

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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Notice of Exemption

STB Finance Docket No. 36459

**Great Basin and Northern Railroad
—Change in Operators Exemption—
City of Ely and Nevada Northern Railway Foundation**

ENTERED
Office of Proceedings
November 13, 2020
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Public Record

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FILED
November 13, 2020
SURFACE TRANSPORTATION
BOARD

Dated: November 13, 2020

Jeffrey O. Moreno
Jason D. Tutrone
Thompson Hine LLP
1919 M St. NW Suite 700
Washington, DC 20036
(202) 331-8800

*Counsel for the Great Basin & Northern
Railroad*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Notice of Exemption

STB Finance Docket No. 36459

**Great Basin and Northern Railroad
—Change in Operators Exemption—
City of Ely and Nevada Northern Railway Foundation**

**Verified Notice of Exemption
of
Great Basin and Northern Railroad**

Great Basin and Northern Railroad hereby files this Verified Notice of Exemption,
pursuant to 49 U.S.C. § 10902 and 49 C.F.R. § 1150.41 and states as follows:

a. Applicant's full name and address

Great Basin and Northern Railroad
1100 Avenue A
PO Box 150040
East Ely, NV 89315

b. Name, address, and telephone number of Applicant's representative

Jeffrey O. Moreno
Jason D. Tutrone
Thompson Hine LLP
1919 M St. NW Ste 700
Washington, DC 20036
(202) 331-8800

c. Agreement

Great Basin anticipates that in the next 30 days it will reach an agreement with the City of Ely, Nevada, and Nevada Northern Railway Foundation, Inc.(formerly the White Pine Historical Railroad Foundation, Inc.), under which it obtains rights to operate on and over 0.9 miles of a

railroad line owned by the City and Foundation between milepost 127.0 and milepost 127.9 at or near McGill Junction in White Pine County, Nevada (the “Line”). The Line is currently operated by S & S Shortline Leasing, LLC pursuant to an operating agreement with the City and Foundation. *See S&S Shortline Leasing, LLC—Operation Exemption—City of Ely*, FD 35284 (STB served Aug. 14, 2009). Great Basin will replace S & S as the operator of the Line, and S & S has agreed to discontinue its service over the Line concurrent with its replacement by Great Basin.

The Line is a segment of a railroad line running from milepost 0.0 at or near Cobre, Nevada, to and beyond McGill Junction. S & S currently operates the portion of the longer line from milepost 0.0 to milepost 127.9. *See S&S Shortline Leasing, LLC—Operation Exemption—City of Ely*, FD 35284 (STB served Aug. 14, 2009). Great Basin operates the remaining portion of the line from milepost 127.9 to milepost 146.1 at or near Keystone, Nevada, and two branch lines connecting to this line segment. *See Great Basin & N. R.R.—Change in Operators Exemption—City of Ely*, FD 34506 (STB served June 7, 2004).

No active rail shippers are on or served by the Line.

d. Operator of the property

Great Basin will operate the Line as a rail common carrier.

e. Brief summary of the proposed transaction

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

City of Ely
City Hall Building
501 Mill Street
Ely, NV 89301

Nevada Northern Railway Foundation
1100 Avenue A
PO Box 150040
East Ely, NV 89315

2. Proposed time schedule for consummation of the transaction

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

3. Mileposts of the subject property

The mileposts for the subject property are milepost 127.0 to milepost 127.9. Both mileposts are at or near McGill Junction.

4. Total route miles being acquired

The total route miles being acquired is approximately 0.9 miles.

f. Map

A map of the line is attached as Exhibit A.

g. Projected revenue certification

Great Basin 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).

h. Interchange commitments

Great Basin 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.

i. 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.

j. 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).

k. Caption summary

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

Respectfully submitted,

Great Basin and Northern Railroad

By its attorneys,

/s/Jason D. Tutrone

Jeffrey O. Moreno

Jason D. Tutrone

Thompson Hine LLP

1919 M Street, NW Suite 700

Washington, DC 20036

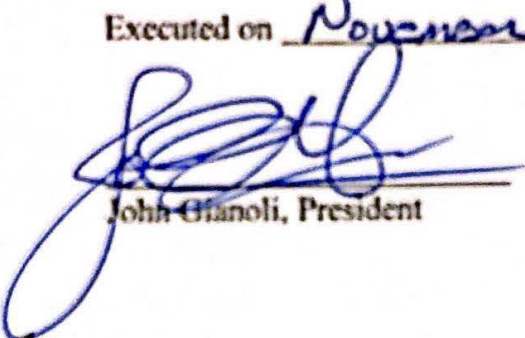
(202) 263-4107

Dated: November 13, 2020

Verification

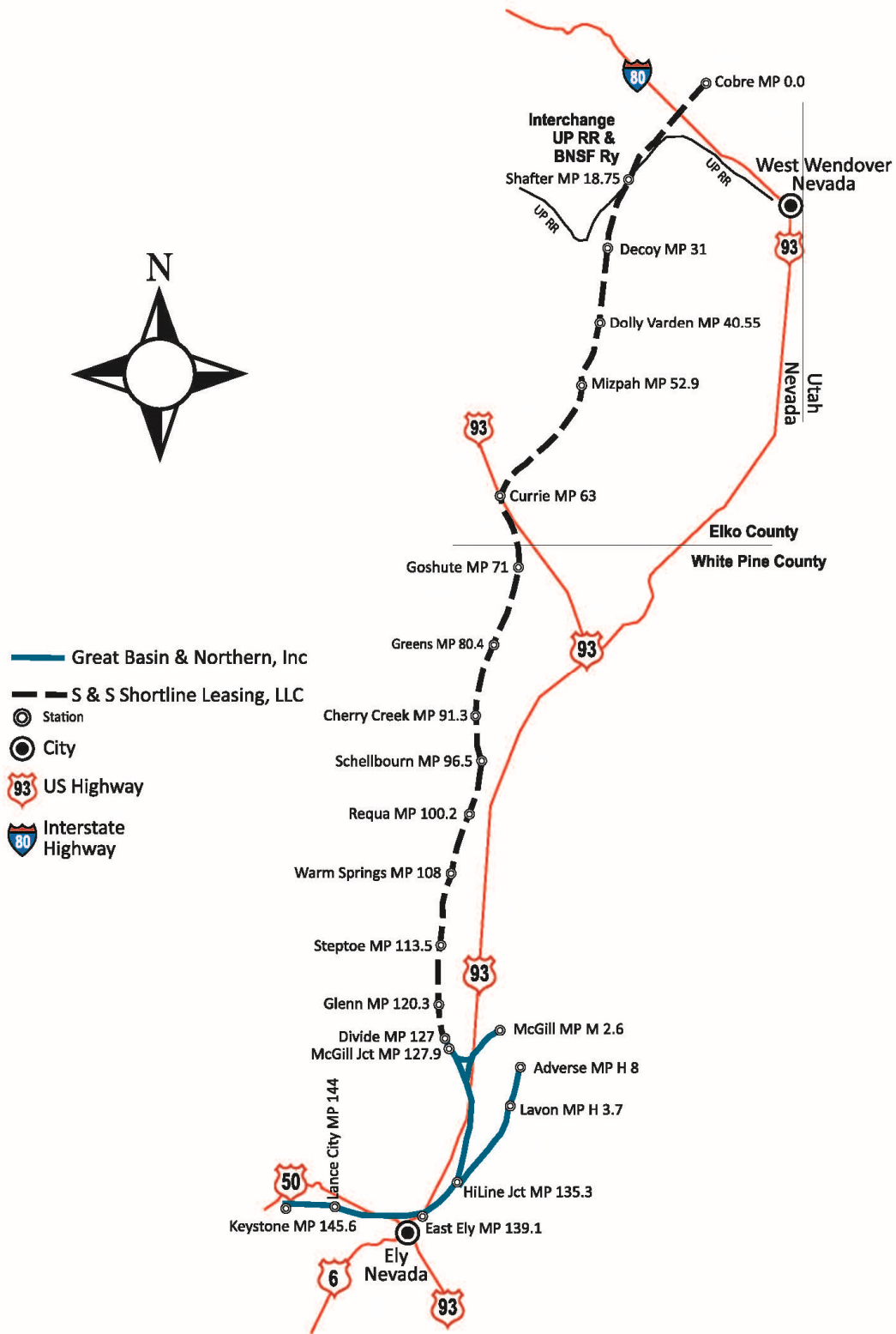
I, John Gianoli, President of Great Basin and Northern Railroad, verify under penalty of perjury that the foregoing Verified Notice of Exemption is true and correct to the best of my knowledge, information, and belief. Further, I certify that I am qualified and authorized to file this Verified Notice of Exemption on behalf of Great Basin and Northern Railroad.

Executed on November 12, 2020.



John Gianoli, President

Exhibit A



Great Basin and Northern Railroad System Map



Great Basin & Northern, Inc

- Station
- City
- 93 US Highway
- 80 Interstate Highway

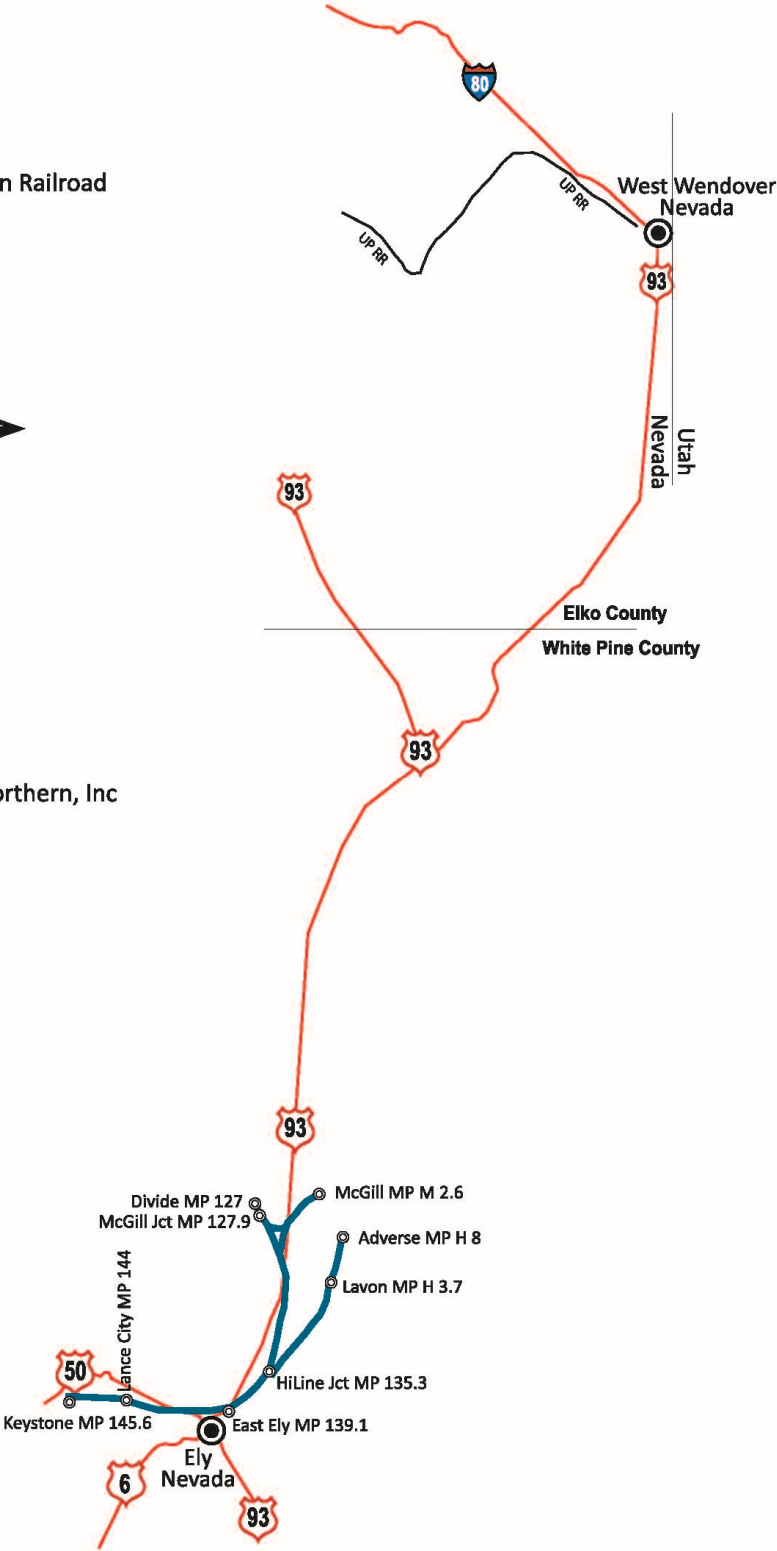


Exhibit B

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB FINANCE DOCKET NO. 36459

GREAT BASIN & NORTHERN RAILROAD

—CHANGE IN OPERATORS EXEMPTION—

CITY OF ELY AND NEVADA NORTHERN RAILWAY FOUNDATION

Great Basin and Northern Railroad has filed a notice of exemption to replace S & S Shortline Leasing, LLC, as the operator over 0.9 miles of rail line owned by the City of Ely and Nevada Northern Railway Foundation. The line extends between mileposts 127.0 and 127.9 at or near McGill Junction, Nevada. Comments must be filed with the Board and served on Jeffrey O. Moreno, Esq., Thompson Hine LLP, 1919 M St. NW Ste. 700, Washington, DC 20036 (telephone 202-331-8800). The notice is filed under 49 CFR 1150.41. If the notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.