

235237

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(412) 471-1800
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851 Twelfth Street
Oakmont, PA 15139

December 19, 2013

ENTERED
Office of Proceedings

DEC 20 2013

Part of
Public Record

Ms. Cynthia T. Brown, Chief
Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: Finance Docket No. 35797 – Union County Industrial Railroad Company –
Operation Exemption – SEDA-COG Joint Rail Authority

Dear Ms. Brown:

Attached for filing are the original and ten copies of the Verified Notice of Exemption under 49 C.F.R. §1150.41 and a check covering the \$1,900.00 filing fee. If you have any questions, please contact me.

Very truly yours,

FEE RECEIVED

RICHARD R. WILSON, P.C.

DEC 26 2013

**SURFACE
TRANSPORTATION BOARD**

Richard R. Wilson, Esq.

Attorney for Union County Industrial Railroad Co.

FILED

DEC 26 2013

**SURFACE
TRANSPORTATION BOARD**

RRW/bab

Enclosures

xc: Keith O'Brien, Esq.
SEDA-COG Joint Rail Authority
Union County Industrial Railroad Company



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BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings

DEC 26 2013

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Public Record

FINANCE DOCKET NO. 35797

UNION COUNTY INDUSTRIAL RAILROAD COMPANY –
OPERATION EXEMPTION – SEDA-COG JOINT RAIL AUTHORITY

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

Richard R. Wilson, Esq.
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Attorney for Union County
Industrial Railroad Company

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BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35797

UNION COUNTY INDUSTRIAL RAILROAD COMPANY –
OPERATION EXEMPTION – SEDA-COG JOINT RAIL AUTHORITY

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

Union County Industrial Railroad Company (“UCIR”), 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 4.07 miles of track known as the West Deer Extension Track from M.P. 173.605 to M.P. 177.67 in Union County, PA (the “Line”). The Line is an additional line of railroad to be operated by UCIR as an extension of its existing line of railroad.

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

- a. Full name and address of applicant:

Union County Industrial 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

c. UCIR will amend its agreement dated December 13, 2006 with SEDA-COG Joint Rail Authority to provide common carrier rail service to multiple shippers to be located on this extended line of railroad.

d. The operator of the Line will be UCIR.

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 projected increase in shippers on this Line, SEDA-COG Joint Rail Authority supports UCIR'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 173.605 to 177.67.

4. UCIR will operate over 4.07 route miles as a common carrier railroad. UCIR 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 UCIR and SEDA-COG Joint Rail Authority. Nor will there be any interchange commitments or paper barriers in the Interchange Agreements between UCIR 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 UCIR 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 Union County Industrial
Railroad Company

December 19, 2013

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 Union County Industrial 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 19th day of December, 2013.



Notary Public

(SEAL)

My Commission Expires: _____

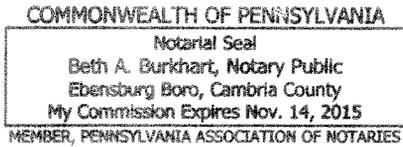


EXHIBIT B
CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. 35797

UNION COUNTY INDUSTRIAL RAILROAD COMPANY
- OPERATION EXEMPTION – SEDA-COG JOINT RAIL AUTHORITY

Union County Industrial Railroad Company, (“NSRR”) has filed a Notice of Exemption to operate over about 4.07 miles of track in Union County, PA, M.P. 173.605 to M.P. 177.67, leased or owned by SEDA-COG Joint Rail Authority.

The transaction is scheduled to take place upon or after the effective date of this Exemption Notice. UCIR 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 at least 7 days before the exemption becomes effective.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35797 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.

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

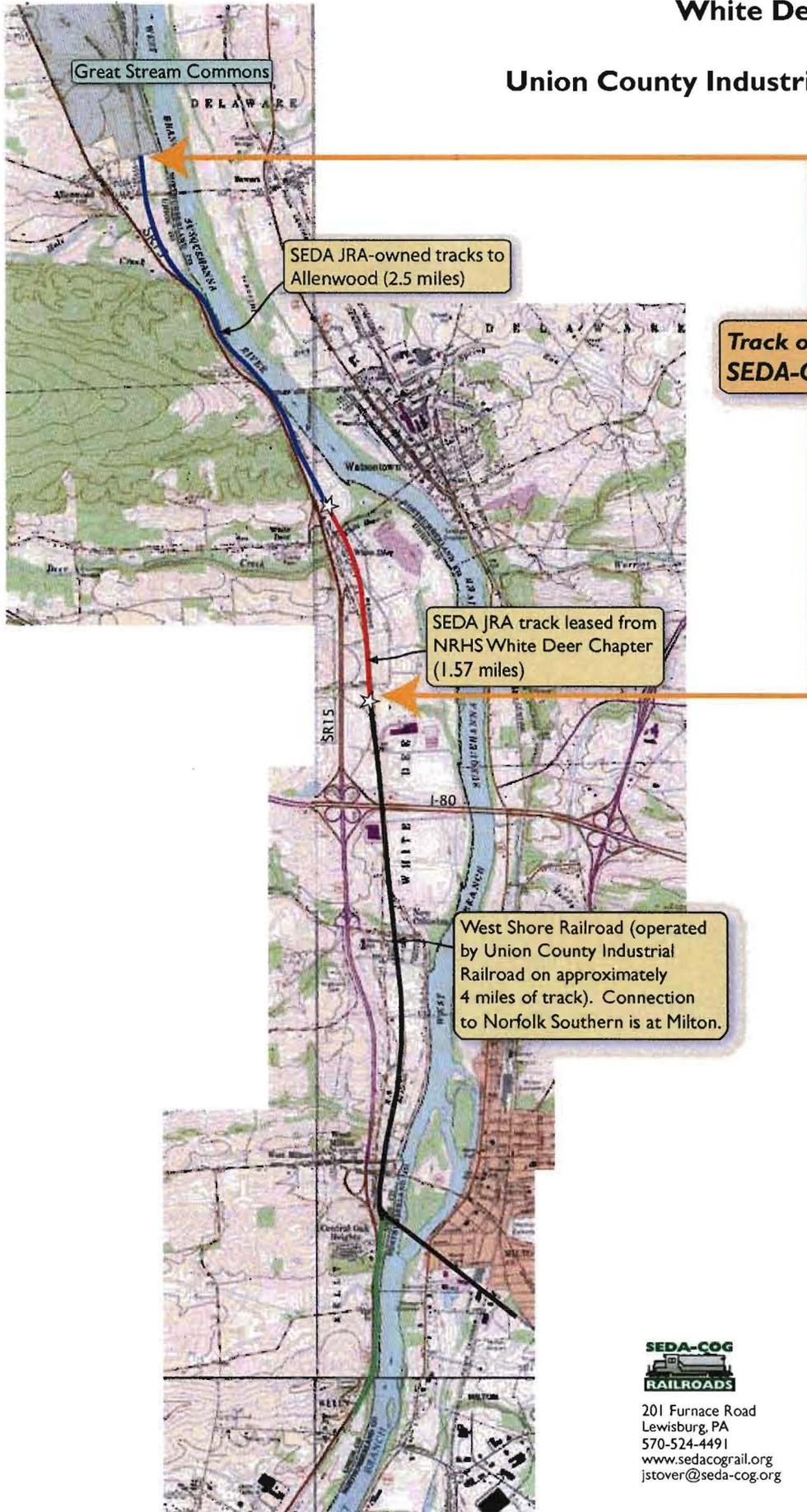
Decided _____, 2014.

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

EXHIBIT C

MAP

**White Deer & Reading Railroad
West Shore Railroad
Union County Industrial Railroad (operator)
December 2013**



**Track owned or leased by
SEDA-COG JRA**

SEDA JRA-owned tracks to
Allenwood (2.5 miles)

SEDA JRA track leased from
NRHS White Deer Chapter
(1.57 miles)

West Shore Railroad (operated
by Union County Industrial
Railroad on approximately
4 miles of track). Connection
to Norfolk Southern is at Milton.



201 Furnace Road
Lewisburg, PA
570-524-4491
www.sedacograil.org
jstover@seda-cog.org

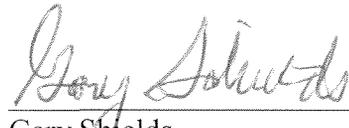


155 N. 15th Street
Lewisburg, PA 17837
570-524-3852
www.uncoedc.com
DAalexander@unionco.org

CERTIFICATION

State of Pennsylvania)
) ss:
County of Cambria)

I, Gary Shields, being duly sworn, deposes and says that he is President of the Union County Industrial Railroad Company a Pennsylvania corporation, 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.

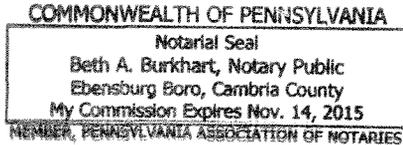


Gary Shields

Subscribed and sworn to before me this 19th day of December, 2013.



Notary Public

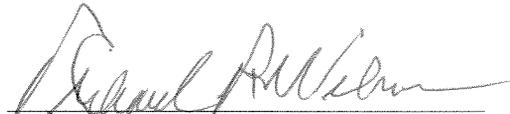


CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of December, 2014 served a copy of this Verified Notice of Exemption upon the following by first class United States Mail, postage prepaid:

Keith O'Brien, Esq.
Baker & Miller, PLLC
2401 Pennsylvania Avenue, N.W.
Ste. 300
Washington, DC 20037

Mr. Jeffrey Stover
SEDA-COG Joint Rail Authority
RR 1, Box 372
Lewisburg, PA 17837


Richard R. Wilson, Esq.