

March 19, 2020

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

VIA E-FILING

300495

ENTERED
Office of Proceedings
March 19, 2020
Part of
Public Record

Re: *Belpre Industrial Parkersburg Railroad, LLC—Lease and Operation Exemption—CSX
Transportation, Inc.*
Finance Docket No. 36388

Dear Ms. Brown:

Enclosed for e-filing in the above-captioned proceeding is the Verified Notice of Exemption by Belpre Industrial Parkersburg Railroad, LLC ("BIP") to lease and operate as a common carrier approximately 46.9 miles of rail lines and yard property owned by CSX Transportation, Inc. ("CSXT").

The filing fee pursuant to 49 C.F.R. § 1002.2(f)(11)(ii) has been paid via Pay.gov.

Please let me know if you have questions. Thank you.

Sincerely,

Stinson LLP

David F. Rifkind

DFR:ma

Enclosure

FILED
March 19, 2020
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
March 19, 2020
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36388

BELPRE INDUSTRIAL PARKERSBURG RAILROAD, LLC
—LEASE AND OPERATION EXEMPTION—
CSX TRANSPORTATION, INC.

VERIFIED NOTICE OF EXEMPTION

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Counsel for Belpre Industrial
Parkersburg Railroad, LLC

Date: March 19, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

No. FD 36388

BELPRE INDUSTRIAL PARKERSBURG RAILROAD, LLC
—LEASE AND OPERATION EXEMPTION—
CSX TRANSPORTATION, INC.

VERIFIED NOTICE OF EXEMPTION

Pursuant to 49 C.F.R. § 1150.31 *et seq*, Belpre Industrial Parkersburg Railroad, LLC ("BIP"), a non-carrier limited liability company organized under the laws of the State of Illinois and an affiliate of Cathcart Rail, LLC, a non-carrier, files this Verified Notice of Exemption from the prior approval requirements of 49 U.S.C. 10901 to lease and operate as a common carrier approximately 46.9 miles of rail lines and yard property owned by CSX Transportation, Inc. ("CSXT"). BIP proposes to lease and operate the following rail lines and property: 1) the "Marietta Subdivision" between Belpre, OH, at or near CSXT milepost BUS 0.0 and Relief, OH, at or near CSXT milepost BUS 38.0, a distance of approximately 38 miles; 2) the "Parkersburg Running Track" between Parkersburg, WV, at or near CSXT milepost BB 194.59 and Belpre, OH, at or near CSXT milepost BB 189.3, a distance of approximately 5.29 miles; 3) the "High Yard", located in Parkersburg, WV at or near CSXT milepost BA 383.04, including all support, ancillary, and other tracks forming the yard; and 4) the "High Yard Main Track" extending through the High Yard, beginning at or near CSXT Milepost BA 384.8 and extending from the east end of the yard to the end of track, at or near CSXT Milepost BA 381.19 in Parkersburg, WV, a distance of approximately 3.61 miles. The Marietta Subdivision, Parkersburg Running Track, and High Yard Main Track are referred to collectively herein as the "Leased Lines."

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

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

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

Belpre Industrial Parkersburg Railroad, LLC
811 Hopley Avenue
P.O. Box 643
Bucyrus, Ohio 44820

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

BIP's representative to whom correspondence regarding this transaction should be sent is David F. Rifkind, Stinson LLP, 1775 Pennsylvania Avenue NW, Suite 800, Washington, D.C. 20006, (202) 969-4218.

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

BIP expects to execute a lease agreement with CSXT for the Leased Lines.

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

BIP will operate and provide all common carrier freight service to shippers on the Leased Lines pursuant to the lease agreement with CSXT.

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

BIP seeks authority to operate as a common carrier on approximately 46.9 miles of rail lines leased from CSXT. The parties' agreement provides for an initial term of fifteen years, subject to an automatic five-year extension if certain conditions are met.

(1) The name and address of the transferring railroad is:

CSX Transportation, Inc.
500 Water St., J-801
Jacksonville, Florida 32202

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

BIP intends to consummate the proposed lease transaction on or shortly after the notice of exemption becomes effective. BIP requests that the Board permit this proceeding to go forward if there is a government shutdown before the notice becomes effective, but after the time for filing stay requests has passed without a stay request being filed.

(3) The mile-posts of the subject property:

The Marietta Subdivision is located between CSXT milepost BUS 0.0 $\pm$ in Belpre, OH and CSXT milepost BUS 38.0 $\pm$

The Parkersburg Running Track is located between CSXT milepost BB 194.59 $\pm$ and CSXT milepost BB 189.3 $\pm$

The High Yard Main Track is located between CSXT Milepost BA 384.8 $\pm$ and CSXT Milepost BA 381.19 $\pm$

(4) The total route miles being acquired:

The total length of the Leased Lines is approximately 46.9 miles (not inclusive of yard track).

Map: 49 C.F.R. § 1150.33(f)

A map of the Leased Lines is attached as Exhibit 2.

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

BIP certifies that its projected revenues will not exceed that of a Class III railroad. A certificate complying with the provisions of 49 CFR § 1150.33(g) is attached as Exhibit 1 to this Notice.

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

BIP certifies that the proposed acquisition of the Leased Lines does not involve a provision or agreement that may limit future interchange with a third-party connecting carrier. A certificate complying with the provisions of 49 CFR § 1150.33(h) is attached as Exhibit 1 to this Notice.

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

BIP's annual revenues are not anticipated to exceed \$5 million. Accordingly, the advance notice and posting requirements of 49 C.F.R. § 1150.32(e) are not applicable. Certification is made with the verification attached as Exhibit 1 to this Notice.

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

Under 49 C.F.R. § 1105.6(c)(1), environmental assessments are not normally prepared where the proposed transaction will not result in significant changes in carrier operations, *i.e.*, changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5). BIP's proposed lease of the Leased Lines will not result in significant changes in carrier operations, *i.e.*, changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

Under 49 C.F.R. § 1105.8(b)(1), BIP's lease of the Leased Lines also is excepted from historic preservation reporting requirements. The proposed transaction is for the purpose of continued rail operations. Further, Surface Transportation Board approval is required to discontinue any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Caption Summary: 49 C.F.R. § 1150.34

A caption summary in appropriate form is attached as Exhibit 3 to this Notice.

As noted above, BIP requests that the Board permit this proceeding to go forward if there is a government shutdown before the notice becomes effective, but after the time for filing stay requests has passed without a stay request being filed.

Respectfully submitted,

/s/ David F. Rifkind

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Attorneys for Counsel for Belpre Industrial
Parkersburg Railroad, LLC

EXHIBIT 1

VERIFICATION AND CERTIFICATION

I, Casey Cathcart, declare under penalty of perjury that I am the President of Cathcart Rail, LLC, the sole managing member of Belpre Industrial Parkersburg Railroad, LLC ("BIP"), and that I have read the foregoing Verified Notice of Exemption, know the facts asserted therein, and that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this notice.

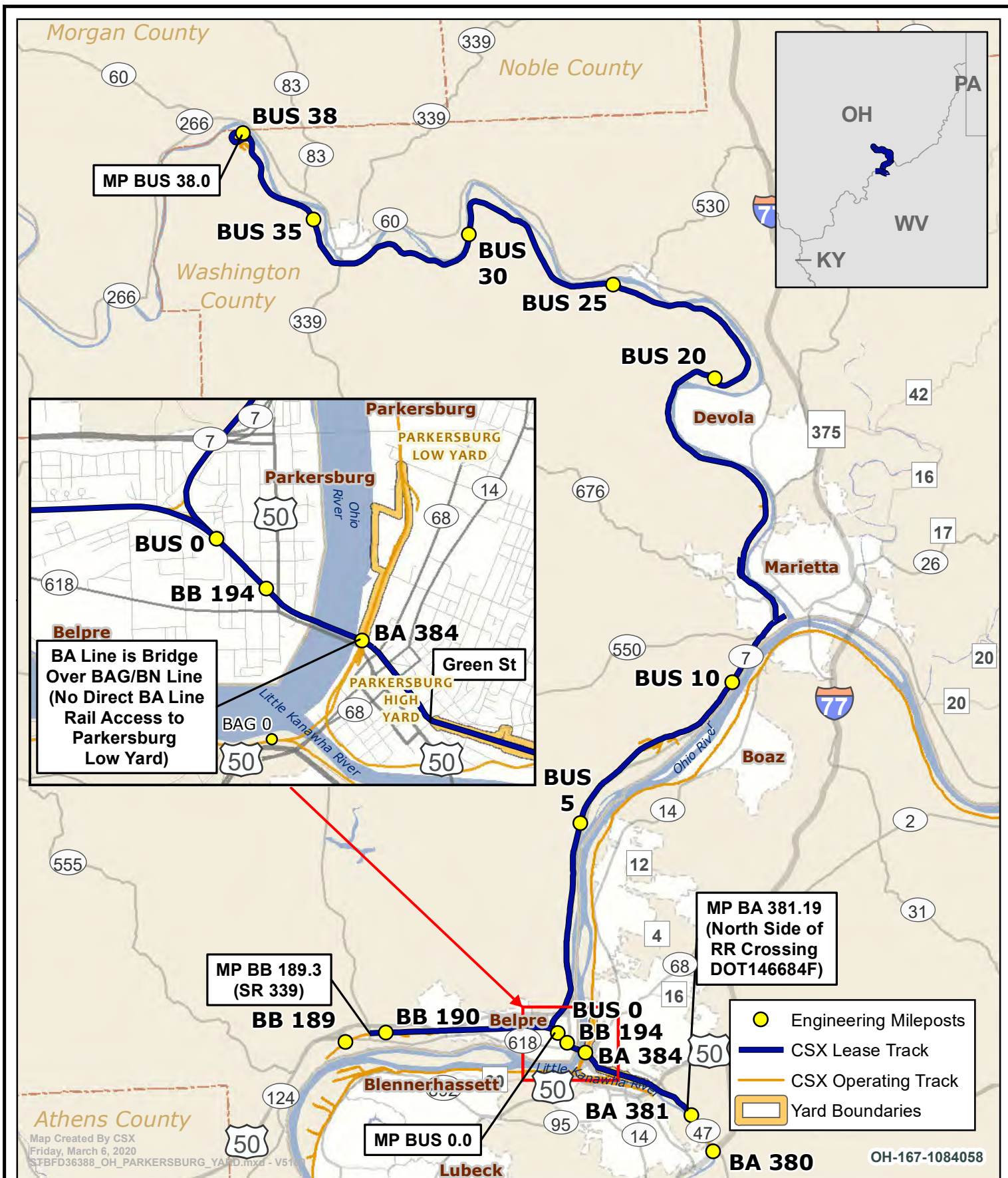
I hereby certify that BIP's projected annual revenues are not expected to exceed \$5 million, and therefore will not result in BIP becoming Class I or II rail carrier under the thresholds set forth at 49 C.F.R. § 1201(1-1).

I further certify that the BIP's proposed acquisition of the Leased Lines does not involve a provision or agreement that may limit future interchange with a third-party connecting carrier.

A handwritten signature in blue ink, appearing to read 'Casey Cathcart', is written over a horizontal line.

CASEY CATHCART
President
Cathcart Rail, LLC
Dated: March 18, 2020

EXHIBIT 2
Map



**CSX Transportation, Inc.
Lease**

Washington County, OH and Wood County, WV

Milepost BA 381.19 - BA 384.03

BB 189.3 - BB 194.59; BUS 0.0 - BUS 38.0

Total Distance of approx. 46.13 Miles

NE Region - Central Zone - Ohio River and Marietta Subdivisions
STB Docket No. FD 36388



EXHIBIT 3

SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36388

**BELPRE INDUSTRIAL PARKERSBURG RAILROAD, LLC
—LEASE AND OPERATION EXEMPTION—
CSX TRANSPORTATION, INC.**

Belpre Industrial Parkersburg Railroad, LLC ("BIP"), a non-carrier, has filed a Verified Notice of Exemption ("the Notice") to lease and operate the following rail lines owned by CSX Transportation, Inc. ("CSXT"): the Marietta Subdivision, the Parkersburg Running Track, and the High Yard Main Track. The Marietta Subdivision is located between Belpre, OH, at or near CSXT milepost BUS 0.0 and Relief, OH, at or near CSXT milepost BUS 38.0, a distance of approximately 38 miles. The Parkersburg Running Track is located between Parkersburg, WV, at or near CSXT milepost BB 194.59 and Belpre, OH, at or near CSXT milepost BB 189.3, a distance of approximately 5.29 miles. The High Yard Main Track is located in Parkersburg, WV between CSXT Milepost BA 384.8 $\pm$ and CSXT Milepost BA 381.19 $\pm$, a distance of approximately 3.61 miles.

Comments must be filed with the Board and served on David F. Rifkind, Stinson LLP, 1775 Pennsylvania Avenue NW, Suite 800, Washington, D.C. 20006.

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