

# GKG Law

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June 19, 2012

Cynthia Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings

JUN 19 2012

Part of  
Public Record

**Re: *West Oakland Pacific Railroad, LLC – Operating Exemption – A Line of Railroad Owned by Union Pacific Railroad Company and the Burlington Northern Santa Fe Railway Company, Finance Docket No. 35639***

Dear Ms. Brown:

We have attached an original and ten copies of the revised pages of the Verified Notice of Exemption and the Caption Summary reflecting the change in the title from Acquisition Exemption to Operating Exemption. I would appreciate it if you would replace the pages in the original filing with these.

I have also attached an original and ten copies of an additional Certification signed by Mr. Christopher L. Stotka, Vice President of the West Oakland Pacific Railroad, LLC, attesting to the fact that its projected revenues will not exceed those of a Class III railroad and that they will not exceed \$5 million.



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**GKG LAW, P.C.**

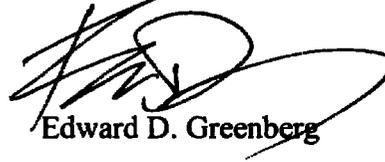
Cynthia Brown

June 19, 2012

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I apologize for the confusion caused by the original filing and appreciate your assistance. Please let me know if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to be 'E. Greenberg', written over the typed name below it.

Edward D. Greenberg

cc: Christopher L. Stotka

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FINANCE DOCKET NO. 35639**

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**WEST OAKLAND PACIFIC RAILROAD, LLC – OPERATING EXEMPTION –  
A LINE OF RAILROAD OWNED BY UNION PACIFIC RAILROAD COMPANY  
AND THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY**

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**VERIFIED NOTICE OF EXEMPTION OF WEST OAKLAND PACIFIC  
RAILROAD, LLC PURSUANT TO 49 C.F.R. §1150.31**

Edward D. Greenberg, Esq.  
GKG Law, P.C.  
1054 Thirty-First Street, NW  
Suite 200  
Washington, DC 20007-4492  
Phone: (202) 342-5277

Attorney for  
West Oakland Pacific Railroad,  
LLC

Date: June 14, 2012

ENTERED  
Office of Proceedings

JUN 16 2012

Part of  
Public Record

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FINANCE DOCKET NO. 35369**

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**WEST OAKLAND PACIFIC RAILROAD, LLC – OPERATING EXEMPTION – A LINE  
OF RAILROAD OWNED BY UNION PACIFIC RAILROAD COMPANY AND THE  
BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY**

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**VERIFIED NOTICE OF EXEMPTION**

West Oakland Pacific Railroad, LLC (“WOPR”), 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 WOPR may operate over a line of railroad owned by the Union Pacific Railroad Company (“UP”); and BNSF Railway Company (“BNSF”), 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:

West Oakland Pacific Railroad, LLC  
Port of Oakland  
Warehouse 806, Bay 5  
2498 West 19<sup>th</sup> Street  
Oakland, CA 94607

**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

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FINANCE DOCKET NO. 35369**

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**WEST OAKLAND PACIFIC RAILROAD, LLC – OPERATING EXEMPTION – A LINE  
OF RAILROAD OWNED BY UNION PACIFIC RAILROAD COMPANY THE  
BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY**

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**VERIFIED NOTICE OF EXEMPTION OF WEST OAKLAND PACIFIC RAILROAD,  
LLC PURSUANT TO 49 C.F.R. §1150.31**

West Oakland Pacific Railroad, LLC (“WOPR”), a non-carrier, has filed a verified Notice of Exemption to operate a 1.8-mile railroad line consisting of approximately 3,800 feet of track from 2001 Engineers Road to the trestle located on the east side of Wood Street, and approximately 5,622 feet of track from a point at or near the Bay Bridge Freeway and the Gary Steel facilities on 20<sup>th</sup> Street in Oakland, Alameda County, California. These tracks are owned and operated by Union Pacific Railroad Company and Burlington Northern Santa Fe Railway Company, respectively. Comments must be filed with the Board and served on Edward D. Greenberg, GKG Law, P.C., 1054 31<sup>st</sup> Street, NW, 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.

**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 19 day of June, 2012.



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Christopher L. Stotka