

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
October 21, 2020
Part of
Public Record

Notice of Exemption

STB Finance Docket No. 36450

**Alabama Railroad, LLC
—Acquisition and Operation Exemption—
Line of Alabama Railroad Co., Inc.**

**Verified Notice of Exemption
of
Alabama Railroad, LLC**

Alabama Railroad, LLC, hereby files this Verified Notice of Exemption, pursuant to 49 U.S.C. § 10901 and 49 C.F.R. § 1150.31 and states as follows:

Applicant's full name and address

Alabama Railroad, LLC

Att: Joseph Conjerti, Managing Member

3291 Parfoure Blvd.

Uniontown, Ohio 44685

**Name, address, and telephone number of Applicant's
representative**

Charles H. Montange

Law Offices of Charles H. Montange

426 NW 162nd St.

Seattle, WA 98177

(206)546-1936

FILED
October 21, 2020
SURFACE

TRANSPORTATION BOARD

FEE RECEIVED
October 21, 2020
SURFACE
TRANSPORTATION BOARD

Agreement

Alabama Railroad, LLC ("Applicant"), has agreed to purchase from Alabama Railroad Co., Inc. ("Seller"), and Seller has agreed to sell to Applicant, all of Seller's interest in approximately 47.5 miles of rail line, extending from approximately milepost 607.73 at Flomaton, Alabama, to approximately milepost 655.2 near Tunnel Springs, Alabama, including all sidings and the MR Junction Spur between valuation stations 0+00 and 90+81 in Escambia, Conecuh, and Monroe Counties, Alabama (hereinafter "the Line"). Upon closing pursuant to this Board's authority, Applicant will assume all common carrier obligations for the line, and be responsible for its operation.¹

Brief summary of the proposed transaction

Name and address of the persons transferring the subject property to the Applicant

Alabama Railroad Co., Inc.
c/o Pioneer Railcorp
5619 DTC Parkway, Suite 650
Greenwood Village, CO 80111

Proposed time schedule for consummation of the transaction

On or about 30 days after the filing of this Notice.

Mileposts of the subject property

¹ Seller obtained an abandonment authorization for the line in AB 463 (Sub-no. 2X), served April 18, 2019. The time period for filing a notice of abandonment consummation in that proceeding was extended, and the abandonment authorization has not been consummated by Seller to date.

The mileposts for the subject property are milepost 607.73 at or near Flomaton, Alabama and milepost 655.2 at or near Tunnel Springs, Alabama, inclusive of the MR Junction Spur between valuation sections 0+0) and 90+81.

Total route miles being acquired

The total route miles being acquires is approximately 47.5 miles.

Map

A map of the line is attached as Exhibit A.

Projected revenue certification

Alabama Railroad, LLC, certifies that its projected revenues as a result of the transaction will neither exceed the maximum revenue of a Class III rail carrier nor the \$5 million threshold for labor notices under 49 C.F.R. § 1150.42(e).

Interchange commitments

Alabama Railroad, LLC, certifies that the proposed acquisition and operation of the Line does not involve a provision or agreement that may limit future interchange with a third-party connecting carrier.

Environmental reporting

The Board's rules do not require environmental documentation for this action because it will not result in operational changes that would exceed any of the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5) and it falls

within the class exemption from the requirements of 49 U.S.C. § 10902.

Historic reporting

The Board's rules do not require historic reports for this action because it does not involve disposal or alteration of properties that are 50 years old or older, within the meaning of 49 C.F.R. § 1105.8(b)(1), and will not substantially change the level of maintenance of railroad property, within the meaning of 49 C.F.R. § 1106.8(b)(3).

Caption summary

A caption summary of this Notice is attached as Exhibit C.

Respectfully submitted,

Alabama Railroad, LLC

By:

/S/ Charles H. Montange

Charles H. Montange
Law Offices of Charles H.
Montange
426 NW 162nd St.
Seattle, WA 98177
206-546-1936
Fax: -3739
Attorney for Alabama
Railroad, LLC

Atts: Verification
Exhibit A (map)
Exhibit B (certifications)
Exhibit C (caption summary)

For filing: 22 Oct. 2020

Verification

Verification

I, Joseph Conjerti, Managing Member of Alabama Railroad, LLC, verify under penalty of perjury that the foregoing Verified Notice of Exemption is true and correct to the best of my knowledge, information, and belief. Further, I certify that I am qualified and authorized to file this Verified Notice of Exemption on behalf of Alabama Railroad, LLC.

Executed on October 16, 2020.

A handwritten signature in black ink, appearing to be 'JC' with a stylized flourish.

Joseph Conjerti

Exhibit A

Map

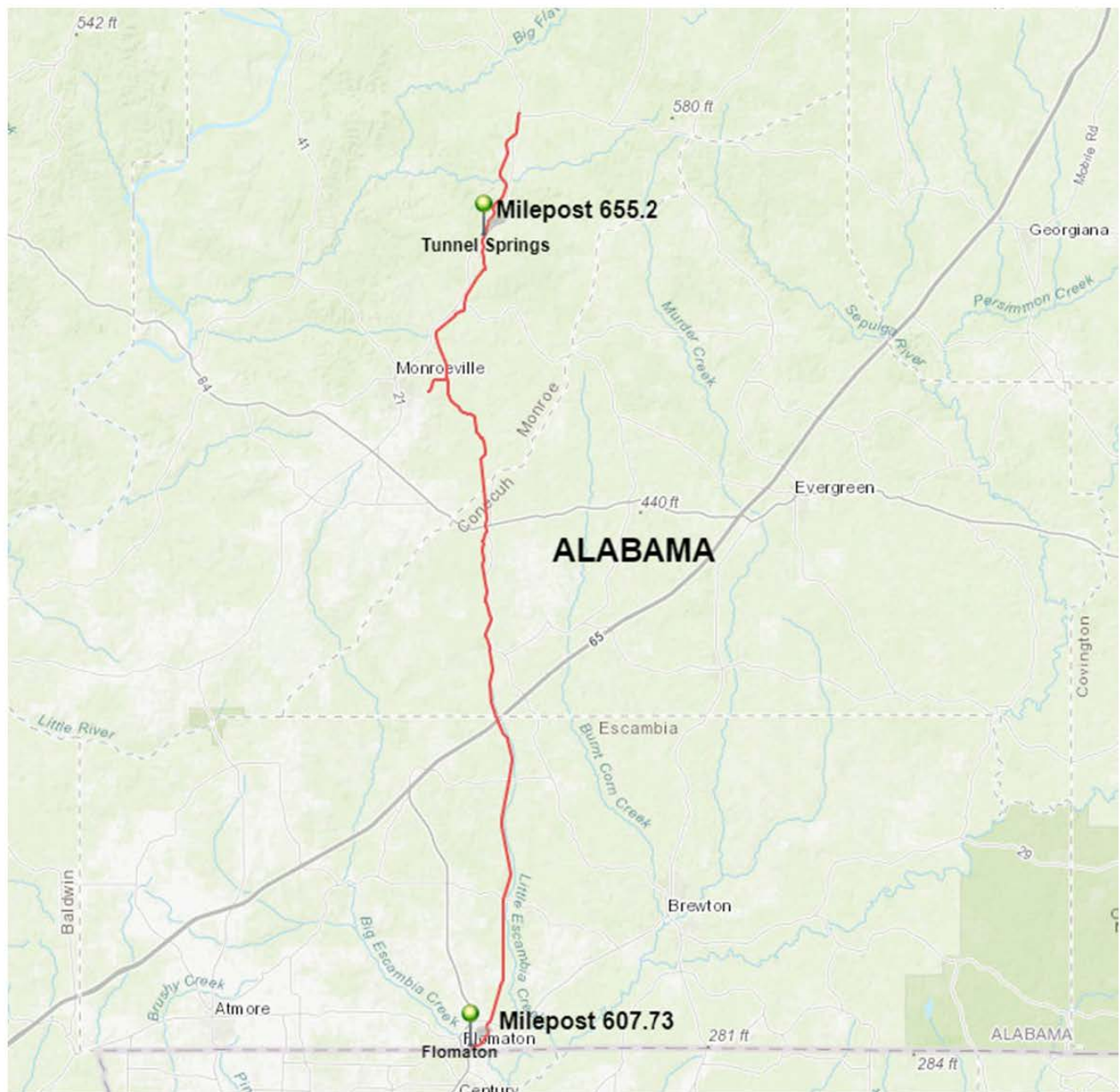


Exhibit B

Certifications

Certifications (Revenue and Interchange)

On behalf of Alabama Railroad, LLC, I, Joseph Conjerti, Managing Member of same, hereby certify as follows:

(1) Alabama Railroad LLC's projected revenues as a result of the transaction will neither exceed the maximum revenue of a Class III rail carrier nor the \$5 million threshold for labor notices under 49 C.F.R. § 1150.42(e), and

(2) the proposed acquisition and operation of the Line does not involve a provision or agreement that may limit future interchange with a third-party connecting carrier.

A handwritten signature in black ink, appearing to read "Joe Conjerti", is written over a horizontal line.

Joseph Conjerti

[For filing in F.D. 36450]

Exhibit C

Caption Summary

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Finance Docket 36450

Alabama Railroad, LLC

- Acquisition and Operation Exemption -
Line of Alabama Railroad Co., Inc.

Alabama Railroad, LLC, has filed a notice of exemption to acquire Alabama Railroad Co., Inc.'s line from milepost 607.73 at Flomaton, Alabama to milepost 655.2 near Tunnel Springs, Alabama, including all sidings and the MR Junction Spur. Comments must be filed with the Board and served on Charles Montange, Law Offices of Charles H. Montange, 426 NW 162nd St., Seattle, WA 98177, 206-546-1936, counsel for Alabama Railroad, LLC. The notice is filed under 49 CFR 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.