

234696

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*

THOMAS F MCFARLAND

August 20, 2013



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

ENTERED  
Office of Proceedings  
AUG 21 2013  
Part of  
Public Record

Re: Finance Docket No. 35758, *Indiana Eastern Railroad, LLC, d.b.a. Ohio South Central Railroad -- Change in Operators Exemption -- Rail Lines of the City of Jackson, Ohio in Jackson, Vinton and Ross Counties, OH*

Dear Ms. Brown:

Hereby transmitted is the original and 10 copies of a Verified Notice Of Exemption Under 49 C.F.R. § 1150.41 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.

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
*Attorney for Applicant*

*TMcf:kl:enc:A1609\ltrSTB1*

**FEE RECEIVED**  
AUG 21 2013  
SURFACE  
TRANSPORTATION BOARD

**FILED**  
AUG 21 2013  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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INDIANA EASTERN RAILROAD, LLC, )  
d.b.a. OHIO SOUTH CENTRAL )  
RAILROAD -- CHANGE IN ) FINANCE DOCKET  
OPERATORS EXEMPTION -- RAIL ) NO. 35758  
LINES OF THE CITY OF JACKSON, )  
OHIO IN JACKSON, VINTON AND )  
ROSS COUNTIES, OH )

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**VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1150.41**

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ENTERED  
Office of Proceedings

AUG 21 2013

Part of  
Public Record

INDIANA EASTERN RAILROAD, LLC  
d.b.a. OHIO SOUTH CENTRAL RAILROAD  
412 West 4<sup>th</sup> Street  
Edwardsville, IL 62025

Applicant

**FEE RECEIVED**

AUG 21 2013

SURFACE  
TRANSPORTATION BOARD

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

Attorney for Applicant

**FILED**

AUG 21 2013

SURFACE  
TRANSPORTATION BOARD

DATE FILED: August 21, 2013

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d.b.a. OHIO SOUTH CENTRAL )  
RAILROAD -- CHANGE IN ) FINANCE DOCKET  
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**VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1150.41**

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Pursuant to 49 C.F.R. § 1150.41(c), *et. seq.*, and 49 U.S.C. § 10502(a), INDIANA EASTERN RAILROAD, LLC, d.b.a. OHIO SOUTH CENTRAL RAILROAD (OSCR), a Class III rail carrier, hereby provides notice of its exemption from 49 U.S.C. § 10902 for a change in operators from US Rail Corporation to OSCR on rail lines owned by the City of Jackson, Ohio (the City) i.e.:

- (a) From Mile Post 91.6 at RA Junction near Richmond Dale, Ross County, OH to Mile Post 95.5 at West Junction, Ross County, OH;
- (b) Thence from Mile Post 112.3 at West Junction, Ross County, OH to Mile Post 127.5 near Hamden, Vinton County, OH;
- (c) Thence from Mile Post 127.5 near Hamden, Vinton County, OH to Mile Post 136.8 near Red Diamond, Vinton County, OH;
- (d) Thence from Mile Post 0.0 at Hamden, Vinton County, OH to Mile Post 31.0 near Firebrick, Jackson County, OH;
- (e) Thence from Mile Post 0.0 in the City of Jackson, Link Township, OH to Mile Post 4.5 in Liberty Township, OH.

The rail lines identified above are referred to collectively as the Jackson Lines.<sup>1/</sup> The Jackson Lines are shown on a map that is attached to this Notice as Appendix 1.

**INFORMATION REQUIRED BY 49 C.F.R. § 1150.43**

In accordance with 49 C.F.R. § 1150.43, OSCR submits the following in support of this Notice of Exemption.

*(a) The full name and address of the Class III rail carrier applicant;*

The full name and address of applicant is Indiana Eastern Railroad, LLC, d.b.a. Ohio South Central Railroad, 412 West 4<sup>th</sup> Street, Edwardsville, IL 62025.

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

Applicant's representative to receive correspondence is 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.

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

An Agreement has been reached whereby OSCR will lease the Jackson Lines from the City.

*(d) The operator of the property;*

OSCR will operate the Jackson Lines.

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

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<sup>1/</sup> Incidental trackage rights will be granted over a rail line of CSX Transportation, Inc. between Milepost 91.6 at RA Junction and Milepost 85.7 near Vauces, OH, solely for purposes of interchange between OSCR and CSX.

(1) *The name and address of the railroad transferring the subject property to the Class III rail carrier applicant;*

The lessor of the Jackson Lines is:

The City of Jackson, Ohio  
145 Broadway Street  
Jackson, OH 45640

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

The proposed lease will be consummated no sooner than the 30th day after the filing of this Notice of Exemption.

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

(a) From Mile Post 91.6 at RA Junction near Richmond Dale, Ross County, OH to Mile Post 95.5 at West Junction, Ross County, OH;

(b) Thence from Mile Post 112.3 at West Junction, Ross County, OH to Mile Post 127.5 near Hamden, Vinton County, OH;

(c) Thence from Mile Post 127.5 near Hamden, Vinton County, OH to Mile Post 136.8 near Red Diamond, Vinton County, OH;

(d) Thence from Mile Post 0.0 at Hamden, Vinton County, OH to Mile Post 31.0 near Firebrick, Jackson County, OH;

(e) Thence from Mile Post 0.0 in the City of Jackson, Link Township, OH to Mile Post 4.5 in Liberty Township, OH.

Incidental trackage rights will be granted over a rail line of CSX Transportation, Inc. between Milepost 91.6 at RA Junction and Milepost 85.7 near Vauces, OH, solely for purposes of interchange between OSCR and CSX.

(4) *The total route miles being operated;*

There are a total of approximately 63.9 route miles that will be leased and operated.

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

The required map is attached as Appendix 1.

(g) *A certificate that applicant's projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under § 1150.45.*

OSCR so certifies. See verification attached as Appendix 2.

*(h) Transactions imposing interchange commitments. (1) If a proposed acquisition or operation of a rail line or change of operators involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means ("interchange commitment"), the following additional information must be provided:*

*(i) The existence of that provision or agreement and identification of the affected interchange points.*

The Lease Agreement for the Jackson Lines does not contain an interchange commitment.

#### **VERIFICATION**

See Appendix 2.

#### **ENVIRONMENTAL AND HISTORIC CONSIDERATIONS**

The proposed transaction does not require environment or historic reporting or assessment. See 49 C.F.R. § 1105.6(c)(2)(i) and 49 C.F.R. § 1105.8(b)(1).

#### **PROJECTED ANNUAL REVENUES LESS THAN \$5 MILLION**

Pursuant to 49 C.F.R. § 1150.42(e), OSCR certifies that its projected annual revenues from the proposed lease, together with OSCR's other projected annual revenue, will not exceed \$5 million. See Appendix 2.

**LABOR PROTECTION**

Pursuant to 49 U.S.C. § 10902(d), labor protection requirements do not apply to the proposed transaction.

**CAPTION SUMMARY**

The caption summary required by 49 C.F.R. § 1150.44 is attached hereto as Appendix 3.

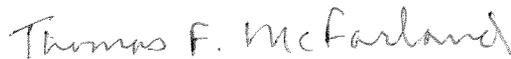
**CONCLUSION AND REQUESTED RELIEF**

WHEREFORE, within 16 days of the filing of this notice, the Director of the Office of Proceedings should publish a notice in the Federal Register of the filing of this Notice. See 49 C.F.R. § 1150.42(b).

Respectfully submitted,

INDIANA EASTERN RAILROAD, LLC  
d.b.a. OHIO SOUTH CENTRAL RAILROAD  
412 West 4<sup>th</sup> Street  
Edwardsville, IL 62025

*Applicant*



THOMAS F. McFARLAND  
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(312) 201-9695 (fax)  
mcfarland@aol.com

*Attorney for Applicant*

DATE FILED: August 21, 2013

# OVERVIEW :: THE JACKSON LINE

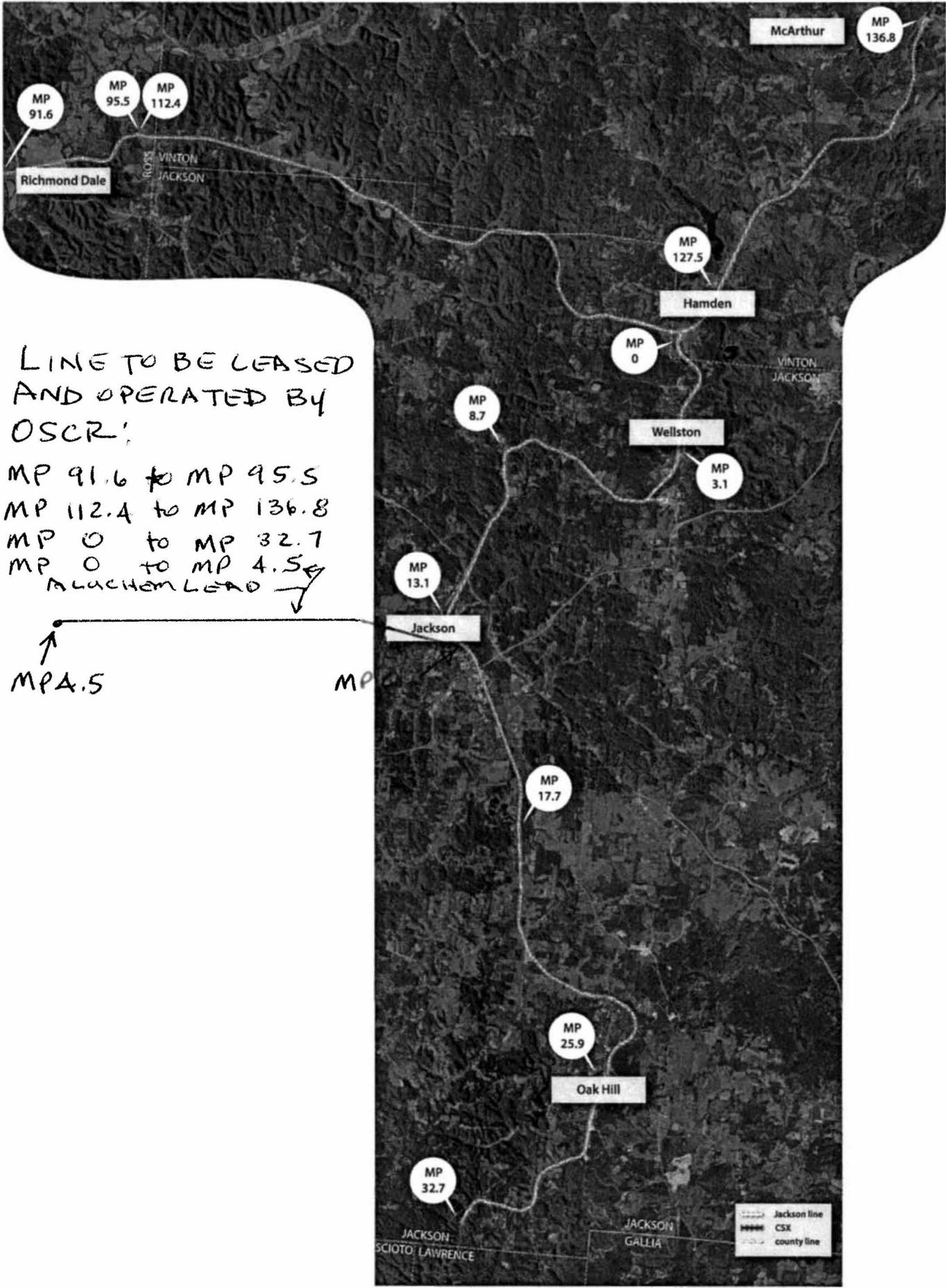
# OHIO SOUTH CENTRAL RAILROAD

RENICK SUBDIVISION

PARKERSBURG SUBDIVISION

FD No. 35758

Appdx 1  
(2 pp)



LINE TO BE LEASED  
AND OPERATED BY  
OSCR:

MP 91.6 to MP 95.5  
 MP 112.4 to MP 136.8  
 MP 0 to MP 32.7  
 MP 0 to MP 4.5  
 ALACHUEM LEAD



PORTSMOUTH SUBDIVISION

# OHIO SOUTH CENTRAL RAILROAD

## RENICK SUBDIVISION

91.6 to 95.5 *Southbound to Columbus* Customer Locator Map

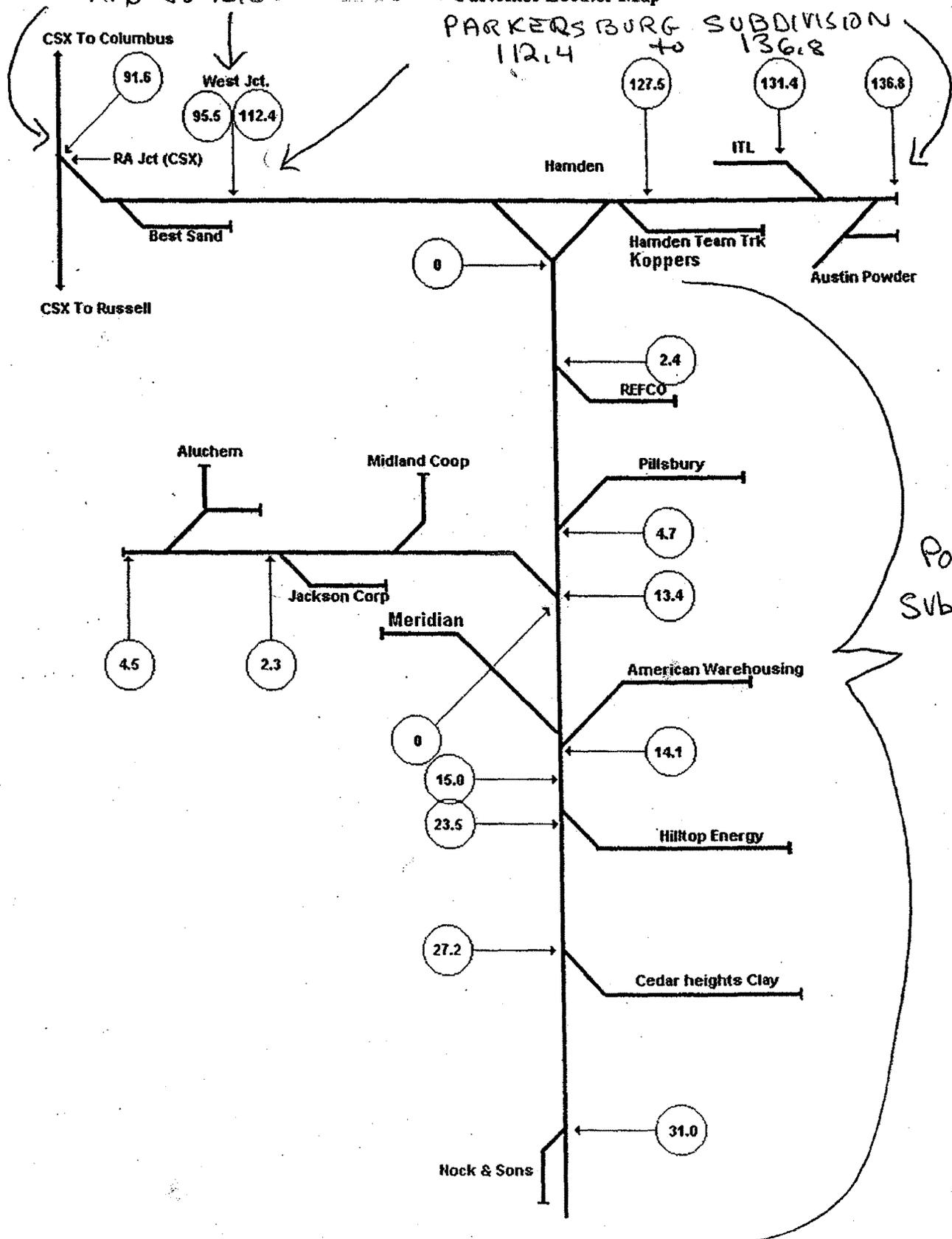
## PARKERSBURG SUBDIVISION

112.4

127.5

131.4

136.8



Portsmouth Subdivision



**CAPTION SUMMARY**

SURFACE TRANSPORTATION BOARD

**Notice of Exemption**

STB Finance Docket No. 35758

*Indiana Eastern Railroad, LLC,  
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Change in Operators Exemption --  
Rail Lines of the City of Jackson, Ohio  
in Jackson, Vinton and Ross Counties, OH*

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Incidental trackage rights will be granted over a rail line of CSX Transportation, Inc. between Milepost 91.6 at RA Junction and Milepost 85.7 near Vauces, OH, solely for purposes of interchange between OSCR and CSX.

Comments must be filed with the Board and served on OSCR's representative, 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. § 1150.41. 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