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January 31, 2020

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VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

ENTERED
Office of Proceedings
January 31, 2020
Part of
Public Record

Re: STB Docket No. FD 36378
The Mahoning Valley Railway Company
-Acquisition and Operation Exemption-

Dear Ms. Brown:

On January 17, 2020, the Mahoning Valley Railway Company (“MVRY”) submitted a verified notice of exemption under 49 U.S.C. §10902 for the acquisition and operation of rail lines owned by corporate affiliates L.W.R., Inc. (“LWR”) and OHI-Rail Corp. (“OHI-Rail”).

The transaction includes the assignment of the lease of three segments of rail line leased by OHI-Rail from the State of Ohio, Ohio Rail Development Commission (“ORDC”).¹ On January 24, 2020, the Board staff contacted MVRY counsel inquiring if MVRY could provide supplemental information confirming that OHI-Rail is currently a common carrier on the ORDC leased lines. It is MVRY’s understanding that the OHI-Rail lease from ORDC was part of a series of filings and decisions involving Conrail around 1982; however, MVRY is unable to locate the specific decision authorizing ORDC’s acquisition of the lines or OHI-Rail’s lease.

¹ As described in the notice, these lines include: A continuous line of track from the Minerva Yard limits at milepost 43.50 in Minerva, Ohio to Hopedale Junction, Ohio at milepost 77.50; the Wolf Run Branch LC 2449, beginning in Springfield Township (Phillips), Jefferson County, Ohio at railroad milepost 0.0 and extending in a general southerly direction to its point of ending at milepost 3.8, with service only being provided from milepost 0.0 to milepost 1.7; and the Tuscarawas Secondary Track LC 2427 beginning in Minerva, Ohio at a point approximately 175 feet west of railroad milepost 2.7 and extending in a general westerly direction through Pekin, Ohio to its ending in Pekin, Ohio at milepost 4.3.

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Although, MVRV could not find a specific citation verifying OHI-Rail's common carrier status over the lines, MVRV refers the Board to a 2005 decision where the Board accepts the representation of the Columbus & Ohio River Rail Road Company that OHI-Rail is a class III rail carrier operating over the rail line owned by ORDC for the purposes of granting trackage rights. See *The Columbus & Ohio River Rail Road Company – Trackage Rights Exemption – Ohio Rail Development Commission and Ohi-Rail Corporation*, STB Finance Docket No. 34763 (served Oct. 11, 2005). Further, reference to OHI-Rail as the operator of the lines can be found on the Board's Railroad Map Depot, Short Line Railroads (2018) map.

As also requested by Board staff, enclosed please find a certificate of service certifying that MVRV has provided written notice to shippers located on the ORDC leased lines informing them that MVRV will be the new operator on the line.

Please let me know if you need anything additional.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin J. Marks".

Justin J. Marks

Counsel for Mahoning Valley Railway Company

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2020, I notified via first class mail the following shippers that the Mahoning Valley Railway Company will replace OHI-Rail as the operator on the lines leased from the Ohio Rail Development Commission:

D & I Silica, LLC

Mark C. Skolos
D & I Silica, LLC
Three Riverway, Suite 1350
Houston, TX 77056

Apex Environmental, LLC

Michael DiBella
CEO
Interstate Waste Services
300 Frank W Burr Boulevard Ste. 39
Teaneck NJ 07666

Anthony Rizzo
Chief Operating Officer
Apex Environmental, LLC
P.O. Box 157
Amsterdam, Ohio 43903



Justin J. Marks
Counsel for Mahoning Valley Railway Company