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March 10, 2016  
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Public Record

**Before the Surface Transportation Board**

**FD 35996**

**SAN JACINTO TRANSPORTATION COMPANY, INCORPORATED  
OPERATION EXEMPTION**

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 40 U.S.C. § 10902 and 49 C.F.R. § 1150.31**

Submitted By:

John K. Fiorilla  
Capehart & Scatchard, P.A.  
8000 Midlantic Drive Suite 300S  
Mount Laurel, N.J. 08054  
(856) 914-2054  
Counsel for Petitioner

Dated: March 8, 2016

FEE RECEIVED  
March 10, 2016  
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**Before the  
Surface Transportation Board**

**FD-35996**

**SAN JACINTO TRANSPORTATION COMPANY, INCORPORATED  
OPERATION EXEMPTION**

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 U.S.C. and 49 CFR § 1150.31**

San Jacinto Transportation Company, Incorporated (hereinafter SJTC) is a Texas for profit corporation which files this Notice of Exemption to obtain the operating rights of a certain line of railroad located in the city of Houston, County of Harris, State of Texas. The line is located within the San Jacinto River and Rail Park, 18511 Beaumont Highway, Houston, Texas. It is located at milepost 344-346 on the Lafayette Subdivision of the UP/BNSF line, Houston, Harris County, Texas. The SJTC expects to begin operation of this track no later than May 31, 2016. The Petitioner is the lessee of the line which is owned by SJRE-Railroad Series, a series within San Jacinto Real Estate, a series of LLCs formed under the laws of the State of Texas (hereinafter SJRE). SJRE is a non-carrier. SJRE, pursuant to an agreement executed on March 3, 2016, has granted to SJTC the right to operate a railroad in common carrier freight service on its property. A map illustrating the line is attached hereto as Exhibit A. SJTC will interline with both the Union Pacific Railroad and the Burlington Northern Santa Fe Railway as noted on Exhibit A.

Information Required by 49 CFR §1150.33

**Name and address of the applicant**      **49 CFR 1150.33 (a)**

San Jacinto Transportation Company, Incorporated  
1554 Paoli Pike, # 179  
West Chester, PA 19380

**Applicant's Representative**      **49 CFR 1150.33 (b)**

John K. Fiorilla  
Capehart & Scatchard P.A.  
8000 Midlantic Drive Suite 300S  
Mount Laurel, N.J. 08054  
856-914-2054  
[jfiorilla@capehart.com](mailto:jfiorilla@capehart.com)

**Statement of Agreement**      **49 CFR 1150.33(c)**

San Jacinto Transportation Company, Incorporated has reached agreement with SJRE to publish tariffs and to operate a railroad within the San Jacinto River and Rail Park in common carrier freight service. SJTC has been told that once this Petition is granted that an agreement to interchange traffic with the Union Pacific Railroad and the Burlington Northern Santa Fe Railway will be entered into.

**Operator of the Property                      49 CFR 1150.33(d)**

San Jacinto Transportation Company, Incorporated will hold itself out to provide common carrier rail freight service pursuant to its operating agreement with SJRE.

**Brief Summary of Transaction                      49 CFR 1150.33 (e)**

1. San Jacinto Transportation Company, Incorporated, a non-carrier, has entered into an operating agreement with the owner of the property. SJRE, to operate railroad common carrier service within the San Jacinto River and Rail Park and to connect with Union Pacific Railroad and the Burlington Northern Santa Fe near Milepost 344-346 on the Lafayette Subdivision of the UP/BNSF Line. SJTC has been told that once its Petition is granted Union Pacific and Burlington Northern Santa Fe will enter into an interchange or switching agreement so that SJTC can serve customers on the six mile line of railroad it will operate.

2. SJTC expects to begin operations no later than May 31, 2016. Shippers have advised that they will use the new railroad as soon as SJTC is given the right to operate the line.

3. The operation will be for the six miles (33,000) feet within the San Jacinto River and Rail Park, 18511 Beaumont Highway, Houston, Texas as shown on Exhibit A.

4. The total route miles to be operated is approximately 6.0 miles.

**Map 49 CFR 1150.33 (f)**

A map of the line is attached hereto as Exhibit "A".

**Certificate of Carrier Classification 49 CFR § 1150.33 (g)**

SJTC certifies that its projected revenues will not exceed \$5,000,000 and that would qualify it as a Class III carrier, and that this transaction will not result in the creation of a Class I or Class II carrier.

**Transactions Imposing Interchange Agreements 49 CFR §  
1150.33 (h)**

This operation agreement does not involve a provision or agreement which may limit future interchange with a third party connecting carrier.

**Labor Protective Conditions**

Pursuant to 49 U.S.C. § 10902, labor protective conditions do not apply and will not be imposed.

**Caption Summary 49 CFR 1150.34**

A caption Summary in the prescribed form is attached as Exhibit "B" to this Notice.

**Environmental and Historic Preservation Matters**

Pursuant to 49 CFR 1105.6 (c) (2), the proposed transaction is exempt from environmental review under 49 CFR 1105.6 (c) (2) (i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 CFR 1105.7(e) (4) or (5).

In addition, this transaction is exempt from historic review under 49 CFR § 1105.8 (b) (1). Under this section a sale, lease or transfer of a rail line is exempt since it is the lease of a non-carrier's property for continued operations. SJTC has no plans to alter or to dispose of any properties subject to STB jurisdiction that are fifty years old or older, the transaction does not require an historic report.

Respectfully Submitted,



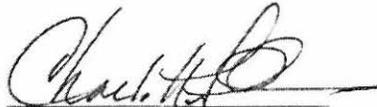
Dated: March 8, 2016

John K. Fiorilla, Esq.  
Capehart & Scatchard, PA  
8000 Midlantic Drive Suite 300S  
Mount Laurel, N.J. 08054  
(856) 914-2054  
[jfiorilla@capehart.com](mailto:jfiorilla@capehart.com)  
**Attorney for Petitioner,  
San Jacinto Transportation Company,  
Incorporated**

## VERIFICATION

I, Charlotte Oschman, VP Administration, Treasurer, Corporate Secretary of the petitioner hereby certifies that I have read the foregoing Notice of Exemption and am knowledgeable of facts stated therein, and that the same are true as stated to the best of my knowledge. I am aware that if any of the foregoing statements are willfully false, that I am subject to punishment.

Dated: March 8, 2016



Charlotte Oschman

**Before the  
Surface Transportation Board**

**FD-35996**

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OPERATION EXEMPTION**

**VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 U.S.C. and  
49 CFR § 1150.31**

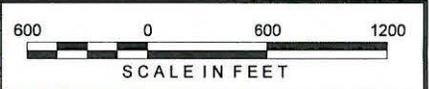
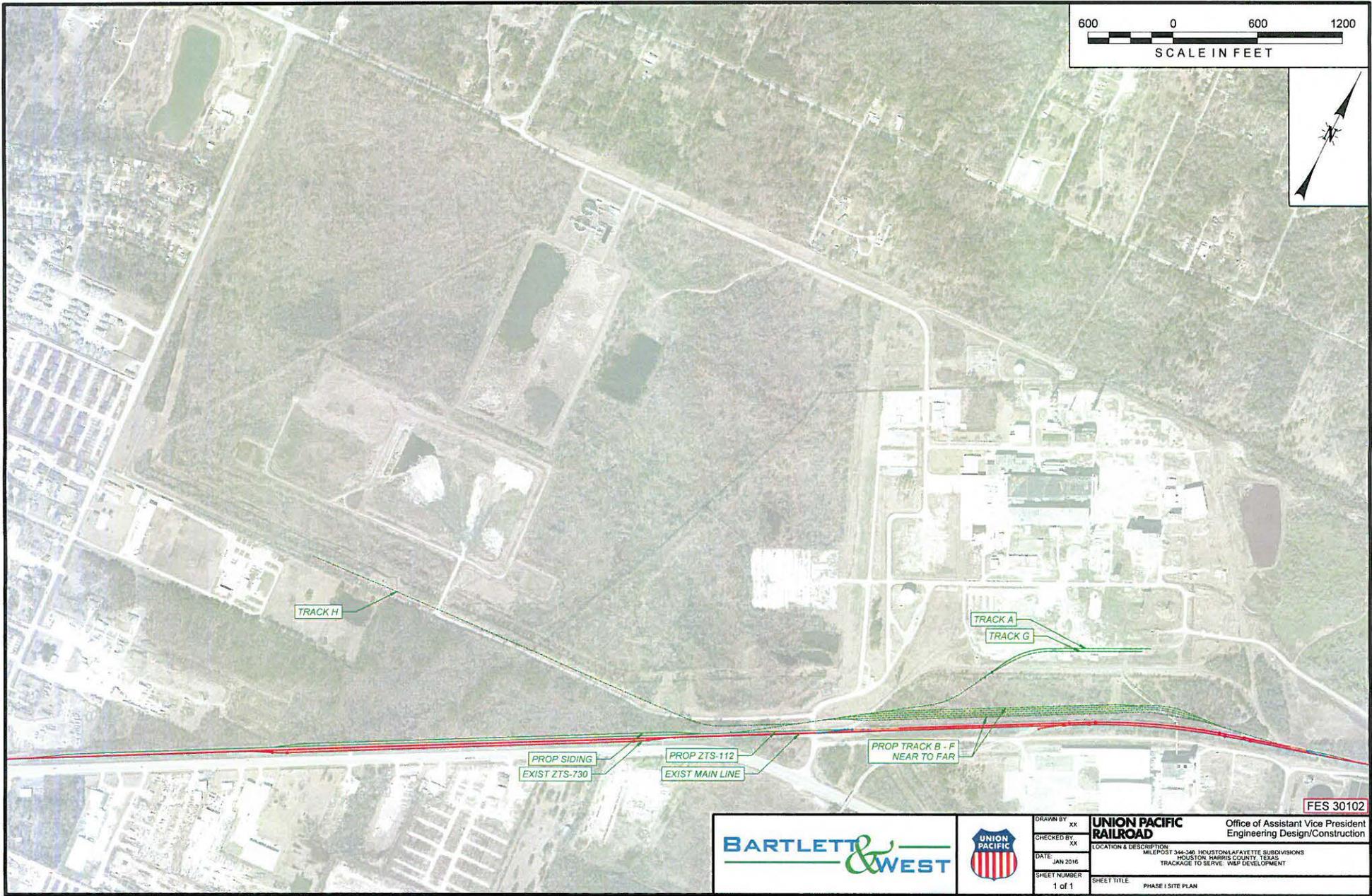
**CAPTION SUMMARY**

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San Jacinto Transportation Company, Incorporated a Non-carrier has filed a verified notice of exemption under 49 CFR. § 1150.31 to operate as a common carrier 6.0 miles of railroad and appurtenant property owned by the SJRE-Railroad Series a non-Carrier in Harris County, Texas. This line will be operated within the San Jacinto River and Rail Park, Houston, County of Harris, Texas. SJTC It will operate pursuant to an operating agreement with SJRE-Rail Series.

Any comments must be filed with the Surface Transportation Board and served on Petitioner's Representative, John K. Fiorilla, Esq., Capehart & Scatchard, P.A., and 8000 Midlantic Drive Suite 300S, Mount Laurel, N.J. 08054. Mr. Fiorilla's telephone is (856)-914-2054 and his email address is [jfiorilla@capehart.com](mailto:jfiorilla@capehart.com).

This 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.



FES 30102

		DRAWN BY: XX CHECKED BY: XX DATE: JAN 2016 SHEET NUMBER: 1 of 1	<b>UNION PACIFIC RAILROAD</b> Office of Assistant Vice President Engineering Design/Construction
		LOCATION & DESCRIPTION: MILEPOST 344-346, HOUSTON/LAFAYETTE SUBDIVISIONS HOUSTON, HARRIS COUNTY, TEXAS TRACKAGE TO SERVE: W&P DEVELOPMENT	
		SHEET TITLE: PHASE I SITE PLAN	

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STATE LEGAL®

EXHIBIT

A