correspondence attached hereto as Appendix B.

3. Land Use.

(i) Corman does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from Johnson, Magoffin and Breathitt Counties, Kentucky, through which the line passes. See correspondence attached hereto as Appendices C, D and E.

(ii) The Natural Resources Conservation Service of the United States Department of Agriculture has confirmed that the proposed abandonment of the Dawkins Line will not have an adverse impact on any prime agricultural lands. See correspondence attached hereto as Appendices F and F-1.

(iii) Corman does not believe that the Dawkins Line lies within a Coastal Zone Management Area. Corman has contacted and requested comments from

the Kentucky Department for Environmental Protection. See correspondence attached hereto as Appendix G.

(iv) Corman does not believe that the right-of-way of the Dawkins Line is suitable for alternative public use under 49 U.S.C. § 10905. The counties along the line have expressed a potential interest in exploring use of the Dawkins Line right-of-way as a recreational trail.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources. While the Dawkins Line previously handled coal traffic, rail shipments of coal over the line ceased more than a year ago and are not likely to resume. No other energy resource commodities moved over the Dawkins Line.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. Former scrap steel shipments from Ivyton, Kentucky have been handled by truck for over a year, and are minimal in nature. No other such traffic has been handled on the Dawkins Line for many years (if ever), and Corman foresees little possibility that any on-line recyclable commodity traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. No freight traffic currently moves to or from the Dawkins Line, and any prior diversions of traffic previously handled on the line to other modes or routes were minor.

(iv) Not applicable. Abandonment of the Dawkins Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Air.

(i) Not applicable. Abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. Corman does not believe that Johnson, Magoffin and Breathitt Counties are class I or nonattainment areas under the Clean Air Act. In any event, abandonment of the Dawkins Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. No rail freight traffic currently moves on the Dawkins Line, and Corman does not believe that ozone depleting materials were transported over the Dawkins Line in recent years, if ever. Accordingly, no shipments of ozone depleting materials will be diverted as a result of this abandonment.

Corman has contacted and requested comments from the Kentucky Department for Environmental Protection and the U.S. Environmental Protection Agency. See correspondence attached hereto as Appendices G and H.

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R. § 1105.7(e)(5)(i) will be exceeded as a result of the abandonment.

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety. Abandonment of the Dawkins Line will allow a total of ninety-eight (98) public and private rail/highway grade crossings to be eliminated. During any salvage operations on the Dawkins Line, precautions will be taken to ensure public safety.

(ii) Not applicable. No rail traffic is currently handled on the Dawkins Line, and to Corman's knowledge no hazardous materials have been transported on the line at any time in the recent past. Accordingly, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way of the Dawkins Line.

8. Biological Resources.

(i) No critical habitat will be destroyed, altered or affected as a result of the proposed abandonment, and Corman does not believe that any endangered or threatened species are present in the area or would be adversely affected. Salvage operations will be handled within the right-of-way using existing access routes, and the bridges, roadbed and subgrade of the Dawkins Line will not be altered in connection with the abandonment. The U.S. Fish and Wildlife Service has confirmed that the proposed abandonment will not adversely affect any endangered or threatened wildlife species. See correspondence attached as Appendices I and I-1. Corman also has requested comments from the Kentucky Department for Environmental Protection and the Kentucky Department for Natural Resources. See correspondence attached as Appendices G and J. The response of the Kentucky Department for Natural Resources

does not indicate concerns with respect to critical habitats or threatened or endangered species. See correspondence attached as Appendix J-1.

(ii) To Corman's knowledge the Dawkins Line does not pass through or adjacent to any wildlife sanctuaries or refuges or any national or state parks or forests and, accordingly, none will be adversely affected. Corman has contacted and requested comments from the Kentucky Department for Natural Resources and the National Park Service, as set forth in Appendices J and K. The response of the Kentucky Department of Natural Resources does not raise concerns with respect to any national or state parks, forests, sanctuaries or refuges. See correspondence attached as Appendix J-1.

9. Water. Any water quality effects of the proposed abandonment should be minimal. While there are a number of bridges over local streams along the line, Corman does not intend to remove any of the bridges or alter the contour of the roadbed underlying the Dawkins Line in connection with the proposed abandonment. The Kentucky Department of Natural Resources has recommended that Corman follow best management practices (BMPs) with respect to controlling erosion and sedimentation during any earth-disturbing activities. See correspondence attached as Appendix J-1. Corman concurs in that recommendation.

Corman does not anticipate discharge of any materials into navigable waters that would require permits under Sections 402 and 404 of the Clean Water Act. The U.S. Army Corps of Engineers has confirmed that no such permits are necessary in connection with the proposed abandonment. See correspondence attached hereto as Appendices L and L-1.

To Corman's knowledge, there are no wetlands located in or along the right-of-way of the Dawkins Line. The U.S. Fish and Wildlife Service has confirmed that abandonment will not have a significant adverse impact on wetlands. See correspondence attached as

Appendix I-1. Portions of the Dawkins Line are believed to be located within a 100-year flood plain. However, because following abandonment, the bridges, railbed and subgrade will remain in place and not be disturbed, abandonment of the line and salvage of the track are not expected to have any effect on any 100-year flood plain. Information on the proposed abandonment also has been provided to the Kentucky Department for Environmental Protection. See correspondence attached as Appendix G.

* * * * *

In addition to the agencies referenced above, Corman also has contacted and requested comments from the Kentucky State Clearinghouse within the Kentucky Department for Local Government (functioning as the state single point of contact) and the National Geodetic Survey. See correspondence attached as Appendices M and N. The National Geodetic Survey has identified fourteen geodetic station markers potentially in the vicinity of the Dawkins Line. See correspondence attached as Appendix N-1. Corman does not foresee disturbance of any of these markers in connection with the proposed abandonment, and will provide appropriate notification to NGS should any relocation become necessary.

HISTORIC REPORT - 49 C.F.R. § 1105.8(D)

1. Map. A map of the Dawkins Line is attached hereto as Appendix A.
2. Description of Line. The line to be abandoned begins at milepost 0.05 near a connection with a CSXT mainline at Dawkins (Paintsville), Kentucky and extends in a generally southwesterly and southeasterly direction a distance of approximately 36.08 miles to the end of track at milepost 36.13 near Evanston. Additional trackage beyond Evanston was abandoned in 1990 by CSXT, which owned by the line until 2001. CSX Transportation, Inc. --

Abandonment Exemption -- In Breathitt County, KY, Docket No. AB-55 (Sub-No. 340X) (ICC served February 7, 1990).

The Dawkins Line traverses largely rural and mountainous areas of eastern Kentucky. The width of the Dawkins Line is generally 40 feet.

3. Photographs. There are thirty-five bridges on the Dawkins Line, nearly all of simple timber trestle design, which Corman believes may be fifty years old or older. There are also two tunnels. Attached as Appendix O are photostatic copies of recent photographs of the bridge structures. Color copies of the photographs have been provided to the Kentucky Heritage Council (acting as the state historic preservation office ("SHPO")) and the Board's Section of Environmental Analysis. (Given its volume, Appendix O was omitted from the copies of this report provided to other parties.) There are no other railroad structures on the Dawkins Line which Corman believes are fifty years old or older.

4. Information on Structures. The location, description and length of the bridges and the tunnels on the Dawkins Line (where known) are set forth in the attached chart designated as Appendix P. Corman does not have information on the actual dates of construction of these structures. The tunnels were likely constructed during the period 1913-1920. Corman has no plans to remove or otherwise alter these structures as a result of this abandonment.

5. History of Operations. The northern portion of the Dawkins Line was constructed by the Big Sandy & Kentucky River Railway Company (the "Big Sandy") in 1913. The middle segment of the line was constructed by the Big Sandy in 1919-1920. The Chesapeake & Ohio Railway Company ("C&O") acquired control of the Big Sandy in 1930 and absorbed it in 1933, and subsequently extended the Dawkins Line to its full length. C&O became CSXT in 1987, and CSXT subsequently abandoned the southern end of the Dawkins

Line, beyond Evanston. RJCE acquired the Dawkins Line from CSXT in early 2002, and leased the line to its affiliate RJCR for operation. RJCR provided rail service on the line until rail shipments from the mine at Skyline ceased. No operations or maintenance are currently conducted on the Dawkins Line, and thus no changes are anticipated as a result of this abandonment.

6. Engineering Documents. Corman does not possess engineering drawings or records relating to the bridges or the tunnels on the Dawkins Line that would be useful in documenting those structures.

7. Historic Criteria. Based on readily available information in its possession, Corman does not believe that any site or structure listed in or meeting the criteria for listing in the Natural Register of Historic Places is located on the Dawkins Line or will be affected by the abandonment. The bridges and the tunnels on the Dawkins Line are common in design, style and material, and have no unique historic value or interest. Corman also believes that no culturally significant locations, archaeological sites or unique land forms will be affected by the abandonment. Corman has contacted and requested comments from the Kentucky Heritage Counsel, in its capacity as SHPO. See correspondence attached as Appendix Q.

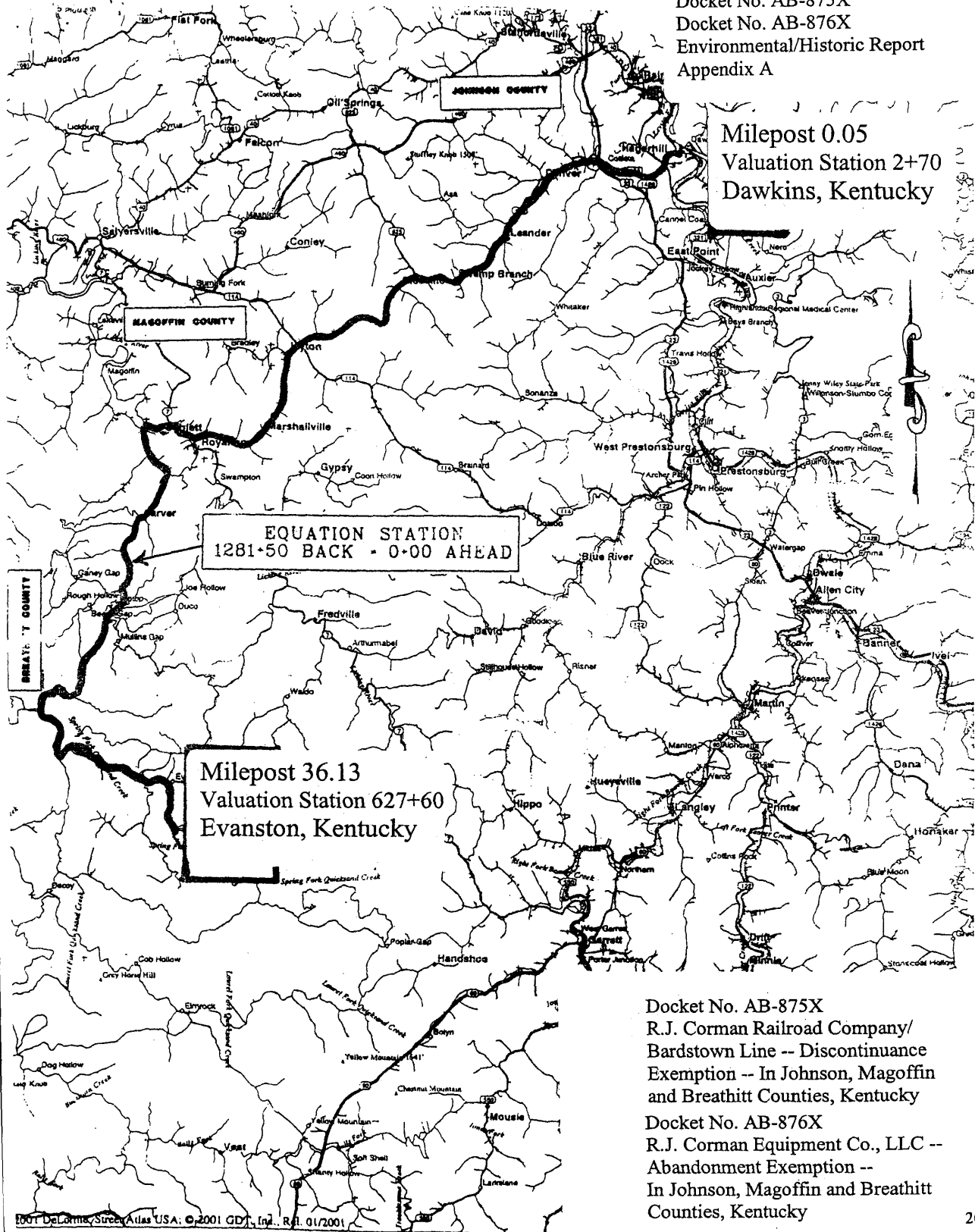
8. Ground Disturbances. Based on readily available information in its possession, Corman believes that substantial subsurface ground disturbance occurred when the Dawkins Line was constructed between 70 and 90 years ago. Corman is unaware of any other environmental conditions that might affect the archaeological recovery of resources. Access to the line is fair in some places, but is difficult along segments on the south end of the line.

CERTIFICATIONS - 49 C.F.R § 1105.7(c)

A certification that the foregoing Report has been served on each of the agencies designated in 49 C.F.R. § 1105.7(b) and that Corman has consulted with all appropriate agencies in preparing this Report is attached hereto as Appendix R. A certification that, in accordance with 49 C.F.R. § 1105.12, Corman has published notice of the proposed discontinuance and abandonment in a newspaper of general circulation in the counties through which the Dawkins Line passes is attached hereto as Appendix S.

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix A

Milepost 0.05
Valuation Station 2+70
Dawkins, Kentucky



Docket No. AB-875X
R.J. Corman Railroad Company/
Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin
and Breathitt Counties, Kentucky
Docket No. AB-876X
R.J. Corman Equipment Co., LLC --
Abandonment Exemption --
In Johnson, Magoffin and Breathitt
Counties, Kentucky

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix B

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

May 21, 2004

Mr. Michael L. Hill, P.E.
Director, Division of Multimodal Programs
Kentucky Transportation Cabinet
200 Mero Street
5th Floor West
Frankfort, KY 40622

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Mr. Hill:

On or about June 30, 2004, R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE") expect to file with the Surface Transportation Board a petition for exemption for RJCR to discontinue service on and RCJE to abandon a line of railroad, referred to herein as the Dawkins Line, extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. The Dawkins Line is owned by RJCE and leased to RJCR. No rail traffic has moved over the line since March, 2003. A map showing the location of the Dawkins Line is attached for your reference. After abandonment, rail and track materials will be removed from the line.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Dawkins Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

FLETCHER & SIPPEL LLC

Mr. Michael L. Hill, P.E.
May 21, 2004
Page 2

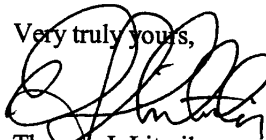
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards;
10. Coastal Zone Management Areas; or
11. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed discontinuance and abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket Nos. AB-875X and AB-876X and be sent to the undersigned, as counsel for RJCR and RJCE, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this discontinuance and abandonment will be forwarded to you at least twenty days before the RJCR/RJCE petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

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tlitwiler@fletcher-sippel.com

May 21, 2004

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www.fletcher-sippel.com

Hon. Roger Tucker Daniel
Johnson County Judge/Executive
Johnson County Courthouse
P.O. Box 868
Paintsville, KY 41240-0868

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Judge Daniel:

On or about June 30, 2004, R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE") expect to file with the Surface Transportation Board a petition for exemption for RJCR to discontinue service on and RCJE to abandon a line of railroad, referred to herein as the Dawkins Line, extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. The Dawkins Line is owned by RJCE and leased to RJCR. No rail traffic has moved over the line since March, 2003. A map showing the location of the Dawkins Line is attached for your reference. After abandonment, rail and track materials will be removed from the line.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Dawkins Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

FLETCHER & SIPPEL LLC

Hon. Roger Tucker Daniel
May 21, 2004
Page 2

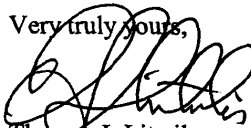
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards;
10. Coastal Zone Management Areas; or
11. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed discontinuance and abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket Nos. AB-875X and AB-876X and be sent to the undersigned, as counsel for RJCR and RJCE, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this discontinuance and abandonment will be forwarded to you at least twenty days before the RJCR/RJCE petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

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May 21, 2004

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THOMAS J. LITWILER
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tlitwiler@fletcher-sippel.com

Hon. Bill W. May
Magoffin County Judge/Executive
Magoffin County Courthouse
P.O. Box 430
Salyersville, KY 41465-0430

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Judge May:

On or about June 30, 2004, R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE") expect to file with the Surface Transportation Board a petition for exemption for RJCR to discontinue service on and RCJE to abandon a line of railroad, referred to herein as the Dawkins Line, extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. The Dawkins Line is owned by RJCE and leased to RJCR. No rail traffic has moved over the line since March, 2003. A map showing the location of the Dawkins Line is attached for your reference. After abandonment, rail and track materials will be removed from the line.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Dawkins Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

FLETCHER & SIPPEL LLC

Hon. Bill W. May
May 21, 2004
Page 2

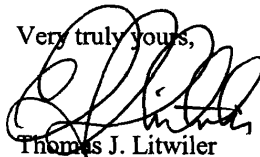
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards;
10. Coastal Zone Management Areas; or
11. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed discontinuance and abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket Nos. AB-875X and AB-876X and be sent to the undersigned, as counsel for RJCR and RJCE, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this discontinuance and abandonment will be forwarded to you at least twenty days before the RJCR/RJCE petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

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May 21, 2004

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www.fletcher-sippel.com

Hon. Lewis Henry Warrix
Breathitt County Judge/Executive
Breathitt County Courthouse
1137 Main Street
Jackson, KY 41339-1119

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Judge Warrix:

On or about June 30, 2004, R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE") expect to file with the Surface Transportation Board a petition for exemption for RJCR to discontinue service on and RCJE to abandon a line of railroad, referred to herein as the Dawkins Line, extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. The Dawkins Line is owned by RJCE and leased to RJCR. No rail traffic has moved over the line since March, 2003. A map showing the location of the Dawkins Line is attached for your reference. After abandonment, rail and track materials will be removed from the line.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Dawkins Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

FLETCHER & SIPPEL LLC

Hon. Lewis Henry Warrix
May 21, 2004
Page 2

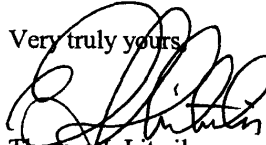
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards;
10. Coastal Zone Management Areas; or
11. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed discontinuance and abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket Nos. AB-875X and AB-876X and be sent to the undersigned, as counsel for RJCR and RJCE, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this discontinuance and abandonment will be forwarded to you at least twenty days before the RJCR/RJCE petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix F

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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THOMAS J. LITWILER
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tlitwiler@fletcher-sippel.com

May 21, 2004

Mr. Jacob J. Kuhn
Assistant State Conservationist
USDA Natural Resources Conservation Service
771 Corporate Drive, Suite 210
Lexington, KY 40503-5479

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Mr. Kuhn:

On or about June 30, 2004, R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE") expect to file with the Surface Transportation Board a petition for exemption for RJCR to discontinue service on and RJCE to abandon a line of railroad, referred to herein as the Dawkins Line, extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. The Dawkins Line is owned by RJCE and leased to RJCR. No rail traffic has moved over the line since March, 2003. A map showing the location of the Dawkins Line is attached for your reference. After abandonment, rail and track materials will be removed from the line.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Dawkins Line so that you may assist us in identifying any potential effects it may have on prime agricultural land as designated by the Natural Resources Conservation Service.

Because of the limited nature of the proposed discontinuance and abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket Nos. AB-875X and AB-876X and be sent to the undersigned, as counsel for RJCR and RJCE, with a copy to:

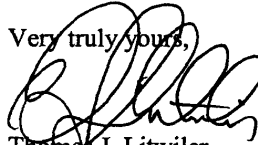
FLETCHER & SIPPEL LLC

Mr. Jacob J. Kuhn
May 21, 2004
Page 2

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this discontinuance and abandonment will be forwarded to you at least twenty days before the RJCR/RJCE petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment

United States Department of Agriculture



Natural Resources Conservation Service
771 Corporate Drive; Suite 210
Lexington, KY 40503-5479

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix F-1

June 4, 2004

Thomas J. Litwiler
Attorney for R.J. Corman Railroad Co./
Bardstown Line and R.J. Corman Equipment Co., LLC
29 North Wacker Drive, Suite 920
Chicago, Illinois 60606-2875

**Re: Docket No. AB-875X, R.J. Corman Railroad Company/Bardstown Line –
Discontinuance Exemption - In Johnson, Magoffin and Breathitt Counties, and
Docket No. AB-876X, R.J. Corman Equipment Company, LLC – Abandonment
Exemption – In Johnson, Magoffin and Breathitt Counties, Kentucky**

Dear Mr. Litwiler:

Be advised that the USDA Natural Resources Conservation Service has reviewed the notice of intent to file petition for exemption for R.J. Corman Railroad Company/Bardstown Line to discontinue service on and R.J. Corman Equipment Company, LLC to abandon a line of railroad extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin, and Breathitt Counties, Kentucky and has no comments concerning the proposed actions. No prime, unique or other important farmlands will be adversely affected by the removal of the rail line.

Contact Jacob Kuhn, Assistant State Conservationist for Natural Resources Planning (859-224-7371) with any questions regarding this response. Sincerely,

Sincerely,

A handwritten signature in black ink, appearing to read "David G. Sawyer".

DAVID G. SAWYER
State Conservationist

cc: Surface Transportation Board, Washington, D.C.
David Edwards, District Conservationist, Jackson, KY
Jerry Adams, District Conservationist, Paintsville, KY
Robert Bradley, Area Conservationist, Mount Sterling, KY

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix G

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

May 21, 2004

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THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Mr. Lloyd Cress, Sr.
Commissioner
Kentucky Department for Environmental Protection
14 Reilly Road
Frankfort, KY 40601

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Mr. Cress:

On or about June 30, 2004, R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE") expect to file with the Surface Transportation Board a petition for exemption for RJCR to discontinue service on and RJCE to abandon a line of railroad, referred to herein as the Dawkins Line, extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. The Dawkins Line is owned by RJCE and leased to RJCR. No rail traffic has moved over the line since March, 2003. A map showing the location of the Dawkins Line is attached for your reference. After abandonment, rail and track materials will be removed from the line.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Dawkins Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

FLETCHER & SIPPEL LLC

Mr. Lloyd Cress, Sr.
May 21, 2004
Page 2

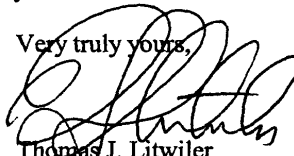
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6. Designated wetlands and 100-year flood plains;
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9. Existing or potential safety hazards;
10. Coastal Zone Management Areas; or
11. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed discontinuance and abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket Nos. AB-875X and AB-876X and be sent to the undersigned, as counsel for RJCR and RJCE, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this discontinuance and abandonment will be forwarded to you at least twenty days before the RJCR/RJCE petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix H

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

May 21, 2004

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Mr. J.I. Palmer, Jr.
Regional Administrator, Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
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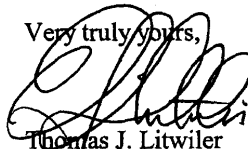
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Attorney for R.J. Corman Railroad Company/
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Company, LLC

TJL:tl

Attachment

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix I

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

May 21, 2004

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Mr. Lee Andrews
Field Supervisor
U.S. Fish & Wildlife Service
3761 Georgetown Road
Frankfort, KY 40601-8670

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

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R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

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FLETCHER & SIPPEL LLC

Mr. Lee Andrews
May 21, 2004
Page 2

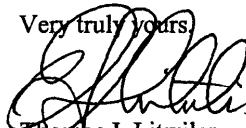
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Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

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FLETCHER & SIPPEL LLC

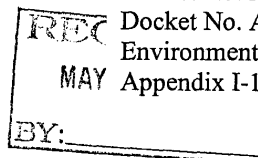
ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Mr. Lee Andrews
Field Supervisor
U.S. Fish & Wildlife Service
3761 Georgetown Road
Frankfort, KY 40601-8670

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
MAY Appendix I-1



Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

May 21, 2004

No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal.

Field Supervisor
U. S. Fish and Wildlife Service
Frankfort, KY 40601

STAFF MAB
QUAD
LAT } Multiple
LON

Re: Docket No. AB-875X
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

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Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix J

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

May 21, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

Ms. Susan Carole Bush
Commissioner
Kentucky Department for Natural Resources
663 Teton Trail
Frankfort, KY 40601

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

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FLETCHER & SIPPEL LLC

Ms. Susan Carole Bush
May 21, 2004
Page 2

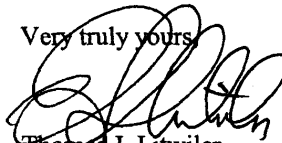
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Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment



Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix J-1

ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR NATURAL RESOURCES
663 TETON TRAIL
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-2184 FAX (502) 564-6193
www.naturalresources.ky.gov
www.kentucky.gov

LAJUANA S. WILCHER
SECRETARY

SUSAN C. BUSH
COMMISSIONER

August 17, 2004

Mr. Thomas J. Litwiler
Fletcher & Sippel, LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

RE: Docket No. AB-875X
R.J. Corman Railroad Company/Bardstown Line – Discontinuance Exemption in
Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC – Abandonment Exemption in
Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Mr. Litwiler:

I have reviewed your Environmental/Historic Report of July 29, 2004 regarding the above Discontinuance and Abandonment Exemptions. Your report states that water quality effects of the abandonment should be minimal. The Division of Conservation reiterates its original response emphasizing the importance of controlling erosion and sedimentation during earth-disturbing activities if this project requires such. We recommend best management practices (BMP's) be utilized to prevent nonpoint source water pollution. Since the rail line either crosses or is adjacent to several perennial and intermittent streams, the water quality and aquatic habitat of these streams could be adversely affected. The manual, Best Management Practices for Construction Activities, contains information on the kinds of BMPs most appropriate and is available through the Breathitt, Johnson, or Magoffin County Conservation Districts and the Division of Conservation.

If you have additional questions or if I can be of further assistance, please feel free to contact me at (502) 564-2184. Mr. Steve Coleman, Director of the Division of Conservation may be reached at (502) 564-3080.

Sincerely,

Susan C. Bush, P.G.
Commissioner

cc: Surface Transportation Board
Section of Environmental Analysis
1925 K Street, NW, Room 504
Washington, DC 20423-0001

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

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www.fletcher-sippel.com

May 21, 2004

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Mr. William D. Shaddox
Chief, Land Resources Division
National Park Service
1849 C Street, N.W., MS 2540
Washington, D.C. 20240

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

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May 21, 2004
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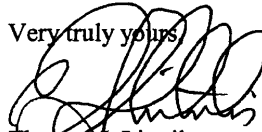
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TJL:tl

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Docket No. AB-876X
Environmental/Historic Report
Appendix L

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

May 21, 2004

Phone: (312) 252-1500
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www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

U.S. Army Corps of Engineers
Louisville District, Regulatory Branch
P.O. Box 59
Louisville, KY 40201-0059
Attn: CELRL-OP-F

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U.S. Army Corps of Engineers
May 21, 2004
Page 2

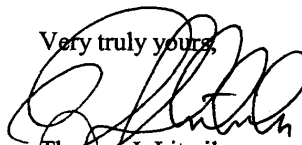
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TJL:tl

Attachment



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059
FAX: (502) 315-6677
<http://www.lrl.usace.army.mil/>
August 20, 2004

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix L-1

Operations Division
Regulatory Branch (South)
ID No. 200400712-bkc

Mr. Thomas J. Litwiler
Fletcher & Sippel, LLC, Attorneys At Law
29 North Wacker Drive, Suite 920
Chicago, Illinois 60606-2875

Dear Mr. Litwiler:

This is in regard to your letter of July 29, 2004, concerning a proposal by the R.J. Corman Railroad Company/Bardstown Line and R.J. Corman Equipment Company, LLC to discontinue service and to abandon the Dawkins Line of railroad (Docket Nos. AB-875X and AB-876X). The line extends from milepost 0.05 in Dawkins, Kentucky to 36.13 near Evanston, Kentucky.

This determination is approved based on the information provided by you in the Environmental/Historic Report. It does not appear that a Department of the Army permit will be needed since the proposed project will not impact any "waters of the United States" (U.S.). "Waters of the U.S." include all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce.

If the project would necessitate the discharge of dredged or fill material into "waters of the U.S.," including wetlands, plans should be submitted for our review.

Our comments on this project are limited to only those effects which may fall within our area of jurisdiction and thus does not obviate the need to obtain other permits from state or local agencies. Lack of comments on other environmental aspects should not be construed as either concurrence or nonconcurrence with stated environmental effects.

If we can be of any further assistance, please contact us by writing to the above address, ATTN: CELRL-OP-FS, or call me at (502) 315-6679. Any correspondence on this matter should refer to our ID Number 200400712-bkc.

Sincerely,

Brenda Carter

Brenda Carter
Regulatory Specialist
Regulatory Branch

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix M

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

May 21, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Mr. Ron Cook
Kentucky State Clearinghouse
Kentucky Department for Local Government
1024 Capitol Center Drive, Suite 340
Frankfort, KY 40601

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Mr. Cook:

On or about June 30, 2004, R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE") expect to file with the Surface Transportation Board a petition for exemption for RJCR to discontinue service on and RJCE to abandon a line of railroad, referred to herein as the Dawkins Line, extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. The Dawkins Line is owned by RJCE and leased to RJCR. No rail traffic has moved over the line since March, 2003. A map showing the location of the Dawkins Line is attached for your reference. After abandonment, rail and track materials will be removed from the line.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Dawkins Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

FLETCHER & SIPPEL LLC

Mr. Ron Cook
May 21, 2004
Page 2

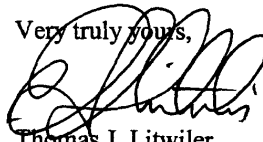
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards;
10. Coastal Zone Management Areas; or
11. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed discontinuance and abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket Nos. AB-875X and AB-876X and be sent to the undersigned, as counsel for RJCR and RJCE, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this discontinuance and abandonment will be forwarded to you at least twenty days before the RJCR/RJCE petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix N

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

May 21, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

Mr. Edward J. McKay
Chief, Spatial Reference System Division
National Geodetic Survey
1315 East West Highway, N/NGS2
Silver Spring, MD 20910-3282

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Mr. McKay:

On or about June 30, 2004, R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE") expect to file with the Surface Transportation Board a petition for exemption for RJCR to discontinue service on and RJCE to abandon a line of railroad, referred to herein as the Dawkins Line, extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. The Dawkins Line is owned by RJCE and leased to RJCR. No rail traffic has moved over the line since March, 2003. A map showing the location of the Dawkins Line is attached for your reference. After abandonment, rail and track materials will be removed from the line.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Dawkins Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

FLETCHER & SIPPEL LLC

Mr. Edward J. McKay
May 21, 2004
Page 2

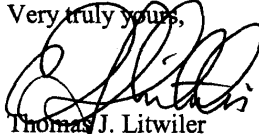
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards;
10. Coastal Zone Management Areas; or
11. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed discontinuance and abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket Nos. AB-875X and AB-876X and be sent to the undersigned, as counsel for RJCR and RJCE, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this discontinuance and abandonment will be forwarded to you at least twenty days before the RJCR/RJCE petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

JUN 2 2004

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix N-1

THOMAS J. LITWILER

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of R.J. Corman Railroad Company/Bardstown Line and R.J. Corman Equipment Company, LLC for 36.08 miles of rail line between milepost 0.05 at Dawkins to the end of the track at milepost 36.13 near Evanston, in Johnson, Magoffin and Breathitt Counties, Kentucky, STB Docket No. AB-875X, AB-876X, has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 14 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for these geodetic markers, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
N/NGS1x1 - J. Ross Mackay
[Redacted] Attorney for R.J. Corman
[Redacted] Bardstown Line and R.J. Corman
[Redacted] Equipment Company, LLC



Printed on Recycled Paper



R.J. CORMAN RAILROAD COMPANY/BARDSTOWN LINE AND

R.J. CORMAN EQUIPMENT COMPANY, LLC

BETWEEN DAWKINS AND EVANSTON

IN JOHNSON, MAGOFFIN AND BREATHITT COUNTIES, KENTUCKY

STB DOCKET NO. AB-875X, AB-876X

14 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
GY1328	Y 85	N374713	W0824702
GY1327	X 85	N374720	W0824716
GY1448	L 282	N374656	W0825023
GY1453	Q 282	N374414	W0825348
GY1454	W 282	N374418	W0825452
GY1455	U 282	N374401	W0825526
GY1456	V 282	N374317	W0825555
GY1457	X 282	N374311	W0825656
GY1458	Y 282	N374259	W0825753
GY1459	P 284	N374235	W0825836
GY1460	Q 284	N374140	W0825851
GY1461	R 284	N374054	W0825915
GY1884	S 284	N374024	W0830003
GY1885	T 284	N374039	W0830103



National Geodetic Survey - News Flash!



GEODETIC DATA AVAILABLE FREE ON THE INTERNET

Are you interested in getting the most current position, height, and descriptive information for all the geodetic control points in the National Spatial Reference System? Are you interested in getting this information immediately, free of cost, and whenever you want it? With an Internet connection, this information is yours to download.

The National Geodetic Survey's (NGS) data sheet contains position, height, and descriptive information for approximately 750,000 control points throughout the United States. The data sheet provides:

- ▶ The geodetic coordinates and the orthometric height for each point
- ▶ The horizontal and vertical datums on which the information is based
- ▶ State plane coordinates and Universal Transverse Mercator coordinates
- ▶ Modeled geoid height, ellipsoidal height, modeled gravity, and Laplace correction
- ▶ A description of the station's location and how to reach it

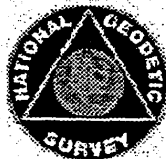
To obtain this information, set your Web browser to
http://www.ngs.noaa.gov/products_services.html

For more information contact:

NOAA, National Geodetic Survey, N/NGS12
1315 East-West Highway, Station 09202
Silver Spring, MD 20910

Telephone: (301) 713-3242; Fax: (301) 713-4172
Monday through Friday, 7:00 a.m. - 4:30 p.m., Eastern Time

<http://www.ngs.noaa.gov>



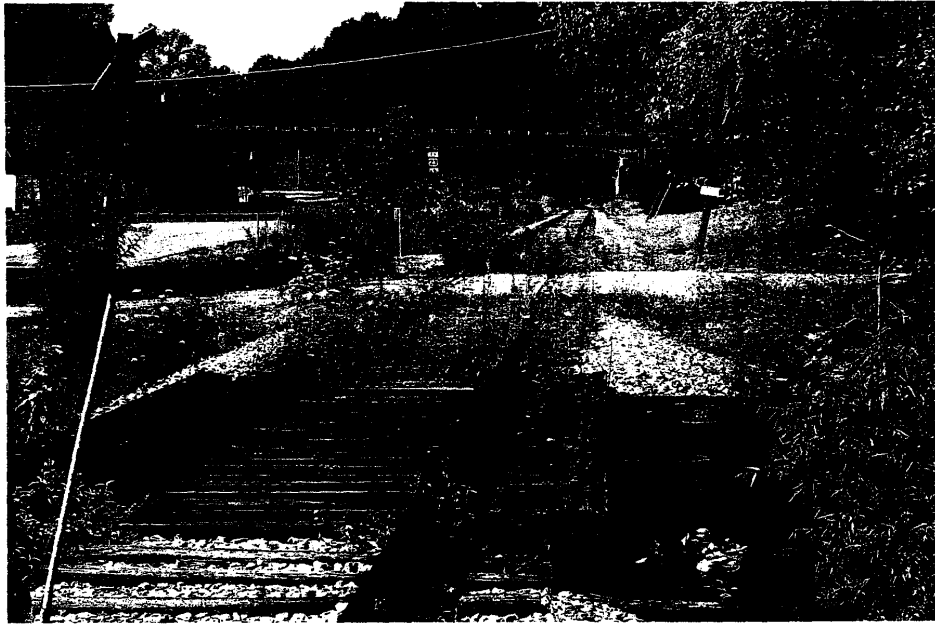
NGS: Tying America Together



↑ Bridge 0.3

Bridge 0.5 ↓





↑ Bridge 0.6

Bridge 2.8 ↓





↑ Bridge 2.9

Bridge 3.3 ↓





↑ Bridge 3.4

Bridge 3.9 ↓





↑ Bridge 4.0

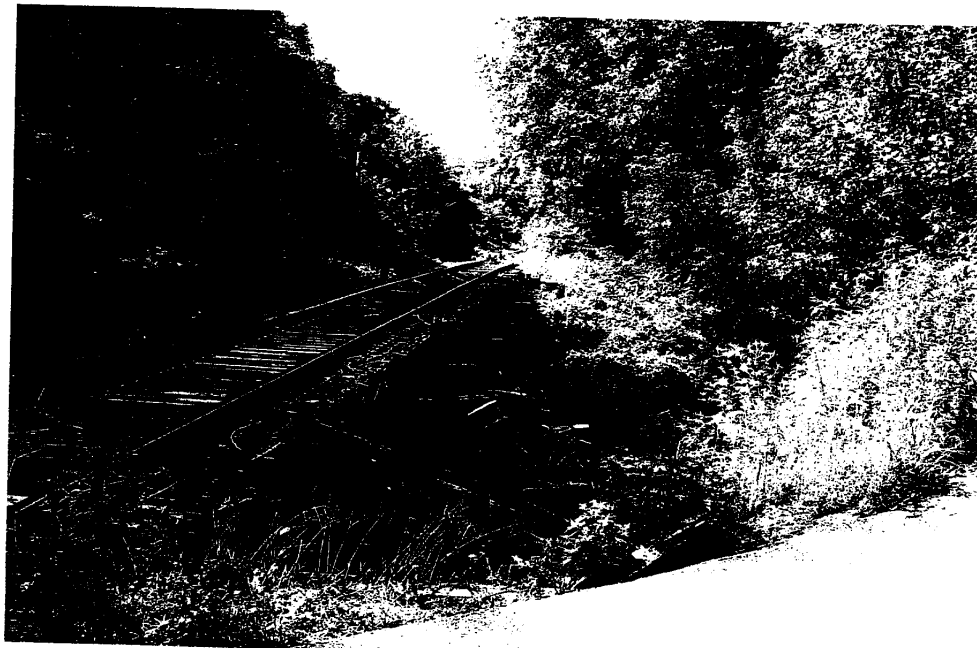
Bridge 4.3 ↓

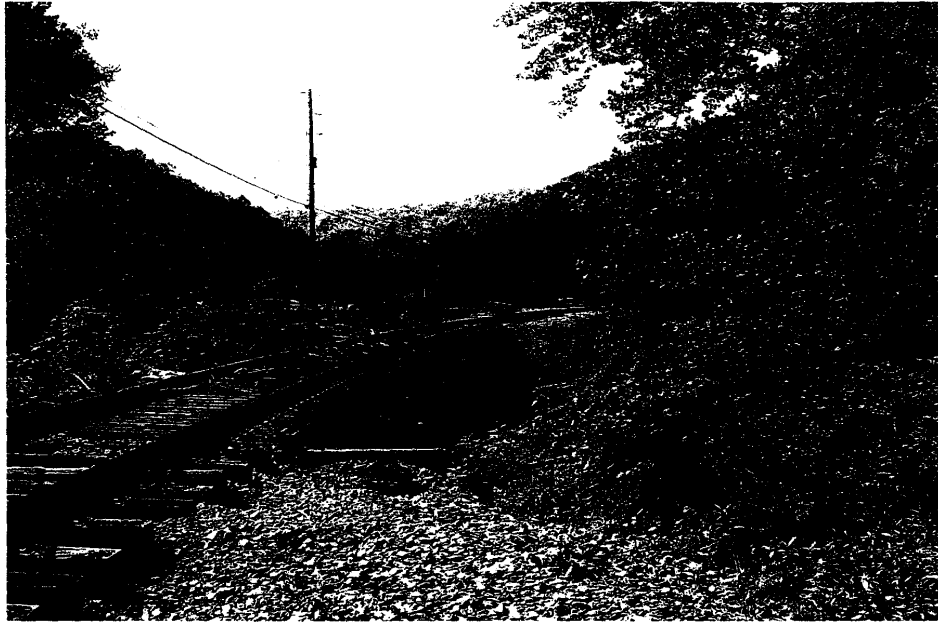




↑ Bridge 5.4

Bridge 5.9 ↓





↑ Bridge 6.2

Bridge 6.7 ↓





↑ Bridge 9.3

Bridge 9.6 ↓





↑ Bridge 9.8

Bridge 10.7 ↓





↑ Bridge 11.3

Bridge 12.0 ↓





↑ Bridge 13.0

Bridge 13.5 ↓

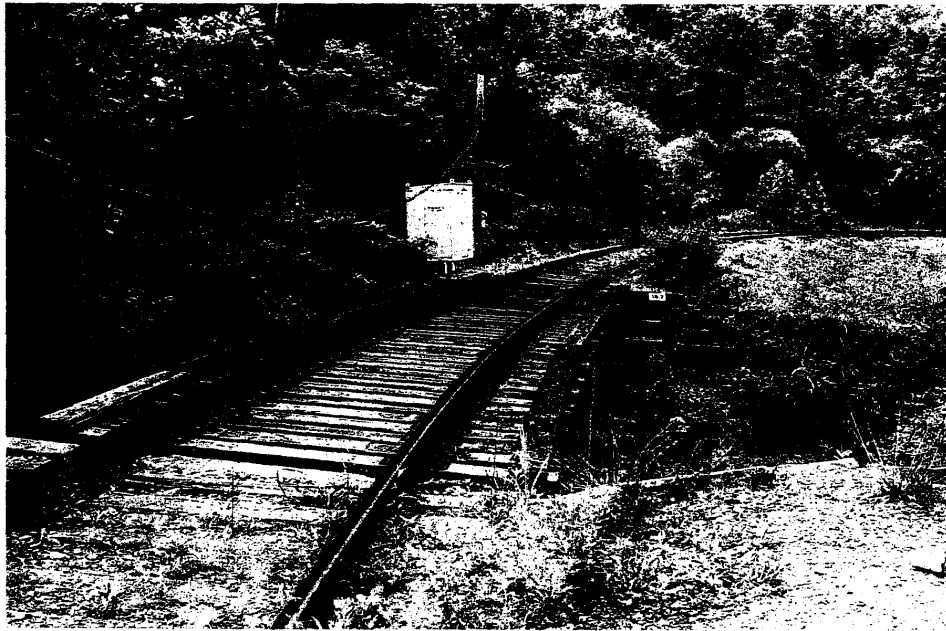




↑ Bridge 14.0

Bridge 15.6 ↓





↑ Bridge 16.7

Bridge 17.1 ↓





↑ Bridge 17.9

Bridge 18.6 ↓





↑ Bridge 19.1

Bridge 19.7 ↓





↑ Bridge 21.6

Bridge 23.0 ↓





↑ Bridge 24.3

Bridge 29.7 ↓





↑ Bridge 34.8

CORMAN/DAWKINS LINE STRUCTURES

<u>Milepost</u>	<u>Description</u>	<u>Length</u>
0.3	1-span timber pile trestle	12'
0.5	1-span timber pile trestle	17'
0.6	1-span timber pile trestle	21'
2.8	7-span timber pile trestle	91'
2.9	10-span timber pile trestle	127'
3.3	8-span timber pile trestle	100'
3.4	3-span timber pile 1 steel trestle	108'
3.9	7-span timber pile trestle	85'
4.0	9-span timber pile trestle	111'
4.3	10-span timber pile trestle	114'
5.4	10-span timber pile trestle	119'
5.9	10-span timber pile trestle	123'
6.2	10-span timber pile trestle	123'
6.7	4-span timber pile trestle	60'
9.3	Timber pile trestle	?
9.6	6-span timber pile trestle	72'
9.8	8-span timber pile trestle	91'
10.7	1-span deck plate girder 4-span I-beam	27' 147'
11.3	2-span deck plate girder 2-span I-beam	140' 74'
12.0	8-span timber pile trestle	96'
13.0	4-span deck plate girder	249'
13.5	Timber pile trestle	?
14.0	1-span timber pile trestle	12'
14.9	Tunnel	662'
15.6	10-span timber pile trestle	120'
16.7	4-span timber pile trestle	49'
17.1	8-span timber pile trestle	110'
17.9	1-span timber pile trestle	15'
18.6	4-span timber pile trestle	32'
19.1	1-span timber pile trestle	20'
19.7	1-span deck plate girder 18-span timber pile trestle	72' 230'
21.6	5-span timber pile trestle	55'
23.0	2-span timber pile trestle	24'
24.3	3-span timber pile trestle	38'
25.7	Tunnel	1555'
29.7	1-span deck plate girder 7-span timber pile trestle	100' 71'
34.8	1-span timber pile trestle	34'

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Docket No. AB-875X
Docket No. AB-876X
Environmental/Historic Report
Appendix Q

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

May 21, 2004

Mr. David L. Morgan
Executive Director & State Historic
Preservation Officer
Kentucky Heritage Council
300 Washington Street
Frankfort, KY 40601

Re: **Docket No. AB-875X**
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-876X
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Mr. Kuhn:

On or about June 30, 2004, R.J. Corman Railroad Company/Bardstown Line ("RJCR") and R.J. Corman Equipment Company, LLC ("RJCE") expect to file with the Surface Transportation Board a petition for exemption for RJCR to discontinue service on and RJCE to abandon a line of railroad, referred to herein as the Dawkins Line, extending from milepost 0.05 at Dawkins, Kentucky to the end of track at milepost 36.13 near Evanston, Kentucky, a distance of approximately 36.08 miles in Johnson, Magoffin and Breathitt Counties, Kentucky. The petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. The Dawkins Line is owned by RJCE and leased to RJCR. No rail traffic has moved over the line since March, 2003. A map showing the location of the Dawkins Line is attached for your reference. After abandonment, rail and track materials will be removed from the line.

In accordance with the Board's environmental and historic preservation regulations, 49 C.F.R. § 1105.8, we are advising you of the proposed abandonment of the Dawkins Line so that you may determine whether this action will have any effect on any historic structures or sites. There are no railroad buildings on the line to be abandoned. RJCE believes that there are a number of bridges, as well as two tunnels, on the Dawkins Line which are 50 years old or older. Information on and photographs of these bridges and tunnels will be forwarded to you with the Environmental/Historic Report referenced below. RJCE does not believe that any of the bridges or the tunnels are rare in character or of historic significance. Moreover, the bridges will not be removed or disturbed in connection with the proposed abandonment. The two tunnels will obviously remain in place after abandonment as well. Thus,

FLETCHER & SIPPEL LLC

Mr. David L. Morgan
May 21, 2004
Page 2

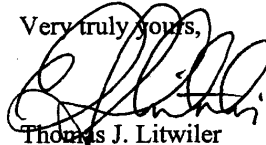
abandonment should result in no adverse effect on these structures. RJCE also is unaware of any historic sites involved in the proposed abandonment.

We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket Nos. AB-875X and AB-876X and be sent to the undersigned, as counsel for RJCR and RJCE, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this discontinuance and abandonment will be forwarded to you at least twenty days before the RJCR/RJCE petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Railroad Company/
Bardstown Line and R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment

CERTIFICATE OF SERVICE

I hereby certify that R.J. Corman Railroad Company/Bardstown Line and R.J. Corman Equipment Company, LLC have consulted with all appropriate agencies in preparing the foregoing Environmental/Historic Report and that on July 22, 2004 or July 29, 2004 a copy of the foregoing report was served by first class mail, postage prepaid, upon each of the following agencies as designated in 49 C.F.R. § 1105.7(b):

Mr. Michael L. Hill, P.E.
Director, Division of Multimodal Programs
Kentucky Transportation Cabinet
200 Mero Street, 5th Floor West
Frankfort, KY 40622

Mr. Lloyd Cress, Sr.
Commissioner
Kentucky Department for Environmental Protection
14 Reilly Road
Frankfort, KY 40601

Ms. Susan Carole Bush
Commissioner
Kentucky Department for Natural Resources
663 Teton Trail
Frankfort, KY 40601

Mr. Ron Cook
Kentucky State Clearinghouse
Kentucky Department for Local Government
1024 Capitol Center Drive, Suite 340
Frankfort, KY 40601

U.S. Army Corps of Engineers
Louisville District, Regulatory Branch
Attn: CELRL-OP-F
P.O. Box 59
Louisville, KY 40201-0059

Mr. V. Lee Andrews
Field Supervisor
U.S. Fish & Wildlife Service
3761 Georgetown Road
Frankfort, KY 40601-8670

Mr. J.I. Palmer, Jr.
Regional Administrator, Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Mr. William D. Shaddox
Chief, Land Resources Division
National Park Service
1849 C Street, N.W., MS 2540
Washington, DC 20240

Mr. Richard A. Snay
Chief, Spatial Reference System Division
National Geodetic Survey
1315 East West Highway, N/NGS2
Silver Spring, MD 20910-3282

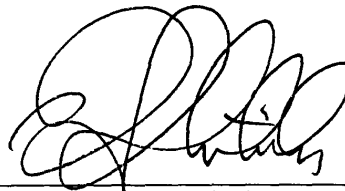
Hon. Lewis Henry Warrix
Breathitt County Judge/Executive
Breathitt County Courthouse
1137 Main Street
Jackson, KY 41339-1119

Hon. Roger Tucker Daniel
Johnson County Judge/Executive
Johnson County Courthouse
P.O. Box 868
Paintsville, KY 41240-0868

Hon. Bill W. May
Magoffin County Judge/Executive
Magoffin County Courthouse
P.O. Box 430
Salyersville, KY 41465-0430

Mr. Jacob J. Kuhn
Assistant State Conservationist
USDA Natural Resources Conservation Service
771 Corporate Drive, Suite 210
Lexington, KY 40503-5479

Mr. David L. Morgan
Executive Director & State Historic
Preservation Officer
Kentucky Heritage Council
300 Washington Street
Frankfort, KY 40601

A handwritten signature in black ink, appearing to read 'T. Litwiler', is written over a horizontal line.

Thomas J. Litwiler

Dated: September 3, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-875X

R.J. CORMAN RAILROAD COMPANY/BARDSTOWN LINE
-- DISCONTINUANCE EXEMPTION --
IN JOHNSON, MAGOFFIN AND BREATHTITT COUNTIES, KY

DOCKET NO. AB-876X

R.J. CORMAN EQUIPMENT COMPANY, LLC
-- ABANDONMENT EXEMPTION --
IN JOHNSON, MAGOFFIN AND BREATHTITT COUNTIES, KY

**CERTIFICATION OF PUBLICATION
PURSUANT TO
49 C.F.R. § 1105.12**

I, Thomas J. Litwiler, an attorney for R.J. Corman Railroad Company/Bardstown Line and R.J. Corman Equipment Company, LLC, hereby certify as follows:

1. I have contacted the following newspapers of general circulation for the counties in which the rail line to be abandoned in this proceeding is located, and arranged for the publication of a Notice of Intent to Abandon and Discontinue Rail Service pursuant to 49 C.F.R. § 1105.12:

Johnson County	-	<i>The Paintsville Herald</i> 209 Main Street P.O. Box 1547 Paintsville, KY 41240
Magoffin County	-	<i>Salyersville Independent</i> 7 East Maple Street P.O. Box 29 Salyersville, KY 41465
Breathitt County	-	<i>The Jackson Times</i> 1003 College Avenue P.O. Box 999 Jackson, KY 41339

2. The Notice of Intent to Abandon and Discontinue Rail Service was published in the *Salyersville Independent* on August 19, 2004, in *The Paintsville Herald* on August 20, 2004, and in *The Jackson Times* on August 26, 2004.

3. A proof of publication from *The Paintsville Herald* and a copy of the Notice as published in *The Jackson Times* are attached. The *Salyersville Independent* is providing a proof of publication for the Notice as published in that paper, and I will forward that proof of publication to the Board once received.

A handwritten signature in black ink, appearing to read 'T. Litwiler', is written over a horizontal line.

Thomas J. Litwiler

Dated: September 3, 2004

Newspaper Affidavit

I, Nancy Daniels, of The Paintsville Herald, published at Paintsville, Kentucky, and having the largest general circulation of any newspaper in Johnson County, Kentucky, do hereby certify that from my own knowledge and a check of the files of this newspaper that the advertisement of Notice of Intent to Abandon & Discontinue Rail Service for R.J. Corman Railroad Company was inserted in

The Paintsville Herald on the following dates:

Date: 8/20/04 Page No.: A-14 Column No.: 3-5

Date: _____ Page No.: _____ Column No.: _____

Date: _____ Page No.: _____ Column No.: _____

Date: _____ Page No.: _____ Column No.: _____

Signature: Nancy Daniels

Subscribed and sworn to before me by Nancy Daniels this the

20 day of August, 2004.

Notary Public: Paula W. Helm

County of: Johnson, Ky

My commission expires: 3/31/07

Classified

Annual Retraining. Drug testing available (ask for Ray). By registration only. Special prices. W.Va. 80-hr. and Ky. 40-hr. **Underground** Apprentice classes start August 16 • W.Va. 40-hr. and Ky. 24-hr. **Surface** Apprentice classes start August 9th & 30th. Night classes available. Must be registered and prepaid.

PAINTING

Danny's Paint Service. Exterior, interior painting, and driveway sealing. Commercial and residential contracting. Call Danny Fairchild at 606-789-1283.

PETS

Two beautiful spayed and declawed cats, free to a good home. Indoor cats. If interest-

ed, call 297-6786.

LOST AND FOUND



Six-month old white Siberian Husky. His name is Keets. Last seen 8/10/04 on Rt. 2039, Rockhouse Fork of Jennys Creek. Anyone seeing this dog, please call 297-5116. A reward will be given for just information about the dog.

LEGALS

Notice of Intent to Abandon and Discontinue Rail

Service – R.J. Corman Railroad Company/Bardstown Line and R.J. Corman Equipment Company LLC

R.J. Corman Railroad Company/Bardstown Line (RJCR) and R.J. Corman Equipment Company LLC (RJCE) give notice that on or about August 25, 2004, they intend to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 permitting the abandonment of and discontinuance of service over approximately 36.08 miles of rail line between milepost 0.05 at Dawkins and the end of track at milepost 36.13 near Evanston, traversing United States Postal Service ZIP Codes 41240, 41260, 41222, 41465, and 41339 in Johnson, Magoffin and Breathitt counties, Kentucky. The subject rail line is owned by RJCE and leased to

RJCR. The proceeding will be docketed as No. AB-875X and No. AB-876X.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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 Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1538. 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 plead-

ing 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 the Secretary, 1925 K Street, N.W., Washington, DC 20423 [see 49 C.F.R. 1104.1(a) and 1104.3(a)] and one copy must be served on RJCR/RJCE's representative [see 49 C.F.R. 1104.12(a)]. Questions regarding offer of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on RJCR/RJCE's representative at the following address: Thomas J. Litwiler, Esq. Fletcher & Sipple LLC 29 North Wacker Drive Suite 920 Chicago, Illinois 60606-2832 (312) 252-1500

Probate Case No. 04-P-37 Final Settlement
You are hereby notified

that Rita Kirby for the estate of Lemaster, d. the 16th day of 2004, has a settlement Johnson D. Probate exceptions. settlement scheduled Johnson D. Probate Div. 20th day of 2004.

NOTICE REL Purs Appl No. 88

In accordance 350.093, no given that Processing 190, Lovel 41231 has Phase II Release or 3, 4, & 5 of ber 880-009 last issued The applica an area of 60.48 acres miles north in Martin e counties. The permit mately 0.5-

Stick It Here

Stick Your Business Card Here and Put Money

Classified Ads

itions Available, For Sale, Intents to Mine, Blasting Schedules, Legal Notices and Business Directory

The Jackson Times

CLASSIFIED ADS

\$5.00 for the first 20 words, then
20¢ per word thereafter

LEGAL ADS, DISPLAYS & OTHER NOTICES

\$4.70 per column inch. Legal ads
require a minimum of 9 pt. type

PUBLIC SALE

A 1994 Ford Ranger vin number 1FTCR10XXRTA84426, collateral on the conditional sale contract signed by Melissa Willett 1890 Bowlings Creek Road, Altro, KY 41306, will be sold for cash Thursday, September 9, 2004, at 10 a.m. Place of sale: First National Bank, 1126 Main Street, Jackson, KY 41339. Seller reserves the right to bid. 3TE9-9

GAS COMPANY

ig our Budget Payment throughout the year. If 15th @ 1-888-453-9255.

3TE9-2

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centive Program
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mark.com

NIM HENSON GERIATRIC CENTER, Jack-
son, KY is taking applications for Certified Nurse
Aides. Call (606) 666-2456 for more information or
stop by front office for application. 2TE9-2

NOTICE OF INTENT TO ABANDON AND DISCONTINUE RAIL SERVICE R.J. CORMAN RAILROAD COMPANY/BARDSTOWN LINE

AND R.J. CORMAN EQUIPMENT COMPANY, LLC
R.J. Corman Railroad Company/Bardstown Line (RJCR) and R.J. Corman Equipment Company, LLC (RJCE) give notice that on or about August 25, 2004, they intend to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 permitting the abandonment of and discontinuance of service over approximately 36.08 miles of rail line between milepost 0.05 at Dawkins and the end of track at milepost 36.13 near Evanston, traversing United States Postal Service ZIP Codes 41240, 41260, 41222, 41465, 41339 in Johnson, Magoffin and Breathitt Counties, Kentucky. The subject rail line is owned by RJCE and leased to RJCR. The proceeding will be docketed as No. AB-875X and No. AB-876X.

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Thomas J. Litwiler, Esq.
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

1TE8-26

BOND RELEASE

NOTICE OF BOND RELEASE

1. In accordance with KRS 350.093, notice is hereby given that Miller Bros. Coal, Inc. HC 75 Box 220, Leburn, Kentucky 41831 has applied for Phase II Bond Release on Permit Number 813-0257 which was last issued on 9/11/02. The application covers an area of approximately 158.32 acres located 4 miles northeast of Guage and 2 miles southwest of Foraker in Breathitt and Magoffin Counties.

2. The permit area is approximately 3.6 miles northeast from Kentucky Route 30's junction with Kentucky Route 542 in Breathitt County and 2.5 miles southwest from Kentucky Route 30's junction with Kentucky Route 1397 in Magoffin County. The latitude is 37 degrees 38 minutes 04 seconds. The longitude is 83 degrees 09 minutes 45 seconds.

3. The bond now in effect for permit number 813-0257 is a surety for \$255,300.00. Approximately 25% of the original bond amount is included in the application for release.

4. Reclamation work performed includes: backfilling, final grading, seeding and mulching completed in the fall of 2000. All disturbed areas have been seeded as to provide adequate growth for plant species and provide appropriate conditions for the surrounding wildlife.

5. Written comments, objections, and requests for a public hearing or informal conference must be filed with the Director, Division of Field Services, #2 Hudson Hollow, Frankfort, Kentucky 40601 by October 15, 2004.

6. A public hearing on the application has been scheduled for October 18, 2004 at 10:00 a.m./p.m. at the London Regional Office of the Department for Surface Mining Reclamation and Enforcement, 85 State Police Road, London, Kentucky 40741-9008. The hearing will be cancelled if no request for a hearing or informal conference is received by

AMENDED ADVERTISEMENT FOR PART TIME DISTRIBUTION SYSTEM OPERATOR

VERIFICATION

Commonwealth of Kentucky)
County of Jessamine) ss:

Rebecca M. Loudon, being duly sworn, deposes and says that she is Contracts Manager of R.J. Corman Railroad Company/Bardstown Line and R.J. Corman Equipment Company, LLC, that she has read the foregoing Petition for Exemption and knows the facts asserted therein, and that the same are true as stated.

Rebecca M. Loudon

SUBSCRIBED AND SWORN TO
before me this 2 day
of September, 2004.


Notary Public

My Commission expires:

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September 3, 2004, a copy of the foregoing **Petition for Exemption of R.J. Corman Railroad Company/Bardstown Line and R.J. Corman Equipment Company, LLC** was served by first class mail, postage prepaid, upon the agencies specified in 49 C.F.R. § 1152.50(d)(1) and all known customers on the line to be abandoned, as follows:

Mr. Michael L. Hill, P.E.
Director, Division of Multimodal Programs
Kentucky Transportation Cabinet
200 Mero Street, 5th Floor West
Frankfort, KY 40622

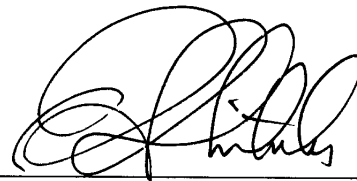
Military Surface Deployment & Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
1849 C. Street, N.W.
Washington, DC 20240

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

Ivyton Scrap Metal, Inc.
440 Ivyton Road
Salersville, KY 41465

Appalachian Fuels LLC
1500 North Big Run Road
Ashland, KY 41102



Thomas J. Litwiler