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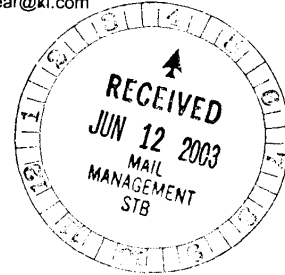
Tracie D. Spear
202.778.9390
Fax: 202.778.9100
tspear@kl.com

June 12, 2003

VIA HAND DELIVERY

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

208050



**Re: Finance Docket No. 34361, Metro Regional Transit Authority –
Acquisition Exemption – Certain Assets of CSX
Transportation, Inc.**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Verified Notice of Exemption of Metro Regional Transit Authority**. A check in the amount of \$1,300.00, representing the appropriate fee for the Notice of Exemption, is enclosed

Should any questions arise regarding this filing, please feel free to contact me.
Thank you for your assistance in this matter.

Respectfully submitted,

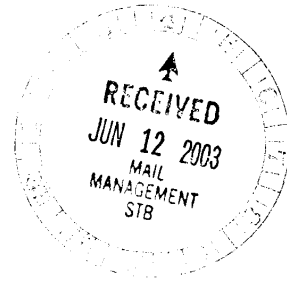
Tracie D. Spear
Attorney for Metro Regional
Transit Authority

FILED
JUN 12 2003
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34361

METRO REGIONAL TRANSIT AUTHORITY
--ACQUISITION EXEMPTION--
CERTAIN ASSETS OF
CSX TRANSPORTATION, INC.



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VERIFIED NOTICE OF EXEMPTION
OF
METRO REGIONAL TRANSIT AUTHORITY
PURSUANT TO 49 C.F.R. § 1150.32

FILED

JUN 12 2003

SURFACE
TRANSPORTATION BOARD

Edward J. Fishman, Esq.
Tracie D. Spear, Esq.
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue
Second Floor
Washington, DC 20036
(202) 778-9000

John M. Coyne, III, Esq.
Roetzel & Andress
222 South Main Street
Akron, OH 44308
(330) 376-2700

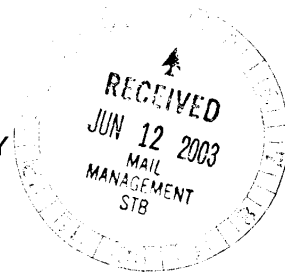
**ATTORNEYS FOR METRO
REGIONAL TRANSIT AUTHORITY**

Dated: June 12, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34361

METRO REGIONAL TRANSIT AUTHORITY
--ACQUISITION EXEMPTION--
CERTAIN ASSETS OF
CSX TRANSPORTATION, INC.



**VERIFIED NOTICE OF EXEMPTION
OF
METRO REGIONAL TRANSIT AUTHORITY
PURSUANT TO 49 C.F.R. § 1150.32**

Metro Regional Transit Authority ("METRO"), a regional transit authority created and existing under Ohio Revised Code Chapter 306, hereby files this Notice of Exemption under 49 C.F.R. § 1150.31, et seq. to acquire CSX Transportation, Inc.'s ("CSXT") right, title and interest in and to a perpetual freight rail operations easement (the "Freight Easement") over approximately 6.72 miles of rail line owned by METRO. The rail line extends between approximately milepost 40.42 (valuation station 1856+40) near Howard Street in Akron, Ohio and approximately milepost 33.70 (valuation station 2206+60) at Krumroy, Ohio (the "Subject Line") in Summit County, Ohio.¹

Pursuant to a Purchase and Sale Agreement by and between METRO and CSXT ("Purchase and Sale Agreement"), METRO will acquire CSXT's right, title and interest in and to a perpetual freight rail operations easement over the Subject Line.

¹ On May 24, 2000, METRO filed a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150.31 et seq. to acquire from CSXT, among other things, the right-of-way and related improvements constituting the Subject Line. See Finance Docket No. 33838, Metro Regional Transit Authority – Acquisition Exemption – Certain Assets of CSX Transportation, Inc. (STB served June 23, 2000). Pursuant to the same transaction, CSXT retained the Freight Easement that is the subject of this Notice.

In accordance with the requirements of 49 C.F.R. § 1150.33, METRO submits the following:

Advance Notice: 49 C.F.R. § 1150.32(e)

The projected annual freight revenue of METRO will not exceed \$5 million.

Accordingly, the requirements of 49 C.F.R. § 1150.32(e) do not apply to this transaction.

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

The full name and address of the applicant herein is as follows:

Metro Regional Transit Authority
416 Kenmore Boulevard
Akron, Ohio 44301
Attn: Director - Rail Operations

Applicant's Representatives: 49 C.F.R. § 1150.43(b)

Edward J. Fishman, Esq.
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue
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Washington, DC 20036
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222 South Main Street
Akron, Ohio 44308
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Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

Pursuant to a Purchase and Sale Agreement by and between METRO and CSXT, CSXT will convey to METRO all of its right, title and interest in and to a perpetual freight rail operating easement over the Subject Line.

Operation of the Property: 49 C.F.R. § 1150.43(d)

METRO will not operate any freight rail service on the Subject Line. Pursuant to a lease agreement to be entered into by and between METRO and the Akron Barberton Cluster Railway Company ("ABC"), ABC will operate freight service on the Subject Line.²

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

Pursuant to a Purchase and Sale Agreement by and between METRO and CSXT, METRO will acquire CSXT's right, title and interest in and to a perpetual freight rail easement over METRO's rail line and right-of-way extending between approximately milepost 40.42 (valuation station 1856+40) near Howard Street in Akron, Ohio and approximately milepost 33.70 (valuation station 2206+60) at Krumroy, Ohio, a total distance of approximately 6.72 route miles in Summit County, Ohio.

The name and address of the railroad transferring the Freight Easement is as follows:

CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202

METRO will not consummate acquisition of the Freight Easement until this Notice becomes effective.

Map: 49 C.F.R. § 1150.33(f)

A map showing the location of the Freight Easement (and the Subject Line) is attached as Exhibit A to this Notice.

² It is our understanding that ABC will shortly file with the Board a notice for exemption to lease and operate the Subject Line. ABC's notice will be captioned as Finance Docket No. 34362, Akron Barberton Cluster Railway Company -- Lease Exemption -- Metro Regional Transit Authority.

Certification of Class III Status: 49 C.F.R. § 1150.33(g)

The projected revenues of METRO as a result of this transaction will not result in the creation of a Class I or Class II rail carrier. A certificate complying with the provisions of 49 C.F.R. § 1150.43(g) is attached as Exhibit B to this Notice.

Environmental/Historic Preservation Data: 49 C.F.R. Part 1105

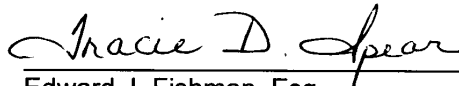
Under the clear intent of 49 C.F.R. § 1105.6(c)(2), the proposed acquisition of the Freight Easement by METRO is exempt from environmental reporting requirements. METRO's acquisition of the Freight Easement will not result in any changes in carrier operations (i.e., changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5)).

Under 49 C.F.R. § 1105.8(b)(1), the proposed acquisition of the Freight Easement by METRO also is exempt from historic preservation reporting requirements. METRO's acquisition of the Freight Easement will not interrupt or disturb common carrier operations on the Subject Line. Further Surface Transportation Board approval is required to abandon any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Caption Summary: 49 C.F.R. § 1150.34

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Tracie D. Spear". The signature is written in dark ink and is positioned above a horizontal line.

Edward J. Fishman, Esq.
Tracie D. Spear, Esq.
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue
Second Floor
Washington, DC 20036
(202) 778-9000

John M. Coyne, III, Esq.
Roetzel & Andress
222 South Main Street
Akron, Ohio 44308
(330) 376-2700

**ATTORNEYS FOR METRO
REGIONAL TRANSIT AUTHORITY**

Dated: June 12, 2003

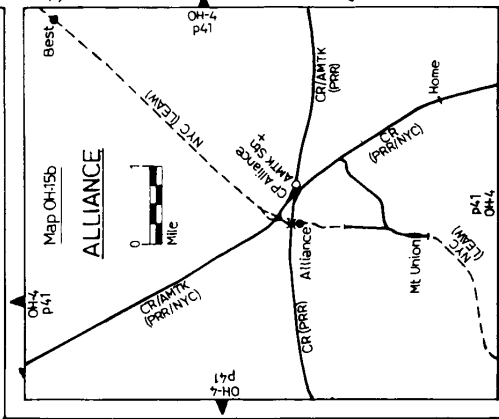
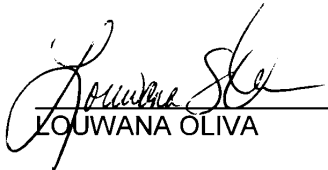


EXHIBIT B
CERTIFICATION

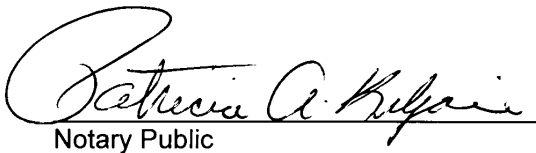
State of Ohio)
) SS:
County of Summit)

I, Louwana Oliva, certify under penalty of perjury that the projected revenues of METRO Regional Transit Authority upon consummation of the proposed transaction will not result in the creation of a Class I or Class II rail carrier under the provisions of 49 C.F.R. § 1201(1-1).



LOUWANA OLIVA

Subscribed and sworn to before me, a notary public, this 5 day of June, 2003.



Notary Public

My commission Expires: Feb 29, 2004

(seal)

PATRICIA A. KILGORE, NOTARY PUBLIC
RESIDENCE - SUMMIT COUNTY
STATE WIDE JURISDICTION, OHIO
MY COMMISSION EXPIRES FEBRUARY 29, 2004

EXHIBIT C
BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34361

METRO REGIONAL TRANSIT AUTHORITY
--ACQUISITION EXEMPTION--
CERTAIN ASSETS OF
CSX TRANSPORTATION, INC.

Metro Regional Transit Authority ("METRO"), a regional transit authority, has filed a notice of exemption under 49 C.F.R. § 1150.31, et seq. to acquire CSX Transportation, Inc.'s ("CSXT") right, title and interest in and to a perpetual freight easement extending between approximately milepost 40.42 (valuation station 1856+40) near Howard Street in Akron, Ohio and approximately milepost 33.70 (valuation station 2206+60) at Krumroy, Ohio, a distance of approximately 6.72 route miles in Summit County, Ohio.

METRO will not under any circumstances consummate this acquisition until this Notice becomes effective. Comments must be filed with the Board and served on Edward J. Fishman, Esq., Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue, Second Floor, Washington, DC 20036, (202) 778-9000 and John M. Coyne, III, Esq., Roetzel & Andress, 222 South Main Street, Akron, Ohio 44308, (330) 376-2700.

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

exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated: _____

By the Board

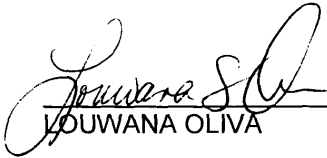
Vernon A. Williams

Secretary

VERIFICATION

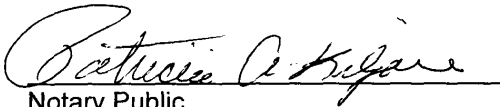
State of Ohio)
) SS:
County of Summit)

I, Louwana Oliva, verify under penalty of perjury that I am Assistant Executive Director of METRO Regional Transit Authority, that I have read the foregoing Notice of Exemption and know the facts asserted therein, and that the same are true as stated, to the best of my knowledge, information, and belief.



LOUWANA OLIVA

Subscribed and sworn to before me, a notary public, on this 5 day of June, 2003.



Notary Public

My Commission expires: Feb 29, 2004

(seal)

PATRICIA A. KILGORE, NOTARY PUBLIC
RESIDENCE - SUMMIT COUNTY
STATE WIDE JURISDICTION, OHIO
MY COMMISSION EXPIRES FEBRUARY 29, 2004