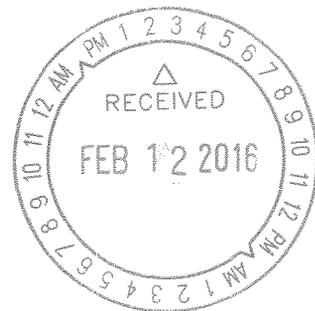


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William A. Mullins
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240109

February 12, 2016

ENTERED
Office of Proceedings
February 12, 2016
Part of
Public Record

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: County of Greenville, South Carolina – Acquisition Exemption – Rail Line Of Greenville Economic Development Corporation, FD 35997

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding is an original plus eleven copies of a Verified Notice of Exemption (the “Notice”) filed on behalf of the County of Greenville, South Carolina, pursuant to 49 CFR §1150.41, et seq. Also, included with this filing is the requisite filing fee of \$1,900.00. Please acknowledge receipt and filing of the enclosed materials by date stamping the extra copy provided, and returning it to my courier.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance with this matter.

Respectfully submitted,

William A. Mullins
Attorney for the County of Greenville, South Carolina

Enclosures

FEE RECEIVED
February 12, 2016
SURFACE
TRANSPORTATION BOARD

FILED
FEBRUARY 12, 2016
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 35997

**COUNTY OF GREENVILLE, SOUTH CAROLINA
– ACQUISITION EXEMPTION –
RAIL LINE OF GREENVILLE COUNTY ECONOMIC DEVELOPMENT
CORPORATION**

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 CFR §1150.41, ET SEQ.

**William A. Mullins
Crystal M. Zorbaugh
Baker & Miller PLLC
2401 Pennsylvania Ave., N.W.
Suite 300
Washington, DC 20037
Phone: (202) 663-7820
Facsimile: (202) 663-7849**

Dated: February 12, 2016

**Attorneys for the County of Greenville,
South Carolina**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 35997

**COUNTY OF GREENVILLE, SOUTH CAROLINA
– ACQUISITION EXEMPTION –
RAIL LINE OF GREENVILLE COUNTY ECONOMIC DEVELOPMENT
CORPORATION**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 CFR §1150.41, ET SEQ.**

Pursuant to 49 CFR §1150.41, et seq., the County of Greenville, South Carolina (“Greenville County”), a non-operating Class III common carrier and political subdivision of the State of South Carolina, hereby files this Verified Notice of Exemption to acquire from Greenville County Economic Development Corporation (“GCEDC”) approximately 3.29 miles of railbanked right-of-way extending between milepost AJK 585.34 in East Greenville, S.C., and milepost AJK 588.63 in Greenville, S.C. (the “Line”) and acquire GCEDC’s residual common carrier obligation (i.e. the right to reactivate rail service) over the Line.¹ In accordance with the requirements of 49 CFR §1150.43, Greenville County submits the following information:

¹ In 2010, Greenville County acquired an 11.8 mile segment of a railbanked line from GCEDC (the “Northern Segment”), including GCEDC’s residual common carrier authority in the Northern Segment. See County of Greenville, South Carolina – Acquisition Exemption – Greenville County Economic Development Corporation, FD 35396 (STB served August 11, 2010). Through this proceeding, Greenville County seeks to acquire the remainder of the line, i.e., the “Southern Segment.” The Southern Segment is also currently railbanked. See Greenville County Economic Development Corporation – Abandonment Exemption – In Greenville County, SC, AB-490 (Sub-No. 2X)(STB served May 18, 2015). Because Greenville County acquired the Northern Segment, including the residual common carrier right to reactivate service, Greenville County is a licensed STB carrier, albeit a non-operating carrier holding only a residual common carrier obligation. As such, Greenville County is filing for authority to acquire the Southern Segment under 49 CFR §1150.41, et seq. Greenville County is the trail sponsor for both the Northern and Southern Segments.

Full name and address of Class III rail carrier applicant: 49 CFR §1150.43(a)

County of Greenville, South Carolina
Greenville County Square
301 University Ridge
Suite 2400
Greenville, SC 29601

Applicant's Representatives: 49 CFR §1150.43(b)

William A. Mullins
Crystal M. Zorbaugh
Baker & Miller PLLC
2401 Pennsylvania Ave., NW, Ste. 300
Washington, DC 20037
Telephone: (202) 663-7820
E-mail: wmullins@bakerandmiller.com

Statement that an agreement has been reached or details about when an agreement will be reached: 49 CFR §1150.43(c)

Greenville County and GCEDC have reached an agreement pursuant to which GCEDC will transfer the entirety of its interest in the Line, including GCEDC's residual common carrier obligation to Greenville County.

Operator of the property: 49 C.F.R. §1150.43(d)

On January 9, 2015, in Greenville County Economic Development Corporation – Abandonment Exemption – In Greenville County, SC, AB-490 (Sub-No. 2X)(as modified by decision served February 6, 2015) the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, GCEDC's abandonment of the Line subject to this transaction. On May 18, 2015, the Board authorized a 180-day period for Greenville County to negotiate an agreement with GCEDC for interim trail use/rail banking of the Line. On September 1, 2015, GCEDC and Greenville County reached a trails agreement whereby Greenville County acquired the right-of-way for trails purposes and agreed to operate, maintain, and otherwise comply with the applicable statutory and regulatory requirements for use of the Line as a trail.

Upon reaching an agreement, the parties jointly notified the Board that a trails use agreement had been reached consistent with 49 C.F.R. §1152.29(h). In accordance with the Board's May 18, 2015 decision, the Line is currently railbanked with Greenville County as the trail sponsor. GCEDC remains the owner of the right-of-way and holder of the residual common carrier right to reactivate rail service. Given the Line's status as a trail, there is no active operator of the Line.

Brief summary of the proposed transaction: 49 C.F.R. §1150.43(e)

For various reasons, including liability and insurance purposes, GCEDC and Greenville County have determined that GCEDC should no longer own the underlying Line or retain the residual common carrier obligation over the Line. The parties have determined that Greenville County should be the owner of the Line, the trail sponsor and operator, and holder of the residual common carrier right to reactive rail service.

Upon effectiveness of this transaction, GCEDC will transfer to Greenville County the entirety of its interests in the approximately 3.29 miles of railroad right-of-way extending between milepost AJK 585.34 in East Greenville, S.C., and milepost AJK 588.63 in Greenville, S.C., including its residual common carrier obligation. The end result will be that all of GCEDC's ownership rights and responsibilities in the Line will be transferred to Greenville County.² Both the Northern and Southern Segments will remain railbanked with Greenville County as the trail sponsor and operator over both segments.

49 C.F.R. §1150.43(e)(1)

Greenville County Economic Development Corporation
301 University Ridge, Suite 2400
Greenville, SC 29601

² This transaction is analogous to King County, WA – Acquisition Exemption – BNSF Railway Company, FD 35148 (STB served Sept. 17, 2009).

49 C.F.R. §1150.43(e)(2)

Greenville County anticipates that the subject rail line acquisition transaction will be consummated on or after March 13, 2016 (30 days after Greenville County filed its notice of exemption).

49 C.F.R. §1150.43(e)(3) & (4)

The line consists of approximately 3.29 miles of railroad right-of-way extending between milepost AJK 585.34 in East Greenville, S.C., and milepost AJK 588.63 in Greenville, S.C. There are no branch lines included in the transaction.

Map: 49 CFR §1150.43(f)

A Map showing the Line and surrounding area is attached as Exhibit A to this Notice.

Certificate of compliance: 49 CFR §1150.43(g)

Certification of compliance with the provisions of 49 CFR 1150.43(g) is attached as Exhibit B to this Notice.

Interchange commitments: 49 CFR §1150.43(h)

Greenville County's proposed acquisition of the Line will not involve any provision or agreement between GCEDC and Greenville County that would limit future interchange with a third-party connecting carrier.

Advance Notice (Posting): 49 CFR §1150.42(e)

The proposed transaction will not result in the creation of a carrier with projected annual operating revenues exceeding \$5 million, and, accordingly, the advance notice requirements of 49 CFR §1150.42(e) is not applicable to this transaction. See Exhibit B.

Environmental and Historic Prescription Data: 49 CFR §1105

Under 49 CFR §1105.6(c)(2), Greenville County's proposed acquisition of the Line is exempt from environmental reporting requirements because the proposed acquisition will not

result in significant changes in carrier operations (i.e., changes that exceed the thresholds established in 49 CFR §1105.7(e)(4) or (5)). Accordingly, this action will not significantly affect either the quality of the human environment or energy conservation.

Under 49 CFR §1105.8(b)(1), Greenville County's proposed acquisition of the Line also is exempt from historic preservation reporting requirements. The Line was already authorized for abandonment and has undergone a full environmental and historic review. Any salvage of applicable rail assets has been performed in accordance with the salvage conditions set by the Board in its February 6, 2015 decision.

Caption Summary: 49 CFR §1150.44

A caption summary in appropriate form is attached as Exhibit C to this notice.

Respectfully submitted,



William A. Mullins
Crystal M. Zorbaugh
Baker & Miller PLLC
2401 Pennsylvania Ave., N.W.
Suite 300
Washington, DC 20037
(202) 663-7820
Attorneys for County of Greenville, South Carolina

February 12, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

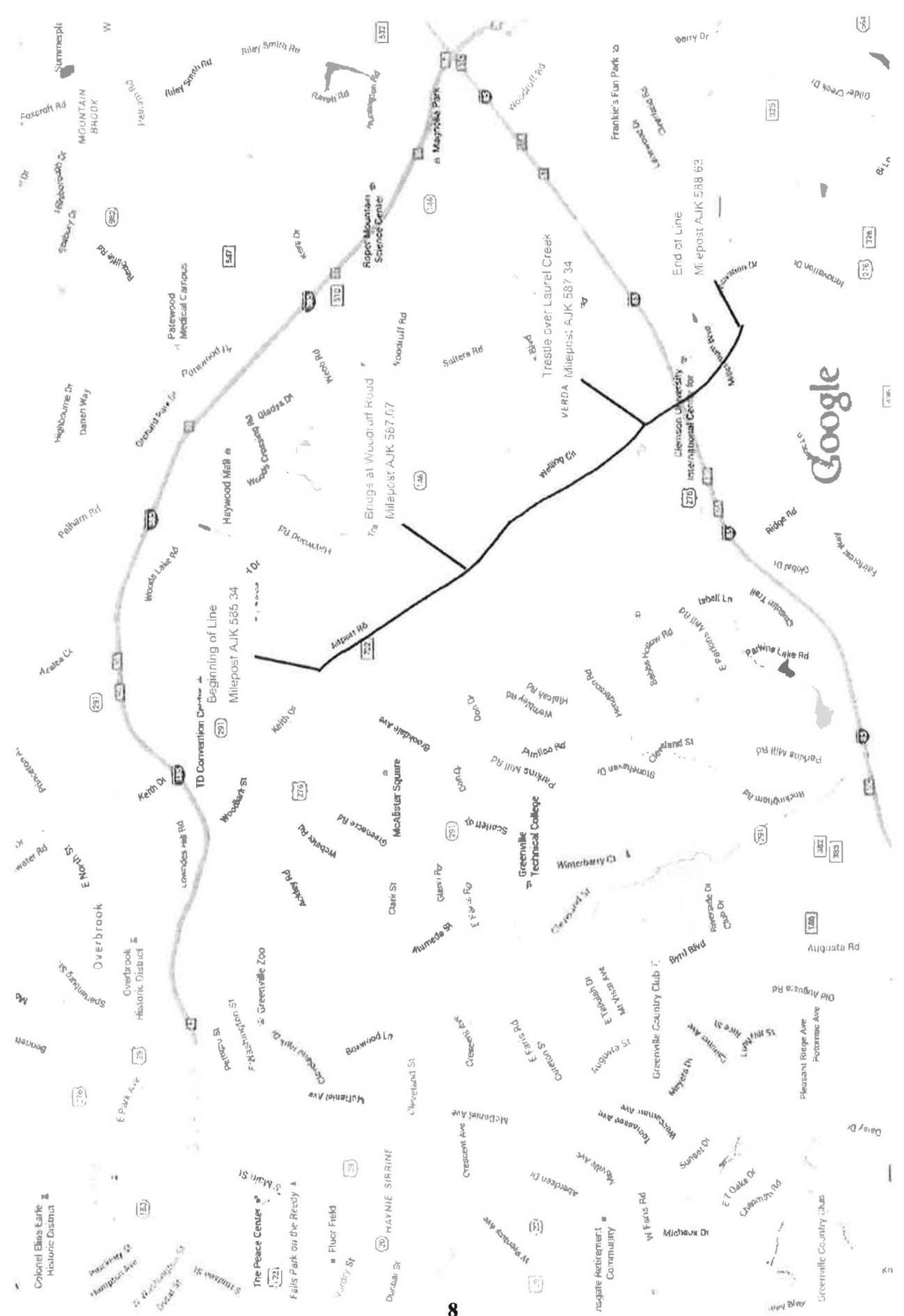
FD 35997

**COUNTY OF GREENVILLE, SOUTH CAROLINA
– ACQUISITION EXEMPTION –
RAIL LINE OF GREENVILLE COUNTY ECONOMIC DEVELOPMENT
CORPORATION**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 CFR §1150.41, ET SEQ.**

EXHIBIT A

MAP



Google

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 35997

**COUNTY OF GREENVILLE, SOUTH CAROLINA
– ACQUISITION EXEMPTION –
RAIL LINE OF GREENVILLE COUNTY ECONOMIC DEVELOPMENT
CORPORATION**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 CFR §1150.41, ET SEQ.**

EXHIBIT B

49 CFR §1150.33(g) – CERTIFICATION

CERTIFICATION

I, Mark Tollison, Greenville County Attorney, hereby certify that Greenville County's projected annual rail revenues resulting from the consummation of the proposed transaction will not exceed \$5 million annually, and will not result in Greenville County becoming a Class I or Class II carrier.



Mark Tollison
Greenville County Attorney
County of Greenville, South Carolina

February 11, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 35997

**COUNTY OF GREENVILLE, SOUTH CAROLINA
– ACQUISITION EXEMPTION –
RAIL LINE OF GREENVILLE COUNTY ECONOMIC DEVELOPMENT
CORPORATION**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 CFR §1150.41, ET SEQ.**

EXHIBIT C

49 CFR §1150.44 – CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FD 35997

COUNTY OF GREENVILLE, SOUTH CAROLINA
– ACQUISITION EXEMPTION –
RAIL LINE OF GREENVILLE COUNTY ECONOMIC DEVELOPMENT CORPORATION

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All pleadings or comments relating to this transaction must be filed with the Surface Transportation Board, 395 E Street, SW, Washington, DC 20523-0001. In addition, a copy of

¹ Greenville County became a non-operating carrier when it acquired an 11.8 mile segment of a railbanked line from GCEDC (the “Northern Segment”), including GCEDC’s residual common carrier authority in the Northern Segment. See County of Greenville, South Carolina – Acquisition Exemption – Greenville County Economic Development Corporation, FD 35396 (STB served August 11, 2010). The Northern Segment connects with the Line being acquired in this transaction.

each pleading must be served on Greenville County's representative, William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue, N.W., Suite 300, Washington, DC 20037.

The notice is filed under 49 CR §1150.41, et seq. 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. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Stay petitions must be filed by _____.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 35997

**COUNTY OF GREENVILLE, SOUTH CAROLINA
– ACQUISITION EXEMPTION –
RAIL LINE OF GREENVILLE COUNTY ECONOMIC DEVELOPMENT
CORPORATION**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 CFR §1150.41, ET SEQ.**

EXHIBIT D

VERIFICATION

VERIFICATION

Pursuant to 28 U.S.C. 1746, I declare under the penalty of perjury under the laws of the United States that I am authorized to make this verification on behalf of the County of Greenville, South Carolina, and that the foregoing notice of exemption is true and correct to the best of my knowledge and belief.



Mark Tollison
Greenville County Attorney
County of Greenville, South Carolina

February 11, 2016