

231302

LAW OFFICE
THOMAS F. MCFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

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NOV 17 2011
MANAGEMENT
STB

THOMAS F MCFARLAND

November 16, 2011

By UPS overnight mail

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

FEE RECEIVED

NOV 17 2011

**SURFACE
TRANSPORTATION BOARD**

Re: Finance Docket No. 35570, *Port Rail Link, Inc. -- Acquisition and Operation Exemption -- Rail Lines of Union Pacific Railroad Company and The Lake Charles Harbor and Terminal District in Calcasieu Parish, LA*

Dear Ms. Brown:

Enclosed please find an original and 10 copies of Verified Notice of Exemption Under 49 C.F.R. § 1150.31, for filing with the Board in the above referenced matter.

Also enclosed is a check in the amount of \$1,800 for the filing fee.

ENTERED
Office of Proceedings
NOV 17 2011
Part of
Public Record

Very truly yours,

Thomas F. McFarland

Thomas F. McFarland
Attorney for Applicant

TMCF kl enc wp8 014913trSTB1

cc: (by e-mail)
Elisa B. Davics, Esq., *elisadavics@up.com*
Mr. Michael Dees, *mdees@portlc.com*

FILED
NOV 17 2011
**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

PORT RAIL LINK, INC. -- ACQUISITION)
AND OPERATION EXEMPTION -- RAIL)
LINES OF UNION PACIFIC RAILROAD) FINANCE DOCKET
COMPANY AND THE LAKE CHARLES) NO. 35570
HARBOR AND TERMINAL DISTRICT)
IN CALCASIEU PARISH, LA)

ENTERED
Office of Proceedings

NOV 17 2011

Part of
Public Record

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31

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SURFACE
TRANSPORTATION BOARD

PORT RAIL LINK, INC.
P.O. Box 3753
Lake Charles, LA 70602

Applicant

FILED
NOV 17 2011
SURFACE
TRANSPORTATION BOARD

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, #1890
Chicago, IL 60604-1112
(312) 236-0204 (ph)
(312) 201-9695 (fax)
mcfarland@aol.com

Attorney for Applicant

Date Filed: November 17, 2011

BEFORE THE
SURFACE TRANSPORTATION BOARD

PORT RAIL LINK, INC. -- ACQUISITION)
AND OPERATION EXEMPTION -- RAIL)
LINES OF UNION PACIFIC RAILROAD) FINANCE DOCKET
COMPANY AND THE LAKE CHARLES) NO. 35570
HARBOR AND TERMINAL DISTRICT)
IN CALCASIEU PARISH, LA)

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31**

Pursuant to 49 C.F.R. § 1150.31, PORT RAIL LINK, INC. (PRL), a non-carrier, hereby provides notice of its class exemption from 49 U.S.C. § 10901 for its acquisition and operation of rail lines of Union Pacific Railroad Company (UP) and The Lake Charles Harbor and Terminal District, operator of the Port of Lake Charles Louisiana (the Port), in Calcasieu Parish, LA (the Rail Line).

THE RAIL LINE TO BE ACQUIRED AND OPERATED

PRL proposes to lease from UP, and to operate a 2.3-mile rail line between Milepost Nos. 9.45 and 7.15 at and near Harbor Yard at Lake Charles, Calcasieu Parish, LA. That rail line is shown in white on the print that is attached to this Notice as Appendix 1-A. PRL also proposes to lease from the Port, and to operate, a 2.8-mile rail line at and near the City Docks of the Port of Lake Charles, between Milepost Nos. 0 and 2.8. That rail line is shown in blue on Appendix 1-A, connecting to the line to be leased from UP at Milepost 9.45. The Rail Line to be acquired by lease and operated is the 5.1-mile total of those two rail lines, extending generally between

trackage at the east end of Harbor Yard and the end of the City Docks tracks, in Lake Charles, LA. Thus, the Rail Line consists of trackage shown in white and blue on Appendix 1-A.

UP and PRL will interchange manifest traffic at Harbor Yard. UP and PRL will interchange unit trains at New Yard, located adjacent to the UP industrial lead track that connects with the Rail Line. UP's industrial lead track is shown in red on Appendix 1-A. New Yard is shown in purple on Appendix 1-A. It is approximately two miles from the eastern terminus of the Rail Line to New Yard. PRL proposes to operate over that two miles for the sole purpose of interchanging unit trains with UP at New Yard.

Heretofore, UP has provided rail service to the Port facilities over the Rail Line. It is purposed that PRL provide that rail service as a rail common carrier. Traffic originated or terminated on the Rail Line would be transported over the Rail Line by PRL, and would be interchanged with UP at Harbor Yard (manifest traffic) or at New Yard (unit train traffic).

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

The following is furnished pursuant to 49 C.F.R. § 1150.33:

(a) The full name and address of applicant;

Applicant is Port Rail Link, Inc., P.O. Box 3753, Lake Charles, LA 70602.

(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence;

Applicant's representative who should receive correspondence is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, #1890, Chicago, IL 60604-1112, (312) 236-0204 (ph), (312) 201-9695 (fax), mcfarland@aol.com.

(c) A statement that an agreement has been reached or details about when an agreement will be reached;

An agreement has been reached between UP, the Port, and PRL for PRL to acquire by lease and operate the Rail Line.

(d) The operator of the property:

The operator of the property will be PRL.

(e) A brief summary of the proposed transaction, including:

(1) The name and address of the railroad transferring the subject property;

The transferors are Union Pacific Railroad Company, 1400 Douglas Street, Omaha, NE 68179 and The Lake Charles Harbor and Terminal District, 150 Marine Street, Lake Charles, LA 70601.

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

The transactions will be consummated no earlier than thirty (30) days after the filing of this notice.

(3) The mileposts of the subject property, including any branch lines; and

The rail line to be leased from UP is located between UP Milepost Nos. 9.45 and 7.15. The rail line to be leased from the Port is located between Port Milepost Nos. 0 and 2.8. PRL will operate over approximately two miles of UP track between Milepost 7.15 and UP's New Yard for the sole purpose of interchanging unit trains.

(4) The total route miles being acquired;

A total of approximately 5.1 miles of Rail Line is being acquired by lease and will be operated by PRL.

(f) A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States; and

The required print is attached to this notice as Appendix 1-A.

(g) *A certificate that applicant's projected revenues do not exceed those that would qualify them as Class III rail carriers.*

The required certification is attached to this notice as Appendix 2.

VERIFICATION

A verification is included in Appendix 2.

CAPTION SUMMARY

The required caption summary is attached as Appendix 3.

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

Pursuant to 49 C.F.R. § 1105.6(c)(2) and 1105.7(b)(1), there is no requirement of environmental or historic reporting in conjunction with these notices. Applicant believes that the acquisition and operation of the Rail Line resulting from this notice will not have a significant adverse effect on the human environment nor on structures of historical significance.

LABOR CONSIDERATIONS

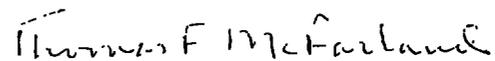
Pursuant to 49 U.S.C. § 10901(c), the Board is prohibited from imposing labor protective conditions in conjunction with acquisition and operation of rail lines by non-carriers. Therefore, no such condition is to be imposed in conjunction with this notice of exemption.

WHEREFORE, notice should be published in the Federal Register within 16 days of filing.

Respectfully submitted,

PORT RAIL LINK, INC.
P.O. Box 3753
Lake Charles, LA 70602

Applicant

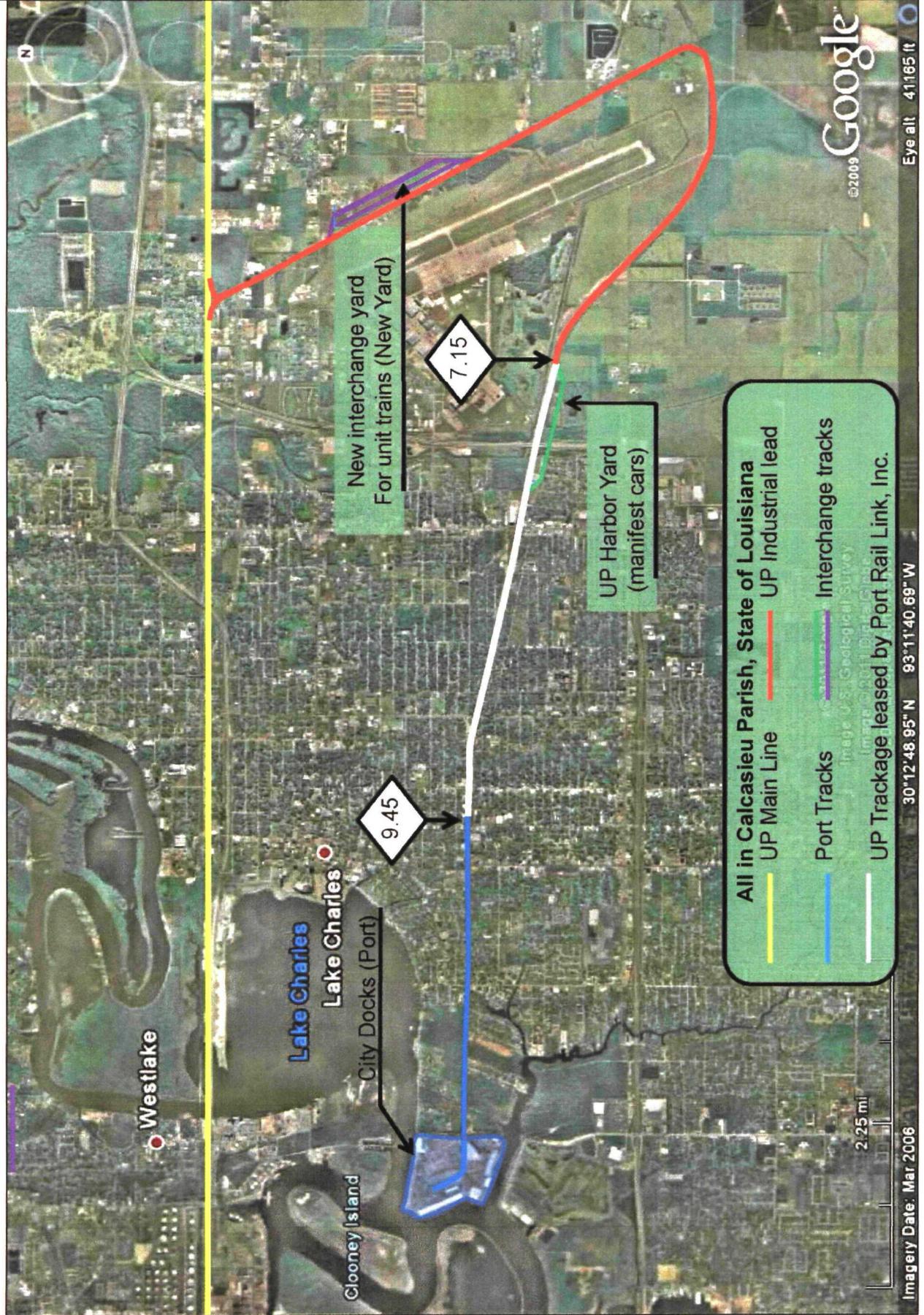


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Attorney for Applicant

Date Filed: November 17, 2011

Appendix "1-A" Port Rail Link, Inc.



VERIFICATION

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

THOMAS F. McFARLAND, being duly sworn on oath, deposes and states that he has read the foregoing notice, that he knows the contents thereof, and that the facts therein stated are true and correct. Thomas F. McFarland certifies that the projected revenues as a result of the proposed acquisition and operation will not exceed those that would qualify applicant as a Class III rail carrier.



Thomas F McFarland
THOMAS F. McFARLAND

SUBSCRIBED and SWORN to
before me this 16th day of
November, 2011.

Kathleen Lenihan
Notary Public

My Commission Expires: 2/5/2014

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Verified Notice of Exemption

STB Finance Docket No. 35570

*Port Rail Link, Inc.
-- Acquisition and Operation Exemption --
Rail Line of Union Pacific Railroad Company
and The Lake Charles Harbor and Terminal District
in Calcasieu Parish, LA*

PRL has agreed to lease from UP, and to operate, a 2.3-mile rail line between Milepost Nos. 9.45 and 7.15 at and near Harbor Yard at Lake Charles, Calcasieu Parish, LA. PRL also proposes to lease from the Port, and to operate, a 2.8-mile rail line at and near the City Docks of the Port of Lake Charles, between Milepost Nos. 0 and 2.8. The Rail Line to be acquired by lease and operated is the 5.1-mile total of those two rail lines, extending generally between trackage at the east end of Harbor Yard and the end of the City Docks tracks, in Lake Charles, LA. PRL will operate over approximately two miles of UP track between Milepost 7.15 and UP's New Yard for the sole purpose of interchanging unit trains at New Yard.

Comments must be filed with the Board and served on the representative of PRL, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204 (ph), (312) 201-9695 (fax), mcfarland@aol.com.

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*. The filing of a petition to revoke will not automatically stay the transaction.

By the Board