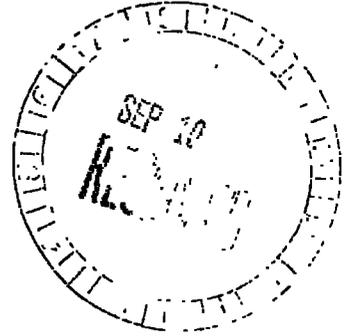


BEFORE THE
SURFACE TRANSPORTATION BOARD



FINANCE DOCKET NO. 35672

RSL Railroad LLC EXEMPTION

232944

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

Andy Ginella, Attorney At Law
4096 Holiday Street, NW
Canton, OH 44718
330-649-9600

Applicant's Representative
For RSL Railroad LLC

FEE RECEIVED

SEP 10 2012

SURFACE
TRANSPORTATION BOARD

Dated: September 1, 2012

FILED

SEP 10 2012

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

SEP 10 2012

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD
FINANCE DOCKET NO. 35672

RSL Railroad LLC –
Operation Exemption

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

RSL Railroad LLC (“RSL”), an Ohio domestic for profit LLC files this Notice of Exemption, pursuant to 49 C. F. R. §1150, Subpart # - Exempt Transactions, With the Surface Transportation Board (“the Board”) to permit RSL to become a Common carrier railroad and operate over its rail infrastructure in Stark County, OH (the “Line”) which is located at Massillon, OH.

RSL will operate the line under an agreement with the Massillon Energy & Technology Park.

In support of this Notice of Exemption, RSL submits the following information

As required by 49 C.F.R. §1150.33:

a. Full name and address of applicant:
RSL Railroad LLC
4096 Holiday Street, NW
Canton, OH 44718

b. Applicant’s Representative

Andy Ginella, Attorney At Law
4096 Holiday Street, NW
Canton, OH 44718
330-649-9600
andy@ginellalaw.com

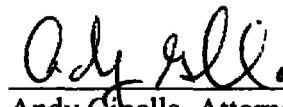
- c. RSL has entered into an agreement dated August 1, 2012, with Massillon Energy & Technology Park, owner of the line, to provide common carrier rail service upon Board authorization of this Notice of Exemption.
- d. The operator of the Line will be RSL Railroad LLC.
- e. Summary of proposed transaction:
 - 1. The name and address of the party owning the line of railroad is:
Massillon Energy & Technology Park (410 Oberlin Avenue SW, Massillon, OH 44647) is a nonoperating carrier which has contracted with RSL to provide 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 1.27±.
 - 4. RSL will operate over route miles currently in place and additional track to be constructed to handle anticipated new traffic. RSL intends to interchange traffic with the NS Industrial line which connects at the RSL line. RSL will also interchange with R.J. Corman after the construction of a switch to connect RSL's line with R.J. Corman Railroad.
- f. A map of the Line is attached as Exhibit C.
- g. A Certificate of Compliance with the provisions of 49 C.F. R. §1150.33 (g) is Attached as Exhibit A.
- h. There are no interchange commitments of paper barriers in the operating Agreement between RSL and Massillon Energy & Technology Park. Nor will there be any

Interchange Commitments or paper barriers in the Interchange Agreements between RSL and its connecting carriers.

- 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 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. §1150.6(b)(4) and (c)(2)(i).
- k. An historic report is not required because RSL 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,



Andy Ginella, Attorney At Law (#0064377)
4096 Holiday Street, NW
Canton, OH 44718
330-649-9600
andy@ginellalaw.com

Applicant's Representative for
RSL Railroad LLC
4096 Holiday Street, NW
Canton, OH 44718

Dated: September 1, 2012

EXHIBIT A

CERTIFICATION

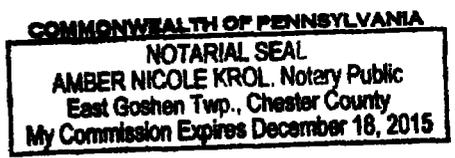
State of Pennsylvania)
)
County of Chester) ss:

I, Baxter Wellmon, being duly sworn, deposes and says that he is the Manager of the RSL Railroad LLC a Ohio domestic for profit LLC, and that the projected annual revenues from the rail operations would not exceed those that would make it a Class III carrier under C.F.R. Part 1201 (1-1) and would not exceed \$5 million.


Baxter Wellmon

Subscribed and sworn to before this 30 day of Aug, 2012.


Notary Public

(SEAL) 

My Commission Expires: December 18 2015

CERTIFICATION

State of Pennsylvania)
)
County of Chester) ss:

I, Baxter Wellmon. being duly sworn, deposes and says that he is the Manager of RSL Railroad LLC a Ohio domestic for profit LLC, 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.



Baxter Wellmon

Subscribed and sworn to before this 30 day of Aug, 2012.



Notary Public

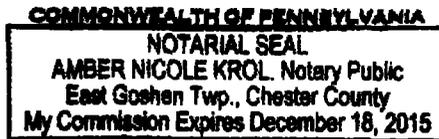


EXHIBIT B
CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. 35672

RSL Railroad LLC. – OPERATION EXEMPTION –

RSL Railroad LLC (“RSL”) has filed a Notice of Exemption to operate over about 1.27± miles of track (consisting of current track and track to be constructed) which is located at the end of the NS Industrial line located in Massillon, OH and next to the R.J. Corman Railroad’s main line in Massillon, OH

The transaction is scheduled to take place on or after the effective date of this exemption and RSL 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 unde automatically stay the transaction. Petitions to stay must be filed no later than

2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35672 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 Any Ginella, Applicant's Representative, 4096 Holiday Street, NW, Canton, OH 44718, (330) 649-9600, andy@ginellalaw.com.

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

Decided _____, 2012

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

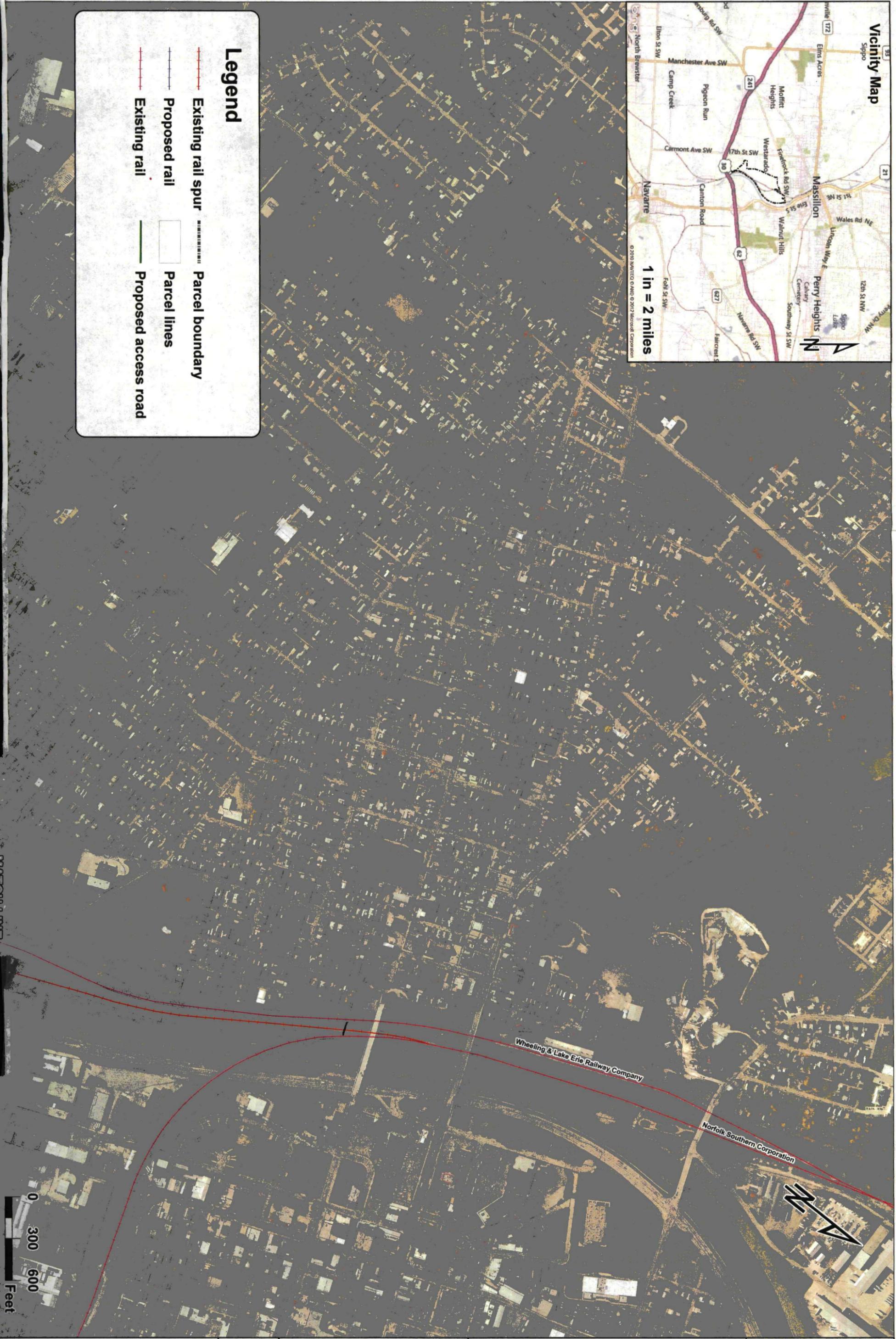
EXHIBIT C

MAP



Legend

Existing rail spur	Parcel boundary
Proposed rail	Parcel lines
Existing rail	Proposed access road



**PLANNING MAP
MASSILON LAND GROUP
LOCATED IN THE CITY OF MASSILON
STARK COUNTY, OH**

Scale:
1 inch = 300 feet
Map date: 9/4/12

Map Sources:
Aerial photograph (Stark County Engineer, 2009),
Parcel boundary, (Stark County Auditor, 2009)

Notes:

HAMMONTREE & ASSOCIATES, LTD.
ENGINEERS - PLANNERS - SURVEYORS

5233 Stoneham Rd.
North Canton, OH 44720
(330) 499-8817 Fax: (330) 499-7274
Toll Free: 1-800-394-8817
www.hammontree-engineers.com

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Notes:

Map Sources:
 Aerial photograph (Stark County Engineer, 2009)
 Parcel boundary, (Stark County Auditor, 2009)

Scale:
 1 inch = 300 feet
 Map date: 9/4/12

PLANNING MAP
MASSILLON LAND GROUP
 LOCATED IN THE CITY OF MASSILLON
 STARK COUNTY, OH



392 ac. Parcel



Legend

- Existing rail spur
- Proposed rail
- Existing rail
- Parcel boundary
- Parcel lines
- Proposed access road

