

BEFORE THE
SURFACE TRANSPORTATION BOARD

213226

FINANCE DOCKET NO. 34655

ORIGINAL

GEORGIA & FLORIDA RAILNET, INC.
-ACQUISITION AND OPERATION EXEMPTION-
GEORGIA DEPARTMENT OF TRANSPORTATION

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Office of Proceedings
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Public Record

REQUEST FOR WAIVER FROM PROVISIONS
OF 49 CFR 1150.42(e)

EXPEDITIOUS HANDLING REQUESTED

ORIGINAL

Respectfully submitted,

ORIGINAL

John D. Heffner
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Counsel for Petitioner
Georgia & Florida
RailNet, Inc.

Dated: February 9, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have, this 9th day of February 2015
served a copy of the foregoing document upon the following
individuals by means of First Class United States Mail.

Kevin M. Sheys
Kirkpatrick & Lockhart Nicholson Graham LLP
1800 Massachusetts Ave., NW
Suite 200
Washington, D.C. 20036

Mr. Hal Wilson
Georgia Department of Transportation
Office of Intermodal Programs
276 Memorial Drive
West Annex
Atlanta, GA 30303



John D. Heffner

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SURFACE TRANSPORTATION BOARD

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GEORGIA & FLORIDA RAILNET, INC.
-ACQUISITION AND OPERATION EXEMPTION-
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**REQUEST FOR WAIVER FROM PROVISIONS
OF 49 CFR 1150.42(e)**

COMES NOW the Georgia & Florida RailNet, Inc. (GFRR), and, in connection with a verified notice of exemption it will be filing shortly in the above-captioned proceeding, requests that the Board waive, in part, the applicability of its regulations at 49 CFR 1150.42(e). Specifically, GFRR requests that the Board expeditiously waive the 60-day advance notice requirement of that part of Section 1150.42(e) that would otherwise prevent GFRR from consummating the subject transaction on or before April 8, 2005, and relieve it from providing notice to the national offices of railroad labor unions.

I. BACKGROUND

GFRR is an existing class III regional railroad operating in the States of Georgia and Florida. GFRR is negotiating and shortly expects to execute an agreement with the Georgia Department of Transportation (GDOT) whereby GFRR will acquire and initiate operations as a rail common carrier over a permanent irrevocable rail easement on property to be acquired by GDOT from the City of Willacoochee, GA. The subject track extends from Nashville, GA, at milepost 57.2 to Willacoochee, GA, at milepost 73.8, a distance of 16.6 miles. GFRR currently operates over the track as an "exempt" industrial spur. GDOT will acquire the subject track in a separate transaction outside the Board's jurisdiction.¹

Within the next few days, GFRR expects to file a Verified Notice of Exemption under 49 CFR 1150.41 seeking an exemption from the requirements of 49 U.S.C. 10902 in order to begin common carrier operations over this trackage.²

¹ Because this trackage is an "exempt" industrial spur, GDOT's acquisition should not require any STB authorization.

² Concurrent with the filing of this Verified Notice of Exemption, GDOT will be submitting a Petition for Declaratory Relief seeking a ruling that GDOT's acquisition will not render the State a rail common carrier

II. BASIS FOR RELIEF REQUESTED

GFRR acknowledges that the employee notification requirements set forth in 49 CFR 1150.42(e) apply to the subject transaction, however it believes that a waiver of these requirements is appropriate in this transaction. First, GFRR does not anticipate that this transaction will have any impact at all on affected railroad employees. The same employees who currently operate and maintain the line will continue to do so after GDOT acquires the line and GFRR begins rail common carrier operations over it. There will be no changes in working conditions, work rules, rates of pay, or benefits resulting from this transaction. The sole effect of this transaction will be to change the rail common carrier status of GFRR's operations over the subject trackage once GDOT acquires it.

Second, the employees on the line are not organized, therefore, no labor unions exist that need to be notified.

Third, GFRR will comply with the essence of the Board's regulations in question by giving each employee a copy of the attached notice of this transaction as well as posting a copy at employee workplace(s) on the line.

under Maine, DOT-Acq. Exemption, Me. Central R. Co., 8 I.C.C.2d 835 (1991) and similar precedent.

Finally, under the Verified Notice of Exemption filed in this proceeding, the line is being transferred to GDOT in order to facilitate the rehabilitation of the line. GFRR desires to consummate this transaction quickly so GDOT can begin to provide funding for this rehabilitation.

III. CONCLUSION

For the above reasons, GFRR respectfully requests a waiver of the 60 day advance notice provision of 49 CFR 1150.42(e) so that it may consummate the subject transaction on or before April 8, 2005.

Respectfully submitted,



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Dated: February 9, 2005

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February 9, 2005

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20412-0001

RE: Finance Docket No. 34655, Georgia & Florida RailNet,
Inc.—Acquisition and Operation Exemption—Georgia
Department of Transportation

Dear Secretary Williams:

I am writing on behalf Georgia & Florida RailNet, Inc. (GFRR), a class III rail carrier. On or about April 8, 2005, GFRR intends to acquire and initiate operations as a rail common carrier over a permanent irrevocable easement on railroad property to be acquired by the Georgia Department of Transportation (GDOT), a noncarrier. GDOT will acquire the subject property which extends from Nashville, GA, to the City of Willacoochie, GA, from the City of Willacoochie. The gross annual revenues that GFRR will have after the consummation of this transaction are expected to exceed \$5 million.

By this instrument, and through its designated counsel, GFRR hereby certifies that, as of February 8 2005, GFRR has complied with the advance notice requirement for a rail line transaction as prescribed by 49 CFR §1150.42(e). Specifically, and as is set forth in the attached documents, notice of the proposed transaction fully conforming to the provisions of 49 §1150.42(e) has been posted at the workplaces of employees on the affected lines and distributed to GFRR's employees. There are no labor unions with employees on the affected lines.

Very shortly, GFRR will file with the Board the appropriate notice of exemption pursuant to 49 CFR §1150.41 governing the

Hon. Vernon A. Williams
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proposed acquisition and operation of the rail line described in the attached documents.

Any questions regarding the certification or the anticipated notice of exemption and any filing related thereto should be addressed to the undersigned, GFRR's designated counsel.

Respectfully submitted,



John D. Heffner

Counsel for Georgia & Florida
RailNet, Inc.

Attachment

NOTICE OF INTENT TO ACQUIRE RAIL LINES

PURSUANT TO 49 U.S.C. 10901 AND
49 CFR 1150.32(e)

Pursuant to Surface Transportation Board regulations at 49 CFR 1150.32(e), Georgia Department of Transportation (GDOT), a noncarrier, hereby offers notice to employees of Georgia & Florida Railnet, Inc. (GFRR) that on or before April 9, 2005, GDOT proposes to purchase from GFRR and from the City of Willacoochee, and Langboard, Inc. (collectively, the City) the following rail lines, collectively called the Nashville Line, including yard and ancillary tracks and structures:

The subject track to be purchased from GFRR extends from Valdosta, GA at milepost 30.6 to Nashville, GA at milepost 57.2, a distance of 26.6 miles. The subject track to be purchased from the City extends from Nashville, GA at milepost 57.2 to Willacoochee, GA at milepost 73.8, a distance of 16.6 miles.

The total mileage to be purchased is approximately 43.2 miles. GFRR will continue to operate over the segment extending from Valdosta, GA to Nashville, GA, and it will initiate operations over the segment extending from Nashville, GA to Willacoochee, GA.

GFRR does not anticipate any new hires. These are the positions currently filled:

1. Engineer(s) at an annual salary of approximately \$34-51,000.
2. Trainmen at an annual salary of approximately \$32-48,000.
3. Maintenance of way personnel at an annual salary of approximately \$23-37,000.

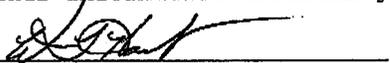
GFRR will offer:

- Dental, medical, and disability insurance
- Expense reimbursement
- Holidays
- Earned time off in lieu of vacation, sick, and certain other types of leave
- Family and medical leave

- Jury duty
- Military leave
- 401(k) plan

GFRR will select any new employees on the basis of:

- Current certifications held
- Railroad job knowledge
- Skills and ability
- Previous work experience

Any GFRR employee interested in further information concerning positions available should contact 

February 8, 2005

(229) 435-6629