



ATLANTIC RAILWAYS

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300498

ENTERED
Office of Proceedings
March 19, 2020
Part of
Public Record

Surface Transportation Board
ATTN Cynthia Brown
395 East Street S.W.
Washington, D.C. 20432

RE: Finance Document 36373- Atlantic Railways Company LLC d.b.a. Atlantic Railways
Change in Operator Exemption – Foxville and Northern Railroad Co LLC

3/19/2020

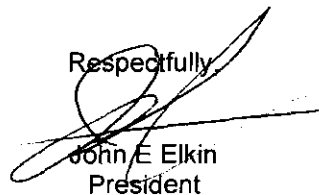
Dear Mrs. Brown,

I am the President Atlantic Railways Co. LLC, Accordingly I hereby file the above referenced exemption. The following is the electronic filing.

If you have any questions please do not hesitate to reach out to me directly.

I may be contacted at 803-849-4007 or 803-756-3711, Alternatively I may be emailed jelkin@atlanticrailways.com

Respectfully



John E Elkin
President

Enclosures.

FILED
March 19, 2020
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
March 19, 2020
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36373

**ATLANTIC RAILWAYS CO LLC, d.b.a ATLANTIC RAILWAYS
--- CHANGE IN OPERATOR EXEMPTION ---
FOXVILLE AND NORTHERN RAILROAD CO LLC**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.41(c)**

**SUBMITTED BY:
JOHN E ELKIN
PRESIDENT
ATLANTIC RAILWAYS CO LLC
571 MAIN ST
PELION, SC 29123
803-849-4007
803-756-3711
JELKIN@ATLANTICRAILWAYS.COM**

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. 36373

ATLANTIC RAILWAYS CO LLC d.b.a ATLANTIC RAILWAYS
- CHANGE IN OPERATOR EXEMPTION -
FOXVILLE AND NORTHERN RAILROAD CO. LLC

VERIFIED NOTICE OF EXEMPTION
Under 49 C.F.R. § 1150.41(c)

ATLANTIC RAILWAYS CO. LLC ("**ATL**"), a non-carrier, files this Notice of Exemption pursuant to 49 U.S.C. § 10901 and 49 C.F.R. Part 1150, Subpart D (§§ 1150.41(c) ("Exempt Transactions Under 49 U.S.C. 10901"), to permit ATL to acquire by lease the real property from Badin Business Park LLC; to operate rail common carrier service on the line; and to interchange traffic on the line with Winston Salem South Bound Railroad(referred to in this Notice respectfully as "**WSSB**"). The line at issue is the WF line located entirely in Stanly County, North Carolina between Halls Ferry Junction, NC and Badin, NC. Which include mileposts WF-0.0 to WF-11.11 for approximately 11.11 miles.

In support of this Notice of Exemption, ATL submits the following information as required by 49 C.F.R. § 1150.33. ATL's notarized Verification signed by a knowledgeable officer, certifying as to all factual statements in this Notice, is attached as Exhibit A.

(a) **Full Name and Address of Applicant**

Atlantic Railways Company LLC d.b.a.
Atlantic Railways
571 Main St
Pelion, SC 29123

(b) **Applicant's Representative to Receive Correspondence**

John E Elkin.
President
PO BOX 577
Pelion, SC 29123

Tel (803)849-4007
Tel (803)756-3711
Email jelkin@atlanticrailways.com

(c) **Statement of Agreements**

There are two agreements governing the proposed transaction: (i) a lease agreement
(ii) an interchange agreement.

Lease agreement. ATL anticipates entering into a Lease Assignment Agreement

("Lease") With Badin Business Park, LLC a wholly owned subsidiary of Alcoa, INC on or about March 20th 2020; to acquire by lease the WF line consisting of approximately 11.11 miles beginning at Halls Ferry Junction Milepost WF-0.0 extending east to Badin, NC Milepost WF-11.11. ATL will operate the subject line as a common carrier.

Interchange Agreement. ATL and WSSB will enter into an Interchange Agreement **("Interchange Agreement")** in which ATL and WSSB will agree to interchange rail traffic at Whitney, NC Milepost WF-5.90 in order to move freight between shippers along the subject line, and WSSB's main line for further movement. ATL is obligated to provide common carrier rail service on the subject line. WSSB and ATL will enter into the appropriate interchange agreement upon obtaining operating authority.

(d) **Operator of the Property**

ATL will become the operator of the property.

(e) **Summary of Proposed Transaction**

In the proposed transaction, ATL, will acquire by lease and begin rail common carrier operations along subject line located entirely in Stanly County, NC owned by Badin Business Park LLC, for the purpose of providing rail transportation service to local industrial shippers. The subject line is approximately 11.11 miles. The line runs between Halls Ferry Junction, NC milepost WF-0.0 and Badin, NC milepost WF-11.11. ATL and WSSB will interchange at Whitney, NC Milepost WF-5.90 for further movement of freight on WSSB. Interchange capabilities at Halls Ferry Junction were removed by Norfolk Southern Railway; ATL will seek to restore this interchange. The interchange will be governed by the Interchange Agreement.

Additional information required by 49 C.F.R. § 1150.41(c)(e) is as follows:

¹ The subject line was constructed to support operations for Alcoa, INC. The line was previously leased by FN see STB FD 36151 The lease was assigned to Atlantic Railways Company LLC with consent of Foxville and Northern Railroad Co LLC

- The name and address of the lessor of the subject property (not a railroad) is:

Badin Business Park
NC 740 HWY
Badin, NC 28009

- Badin Business Park will continue to own the property as lessor.
- ATL intends to begin operations and become a rail carrier in April 2020, shortly after the effective date of this Notice (30 days from today, the date of filing, assuming no stay).
- The subject property extends from a point at Halls Ferry Junction, NC (Milepost WF-0.0) east to Badin, NC (Milepost WF-11.11).

(f) **Maps.**

Maps of the subject property are attached as Exhibit B.

(g) **Certification Concerning Projected Revenues.**

ATL hereby certifies that its projected revenues as a result of this transaction will not result in ATL becoming a Class II or Class I rail carrier.

ATL further certifies that the projected annual revenue of ATL will not exceed \$5 million. Accordingly, the requirements of 49 C.F.R. § 1150.32(e) do not apply to this transaction.

(h) **No Interchange Commitments.**

ATL certifies that this transaction involves no provision or agreement limiting future interchange with other carriers, within the meaning of 49 C.F.R. § 1150.33(h).

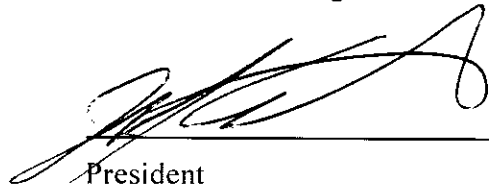
Exhibit A

VERIFICATION

VERIFICATION

STATE OF South Carolina)
) ss.
COUNTY OF LEXINGTON)

John Elkin, being duly sworn, deposes and says that he is the President Atlantic Railways Company, LLC; that he has read the foregoing Verified Notice of Exemption Under 49 C.F.R. § 1150.41(c) (STB Finance Docket No. 36373); that ATL's projected revenues as a result of this transaction will not result in its becoming a Class II or Class I rail carrier; that ATL's projected annual revenue will not exceed \$5 million; and that all other facts set forth in the Notice of Exemption are true and correct to the best of his knowledge and belief.



President

Atlantic Railways Co. LLC

Subscribed and sworn to before me this 19th day of March, 2020.

Notary Public

My Commission expires: _____



John M Rebolj
NOTARY PUBLIC
State of South Carolina
My Commission Expires
April 12, 2026

Exhibit B

MAPS

ATLANTIC RAILWAYS

PROPOSED *Badin, NC* OPERATIONS

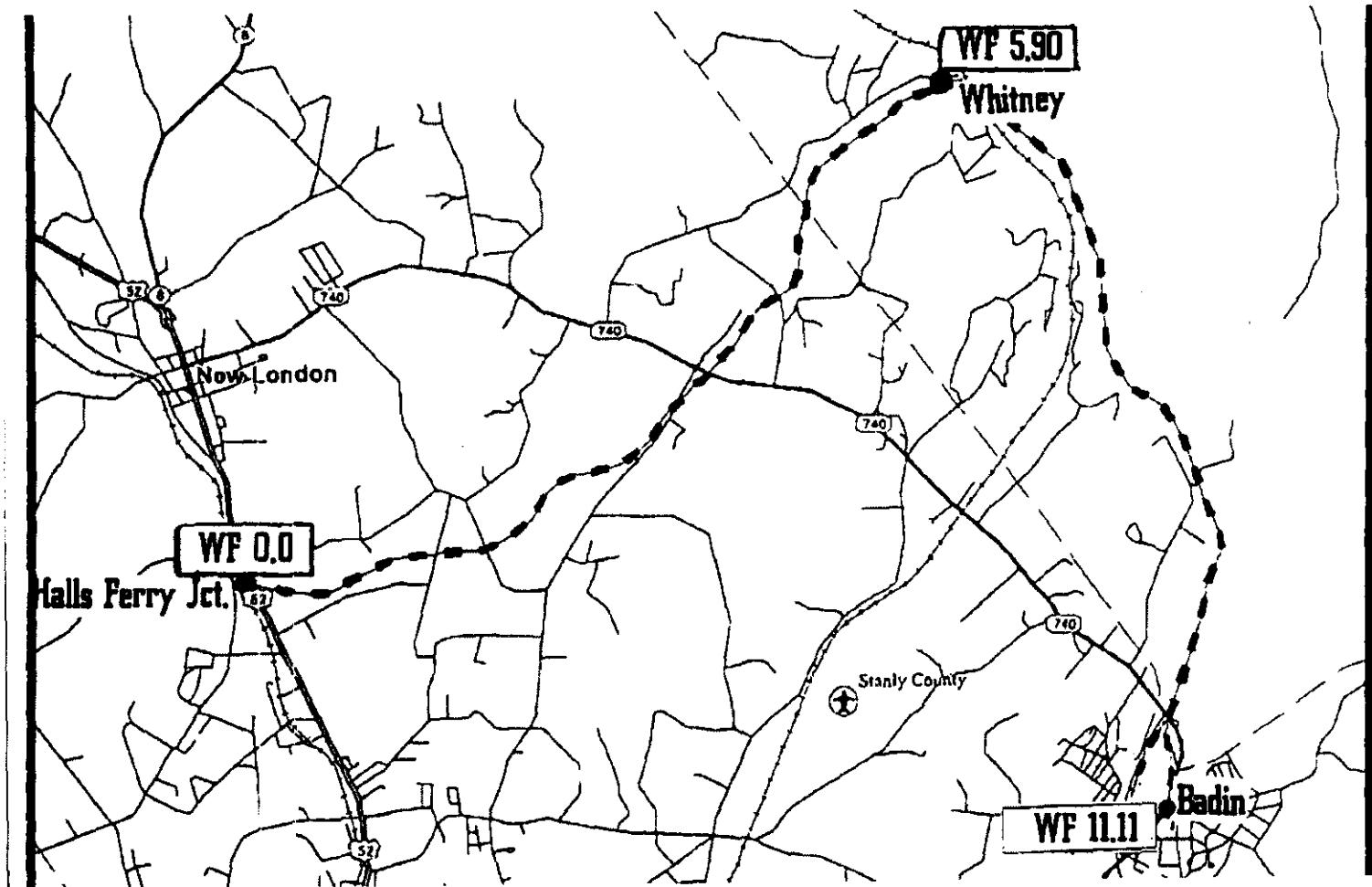


Exhibit C

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO. 36373

**ATLANTIC RAILWAYS COMPANY
-CHANGE IN OPERATOR EXEMPTION-
FOXVILLE AND NORTHERN RAILROAD CO LLC**

Atlantic Railways Company LLC ("ATL"), a non-carrier, has filed a verified notice of exemption under 49 C.F.R. § 1150.41(c) to lease a line of railroad approximately 11.11 miles in length located in Stanly County, North Carolina from Badin Business Park, LLC as lessor; to operate rail common carrier service on the line; and to interchange traffic on the line with Winston Salem Southbound Railway.

ATL certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

The transaction will occur after the effective date of the verified notice.

If the verified 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.

All comments and other pleadings must be filed with the Board and served on ATL's President, John E Elkin, 571 Main St; Pelion, SC 29123 or by mail at PO BOX 577; Pelion, SC 29123, email jelkin@atlanticrailways.com , telephone (803) 849-4007.

Environmental and Historic Matters

Pursuant to 49 C.F.R. § 1105.6(c)(1)(i), no environmental assessment is required in connection with the proposed lease and operation of the subject rail line.

Pursuant to 49 C.F.R. § 1105.5(b)(1), no historic reporting is required.

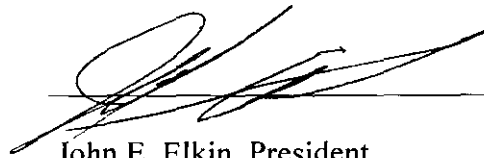
Caption Summary

A caption summary as required by 49 C.F.R. § 1150.34 is attached as Exhibit C.

Respectfully submitted,

ATLANTIC RAILWAYS COMPANY LLC

Date: March 19th 2020

A handwritten signature in black ink, appearing to read 'John E. Elkin', is written over a horizontal line.

John E. Elkin, President
PO BOX 577
Pelion, SC 29123

Tel (803) 849-4007
Email jelkin@atlanticrailways.com