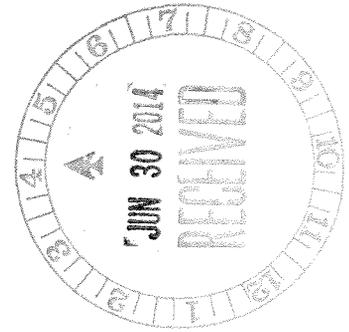


BEFORE THE  
SURFACE TRANSPORTATION BOARD

\_\_\_\_\_  
FINANCE DOCKET NO. 35844  
\_\_\_\_\_



STILLWATER CENTRAL RAILROAD, LLC  
--ACQUISITION EXEMPTION CONTAINING INTERCHANGE COMMITMENT--  
OKLAHOMA DEPARTMENT OF TRANSPORTATION

236262

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PETITION FOR WAIVER OF THE NOTICE  
REQUIREMENTS OF 49 C.F.R. § 1150.42(e)  
\_\_\_\_\_

ENTERED  
Office of Proceedings  
June 30, 2014  
Part of  
Public Record

EXPEDITED HANDLING REQUESTED  
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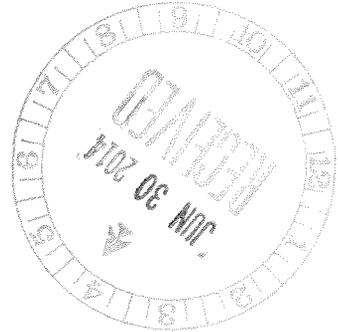
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STILLWATER CENTRAL RAILROAD,  
LLC

Dated: June 30, 2014

BEFORE THE  
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35844



STILLWATER CENTRAL RAILROAD, LLC  
--ACQUISITION EXEMPTION CONTAINING INTERCHANGE COMMITMENT--  
OKLAHOMA DEPARTMENT OF TRANSPORTATION

PETITION FOR WAIVER OF THE NOTICE  
REQUIREMENTS OF 49 C.F.R. § 1150.42(e)

EXPEDITED HANDLING REQUESTED

Stillwater Central Railroad, LLC (“SLWC”), a Class III rail carrier, hereby petitions the Surface Transportation Board (“Board”) to waive the employee notice requirements of 49 C.F.R. § 1150.42(e).

SLWC respectfully urges the Board to process this waiver request expeditiously so that the parties can close the involved transaction on July 31, 2014.

SLWC is concurrently filing with the Board a notice of exemption under 49 C.F.R. § 1150.41 to permit SLWC to acquire and operate approximately 97.5 miles of rail lines in Oklahoma from the State of Oklahoma acting through its administrative agency the Oklahoma Department of Transportation (“ODOT”). The rail lines that will be owned by SLWC are located between Milepost 438.9, in Sapulpa, OK and Milepost 536.4, in eastern Oklahoma City, OK (the “Line”). SLWC leased the Lines from ODOT in 1998 and since that time SLWC has

been the operator over the Line. *See* STB Finance Docket No. 33621, Stillwater Central Railroad, Inc. -- *Lease Exemption – the State of Oklahoma by and through the Oklahoma Department of Transportation* (not printed), served July 10, 1998.

SLWC's current revenues exceed \$5 million thus invoking the employee notice requirements of Section 1150.42(e). The purpose underlying the notice requirement, however, would not be thwarted by waiver in this proceeding. The purpose of the notice requirement is to ensure that rail labor unions and employees working on a line being transferred are given adequate notice of the transaction. *See Acq. Of R. Lines Under 49 U.S.C. 10901 & 10902 – Advance Notice*, 2 S.T.B. 592 (1997). In adopting the notice requirement, the Board specifically recognized that "situations may occur necessitating acquirer requests for waiver of the 60-day notice provision...." *Id.* at 601.

Here, labor notice would serve no useful purpose. While ODOT is the owner of the Line, no ODOT employ will be affected by the sale because ODOT is a non-carrier, and thus no ODOT employee has ever performed operations or maintenance on the Line. Neither will any SLWC employee be affected by the acquisition because SLWC will continue to provide the same service and perform the same maintenance as it has since 1998. Because the transaction will simply convert SLWC's lease of the Line to an ownership interest, providing advance labor notice would be a futile act. *See* STB Finance Docket No. 34660, *Georgia Central Railway, L.P. – Acquisition and Operation Exemption – Rail Line of CSX Transportation, Inc.* (not printed), served February 28, 2005; STB Finance Docket No. 34531, *The Indiana Rail Road Company – Acquisition Exemption – Line of Monon Rail Preservation Corporation* (not printed), served November 22, 2004; STB Finance Docket No. 34904, *Dakota, Missouri Valley and Western*

*Railroad, Inc. – Lease and Operation Exemption – Soo Line Railroad Company* (not printed),  
served July 24, 2006.

In summary, SLWC respectfully requests that the Board waive the requirements of 49  
C.F.R. § 1150.42(e) in time for closing to take place one the SLWC notice of exemption  
becomes effective.

Respectfully submitted,



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Dated: June 30, 2014