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Crystal M. Zorbaugh

ENTERED
Office of Proceedings
June 28, 2021
Part of
Public Record

Direct Dial: (202) 663-7831
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June 28, 2021

VIA E-FILING

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey and Vanderburgh Counties, IN, AB-1065 (Sub No. 4X)

Dear Ms. Brown:

Enclosed for filing in the above-referenced matter is an errata correcting certain mistaken references in Indiana Southwestern Railway Co.'s ("ISW") notice of exemption ("Notice"), which was filed with the Surface Transportation Board ("STB") on June 15, 2021. If there are any questions concerning this e-filing, please contact me by telephone at (202) 663-7831 or by e-mail at czorbaugh@bakerandmiller.com. If I am unavailable, you may contact my colleague, William A. Mullins, by telephone at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com

Sincerely,

/s/ *Crystal M. Zorbaugh*

Crystal M. Zorbaugh

Attorney for Indiana Southwestern Railway Co.

Enclosures

cc: Parties of Record

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

AB-1065 (Sub. No. 4X)

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

ERRATA TO ISW'S JUNE 15, 2021 NOTICE OF EXEMPTION

**Kristin Bevil
General Counsel
PIONEER LINES, INC.
5619 DTC Parkway
Suite 650
Greenwood Village, CO 80111**

**William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
Suite 300
2401 Pennsylvania Ave, N.W.
Washington, D.C. 20037
Telephone: (202) 663-7823
Facsimile: (202) 663-7849**

**Attorneys for Indiana Southwestern
Railway Co.**

June 28, 2021

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

AB-1065 (Sub. No. 4X)

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

ERRATA TO ISW’S JUNE 15, 2021 NOTICE OF EXEMPTION

Since submitting Indiana Southwestern Railway Co.’s (“ISW”) verified notice of exemption (“Notice”) on June 15, 2021, ISW discovered that both the Environmental & Historic Report (“E&HR”), which was distributed May 10, 2021, and the Notice included inadvertent typos.

In both the E&HR and the Notice, the description of the location for milepost 282.0 and was 277.5 was unintentionally swapped. The submissions **incorrectly** stated milepost 282.0 was located at Cynthiana and milepost 277.5 was located at Poseyville. The submissions should have read “approximately 4.667 route miles from milepost **282.0 (at Poseyville, IN)** to milepost **277.5 (at Cynthiana, IN)**.”

To correct this error, ISW is submitting this errata (including a revised map) to correct the evidence:¹

- Pages 2, 4, 8, 10, 22, 34, 36, and 70 have been corrected and are included.²

Please feel free to contact me, should you have any questions regarding this errata.

¹ Earlier today, ISW notified the environmental parties of the mistaken references and provided corrected pages for ISW’s E&HR, which was originally circulated on May 10, 2021.

² The corrections have been bolded and the text of the corrections have been changed to red to make the revisions easily discernible.

Kristin Bevil
General Counsel
PIONEER LINES, INC.
5619 DTC Parkway
Suite 650
Greenwood Village, CO 80111

June 28, 2021

cc: Parties of Record

Respectfully submitted,

/s/ Crystal M. Zorbaugh

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Co.

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CRYSTAL M. ZORBAUGH

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E-Mail: czorbaugh@bakerandmiller.com

June 15, 2021

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey and Vanderburgh Counties, IN, AB-1065 (Sub No. 4X)

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances Indiana Southwestern Railway Co. is filing a verified notice of exemption to abandon rail service over approximately 20.367 miles of interconnecting rail lines as follows: (1) between milepost 227.5 (at Poseyville, IN) to milepost 243.2 (at the centerline of North. St. Josephs Ave near Evansville, Indiana), a total of approximately 15.7 miles; and (2) approximately 4.667 route miles from milepost **282.0 (at Poseyville, IN)** to milepost **277.5 (at Cynthiana, IN)** in Posey and Vanderburgh Counties, Indiana. A \$4,600.00 filing fee has been paid via Pay.gov. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7831 or by e-mail: czorbaugh@bakerandmiller.com. If I am unavailable, you may contact William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

Respectfully submitted,

/s/ ***Crystal M. Zorbaugh***

Crystal M. Zorbaugh
Attorney for Indiana Southwestern Railway Co.

Enclosures

cc: Kristin Bevil

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

AB-1065 (Sub No. 4X)

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

Indiana Southwestern Railway Co. (“ISW”) hereby submits a verified notice of exemption pursuant to 49 C.F.R Part 1152, Subpart F, Exempt Abandonments and Discontinuances of Service to abandon common carrier operations over approximately 20.367 miles of interconnecting rail lines (hereinafter, the “Lines”)¹ as follows: (1) between milepost 227.5 (at Poseyville, IN) to milepost 243.2 (at the centerline of North. St. Josephs Ave near Evansville, Indiana), a total of approximately 15.7 miles;² and (2) approximately 4.667 route miles from milepost **282.0 (at Poseyville, IN)** to milepost **277.5 (at Cynthiana, IN)** in Posey and Vanderburgh Counties, IN. The Lines remain out of service and no traffic has traversed the Lines in over a decade.

¹ The Lines were acquired in 2000. See Ind. Sw. Ry. Co.—Acquisition and Operation Exemption—Evansville Terminal Co., Inc. and AB Rail Inv., Inc., FD 33859 (S.T.B. served Mar. 28, 2000).

² ISW is keeping 1.5 miles of 10901 track beginning at milepost 243.2 and extending to milepost 244.7, which continues to be used to serve several customers located near Evansville, Indiana.

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

Exact name of applicant (49 CFR 1152.22(a)(1)):

Indiana Southwestern Railway Co.

Whether applicant is a common carrier by railroad (49 CFR 1152.22(a)(2)):

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

Relief sought (49 CFR 1152.22(a)(3)):

ISW is invoking the Board's two-year-out-of-service class exemption procedures to abandon approximately 20.367 miles of interconnecting rail lines as follows: (1) between milepost 227.5 (at Poseyville, IN) to milepost 243.2 (at the centerline of North. St. Josephs Ave near Evansville, Indiana), a total of approximately 15.7 miles; and (2) approximately 4.667 route miles from milepost **282.0 (at Poseyville, IN)** to milepost **277.5 (at Cynthiana, IN)**.

Map (49 CFR 1152.22(a)(4)):

A detailed map showing the location of the Lines is attached hereto as Exhibit B.

Applicant's representative (1152.22(a)(7)):

ISW's representatives to whom correspondence regarding this abandonment should be sent is:

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
Fax: (202) 663-7849

COMBINED VERIFICATION AND CERTIFICATION

I, Thomas Hurlbut, Chief Financial Officer for Indiana Southwestern Railway Co. ("ISW") for the Indiana Southwestern Railway Co. ("ISW"), hereby verify and certify that no local traffic has moved over the approximately 20.367 miles of interconnecting ISW rail lines proposed for abandonment extending (1) between milepost 227.5 (at Poseyville, IN) to milepost 243.2 (at the centerline of North. St. Josephs Ave near Evansville, Indiana), a total of approximately 15.7 miles; and (2) approximately 4.667 route miles from milepost 282.0 (at Poseyville, IN) to milepost 277.5 (at Cynthiana, IN) in Posey and Vanderburgh Counties, Indiana for well over two years. I also hereby verify and certify that there is no overhead traffic on the Lines that have been, or would need to be, rerouted as a result of the proposed abandonment. I further verify and certify that no formal complaint filed by a user of rail service on the Lines (or filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the Lines 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. Lastly, I certify that I am duly authorized to make this verification pursuant to 28 U.S.C. 1746 and that the information contained in the foregoing abandonment notice of exemption is true and correct to the best of my information and belief.

Dated: June 14, 2021



Thomas Hurlbut
Chief Financial Officer for Indiana Southwestern
Railway Co.

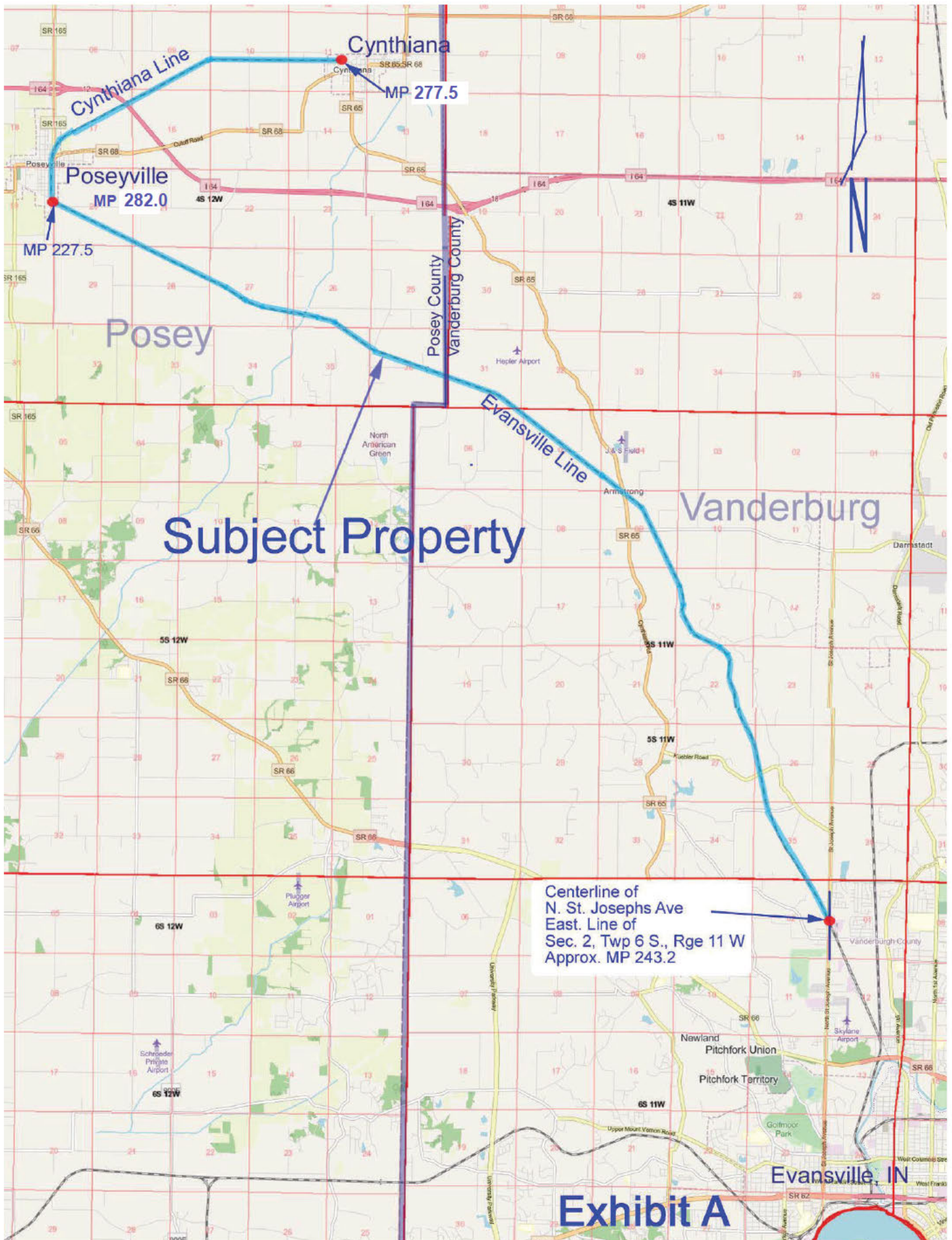


Exhibit A

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

AB-1065 (Sub-No. 4X)

**INDIANA SOUTHWESTERN RAILWAY CO.
– ABANDONMENT EXEMPTION –
IN POSEY AND VANDERBURGH COUNTIES, IN**

ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to the above-captioned proceeding, Indiana Southwestern Railway Co. (“ISW”) intends to abandon a total of approximately 20.367 miles of interconnecting rail lines (hereinafter, the “Lines”)¹ as follows: (1) between milepost 227.5 (at Poseyville, IN) to milepost 243.2 (at the centerline of North. St. Josephs Ave near Evansville, Indiana), a total of approximately 15.7 miles;² and (2) approximately 4.667 route miles from milepost **282.0 (at Poseyville, IN)** to milepost **277.5 (at Cynthiana, IN)**. The Lines are in Posey and Vanderburgh Counties, IN. In accordance with the procedures set forth in 49 CFR 1105.7 and 1105.8, ISW is required to submit the following consolidated Environmental and Historic Report (“E&HR”).

ENVIRONMENTAL REPORT

(1) PROPOSED ACTION AND ALTERNATIVES

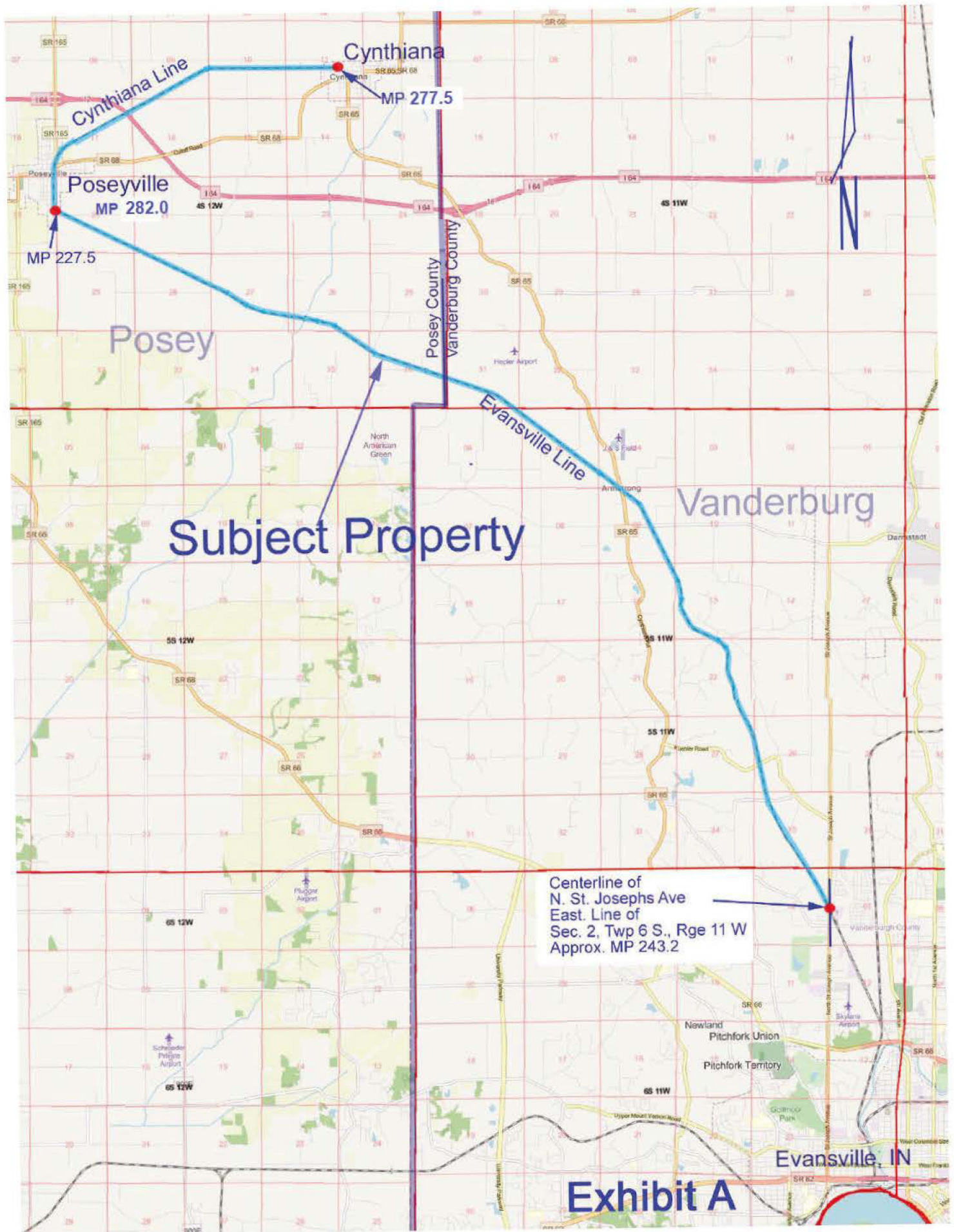
Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also, describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

ISW³ proposes to abandon approximately 20.367 miles of interconnecting rail lines as follows: (1) between milepost 227.5 (at Poseyville, IN) to milepost 243.2 (at the centerline of North. St. Josephs Ave near Evansville, Indiana), a total of approximately 15.7 miles; and (2) approximately 4.667 route miles from milepost **282.0 (at Poseyville, IN)** to milepost **277.5 (at**

¹ The Lines were acquired in 2000. See Ind. Sw. Ry. Co.—Acquisition and Operation Exemption—Evansville Terminal Co., Inc. and AB Rail Investments, Inc., FD 33859 (STB served March 28, 2000).

² ISW is keeping 1.5 miles of 10901 track beginning at milepost 243.2 and extending to milepost 244.7, which continues to be used to serve several customers located near Evansville, Indiana.

³ ISW is among 15 Class III railroads commonly controlled by Pioneer Railcorp, which on May 3, 2021, changed its legal name to Pioneer Lines, Inc. (“Pioneer”).



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Crystal M. Zorbaugh

Direct Dial: (202) 663-7831
E-Mail: czorbaugh@bakerandmiller.com

May 10, 2021

[Insert Consulting Party]

Dear Sir or Madam,

RE: Indiana Southwestern Railway Co. – Proposed Abandonment – In Posey and Vanderburgh Counties, IN, AB-1065 (Sub-No. 4X)

Dear Sir or Madam:

On or after June 10, 2021, Indiana Southwestern Railway Co. (“ISW”) expects to file with the Surface Transportation Board (“STB”), a notice of exemption pursuant to 49 C.F.R. Part 1152, Exempt Abandonments and Discontinuances of Services, seeking authority for ISW to abandon approximately 20.367 miles of interconnecting rail lines (hereinafter, the “Lines”)⁷ as follows: (1) between milepost 227.5 (at Poseyville, IN) to milepost 243.2 (at the centerline of North. St. Josephs Ave near Evansville, Indiana), a total of approximately 15.7 miles;⁸ and (2) approximately 4.667 route miles from milepost **282.0 (at Poseyville, IN)** to milepost **277.5 (at Cynthiana, IN)**. The Lines are in Posey and Vanderburgh Counties, IN. In accordance with the procedures set forth in 49 CFR 1105.7 and 1105.8, ISW is required to submit the following consolidated Environmental and Historic Report (“E&HR”).

Attached is a combined Environmental and Historic Report (“E&HR”), which includes a map of the affected area, and describes the proposed action and any expected environmental and historic effects. If you wish to address any of the information contained in the attached E&HR, or if you have any questions about the Board’s environmental review process, please contact the Board’s Office of Environmental Analysis, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to AB-1065 (Sub-No. 4X). You may also contact the undersigned counsel for ISW.

⁷ The interconnecting lines were acquired in 2000. See Indiana Southwestern Railway Co.—Acquisition and Operation Exemption—Evansville Terminal Company, Inc. and AB Rail Investments, Inc., FD 33859 (STB served March 28, 2000).

⁸ ISW is keeping 1.5 miles of 10901 track beginning at milepost 243.2 and extending to milepost 244.7, which continues to be used to serve several customers located near Evansville, Indiana.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB-1065 (Sub-No. 4X)]

Indiana Southwestern Railway Co. – Proposed Abandonment – In Posey and Vanderburgh Counties, IN

Indiana Southwestern Railway Co. has filed on June 15, 2021, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon rail service over approximately 20.367 miles of interconnecting rail lines (hereinafter, the “Lines”) as follows: (1) between milepost 227.5 (at Poseyville, IN) to milepost 243.2 (at the centerline of North. St. Josephs Ave near Evansville, Indiana), a total of approximately 15.7 miles; and (2) approximately 4.667 route miles from milepost **282.0 (at Poseyville, IN)** to milepost **277.5 (at Cynthiana, IN)** in Posey and Vanderburgh Counties, Indiana. The subject rail lines traverse through United States Postal Service ZIP Code territories 47720, 47633, and 47612. There are no customers served on the Line, which has been out of service and has not provided service to any shippers in over a decade.

ISW has certified that: (1) no local NSR traffic has moved over the Line for over two years; (2) that no overhead NSR traffic has moved over the Line for over two years and that overhead traffic if there were any, could 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 two-year-period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12