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Office of Proceedings

December 8, 2014

Part of

Public Record

December 8, 2014

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

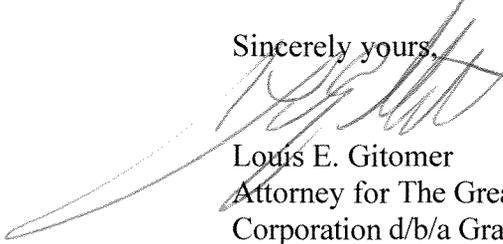
Re: Docket No. FD 35888, *The Great Lake Port Corporation d/b/a Grand River  
Railway—Acquisition and Operation Exemption—CSX Transportation, Inc.*

Dear Ms. Brown:

Enclosed are the original and 10 copies of the Petition for Waiver and a diskette containing a WORD and pdf version of the Petition.

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



BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO. 35888

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

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PETITION FOR WAIVER OF 49 C.F.R. 1150.32(b)

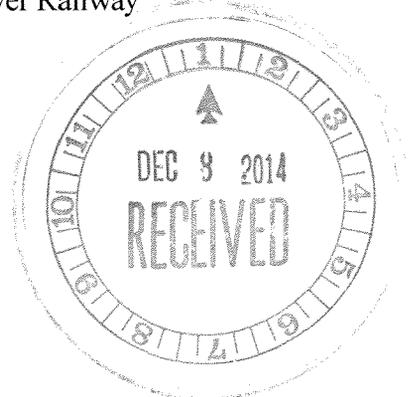
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**EXPEDITED HANDLING REQUESTED**

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Lou@lgrailaw.com

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

Dated: December 8, 2014



BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO. 35888

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

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PETITION FOR WAIVER OF 49 C.F.R. 1150.32(b)

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**EXPEDITED HANDLING REQUESTED**

The Great Lake Port Corporation d/b/a Grand River Railway (“GRR”) petitions the Surface Transportation Board for a waiver of the requirement of 49 C.F.R. 1150.32(b) that the notice of exemption concurrently filed with this Petition “will be effective 30 days after the notice is filed.” GRR seeks to reduce the period before the notice becomes effective from 30 days to 18 days so that GRR can acquire the rail line by December 26, 2014.

GRR filed a Notice of Exemption in this proceeding with the Board on December 8, 2014, pursuant to 49 C.F.R. Part 1150, Subpart D – Exempt Transactions, 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”). GRR and CSXT will both benefit if GRR can acquire the Line by December 26, 2014.

Early acquisition of the Line by GRR allow it to conduct a thorough evaluation of the

physical condition of the Line in order to determine the quality of the track and material on the Line, determine the quantity and quality of track and material needed to rehabilitate the Line, order the track and material required to rehabilitate the Line, and to plan the actual work on the Line for when the northern Ohio weather permits. By conducting this early planning, GRR will recognize budgetary benefits. There may also be tax advantages available to GRR in closing the proposed transaction in 2014.

CSXT would receive an influx of cash by closing the proposed transaction in 2014. CSXT would also obtain tax savings by closing the proposed transaction by year-end. CSXT's fiscal year ends on the last Friday of the year. In order to account for the transaction in 2014 and make use of the tax savings in 2014, CSXT must close the transaction by December 26, 2014.

In addition to the benefits that GRR and CSXT will obtain by being able to close the proposed transaction by December 26, 2014, no other party will be harmed. CSXT abandoned the Line in 2004 and reclassified it as industry track,<sup>1</sup> which remains subject to the Board's jurisdiction. Indeed, the sooner GRR acquires the Line, the sooner common carrier service will be restored.

The Board has authorized expedited effectiveness where it would facilitate tax and budgeting needs and benefit shippers through an adequately maintained line.<sup>2</sup> Therefore, GRR respectfully requests the Board make the Notice effective on December 26, 2014.

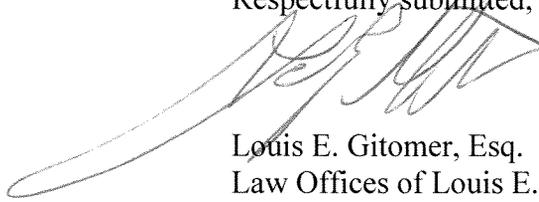
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<sup>1</sup> See the letter filed on December 29, 2004 in AB-565 (Sub-No. 11X) notifying the Board of consummation of the abandonment.

<sup>2</sup> *The Kansas City Southern Railway Company—Acquisition and Operation Exemption—Columbus and Greenville Railway Company*, Finance Docket No. 35094, slip op. at 3 (served December 13, 2007).

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Gitomer', written over the typed name.

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

Dated: December 8, 2014