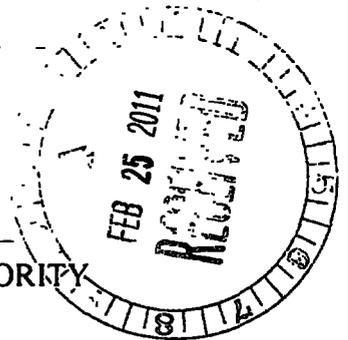


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BEFORE THE  
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35471

NITTANY AND BALD EAGLE RAILROAD COMPANY -  
OPERATION EXEMPTION - SEDA-COG JOINT RAIL AUTHORITY



VERIFIED NOTICE OF EXEMPTION  
Pursuant to 49 C.F.R. §1150.41, Et Seq.

**FILED**

FEB 25 2011

**SURFACE  
TRANSPORTATION BOARD**

Richard R. Wilson, Esq.  
Richard R. Wilson, P.C.  
518 N. Center Street, Ste. 1  
Ebensburg, PA 15931  
(814) 419-8152

Attorney for Nittany and Bald  
Eagle Railroad Company

ENTERED  
Office of Proceedings

FEB 25 2011

Part of  
Public Record

Dated: February 22, 2011

**FEE RECEIVED**

FEB 25 2011

**SURFACE  
TRANSPORTATION BOARD**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO. 35471

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NITTANY AND BALD EAGLE RAILROAD COMPANY –  
OPERATION EXEMPTION – SEDA-COG JOINT RAIL AUTHORITY

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VERIFIED NOTICE OF EXEMPTION  
Pursuant to 49 C.F.R. §1150.41, Et Seq.

---

Nittany and Bald Eagle Railroad Company (“N&BE”), a Class III common carrier railroad, files this Notice of Exemption, pursuant to 49 C.F.R. §1150, Subpart D – Exempt Transactions, with the Surface Transportation Board (“the Board”) to permit it to operate over about 1.8 miles of track known as the Castanea Branch in Castanea, PA, M.P. 0.0 to M.P. 1.8, in Clinton County, PA (the “Line”). The Line is an additional line of railroad to be operated by N&BE as an extension of its existing line of railroad.

In support of this Notice of Exemption, N&BE submits the following information as required by 49 C.F.R. §1150.43:

a. Full name and address of applicant:

Nittany and Bald Eagle Railroad Company  
356 Priestley Avenue  
Northumberland, PA 17857  
(570) 473-7949

b. Applicant’s Representative

Richard R. Wilson, Esq.  
Richard R. Wilson, P.C.  
518 N. Center Street, Ste. 1  
Ebensburg, PA 15931  
(814) 419-8152  
[rwilson@rrwilson.net](mailto:rwilson@rrwilson.net)

- c. N&BE will amend its agreement dated December 13, 2006 as amended with SEDA-COG Joint Rail Authority to provide common carrier rail service to multiple shippers on this extended line of railroad.
- d. The operator of the Line will be N&BE.
- e. Summary of proposed transaction:

- 1. The name and address of the party owning or leasing the line of railroad is:

SEDA-COG Joint Rail Authority  
201 Furnace Road  
Lewisburg, PA 17837

The SEDA-COG Joint Rail Authority is a Pennsylvania Municipal Authority.

SEDA-COG Joint Rail Authority initially acquired the line for private railroad use. Given the growth of rail traffic and the increase in shippers on this Line, SEDA-COG Joint Rail Authority supports N&BE's provision of common carrier railroad service on the line.

- 2. The proposed schedule for the consummation of the transaction is on or after the effective date of this Notice of Exemption.
- 3. The mileposts of the subject property, including any branch lines are 0.0 to 1.8.
- 4. N&BE will operate over 1.8 route miles as a common carrier railroad.

N&BE intends to interchange traffic with the Norfolk Southern Railway Company ("NS") and/or Canadian Pacific Railway Company ("CP")

- f. A map of the Line is attached as Exhibit C.
- g. A Certificate of Compliance with the provisions of 49 C.F.R. §1150.43(g) is attached as Exhibit A.

h. There are no interchange commitments or paper barriers in the operating agreement between N&BE and SEDA-COG Joint Rail Authority. Nor will there be any interchange commitments or paper barriers in the Interchange Agreements between N&BE and its connecting carriers as a result of this transaction.

i. A caption summary, as required by 49 C.F.R. §1150.44, 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 C.F.R. §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 C.F.R. §1105.6(b)(4) and (c)(2)(i).

k. An historic report is not required because N&BE will operate the Line, will require further Board approval as required to discontinue any service, 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,



Richard R. Wilson, Esq.  
Richard R. Wilson, P.C.  
518 N. Center Street, Ste. 1  
Ebensburg, PA 15931  
(814) 419-8152  
Attorney for Nittany and Bald Eagle  
Railroad Company

Dated: 2/22/11

# EXHIBIT A

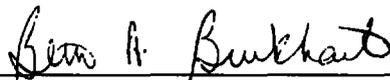
CERTIFICATION

State of Pennsylvania        )  
  ) ss:  
County of Cambria            )

I, Gary Shields, being duly sworn, deposes and says that he is President of the Nittany and Bald Eagle Railroad Company a Pennsylvania 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 C.F.R. Part 1201 (1-1) and would not exceed \$5 million.

  
\_\_\_\_\_  
Gary Shields

Subscribed and sworn to before me this 27<sup>th</sup> day of February, 2011.

  
\_\_\_\_\_  
Notary Public

(SEAL)

My Commission Expires: \_\_\_\_\_

**COMMONWEALTH OF PENNSYLVANIA**  
Notarial Seal  
Beth A. Burkhart, Notary Public  
Ebensburg Boro, Cambria County  
My Commission Expires Nov. 14, 2011  
Member, Pennsylvania Association of Notaries

**EXHIBIT B**  
**CAPTION SUMMARY**

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. 35971

NITTANY AND BALD EAGLE RAILROAD COMPANY  
- OPERATION EXEMPTION – SEDA-COG JOINT RAIL AUTHORITY

Nittany and Bald Eagle Railroad Company, (“N&BE”) has filed a Notice of Exemption to operate over about 1.8 miles of track in Castanea, PA, M.P. 0.0 to M.P. 1.8, owned or leased by SEDA-COG Joint Rail Authority.

The transaction is scheduled to take place upon or after the effective date of this Exemption Notice. N&BE 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. may be 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 September 4, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35471 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 Richard R. Wilson, Esq., 518 N. Center Street, Ste. 1, Ebensburg, PA 15931, (814) 419-8152, [rwilson@rrwilson.net](mailto:rwilson@rrwilson.net).

Board decisions and notices are available on our website at  
[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

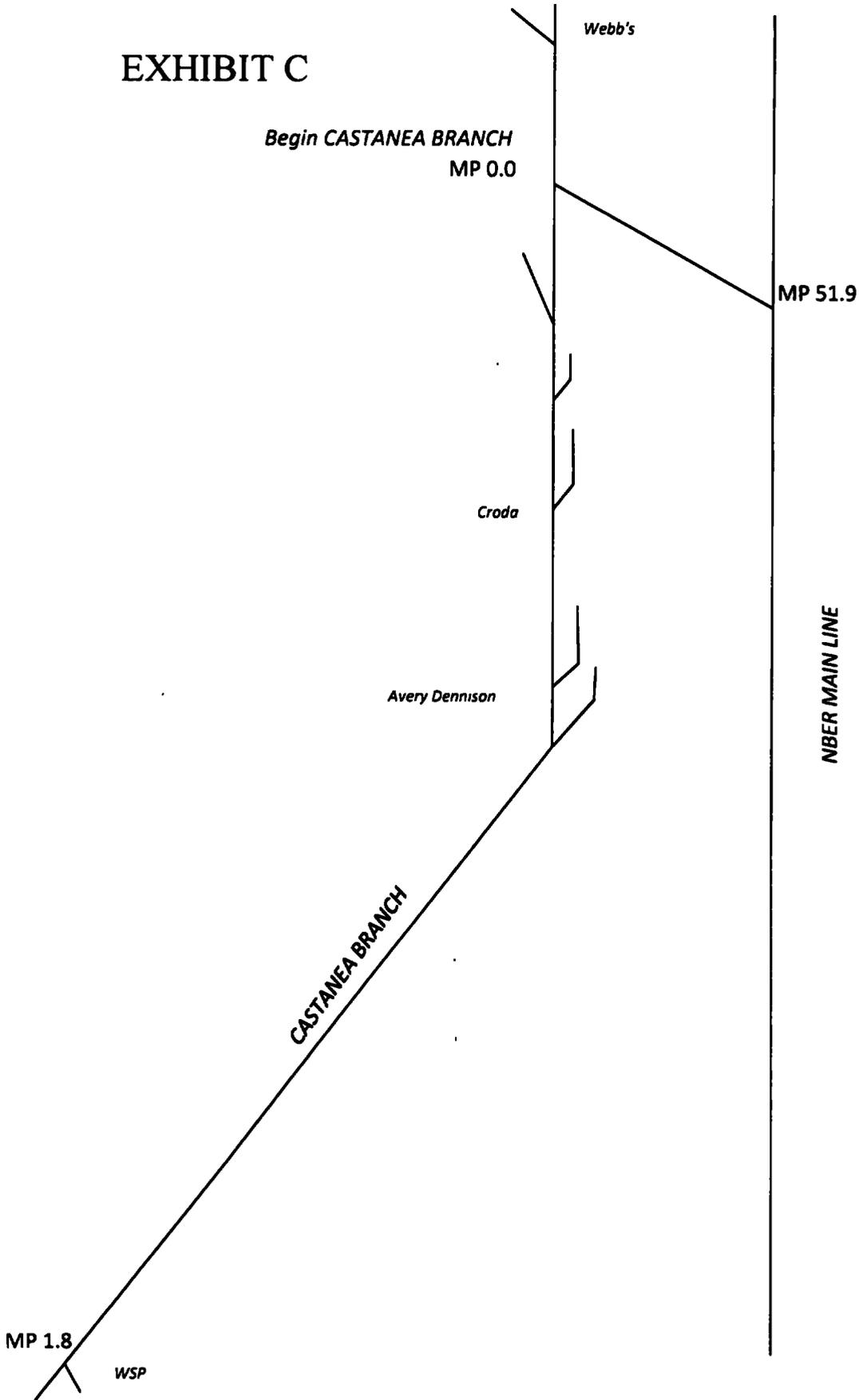
Decided \_\_\_\_\_, 2011.

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

# EXHIBIT C

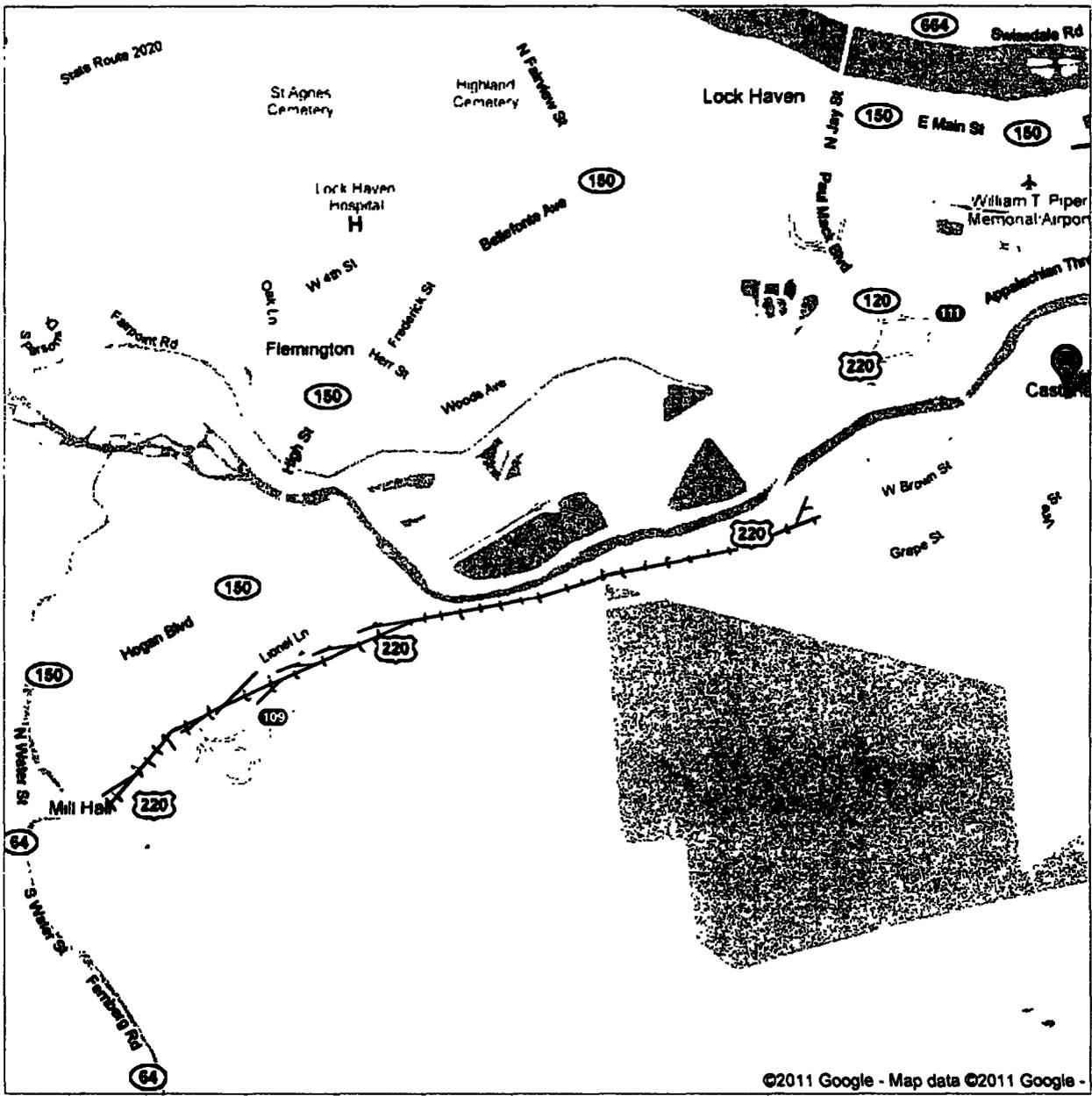
## MAP

# EXHIBIT C



# Google maps Address Castanea, PA

Get Google Maps on your phone  
Text the word "GMAPS" to 466453

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