

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



FINANCE DOCKET NO. 35953

**OAKLAND GLOBAL RAIL ENTERPRISE, LLC – OPERATING EXEMPTION –
LINES OF RAILROAD OWNED BY THE PORT OF OAKLAND, CALIFORNIA
AND THE CITY OF OAKLAND, CALIFORNIA**

239021

**VERIFIED NOTICE OF EXEMPTION OF OAKLAND GLOBAL RAIL
ENTERPRISE, LLC PURSUANT TO 49 C.F.R. §1150.31**

ENTERED
Office of Proceedings
August 12, 2015
Part of
Public Record

Edward D. Greenberg, Esq.
GKG Law, P.C.
1055 Thomas Jefferson Street, NW
Suite 500
Washington, DC 20007-4492
Phone: (202) 342-5277

Attorney for
Oakland Global Rail Enterprise, LLC

Date: August 12, 2015

FEE RECEIVED
August 12, 2015
SURFACE
TRANSPORTATION BOARD

FILED
August 12, 2015
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THE CITY OF OAKLAND, CALIFORNIA**

VERIFIED NOTICE OF EXEMPTION

Oakland Global Rail Enterprise, LLC (“OGRE”), a non-railroad, hereby files this Verified Notice of Exemption, pursuant to 49 U.S.C. §10502 and 49 C.F.R. §1150.31, in order that OGRE may operate over a line of railroad owned by the Port of Oakland, California (“Port”) and the City of Oakland, California (“City”) within the port industrial facility, as more fully described below.

a. Applicant’s Full Name and Address:

The full name and address of the applicant, a non-carrier is as follows:

Oakland Global Rail Enterprise, LLC
The Rotunda Building
300 Frank Ogawa Plaza, Suite 340
Oakland, CA 94612

b. Name, Address, and Telephone Number of Applicant’s Representative:

Applicant’s representative, to whom all communications regarding the transaction may directed, is:

Edward D. Greenberg
GKG Law, P.C.
Canal Square
1054 Thirty-First Street, N.W.
Washington, D.C. 20007
Phone: 202-342-5277

c. Agreement:

Applicant has entered into lease and other agreements with the Port and the City by which it will operate as a common carrier by rail over the track described herein that the Port and City either currently own or will construct within the port of Oakland, California. All shippers are being notified of this transaction and OGRE's intention to provide the described service.¹

d. Operator of the Property:

The OGRE will provide common carrier rail service over the lines of the Port and City.

e. Brief Summary of the Proposed Transaction:

1. The Name and Address of the Entities that Own the Property:

City of Oakland
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612

Port of Oakland
530 Water Street
Oakland, CA 94607

2. Proposed Time Schedule for Consummation of the Transaction:

OGRE intends to consummate the transaction on or before October 1, 2015.

3. Milepost Designations of the Subject Property:

There are no milepost designations for this track, all of which is or will be located within the Port of Oakland. The tracks owned by the Port are shown in blue on the map in Exhibit A and are approximately 60,670 feet in length and are adjacent to tracks that are owned and operated by the Union Pacific Railroad (which is shown in red on the exhibit). The tracks owned and/or being constructed by the City are or will be approximately 32,690 feet in length, are

¹ OGRE filed previous Notices of Exemption under Section 1150.31 in F.D. Nos. 35807 and 35639 relating to operations it contemplated conducting in the Port of Oakland, but in each instance withdrew those Notices prior to their becoming effective. OGRE's intended activities as a rail carrier as defined in 49 U.S.C. § 10102(5) relate solely to the operations described in the instant Notice of Exemption.

shown in green on Exhibit A and are adjacent to tracks owned by the BNSF Railway (which is shown on yellow on the exhibit). The Total Route Miles Being Operated:

OGRE will operate over a total of approximately 17.7 miles of track.

f. Map:

A map of the tracks is attached as Exhibit A to this Notice.

g. Projected Revenue Certification:

OGRE hereby certifies that its projected revenues as a result of this transaction will not exceed the amount that would qualify it as a Class III railroad.

h. Certification of No Interchange Commitments:

Pursuant to 49 C.F.R. §1150.33(g), this transaction does not involve a provision or agreement that may limit future interchange by OGRE with any third party connecting carrier. A certificate complying with the provisions of 49 C.F.R. §1150.33(g) is attached as Exhibit B to this Notice.

i. Environmental and Historical Certification:

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

Furthermore, this transaction is exempt from historic review under 49 C.F.R. §1105.8(b)(1). Under this section, a lease of a rail line is exempt if rail operations will continue over the line. Further, Board approval is required for OGRE to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction that are 50 years old or older.

j. **Caption Summary:**

A caption summary in the prescribed form is attached as Exhibit C to this Notice.

Respectfully submitted,



By

Edward D. Greenberg
GKG Law, P.C.
The Foundry Building
1055 Thomas Jefferson Street, NW
Suite 500
Washington, D.C. 20007
Telephone: 202-342-5277
Facsimile: 202-342-2311

Attorney for
Oakland Global Rail Enterprise, LLC

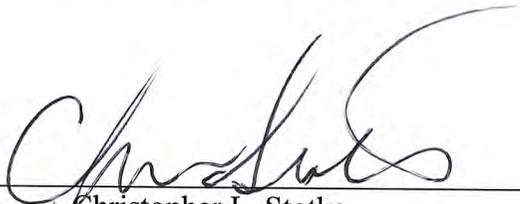
Dated: August 12, 2015

VERIFICATION

STATE OF CALIFORNIA)
) ss:
COUNTY OF ALAMEDA)

I, Christopher L. Stotka, President of a Managing Member of the Oakland Global Rail Enterprise, LLC declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Notice of Exemption and that its statements are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Oakland Global Rail Enterprise, LLC. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. §1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, any such misstatements are punishable as perjury under 18 U.S.C. §1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Alameda County, California, this 29 day of JULY, 2015.



Christopher L. Stotka

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2015.

Witness my hand and official seal.

Notary Public

My commission expires: _____

California Jurat

State of California

County of Contra Costa

} s.s.

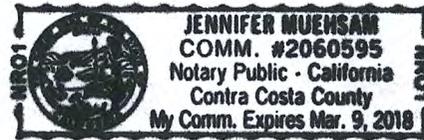
Subscribed and sworn to (or affirmed) before me on this 29th day of July,
Month

20 15, by Christopher L. Stotka and
Name of Signer (1)

_____, proved to me on the basis of
Name of Signer (2)

satisfactory evidence to be the person(s) who appeared before me.

Jennifer Muensam
Signature of Notary Public



Jennifer Muensam #2060595

For other required information (Notary Name, Commission No. etc.)

Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The certificate is attached to a document titled/for the purpose of

Before the Surface
Transportation Board
"Verification"

containing 10 pages, and dated July 27th 2015

Additional Information

Method of Affiant Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

Affiant(s) Thumbprint(s) Describe: _____

EXHIBIT A



DETAIL 1



LEGEND

- UPRR TRACKS
- PORT TRACKS
- CITY OF OAKLAND TRACKS
- BNSF TRACK ON BNSF EASEMENT

OGRE OPERATED TRACK FOOTAGE	
TRACK OWNER	TRACK FOOTAGE
UPRR TRACK	0
PORT TRACK	60,670
CITY OF OAKLAND TRACK	32,890
BNSF TRACK	0

JOB NO.	04802	DRAWING NO.	X-1729
SCALE	1" = 400'	DATE	7/10/2015
DRAWN BY	J. RAMONA	CHECKED BY	J. RAMONA

REV	DATE	COMMENT

CAT. NO.	A-D-055.03
INV. NO.	32413

PROJECT INFO

OGRE RAIL OPERATIONS AND OWNERSHIP
 CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

ARCHITECTURAL DIMENSIONS

JAMES HEILBRONER
 514-465-5900
 1000 MARIN BLVD, SUITE 215
 OAKLAND, CA 94612

OAKLAND GLOBAL ARCHITECTURAL DIMENSIONS

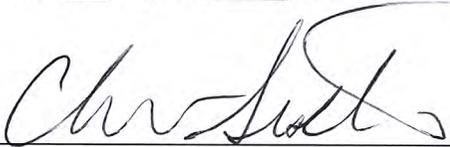
THE WORLD'S BEST VALUE AND SERVICE

EXHIBIT B

CERTIFICATION

I hereby certify that the projected revenues as a result of this transaction will not exceed the amount that will qualify it as a Class III railroad. I also certify that the projected revenues will not exceed \$5 million.

Dated at Alameda County, California, this 29 day of July, 2015.



Christopher L. Stotka

EXHIBIT C

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THE CITY OF OAKLAND, CALIFORNIA**

**VERIFIED NOTICE OF EXEMPTION OF OAKLAND GLOBAL RAIL ENTERPRISE,
LLC PURSUANT TO 49 C.F.R. §1150.31**

Oakland Global Rail Enterprise, LLC (“OGRE”), a non-carrier, has filed a verified Notice of Exemption to operate over railroad tracks that are owned or being constructed by the Port of Oakland, California and the City of Oakland, California within the Port of Oakland. Comments must be filed with the Board and served on Edward D. Greenberg, GKG Law, P.C., 1055 Thomas Jefferson Street, NW; Suite 500; Washington, D.C. 20007 (tel. 202-342-5277). The Verified Notice of Exemption is filed pursuant to 49 U.S.C. §10502 and 49 C.F.R. §1150.31

This notice is filed under §1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.