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Office of Proceedings
November 13, 2020
Part of
Public Record

13 November 2020

For E-Filing 13 Nov. 2020

(some colorized exhibits)

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Michael Williams – Verified Notice of Exemption --
Control Exemption, F.D. 36460; and related proceeding:
S&S Shortline Leasing, LLC – Acquisition Exemption –
City of Ely and Nevada Northern Railway Foundation,
F.D. 34641

Dear Ms. Brown:

This is a cover letter on behalf of Michael Williams and S&S Shortline Leasing, LLC (“S&S”), for filings in the above two related dockets. F.D. 36460 seeks a control exemption for Michael Williams (an individual non-carrier) for continuation in control of S&S Shortline Leasing, LLC, upon acquisition of a line of railroad by S&S. In F.D. 34641, S&S seeks an exemption for acquisition of a line of railroad (MP 0 at or near Cobre to MP 127.0 at or near McGill Junction) from its current owners, City of Ely and Nevada Northern Railway Foundation. It is the understanding of S&S that Great Basin and Northern Railroad will file (or has filed) a change of operator exemption for the segment of the referenced rail line from MP 127.0 to 127.9, docketed as F.D. 36459.

FILED
November 13, 2020
SURFACE TRANSPORTATION
BOARD

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FEE RECEIVED
November 13, 2020
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By my signature below, I certify service by email attachment Jeffrey Moreno and Jason Tutrone, Thomson Hine LLP, 1919 M St., NW, Suite 700, Washington, D.C. 20046, counsel for City of Ely, Foundation, and Great Basin.

Thank you for your assistance in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles Montange', with a stylized, cursive script.

Charles Montange
Counsel for Michael Williams and
S&S Shortline Leasing, LLC

Attachments:

FD 36460 – NOE Control
FD 36461 – NOE Line Acquisition

cc. as indicated above

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Notice of Exemption

STB Finance Docket No. 36461

**S & S Shortline Leasing, LLC
—Acquisition Exemption—
City of Ely and Nevada Northern Railway Foundation**

Charles Montange
Law Offices of Charles Montange
426 NW 162d St.
Seattle, WA 98177
(206) 546-1936

Counsel for S & S Shortline Leasing, LLC

Dated: November 13, 2020

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Notice of Exemption

STB Finance Docket No. 36461

**S & S Shortline Leasing, LLC
—Acquisition Exemption—
City of Ely and Nevada Northern Railway Foundation**

**Verified Notice of Exemption
of
S & S Shortline Leasing, LLC**

S & S Shortline Leasing, LLC, 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

S & S Shortline Leasing, LLC
10100 N. Ambassador Dr. Ste. 105
Kansas City, MO 64153

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

Charles Montange
Law Offices of Charles Montange
426 NW 162d St.
Seattle, WA 98177
(206) 546-1936

c. Agreement

S & S Shortline Leasing, LLC has agreed to purchase and the City of Ely, Nevada, along with Nevada Northern Railway Foundation, Inc. (formerly White Pine Historical Railroad Foundation, Inc.) have agreed to sell to S & S their interest in approximately 127.0 miles of a railroad line between milepost 0.0 at or near Cobre in Elko County, Nevada, and milepost 127.0

at or near McGill Junction in White Pine County, Nevada (the “Line”). S & S currently operates the Line pursuant to *S&S Shortline Leasing, LLC—Operation Exemption—City of Ely*, FD 35284 (STB served Aug. 14, 2009). The Foundation and the City currently own the Line as tenants in common.

d. Operator of the property

S & S is the operator of the property.

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 0.0 at or near Cobre, NV, to milepost 127.0 at or near McGill Junction.

4. Total route miles being acquired

The total route miles being acquired is approximately 127.0 miles.

f. Map

A map of the line is attached as Exhibit A.

g. Projected revenue certification

S & S 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

S & S 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).

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k. Caption summary

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

Respectfully submitted,

S & S Shortline Leasing, LLC

By its attorneys,

s/ Chas. Montange

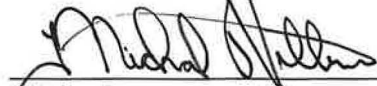
Charles Montange
Law Offices of
Charles H. Montange
426 NW 162d St.
Seattle, WA 98177
(206) 546-1936
fax: -3739

Dated: 13 November 2020

Verification

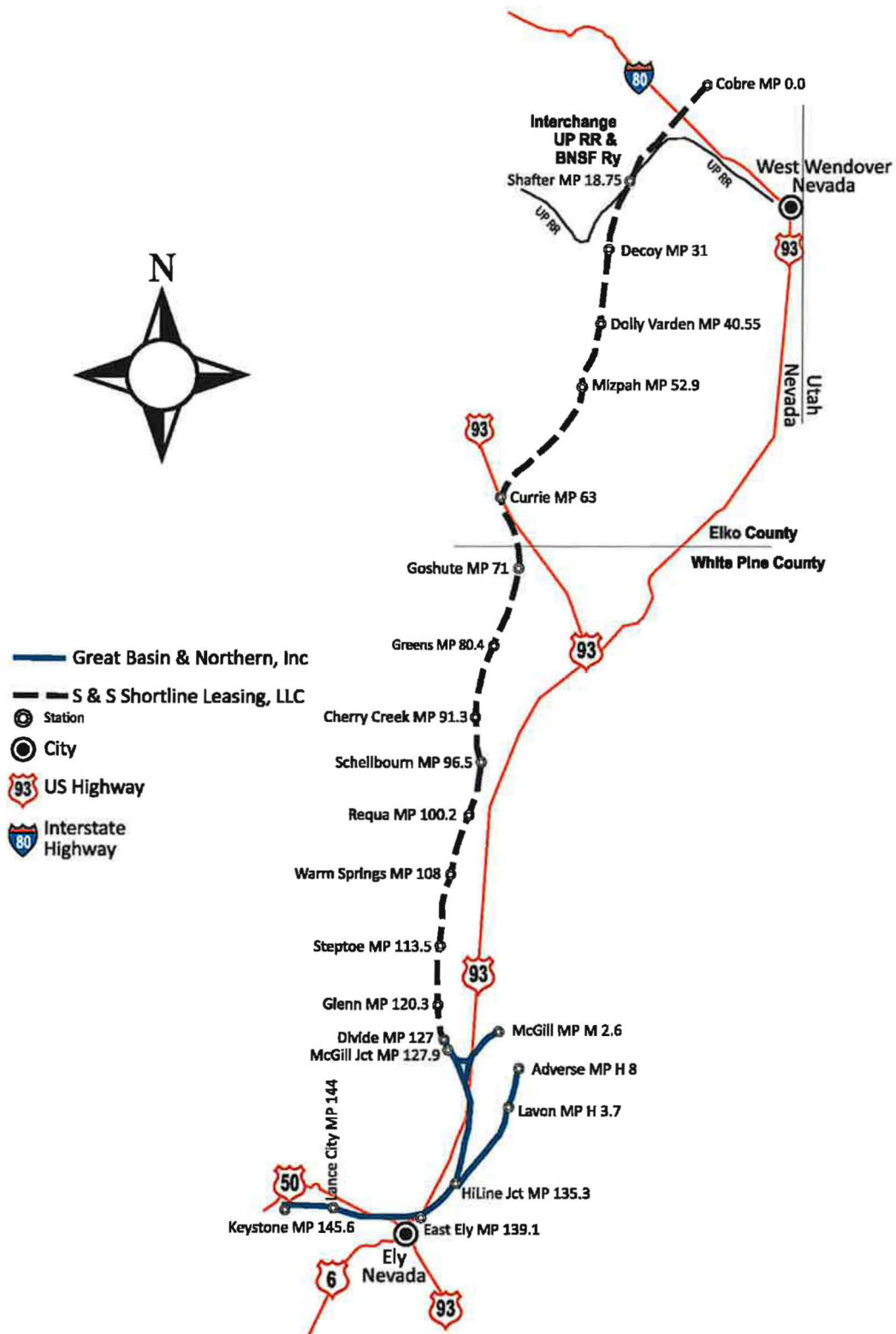
I, Michael Williams, Manager of S & S Shortline Leasing, LLC, verify under penalty of perjury that the foregoing Verified Notice of Exemption is true and correct to the best of my knowledge, information, and belief. Further, I certify that I am qualified and authorized to file this Verified Notice of Exemption on behalf of S & S Shortline Leasing, LLC.

Executed on November 12, 2020.


Michael Williams, Manager

 Manager

Exhibit A



S & S Shortline Leasing, LLC
System Map



- S & S Shortline Leasing, LLC
- Station
- City
- US Highway
- Interstate Highway

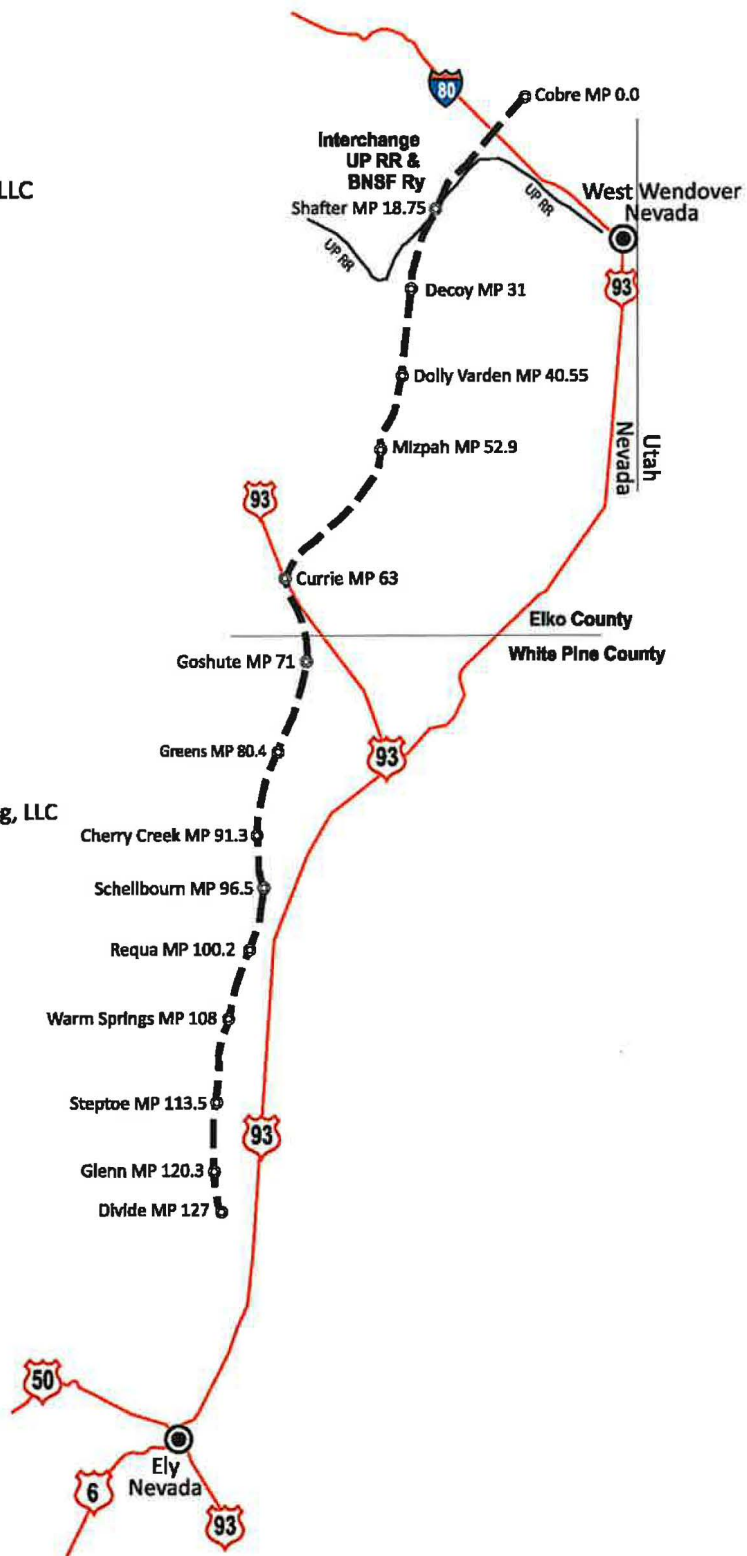


Exhibit B

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB FINANCE DOCKET NO. 36461

S & S SHORTLINE LEASING, LLC

—ACQUISITION EXEMPTION—

CITY OF ELY AND NEVADA NORTHERN RAILWAY FOUNDATION

S & S Shortline Leasing, LLC, has filed a notice of exemption to acquire the City of Ely and Nevada Northern Railway Foundation's line between milepost 0.0 at or near Cobre, Nevada, and milepost 127.0 at or near McGill Junction, Nevada. Comments must be filed with the Board and served on Charles H. Montange, Law Offices of Charles H. Montange, 426 NW 162nd St., Seattle, WA 98177 Tel: 206 546 1936. 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.