

LAW OFFICES OF
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2225

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

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December 8, 2014

ENTERED
Office of Proceedings
December 8, 2014
Part of
Public Record

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

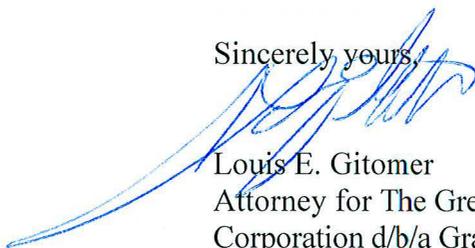
Re: Docket No. FD 35888, *The Great Lake Port Corporation d/b/a Grand River Railway—Acquisition and Operation Exemption—CSX Transportation, Inc.*

Dear Ms. Brown:

Enclosed are the original and 10 copies of the Notice of Exemption, a diskette containing a WORD and pdf version of the Notice, and a check in the amount of \$1,800 is to cover the filing fee.

Please time and date stamp the extra copy of the filing and return it in the enclosed pre-paid envelope. Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer
Attorney for The Great Lake Port
Corporation d/b/a Grand River Railway

Enclosures

FILED
December 8, 2014
Surface Transportation Board

FEE RECEIVED
December 8, 2014
Surface Transportation Board

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35888

THE GREAT LAKE PORT CORPORATION D/B/A GRAND RIVER RAILWAY
—ACQUISITION AND OPERATION EXEMPTION—
CSX TRANSPORTATION, INC.

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1150.31, Et Seq.

EXPEDITED HANDLING REQUESTED

Louis E. Gitomer, Esq.
Law Offices of Louis E. Gitomer LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorney for Great Lake Port Corporation
d/b/a Grand River Railway

Dated: December 8, 2014

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35888

THE GREAT LAKE PORT CORPORATION D/B/A GRAND RIVER RAILWAY
—ACQUISITION AND OPERATION EXEMPTION—
CSX TRANSPORTATION, INC.

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1150.31, Et Seq.

EXPEDITED HANDLING REQUESTED

The Great Lake Port Corporation d/b/a Grand River Railway (“GRR”), a noncarrier, files this Notice of Exemption, pursuant to 49 C.F.R. Part 1150, Subpart D – Exempt Transactions, with the Surface Transportation Board (the “Board”) to permit GRR to acquire from CSX Transportation, Inc. (“CSXT”) and operate as a common carrier over approximately 2.56 miles of track between Painesville, former B&O Valuation Station 2535+40, and Grand River, at the end of track, former Conrail Valuation Station 45+01, in Lake County, OH (the “Line”). The Line was abandoned by CSXT¹ and reclassified as industry track,² which remains subject to the Board’s jurisdiction. The Line will be the first line of railroad to be operated by GRR as a line of railroad.

In support of this Notice of Exemption, GRR submits the following information as required by 49 C.F.R. § 1150.33:

¹ *New York Central Lines, LLC—Abandonment Exemption—in Lake County, OH*, Docket No. AB-565 (Sub-No. 11X) (served January 31, 2003).

² See the letter filed on December 29, 2004 in AB-565 (Sub-No. 11X) notifying the Board of consummation of the abandonment.

a. Full name and address of applicant:

Great Lake Port Corporation d/b/a Grand River Railway
213 Diana Drive
Poland, OH 44514-3714
(330) 718-3727

b. Applicant's Representative:

Louis E. Gitomer, Esq.
Law Offices of Louis E. Gitomer LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

c. GRR will enter an agreement with CSXT no later than December 26, 2014.

d. The operator of the Line will be GRR.

e. Summary of proposed transaction:

1. The name and address of the party transferring the property is:

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

GRR intends to rehabilitate the Line and commence common carrier service to Morton Salt, which is located at the end of the Line and any other shipper that requests service.

2. The proposed time schedule for the consummation of the transaction is on or after December 26, 2014, if the Board grants the accompanying Petition for Waiver of the 30-day effectiveness period for the Notice of Exemption, or January 7, 2015, if the Petition is not granted.

3. The mileposts of the subject property, including any branch lines. The Line is approximately 2.56 miles of track between Painesville, former B&O Valuation Station 2535+40,

and Grand River, at the end of track, former Conrail Valuation Station 45+01, in Lake County, Ohio.

4. GRR will operate over 2.56 route miles as a common carrier railroad. GRR intends to interchange traffic with CSXT, the only railroad that connects to the Line.

f. A color map of the Line is attached as Exhibit C.

g. A Certificate of Compliance with the provisions of 49 CFR § 1150.33(g) is attached as Exhibit A.

h. There are no interchange commitments or paper barriers in the agreement between GRR and CSXT.

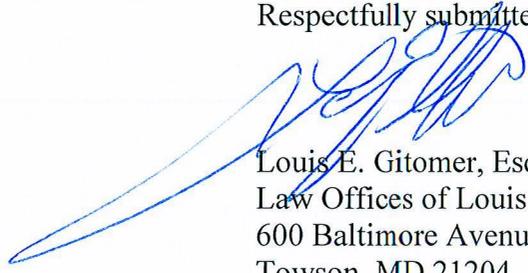
i. A caption summary, as required by 49 C.F.R. §1150.34, is attached as Exhibit B.

j. No environmental documentation is required because there will be no operational changes that would exceed the thresholds established in 49 CFR §1105.7(e)(4) or (5) and there will be no action that would normally require environmental documentation. Hence, this Notice of Exemption does not require environmental documentation under 49 CFR §1105.6(b)(4) and (c)(2)(i).

k. An historic report is not required because GRR will operate the Line, will require further Board approval as required to abandon the Line, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are 50 years old or older. Hence, this Notice of Exemption does not require an historic report under 49 C.F.R. §1105.8(b)(1).

This action will not significantly affect either the quality of the human environment or energy conservation.

Respectfully submitted,



Louis E. Gitomer, Esq.
Law Offices of Louis E. Gitomer LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorney for Great Lake Port Corporation
d/b/a Grand River Railway

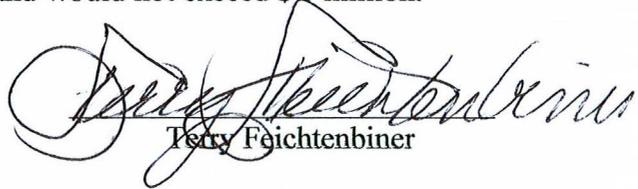
Dated: December 8, 2014

EXHIBIT A

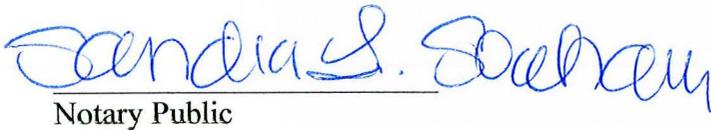
CERTIFICATION

State of Ohio)
) ss:
County of Mahoning)

I, Terry Feichtenbiner, being duly sworn, deposes and says that he is President of the Great Lake Port Corporation d/b/a Grand River Railway, an Ohio corporation, and that the projected annual revenues from the rail operations would not exceed those that would make it a Class III carrier under 49 CFR Part 1201(1-1) and would not exceed \$ 5 million.


Terry Feichtenbiner

Subscribed and sworn to before me this 5 day of December 2014.


Notary Public

(SEAL)

My Commission Expires: June 20, 2015



SANDRA J. STAHARA
Notary Public, State of Ohio
My Comm. Expires June 20, 2015

VERIFICATION

State of Ohio)
) ss:
County of Mahoning)

I, Terry Feichtenbiner, being duly sworn, deposes and says that he is President of the Great Lake Port Corporation d/b/a Grand River Railway, an Ohio corporation, and that I have read the foregoing notice of exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.


Terry Feichtenbiner

Subscribed and sworn to before me this 5 day of December 2014.


Notary Public



SANDRA J. STAHARA
Notary Public, State of Ohio
My Comm. Expires June 20, 2015

EXHIBIT B – CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

DOCKET NO. FD 35888

THE GREAT LAKE PORT CORPORATION D/B/A GRAND RIVER RAILWAY
—ACQUISITION AND OPERATION EXEMPTION—
CSX TRANSPORTATION, INC.

The Great Lake Port Corporation d/b/a Grand River Railway (“GRR”), a noncarrier, has filed a notice of exemption under 49 C.F.R. 1150.31 to acquire from CSX Transportation, Inc. (“CSXT”) and operate over approximately 2.56 miles of track between Painesville, former B&O Valuation Station 2535+40, and Grand River, at the end of track, former Conrail Valuation Station 45+01, in Lake County, Ohio (the “Line”).

GRR states that it will enter an agreement with CSXT pursuant to which CSXT will sell and GRR will buy the Line. According to GRR, the agreement between GRR and CSXT does not contain an interchange commitment. GRR also states that the Line is currently not operated, but that GRR will rehabilitate the Line and commence operations.

The transaction is scheduled to take place on or after December 26, 2014.³

GRR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenue will not exceed \$5 million.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be

³ GRR has filed a Petition for Waiver of 49 C.F.R. 1150.32(b) to permit the exemption to become effective on December 26, 2014, instead of 30 days after filing. The Waiver request will be decided in a separate decision.

filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Petitions to stay must be filed no later than _____ (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35888, must be filed with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Esq., Law Offices of Louis E. Gitomer LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

EXHIBIT C-MAP

GRAND RIVER RAILWAY SYSTEM MAP

