

## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[Docket No. AB 55 (Sub-No. 717X)]

**CSX Transportation, Inc.—  
Abandonment Exemption—in Miami-  
Dade County, FL**

CSX Transportation, Inc. (CSXT) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon its freight rail easement over an approximately 0.95-mile rail line on its Southern Region, Jacksonville Division, Miami Subdivision, extending between milepost SX 1036.8 and the end of the track at milepost SX 1037.5, including approximately 1,300 feet of connecting track beginning 150 feet from the point of switch near milepost SXH 37.0 in Miami, Miami-Dade County, Fla. (the Line). The Line traverses United States Postal Service Zip Code 33142 and includes no stations.<sup>1</sup>

CSXT has certified that: (1) No local traffic has moved over the Line for at least 2 years; (2) there is no overhead traffic to be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this

<sup>1</sup> CSXT states that it previously sold the right-of-way and track and materials to the Florida Department of Transportation (FDOT) and retained a permanent freight easement to continue to provide exclusive rail freight service on the Line. CSXT explains that FDOT, as owner of the underlying right-of-way and track and materials, has now advised that it intends to use the Line to construct the East Concourse Project as part of the last phase of the Miami Intermodal Center Program.

exemption will be effective on October 11, 2011, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 19, 2011. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 29, 2011, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by September 16, 2011. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by CSXT's filing of a notice of consummation by September 9, 2012, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

<sup>2</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>3</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 CFR 1002.2(f)(25).

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: September 2, 2011.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Raina S. White,**  
Clearance Clerk.

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[Docket No. FD 35540]

**Mannheim Armitage Railway, LLC—  
Acquisition and Operation  
Exemption—Certain Trackage Rights  
of J. Emil Anderson & Son, Inc. in  
Melrose Park, Cook County, IL**

Mannheim Armitage Railway, LLC (Mannheim), a noncarrier, has filed a verified notice of exemption<sup>1</sup> under 49 CFR 1150.31 to acquire from J. Emil Anderson & Son, Inc. (Anderson) and operate 1.006 miles, including 431 feet of siding, of private terminal trackage in Melrose Park, Cook County, Ill.<sup>2</sup>

According to Mannheim, there are no mileposts associated with the track, which is located in the city of Melrose Park, Cook County. Mannheim states that Anderson is its corporate parent and that the track is currently being used by Indiana Harbor Belt Railroad (IHBR) to serve 2 active shippers. Anderson originally anticipated that the track would be conveyed to IHBR, but IHBR has been unwilling to accept responsibility for the track. Mannheim states that it will be the operator of the property and will establish suitable interchange arrangements with IHBR at the junction of the track and expects to discuss the possibility of using IHBR's locomotives (as well as IHBR crews) to provide service over the track.

The transaction may not be consummated until September 23, 2011 (30 days after the notice of exemption was filed).

Mannheim certifies that its projected annual revenues as a result of this transaction will not exceed levels that will qualify it as a Class III rail carrier.

<sup>1</sup> On September 1, 2011, Mannheim supplemented its notice of exemption stating that the proposed transaction does not require environmental documentation under 49 CFR 1105.6(c)(2) nor a historic report under 49 CFR 1105.8(b)(1).

<sup>2</sup> Mannheim states that the agreement with Anderson initially grants Mannheim an exclusive easement to conduct common carrier operations. Anderson will convey its entire right, title, and interest in and to the track after Mannheim has commenced serving shippers.