

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
May 2, 2014
Part of
Public Record

FINANCE DOCKET NO. 35822

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

**VERIFIED NOTICE OF EXEMPTION OF OAKLAND GLOBAL RAIL
ENTERPRISE, 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
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Attorney for
Oakland Global Rail Enterprise,
LLC

Date: May 2, 2014

FILED
April 28, 2014
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
May 2, 2014
SURFACE
TRANSPORTATION BOARD



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

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 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:

Oakland Global Rail Enterprise, LLC
Port of Oakland
Warehouse 806, Bay 5
2498 West 19th 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

c. **Agreement:**

Applicant has entered into agreements with BNSF and UP by which it will provide service customers over track the carriers own which is located in the port of Oakland, California. All shippers are being notified of this transaction and OGRE's intention to provide the described service.

d. **Operator of the Property:**

The OGRE will provide common carrier rail service over the lines of BNSF and UP.

e. **Brief Summary of the Proposed Transaction:**

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

BNSF Railway Company
2600 Lou Menk Drive
Fort Worth, Texas 76131

Union Pacific Railroad Company
1400 Douglas Street
Omaha, Nebraska 68179

2. **Proposed Time Schedule for Consummation of the Transaction:**

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

3. **Milepost Designations of the Subject Property:**

The subject rail line consists of (1) approximately 3,800 feet of track owned by UP that runs between 2001 Engineers Road (point A on the map in Exhibit A) and the end of the UP interchange track (point B), and (2) approximately 5,622 feet of track owned by BNSF that runs between a point at or near the Bay Bridge Freeway (point C) and the Gary Steel facilities on 20th Street (point D). OGRE will also operate over various industry track in this area. There are no milepost designations for this track.

4. **The Total Route Miles Being Operated:**

OGRE will operate over 1.8 total route miles.

f. **Map:**

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

g. **Projected 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. **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 sale, lease or transfer of a rail line if rail operations will continue over the line. Further, Board approval is required for any of the parties to this transaction 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.

i. **Caption Summary:**

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

Respectfully submitted,



By _____

Edward D. Greenberg
GKG Law, P.C.
Canal Square
1054 Thirty-First Street, N.W.
Washington, D.C. 20007
Telephone: 202-342-5277
Facsimile: 202-342-2311

Attorney for
Oakland Global Rail Enterprise, LLC

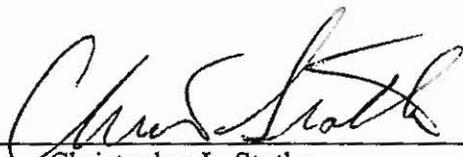
Dated: May 2, 2014

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 23 day of April, 2014.



Christopher L. Stotka

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2014.

Witness my hand and official seal.

Notary Public

My commission expires: _____

California Jurat

State of California

County of Contra Costa

S.S.

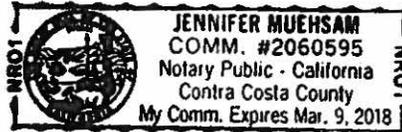
Subscribed and sworn to (or affirmed) before me on this 23 day of April,
Month

20 14, 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 Muehsam
Signature of Notary Public



Jennifer Muehsam 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

Finance Docket No. 35639

containing _____ pages, and dated _____

Additional Information
Method of Affiant Identification
Proved to me on the basis of satisfactory evidence: <input type="radio"/> form(s) of identification <input type="radio"/> credible witness(es)
Notarial event is detailed in notary journal on: Page # _____ Entry # _____
Notary contact: _____
Other
<input type="checkbox"/> Affiant(s) Thumbprint(s) <input type="checkbox"/> Describe: _____

EXHIBIT A

EXHIBIT B

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LLC PURSUANT TO 49 C.F.R. §1150.31**

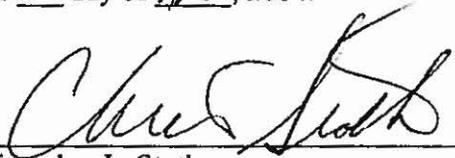
Oakland Global Rail Enterprise, LLC (“OGRE”), a non-carrier, has filed a verified Notice of Exemption to operate a 1.8-mile railroad line consisting of (1) approximately 3,800 feet of track owned by UP that runs between 2001 Engineers Road and the end of the UP interchange track, and (2) approximately 5,622 feet of track owned by BNSF that runs between a point at or near the Bay Bridge Freeway and the Gary Steel facilities on 20th Street in Oakland, Alameda County, California. Comments must be filed with the Board and served on Edward D. Greenberg, GKG Law, P.C., 1054 31st 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 23 day of April, 2014.



Christopher L. Stotka