

**Before the
Surface Transportation Board**

FD 35903

**ERIC BICKLEMAN AND ROBERT LOWE
CONTINUANCE IN CONTROL EXEMPTION
ELIZABETHTOWN INDUSTRIAL RAILROAD LLC**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1180.2 (d) (2)**

**ERIC BICKLEMAN
ROBERT LOWE
113 Penny Lane
New Freedom, PA. 17349
Applicants**

Submitted By:

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

Dated: February 9, 2015

**FILED
February 18, 2015
SURFACE
TRANSPORTATION BOARD**

**FEE RECEIVED
February 18, 2015
SURFACE
TRANSPORTATION BOARD**

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ENTERED
Office of Proceedings
February 18, 2015
Part of
Public Record**

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**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1180.2 (d) (2)**

Pursuant to 49 C.F.R. § 1180.4(g) (1) ERIC BICKLEMAN and ROBERT LOWE, non-carriers, hereby file this notice of exemption under 49 C.F.R. § 1180.2(d) (2) for an exemption from the prior approval requirements of 49 U.S.C. § 11323 for their continuance in control of Elizabethtown Industrial Railroad LLC (EZR) upon EZR becoming a rail carrier as a result of a Notice of Exemption for its operation of a rail line in Finance Docket # 35902 *Elizabethtown Industrial Railroad LLC Operation Exemption*. Mr. Bickleman and Mr. Lowe submit the following information required by Board Regulations.

1. 49 C.F.R. §1180.6(a)(1)(i)

The person to whom correspondence with respect to the Notice of Exemption should be addressed is John K. Fiorilla, Capehart & Scatchard P.A...

8000 Midlantic Drive Suite 300S, Mt. Laurel, N.J. 08054, 856-914-2054, fax 856-235-2786, jfiorilla@capehart.com.

The transaction is a class exemption from 49 U.S.C. § 11323(a)(4) for Mr. Bickleman and Mr. Lowe to continue in control of EZR upon EZR becoming a carrier as a result of the operation exemption cited above. EZR will become a Class III rail carrier as a result of that exemption. Mr. Bickleman and Mr. Lowe currently control on other Class III rail carrier, i.e. Clinton Terminal Railroad Company (CTR). The applicant's full names are Eric Bickleman and Robert Lowe. Their address is 113 Penny Lane, New Freedom, PA 17349. Applicants' telephone number is 717-235-0795. Applicants' Counsel is John K. Fiorilla whose address and telephone number are 8000 Midlantic Drive Suite 300S Mt. Laurel, N.J. 08054, 856-914-2054.

Mr. Bickleman and Mr. Lowe certify that

- 1) The rail properties operated by CTR and those to be operated by EZR do not connect with each other or any railroads in their corporate family; and
- 2) The continuance in control is not part of a series of anticipated transactions that would connect the rail lines of CTR and EZR with each other or any railroads in the corporate family; and
- 3) The transaction does not involve a Class I or Class II rail carrier.

As such, the continuance in control qualifies for the class exemption under 49 C.F.R. § 1180.2(d) (2).

2. 49 C.F.R. 1180.6 (a)(1)(ii)

The acquisition of control will not be consummated earlier than thirty days after the filing of this notice of exemption.

3. 49 C.F.R. § 1180.6(a)(1)(iii)

The purposes sought to be accomplished by the proposed acquisition of control are to achieve operating economics, to improve rail service to the public and to improve the financial viability of the commonly controlled rail carriers.

4. 49 C.F.R. § 1180.6 (a)(5)

EZR will operate wholly within the Commonwealth of Pennsylvania. CTR operates wholly within the State of North Carolina.

5 49 C.F.R. § 1180.6 (a) (6)

Attached to this notice is an Appendix 1-a map showing the rail lines to be operated by EZR. Attached to this notice 1-B is a map showing rail lines operated by CTR. The rail lines are in different states, and will not operate in relation to each other.

6. 49 C.F.R. § 1180.7(ii)

The transaction is Mr. Bickleman's and Mr. Lowe's continuance in control of EZR upon EZR becoming a rail carrier. There is no formal agreement between Mr. Bickleman and Mr. Lowe relating to that control.

Labor Protective Conditions

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

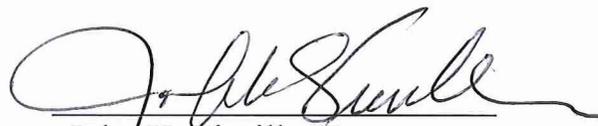
Environmental and Historic Preservation Matters

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).

Verification

A verification of the facts in this notice is attached as Appendix 2.

Respectfully Submitted,



John K. Fiorilla, Esq.
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8000 Midlantic Drive Suite 300S
Mount Laurel, N.J. 08054
(856) 914-2054
jfiorilla@capehart.com
Attorney for Applicants

Dated: February 9, 2015

VERIFICATION

We Petitioners, Eric Bickleman and Robert Lowe, hereby certify that we 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 our knowledge. We are aware that if any of the foregoing statements are willfully false, that we are subject to punishment.

Dated: February 9, 2015

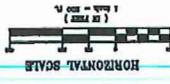
Robert Lowe Eric J. Bickleman



CONRAGO INDUSTRIAL TRACT	
ALLESTREEOWN, PENNSYLVANIA	
PROJECT #	CONRAGO
DATE	9/19/14
DESIGNER	S. MCCONKLE
TRACK ROW	TRACK ROW
PROJECT #	M. KENNEDY
DATE	9/19/14
DESIGNER	S. MCCONKLE
PROJECT #	CONRAGO
DATE	9/19/14
DESIGNER	S. MCCONKLE

TRAC
 TRAC ENGINEERING CORPORATION
 4510 BAMPSON PERRY ROAD
 MECHANICSBURG, PA 17050
 (717) 839-1272
 www.tracpa.com

#	DATE	REVISION DESCRIPTION	BY



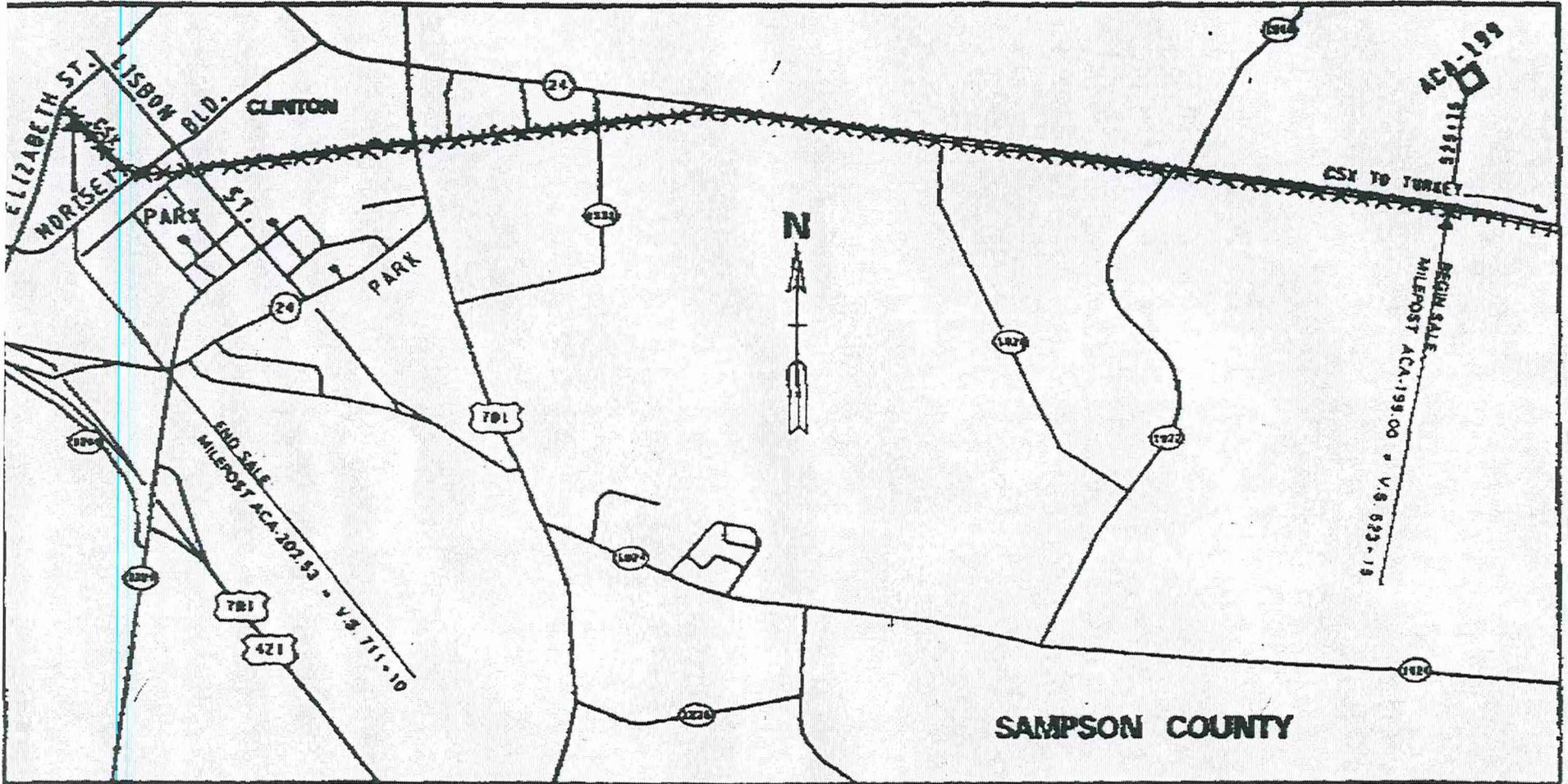
LEGEND

	EXISTING INDUSTRIAL TRACT
	TRACK ROW
	PROPERTY LINES

ALL-STATE LEGAL®

EXHIBIT

A



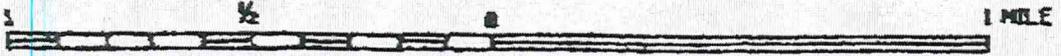
3.53 MILES OF TRACK TO BE SOLD

EXHIBIT A

CSX TRANSPORTATION, INC.
PORTION OF NORTH CAROLINA

REV. November 19, 1993

98-D-524



V.S. TO N.C.
NC-30
M.F.