

LAW OFFICE  
**THOMAS F. MCFARLAND, P.C.**  
208 SOUTH LA SALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*

THOMAS F. MCFARLAND

September 21, 2007

By UPS overnight mail  
(Monday delivery)

Vernon A. Williams, Secretary  
Surface Transportation Board  
395 F Street, S.W., Suite 1149  
Washington, DC 20024

Re Docket No. 35086 *Ogeechee Railroad Company -- Acquisition and Operation Exemption -- Georgia Midland Railroad, Inc.*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of a Verified Notice of Exemption Under 49 C.F.R. § 1150.31 for filing with the Board in the above referenced matter.

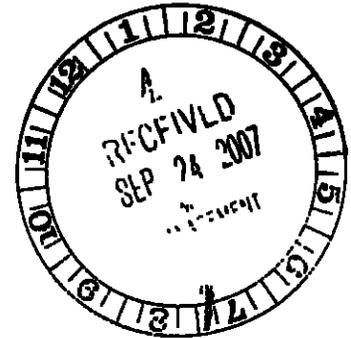
Also enclosed is a check in the amount of \$1,600 for the filing fee.

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
*Attorney for Applicant*

*TMF/MLC/ep801247/hsbl*



220320

**FILED**

SEP 24 2007

**SURFACE  
TRANSPORTATION BOARD**

**FEE RECEIVED**

SEP 24 2007

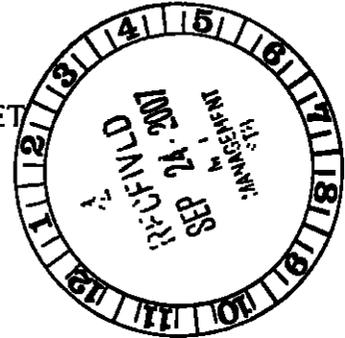
**SURFACE  
TRANSPORTATION BOARD**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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OGEECHEE RAILROAD COMPANY -- )  
ACQUISITION AND OPERATION ) FINANCE DOCKET  
EXEMPTION -- GEORGIA MIDLAND ) NO 35086  
RAILROAD, INC )

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**VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1150.31**

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OGEECHEE RAILROAD COMPANY  
P O Box 306  
197 Old Kenfield Road  
Stillmore, GA 30464

Applicant

THOMAS I McFARLAND  
THOMAS F McFARLAND, P C  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204  
(312) 201-9695 (fax)  
mcfarland@aol.com

Attorney for Applicant

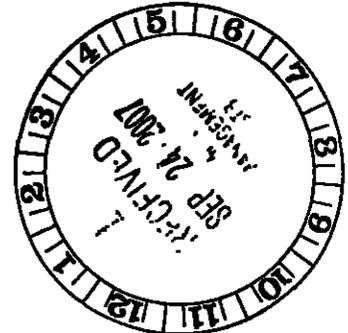
DATE FILED September 24, 2007

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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OGEECHEE RAILROAD COMPANY-- )  
ACQUISITION AND OPERATION ) FINANCE DOCKET  
EXEMPTION -- GEORGIA MIDLAND ) NO 35086  
RAILROAD, INC )

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**VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1150.31**

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Pursuant to 49 C.F.R. § 1150.31, *et seq.*, OGEETHEE RAILROAD COMPANY (ORC), a noncarrier, hereby provides notice of its exemption from 49 U.S.C. § 10901 for its acquisition from GEORGIA MIDLAND RAILROAD, INC. (GMR) by assignment of GMR's lease from the Georgia Department of Transportation (GADOT), and operation of the Sylvania line between Milepost SA-36.4 at or near Ardmore, GA and Milepost SA-57.5 at or near Sylvania, GA, a distance of 21.1 miles. GADOT has agreed to consent to assignment of the lease by GMR to ORC upon ORC's becoming a rail carrier. GMR itself acquired its lease of the Sylvania line by assignment from Ogeechee Railway Company. See STB Finance Docket No. 34466, *Georgia Midland Railroad, Inc. -- Acquisition and Operation -- Ogeechee Railway Company*, notice of exemption served March 12, 2004.<sup>1</sup>

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<sup>1</sup> GMR first subleased the line. Later, the lease was assigned to GMR with the consent of GADOT.

**INFORMATION REQUIRED BY 49 C.F.R. § 1150.33**

*(a) The full name and address of the applicant,*

Applicant is Ogeechee Railroad Company

*(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence,*

Applicant's representative is Thomas F. McFarland. Thomas F. McFarland, P.C. 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112. (312) 236-0204. (312) 201-9695 fax. mcfarland@aol.com

*(c) A statement that an agreement has been reached or details about when an agreement will be reached,*

An agreement has been reached between ORC and GMR for assignment of GMR's lease of the Sylvania line to ORC and for ORC's operation of that line. GADOT as lessor has stated that it would consent to that assignment, upon ORC becoming a rail carrier.

*(d) The operator of the property,*

The operator of the property will be ORC.

*(e) A brief summary of the proposed transaction including*

*(1) The name and address of the railroad transferring the subject property*

The assignor of the lease of the rail lines is Georgia Midland Railroad, Inc., 908 Elm Avenue, Americus, GA 31709.

*(2) The proposed time schedule for consummation of the transaction,*

The transaction will be consummated not sooner than thirty days after filing of this notice with the Board.

*(3) The mile-posts of the subject property including any branch lines, and*

The mileposts of the subject property are identified below

The Sylvania line between Milepost SA-36 4 at or near Ardmore, GA and Milepost SA-57 5 at or near Sylvania, GA

*(d) The total route miles being acquired,*

A total of approximately 21.1 route miles will be acquired by lease assignment and operated

*(f) A map that clearly indicates the area to be served including origins, termini, stations, cities, counties, and States, and*

Attached to this notice as Appendix 1 is a map on which the Sylvania line is shaded in yellow

*(g) A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier*

Attached to this notice as Appendix 2 is a certificate that ORC's projected revenues do not exceed those that would qualify it as a Class III rail carrier

#### **VERIFICATION**

Attached to this notice as Appendix 3 is a verification of the statements made in this Notice

#### **ENVIRONMENTAL AND HISTORIC CONSIDERATIONS**

Pursuant to 49 C.F.R. § 1105.6(c)(2), no environmental documentation or report is required for the proposed transactions. Pursuant to 49 C.F.R. § 1105.7(b)(1), no historic documentation or report is required for the proposed transactions.

**LABOR PROTECTION**

Pursuant to 49 U.S.C. § 10901(c), no labor protection is required for the proposed transactions.

**CAPTION SUMMARY**

Attached to this notice as Appendix 4 is a caption summary of the proposed transaction required by 49 C.F.R. § 1150.34.

**LAND GRANT RIGHT-OF-WAY**

Applicant is not aware of any land grant right-of-way in the rail line. Any documentation in Applicant's possession would be furnished on request.

**ANNUAL REVENUES LESS THAN \$5 MILLION**

Attached as Appendix 5 is a certificate that ORC's projected annual revenues to be created by this exemption will not exceed \$5 million.

**CONCLUSION**

WILREI ORL, the Board should publish notice of the exemption in the *Federal Register*.

Respectfully submitted,

OGEECHEE RAILROAD COMPANY  
P O Box 306  
197 Old Kenfield Road  
Stillmore, GA 30464

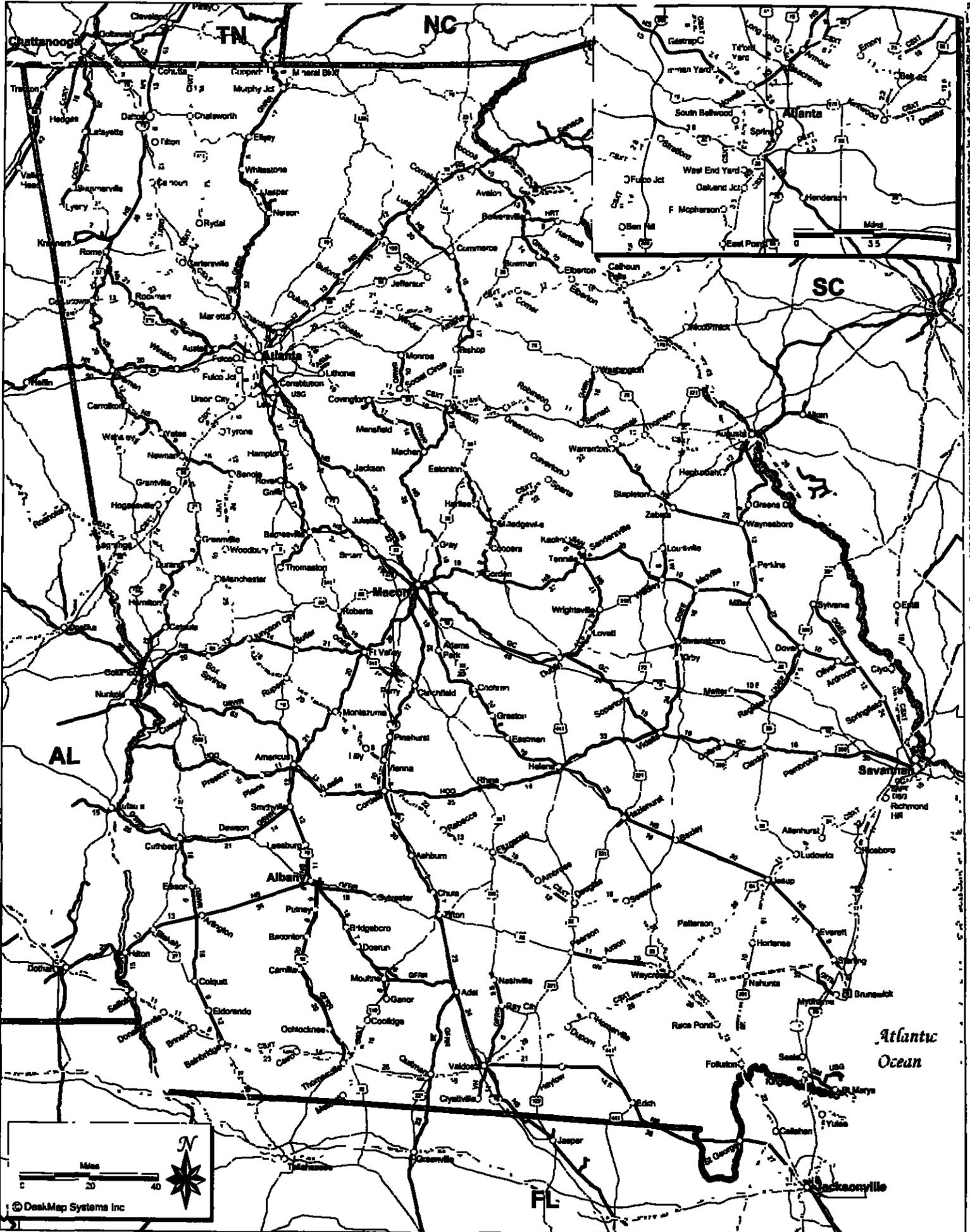
Applicant

Thomas F. McFarland

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P C  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204  
(312) 201-9695 fax  
mcfarland@aol.com

Attorney for Applicant

DALL. FILED September 24, 2007



**CERTIFICATION**

THOMAS F McFARLAND, on oath, states that Ogeechee Railroad Company's  
proceed revenues do not exceed those that would qualify it as a Class III rail carrier



*Thomas F McFarland*

Thomas F McFarland

SUBSCRIBED and SWORN  
to before me this 2<sup>nd</sup>  
day of September, 2007

*Kathleen Lenhan*  
\_\_\_\_\_  
Notary Public

My commission expires 1/29/2010

VERIFICATION

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF COOK        )

THOMAS F McFARLAND, being duly sworn on oath, deposes and states that he has read the foregoing notice, that he knows the contents thereof, and that the facts therein stated are true and correct



*Thomas F McFarland*

\_\_\_\_\_  
Thomas F McFarland

SUBSCRIBED and SWORN  
to before me this 21<sup>st</sup>  
day of September, 2007

*Kathleen Lenhan*  
\_\_\_\_\_  
Notary Public

My commission expires 1/29/2010

**CAPTION SUMMARY**

**SURFACE TRANSPORTATION BOARD  
NOTICE OF EXEMPTION**

(Finance Docket No 35086)

***OGEECHEE RAILROAD COMPANY  
-- ACQUISITION AND OPERATION EXEMPTION --  
GEORGIA MIDLAND RAILROAD, INC***

Ogeechee Railroad Company (ORC), a noncarrier, has filed a notice of exemption to acquire from Georgia Midland Railroad, Inc (GMR) pursuant to assignment of GMR's lease from the Georgia Department of Transportation (GADOT), and to operate the Sylvania line between Milepost SA-36.4 at or near Ardmore, GA and Milepost SA-57.5 at or near Sylvania, GA a distance of 21.1 miles.

The transaction was proposed to be consummated not sooner than thirty days after the filing of the notice of exemption.

Any comments must be filed with the Board and must be served on Applicant's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204, (312) 201-9695 fax, mcfarland@aol.com

This notice of exemption is filed under 49 C.F.R. § 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.

(SEAL)

By the Board

**CERTIFICATION**

Pursuant to 49 C.F.R. § 1150.32(e), the undersigned, on oath, states that the projected revenues of Ogechee Railroad Company as a result of the lease and operation in this docket will not exceed \$5 million per year.



Thomas F McFarland  
Thomas F McFarland

SUBSCRIBED and SWORN  
to before me this 21<sup>st</sup> day  
of September, 2007

Kathleen Lenhan  
Notary Public

My commission expires 1/29/2010