

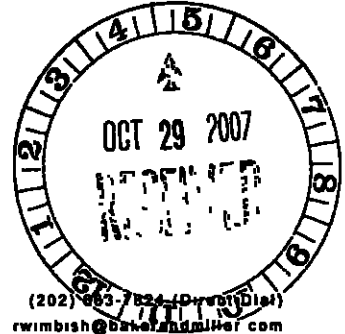
BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 663-7820
FACSIMILE (202) 663-7849

ROBERT A WIMBISH



October 29, 2007

BY HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

220578

ENTERED
Office of Proceedings
OCT 30 2007
Part of
Public Record

Re. STB Docket No AB-721X
Everett Railroad Company – Discontinuance of Service Exemption – Line In Blair County, PA

Dear Secretary Williams

Pursuant to the Board's exemption procedures for discontinuances of service for lines with no local business for at least two years (49 CFR 1152.50), enclosed are an original and 11 copies of a verified Discontinuance of Service Notice of Exemption.

A check in the amount of \$3,200.00 is enclosed as the filing fee

Please acknowledge receipt and filing of this Notice of Exemption by date stamping the enclosed eleventh copy and returning it to the courier to return to me

Sincerely,

R. A. Wimbish
Robert A Wimbish

Enclosures
cc Alan W Maples

FEE RECEIVED
OCT 29 2007
SURFACE
TRANSPORTATION BOARD

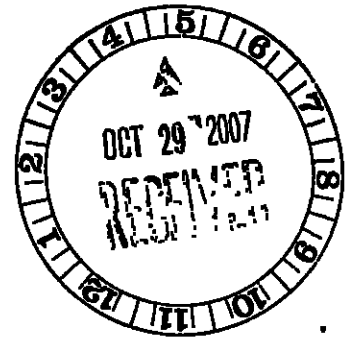
FILED
OCT 29 2007
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-721X

**EVERETT RAILROAD COMPANY
— DISCONTINUANCE OF SERVICE EXEMPTION —
LINE IN BLAIR COUNTY, PA**

EXEMPTION NOTICE



220578

FEE RECEIVED
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SURFACE
TRANSPORTATION BOARD

Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel. (202) 663-7824
Fax. (202) 663-7849

Attorney for Everett Railroad Company

Dated. October 29, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-721X

**EVERETT RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
LINE IN BLAIR COUNTY, PA**

EXEMPTION NOTICE

The Everett Railroad Company (“Everett”) submits the following notice of exemption pursuant to 49 CFR Part 1152, Subpart F, Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt discontinuance of service over a 1.5-mile line in Blair County, Pennsylvania (the “Line”).

Proposed Consummation Date: 49 CFR 1152.50 (d)(2)

The abandonment will be consummated on or after December 18, 2007 (50 days after filing the notice of exemption).

Certification: 49 CFR 1152.50 (b)

Everett certifies that the Line satisfies the criteria for discontinuance of service under the exemption in 49 CFR Part 1152, Subpart F See Verification of Alan W Maples – Everett Railroad Company, attached hereto and made part hereof as Exhibit A.

Additional Information Required: 49 CFR 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General

(a)(1) The railroad’s exact name is Everett Railroad Company

(a)(2) . Everett is a Class III common carrier by railroad subject to the Board's jurisdiction under 49 U S C. Subtitle IV.

(a)(3) The 1.5-mile rail line over which Everett seeks to discontinue service extends from milepost 22.5 (approximately 0.5 miles south of the Line's crossing of Cross Cove Road) to milepost 24.0 (the current end of track immediately east of the Line's at-grade crossing of Pennsylvania State Highway 866), in Blair County, PA.

(a)(4) A detailed map showing the location of the Line is attached hereto as Exhibit B

(a)(7) The representative of Everett to whom correspondence regarding this abandonment should be sent is:

Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel. (202) 663-7824
Fax (202) 663-7849

(a)(8) Zip Code. The Line lies entirely within U.S. Postal Service Zip Code 16662.

(e)(4) Rural and Community Impact. The Line runs through a rural, agriculture-oriented area in southwest-central Pennsylvania between Curryville and Martinsburg, PA. Because the Line has been dormant for several years due to a lack of shipper demand, Everett anticipates no rural impact from the discontinuance of its common carrier obligation over the Line. Neither will there be any adverse impact on the local community, because no local traffic has moved over the Line in over two years. Historically, the Line has comprised a portion of a stub-ended branch, and has never served as a route for overhead traffic. Because the Line has not been used for local rail shipments for well over twenty-four (24) months, there will be no effect on regional or

local transportation systems and patterns and no diversion of traffic to other transportation systems or modes resulting from Everett's action here.

Everett is filing a notice of exemption to *discontinue service* over the Line, and for this reason has no opinion on the public use considerations of 49 CFR 1152.22(e)(4), which appear to pertain to alternative uses of a rail line that is the subject of an *abandonment*.¹ Nevertheless, it is Everett's opinion that the property over which it proposes to discontinue service would not be suitable for other public purposes. Although the following statement is of questionable relevance here, based upon the information in its possession, Everett is unaware of any condition that would affect the transfer of title to or the use of the railroad right-of-way for other than rail purposes.

Labor Protection

The interests of affected railroad employees, if any, will be protected by the conditions discussed in Oregon Short Line Railroad Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are the Certificates of Service and Publication pursuant to the notice requirements of 49 CFR 1152.50(d)(1) and 1105.12. As noted in the "Environmental and Historic Report" section immediately below, the certification of service requirement related to 49 CFR 1105.11 is not applicable here.

¹ See, e.g., Columbus and Greenville Railway Company – Discontinuance of Service Exemption – in Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X), slip op. at 2 n.2 (STB served July 3, 2007) ("CAGY-Greenwood") ("Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate"), Norfolk Southern Railway Company – Discontinuance Exemption – in Mahoning County, OH, STB Docket No. AB-290 (Sub-No. 292X), slip op. at 2 n.2 ("NS-Mahoning") (STB served March 15, 2007) (same); Chillicothe-Brunswick Rail Maintenance Authority – Discontinuance Exemption – in Livingston, Linn, and Chariton Counties, MO, STB Docket No. AB-1001X, slip op. at 2 n.3 ("CBRA-Livingston") (STB served Feb 23, 2007) (same).

Environmental and Historic Report

Pursuant to consultation with the Board's Section of Environmental Analysis, Everett understands that notices of exemption to discontinue service over a line that has been out of service for more than two years do not require the preparation or submission of Environmental or Historic Reports.²

Respectfully submitted,


Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax (202) 663-7849

Attorney for Everett Railroad Company

October 29, 2007

² See also CAGY-Greenwood at 2 n 2 ("Because this is a discontinuance proceeding and not an abandonment, no environmental or historical documentation is required here under 49 CFR 1105 6(c) and 1105 8(b), respectively"); NS-Mahoning at 2 n.2 (same), CBRA-Livingston at 2 n 3 (same)

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-721X

**EVERETT RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
LINE IN BLAIR COUNTY, PA**

EXEMPTION NOTICE

EXHIBIT A

VERIFICATION

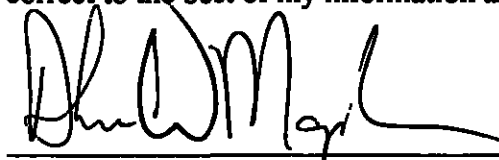
EXHIBIT A

VERIFICATION

I, Alan W Maples, President of the Everett Railroad Company hereby verify and certify that no local traffic has moved over the line that Everett Railroad Company operates between milepost 22.5 (approximately 1/2 mile south of the rail line's crossing with Cross Cove Road) and milepost 24.0 (the current end of track immediately east of the line's at-grade crossing of Pennsylvania State Highway 866) in Blair County, PA (the "Line"), for at least two years. I also hereby verify and certify that there is no overhead traffic on the Line that has been, or would need to be, rerouted as a result of the proposed discontinuance of service. I further verify and certify that no formal complaint filed by a user of rail service on the Line (or filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the said two-year period. I also certify that I am duly authorized to make this verification.

Further, I hereby verify that the information contained in the foregoing discontinuance of service discontinuance of service is true and correct to the best of my information and belief.

Dated October 19, 2007

A handwritten signature in black ink, appearing to read 'Alan W. Maples', written over a horizontal line.

Alan W Maples
President, Everett Railroad Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-721X

**EVERETT RAILROAD COMPANY
-- DISCONTINUANCE OF SERVICE EXEMPTION --
LINE IN BLAIR COUNTY, PA**

EXEMPTION NOTICE

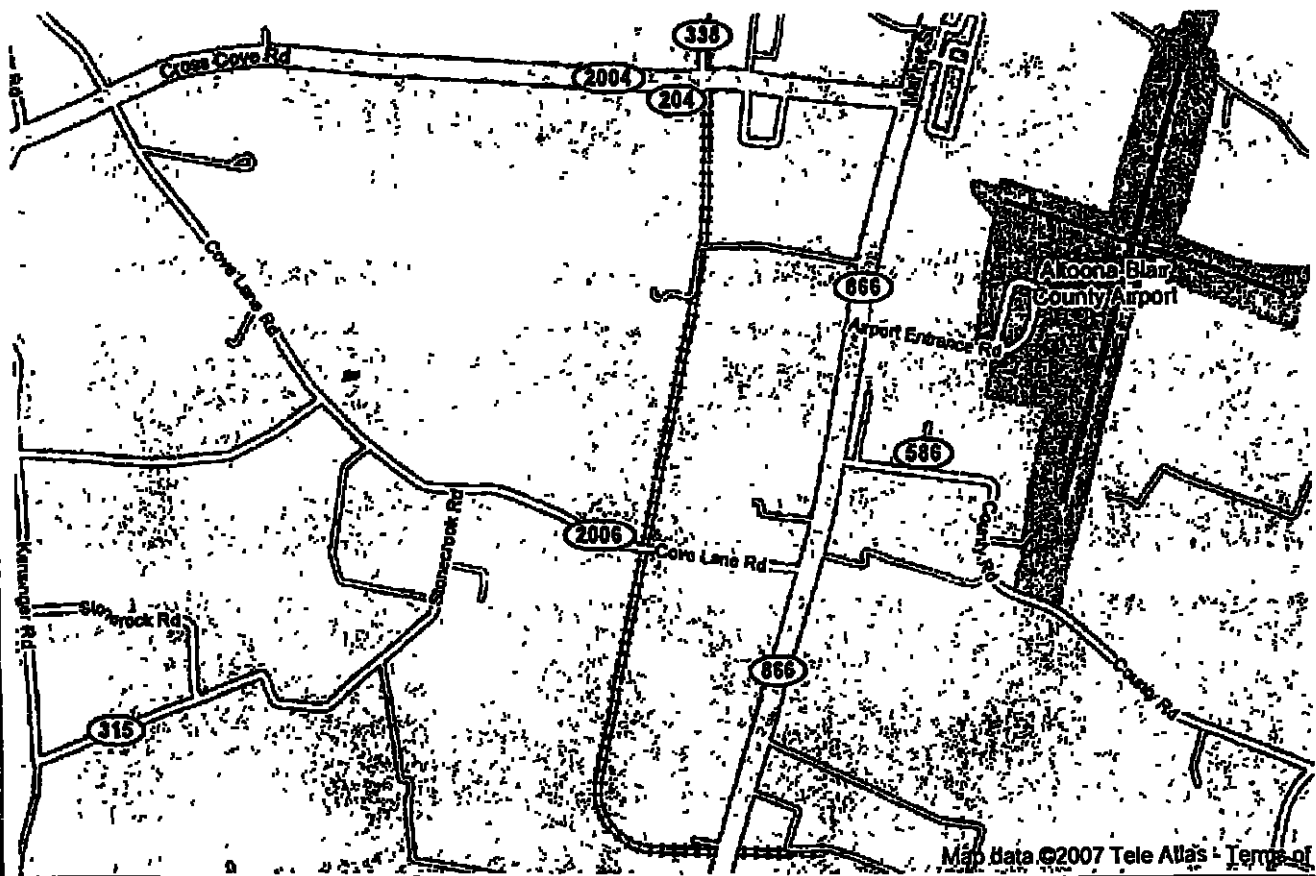
EXHIBIT B

MAP

[Return to Index](#) [blog](#) Key Zip 16662

or click on the

map. [Version 1 Map](#)



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-721X

**EVERETT RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
LINE IN BLAIR COUNTY, PA**

EXEMPTION NOTICE

EXHIBIT C

**CERTIFICATIONS OF
SERVICE/PUBLICATION**

Certificate of Service

49 CFR 1152.50(d)(1) – Notice

I certify that written notice was given by Everett Railroad Company of its intent to use the notice of exemption procedure to discontinue service over approximately 1.5 miles of rail line located in Blair County, PA. Written notice (a copies of which are attached hereto as Attachment 1), was served on October 5, 2007, on the following

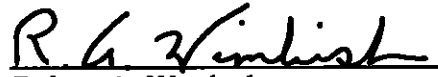
Secretary's Bureau
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

SDDC TEA
Attn. MTT-SA
Bob Korpanty
720 Thimble Shoals Blvd. Suite 130
Newport News, VA 23606

The National Center for Recreation and Conservation¹
c/o The National Park Service
C (Org. Code 2220)
1849 C Street, N.W.
Washington, D.C. 20240

Abigail Kimbell, Chief of the Forest Service
U.S. Department of Agriculture
201 14th Street, S.W., Suite 4NW
Washington, D.C. 20024

October 29, 2007


Robert A. Wimbish
Attorney for Everett Railroad Company

¹ Since transmitting the 10/5/07 Notification Letter to NPS we have been instructed to direct future correspondence to Cheri Espersen, National Park Service, RTCA Program, 1201 Eye Street, NW, 9th Floor (Org. Code 2240), Washington, D.C. 20005

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 663 7820
FACSIMILE (202) 663-7849

ROBERT A WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 5, 2007

Secretary's Bureau
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: STB Docket No. AB-721X
Everett Railroad Company – Discontinuance of Service Exemption – Line In Blair County, PA

To Consulting Agencies

On or about October 22, 2007, Everett Railroad Company ("Everett") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption ("Notice") pursuant to 49 CFR Part 1152, Subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to discontinue service over a 1.5-mile line of railroad track located in Blair County, Pennsylvania, running between milepost 22.5 (approximately 1/2 mile south of the rail line's crossing with Cross Cove Road) and milepost 24 0 (the current end of track immediately east of the line's at-grade crossing of Pennsylvania State Highway 866) (the "Line"). The Line traverses through United States Postal Service Zip Code 16662. A map that delineates the Line is attached as Exhibit A.

Because this proceeding involves the discontinuance of common carrier service, Everett understands that the question of whether the subject line contains federally granted rights-of-way is inapplicable. Nevertheless, based on the information in Everett's possession, 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.

If you have any questions about the Notice that Everett plans soon to file, please review the applicable regulations or contact me or the Surface Transportation Board, 395 E Street, SW Washington, DC 20423-0001; TEL: (202) 245-0230.

Sincerely,



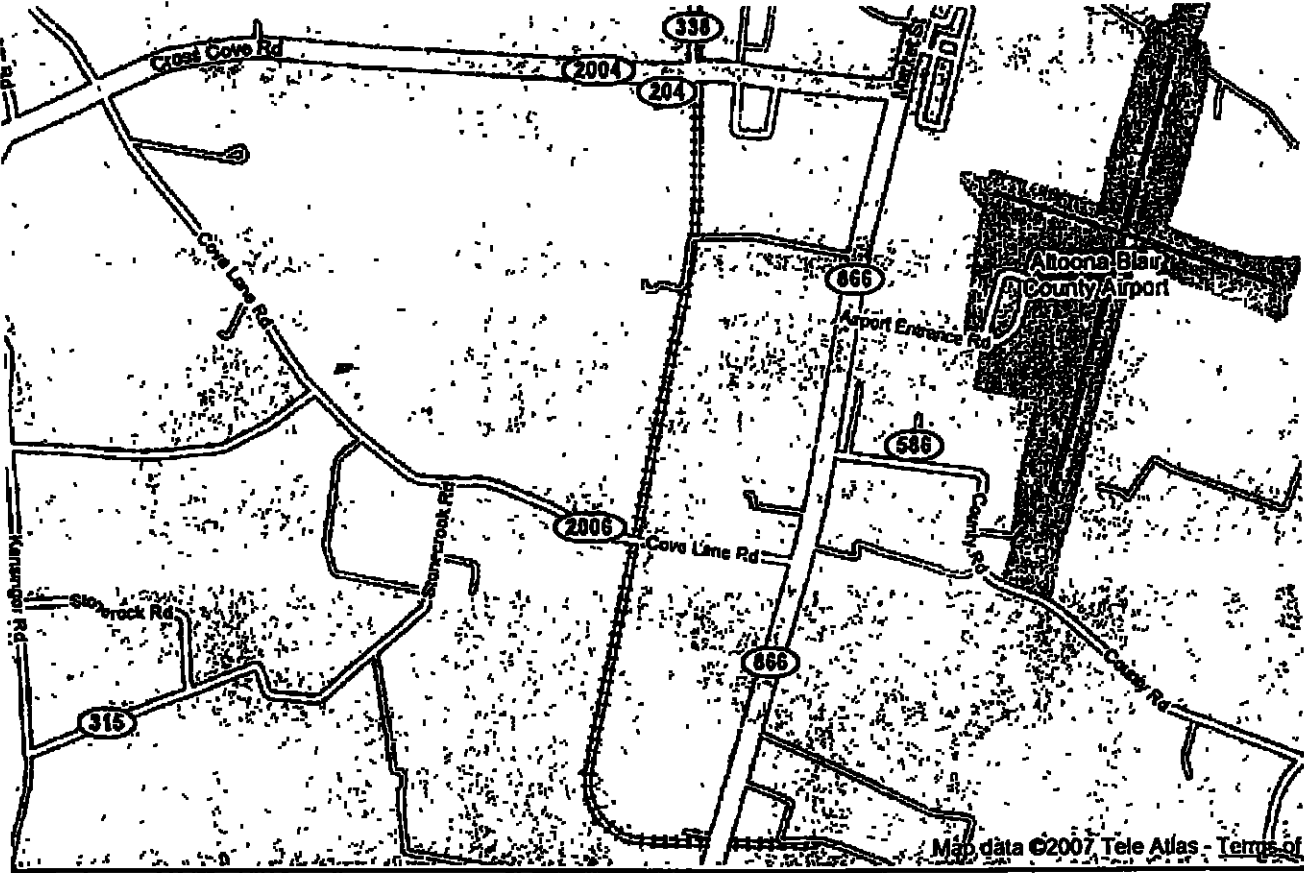
Robert A Wimbish

Enclosure

[Return to Index](#) [blog](#) [Key Zip 16662](#)

or click on the

map. Version 1 Map



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ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 663-7820
FACSIMILE (202) 663-7849

ROBERT A WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 5, 2007

SDDC TEA
Attn MTT-SA
Bob Korpanty
720 Thimble Shoals Blvd Suite 130
Newport News, VA 23606

Re: STB Docket No AB-721X
Everett Railroad Company – Discontinuance of Service Exemption – Line In Blair County, PA

To Consulting Agencies

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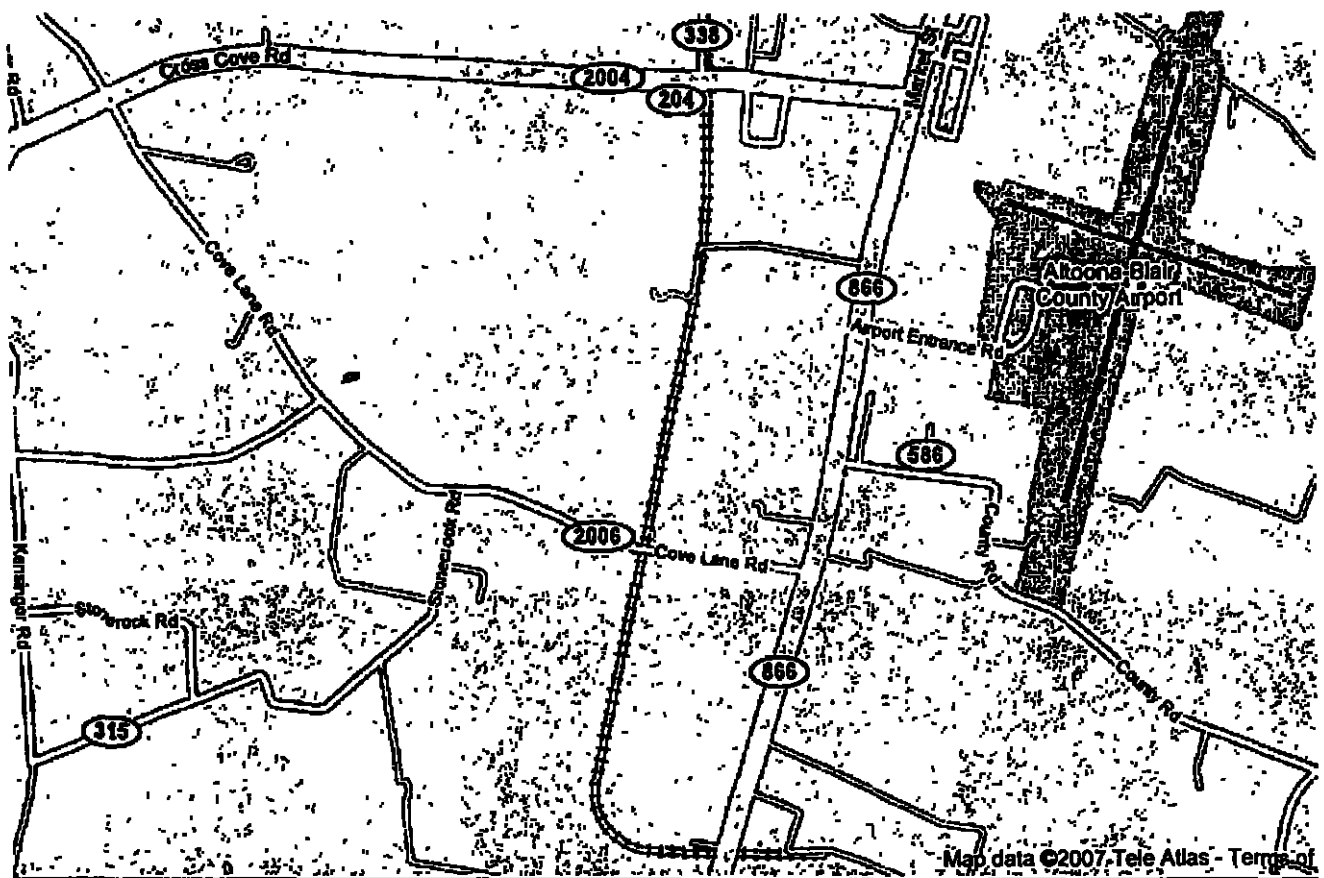
Robert A Wimbish

Enclosure

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map. Version 1 Map

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ATTORNEYS and COUNSELLORS

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SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 663-7820
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ROBERT A WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 5, 2007

The National Center for Recreation and Conservation
c/o The National Park Service
C (Org. Code 2220)
1849 C Street, N.W.
Washington, D.C. 20240

Re: STB Docket No. AB-721X
Everett Railroad Company – Discontinuance of Service Exemption – Line In Blair County, PA

To Consulting Agencies

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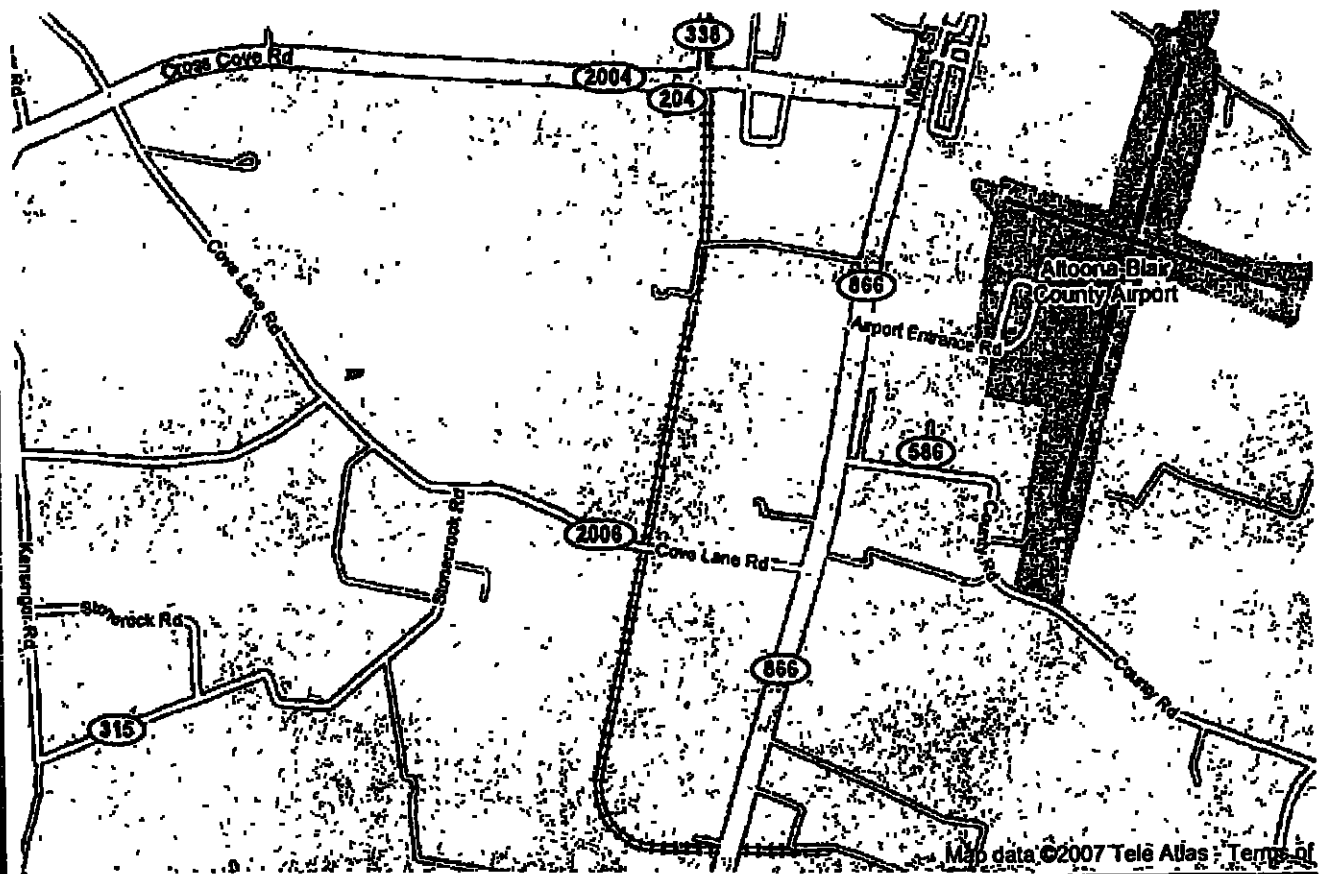

Robert A. Wimbish

Enclosure

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SUITE 300

WASHINGTON DC 20037

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ROBERT A WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakerandmiller.com

October 5, 2007

Abigail Kimbell, Chief of the Forest Service
U S. Department of Agriculture
201 14th Street, S.W , Suite 4NW
Washington, D.C 20024

Re STB Docket No AB-721X
Everett Railroad Company – Discontinuance of Service Exemption – Line In Blair County, PA

To Consulting Agencies

On or about October 22, 2007, Everett Railroad Company ("Everett") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption ("Notice") pursuant to 49 CFR Part 1152, Subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to discontinue service over a 1.5-mile line of railroad track located in Blair County, Pennsylvania, running between milepost 22.5 (approximately 1/2 mile south of the rail line's crossing with Cross Cove Road) and milepost 24.0 (the current end of track immediately east of the line's at-grade crossing of Pennsylvania State Highway 866) (the "Line") The Line traverses through United States Postal Service Zip Code 16662 A map that delineates the Line is attached as Exhibit A.

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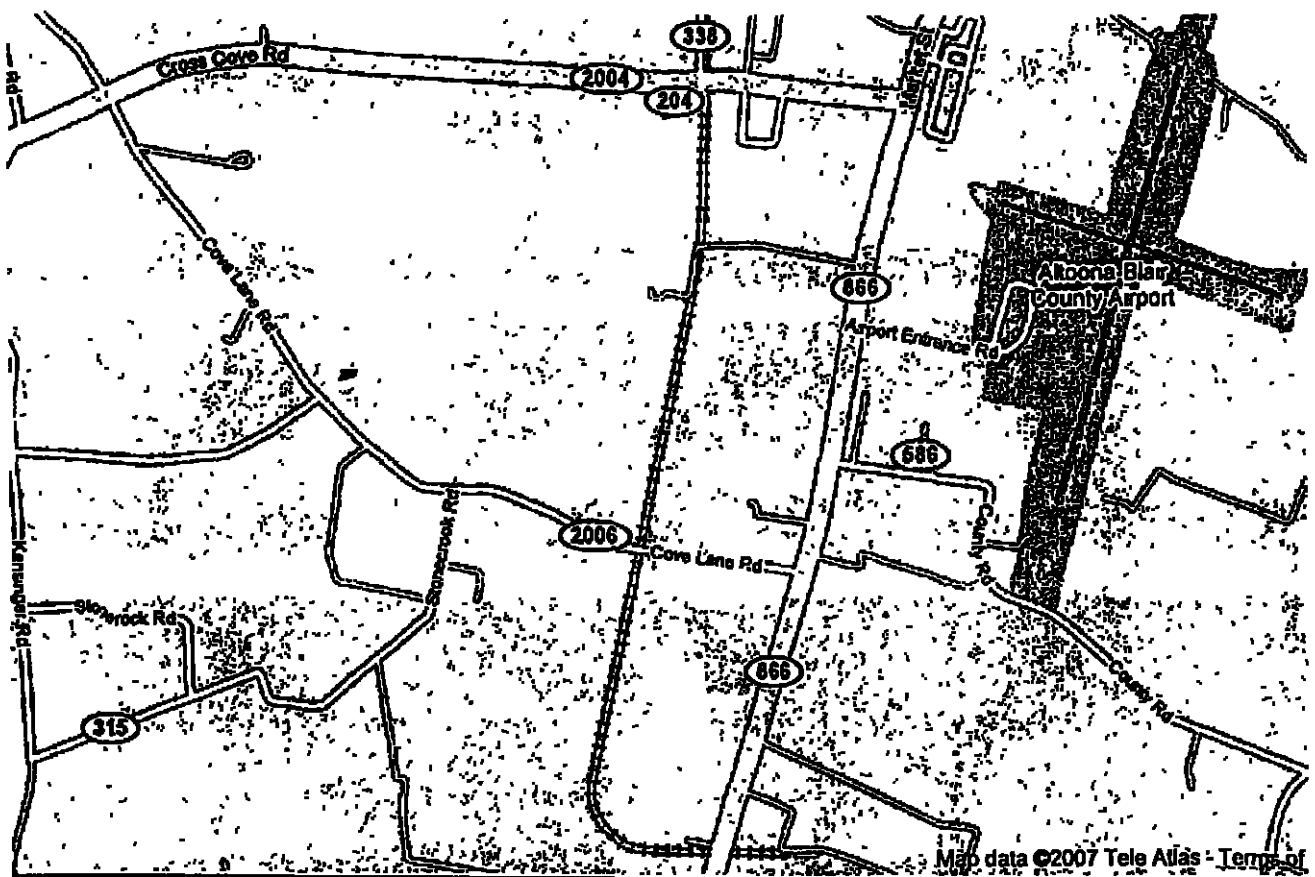
Robert A Wimbish

Enclosure

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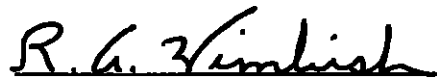


Certificate of Publication

49 CFR 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Discontinue Rail Service” was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time on October 12, 2007 in the Altoona Mirror, a newspaper of general circulation in Blair County, where the Line is located. (See attached proof of publication.)

October 29, 2007

A handwritten signature in black ink, appearing to read "R. A. Wimbish", written over a horizontal line.

Robert A. Wimbish
Attorney for Everett Railroad Company

PROOF OF PUBLICATION OF NOTICE IN ALTOONA MIRROR

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

STB Docket No. AB-721X

Everett Railroad Company gives notice that on or about October 22, 2007, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) permitting EVRR to discontinue of service on a 1.5-mile line of railroad between milepost 22.5 (approximately 1/2 mile south of the rail line's crossing with Cross Cove Road) and milepost 24.0 (the current end of track immediately east of the line's at-grade crossing of Pennsylvania State Highway 866). The subject rail line traverses through United States Postal Service ZIP Code 16662 in Blair County, PA. The proceeding will be docketed as STB Docket No. AB-721X.

The proposed action entails the discontinuance of rail common carrier service over the subject rail line. Accordingly, no environmental and/or historic reports will be prepared as part of this proceeding.

Appropriate offers of financial assistance to subsidize continued rail service can be filed with the Board. An original and 10 copies of any pleading pertaining to offers of financial assistance or to the proposed discontinuance of service in general must be filed directly with the Board's Office of the Secretary, 395 E Street, S.W., Washington, DC 20423 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance may be directed to the Board's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: Robert A. Wimbish, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., #300, Washington, DC 20037, phone 202-663-7824, fax 202-663-7849.

October 12, 2007

STATE OF PENN
COUNTY OF

James Powers
Advertising Manager of the
301 Cayuga Avenue, Township of Logan, City of Altoona, County of Blair, and State of Pennsylvania.

deposes: That he is the
n, published at Number
of Pennsylvania.

That said newspaper was established as a daily newspaper of general circulation on the Thirteenth Day of June 1874, since which date said newspaper has been published daily in the City of Altoona; that a copy of the printed notice, hereto attached, is exactly as the same was printed and published in the regular edition of the daily ALTOONA MIRROR published on the following date, viz:

October 12, 2007

The affiant further deposes and declares that he is not interested in the subject matter of the aforesaid notice of publication and that all allegations in the foregoing statement as to time, place and character of publication are true.

James Powers

Sworn to and subscribed before me this 19th day of October, 20 07.

Ann L. Williams

Notary Public
ANN L. WILLIAMS, NOTARY PUBLIC
CITY OF ALTOONA, BLAIR COUNTY
MY COMMISSION EXPIRES OCT 4, 2009

My Commission expires