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ENTERED
Office of Proceedings
March 19, 2021
Part of
Public Record

19 March 2021

For E-Filing 19 March 2021

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

Re: Northern Indiana Railroad Company, LLC –
Acquisition Exemption – Town of North Judson, IN
F.D. 36499

Dear Ms. Brown:

Attached for e-filing please find a Notice of Exemption for Acquisition of a line of railroad from Town of North Judson, IN, by and through the North Judson Redevelopment Commission, pursuant to 49 CFR 1150.31.

By my signature below, I certify service by email attachment upon Justin Schramm, Schramm Law Group, P.C., 101 West Main St., PO Box 137, Winamac, IN, 46996, counsel for Town of North Judson Redevelopment Commission.

Thank you for your assistance in this matter.

Respectfully submitted,



Charles Montange
Counsel for Northern Indiana Railroad
Company, LLC

FILED
March 19, 2021
SURFACE TRANSPORTATION
BOARD

Att. (NOE F.D. 36499)

cc. Mr. Schramm, w/att.

FEE RECEIVED
March 19, 2021
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Finance Docket No. 36499

Northern Indiana Railroad Company, LLC

—Acquisition Exemption—

Town of North Judson, IN

Verified Notice of Exemption
of
Northern Indiana Railroad Company, LLC

Northern Indiana Railroad Company, LLC, hereby files this Verified Notice of Exemption, pursuant to 49 U.S.C. § 10902 and 49 C.F.R. § 1150.31 and states as follows:

Northern Indiana Railroad Company, LLC (“NIRCo”), a non-carrier, seeks to acquire all of the assets and all the common carrier and residual common carrier obligations of Town of North Judson, IN (“Town”) in Town’s 32.97-mile line of railroad acquired from CSX Transportation Company pursuant to an Offer of Financial Assistance in CSX Transportation, Inc. – Abandonment Exemption – in LaPorte, Porter and Starke Counties, IN, AB 55 (Sub-No. 643X), served May 14, 2004. The line extends from Milepost CF 0.63 at LaCrosse to Milepost 15.23 at

Wellsboro, and between Milepost CI 212.55 at or near North Judson, IN, and Milepost 230.92 at Malden, in LaPorte, Porter, and Starke Counties, IN. The line is operated by, and will continue to be operated by, Chesapeake and Indiana Railroad Company (CKIN) as discussed in more detail below.

CKIN received Amended Operating Authority for 27.92 miles of this line (Milepost CF 0.23¹ to Milepost CF 15.23, and Milepost CI 218 at English Lake to Milepost CI 230.92) in Chesapeake and Indiana Railroad Company – Amended Operation Exemption – Town of North Judson, IN, F.D. 36147, served Oct. 20, 2017. In Chesapeake and Indiana Railroad Company – Discontinuance of Service Exemption – in Starke County, IN, AB 1259X, served Nov. 28, 2017, CKIN received authority to discontinue service over a 5.45-mile segment of the line between Milepost CI 212.55 at or near North Judson to Milepost CI 218 at or near English Lake in Starke County, IN. In granting the discontinuance, the Board noted that “the Town will continue to own [the portion of] the Line [being discontinued], which will host excursion passenger services operated by the Hoosier Valley Railroad Museum. CKIN ... states that it is willing to consider providing freight service over the Line as a ‘private carrier’ pursuant to contracts

¹ CSX Transportation and the Board used MP 0.63 as the starting point of the LaCrosse to Wellsboro segment in AB 55 (Sub-No. 643X) proceeding, Town acquired all of the line at issue in that proceeding, and NIRCo accordingly is using the AB 55 (Sub-no. 643X) designations to acquire all that the Town acquired from CSX Transportation.

with individual shippers should a demand arise for service that is economical.”

AB 1259X, *supra*, at p. 1 n.1.

CKIN will continue to operate the line after NIRCo acquires the line from Town, subject to the discontinuance granted in AB 1259X and the representation quoted above.²

Section 1150.33 Information

a. Applicant’s full name and address

Northern Indiana Railroad Company, LLC

Att: Brian Miller, Member

10100 North Ambassador Drive, Suite 105

Kansas City, MO 64152

b. 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

² NIRCo is acquiring the property subject to Town’s lease of MP CI 212.5 (North Judson) to MP CI 218 (English Lake) to the Hoosier Valley Railroad Museum as referenced in AB 1259X, *supra*.

c. Agreement

Town and NIRCo have reached draft final agreement and are in the process of making final revisions and executing a final contract.

d. Operator of the property

CKIN the current operator of the property and will continue to operate the property after acquisition by NIRCo, subject to this Board's Decision in AB 1259X (discontinuance of service on 5.45-mile segment).

e. Brief summary of the proposed transaction

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

Town of North Judson by and through Town
of North Judson Redevelopment
Commission,

310 Lane Street

North Judson, IN 46366

2. Proposed time schedule for consummation of the transaction

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

3. Mileposts of the subject property

Milepost CF 0.63 at LaCrosse to Milepost 15.23 at Wellsboro, and between Milepost CI 212.55 at or near North Judson, IN, and Milepost 230.92 at Malden, in LaPorte, Porter, and Starke Counties, IN.

4. Total route miles being acquired

The total route miles being acquired is approximately 32.97 miles.

d. Map

A map of the line is attached as Exhibit A.

e. Projected revenue certification

NIRCo certifies that its projected revenues as a result of this 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).

f. Interchange commitments

NIRCo certifies that the proposed acquisition of the Line does not involve a provision or agreement that may limit future interchange with a third-party connecting carrier.

g. 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.

h. 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).

i. Caption summary

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

Respectfully submitted,

NORTHERN INDIANA
RAILROAD COMPANY, 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 Northern Indiana
Railroad Company, LLC

Dated:

Attachment: Verification

Exhibits:

A – Map

B – Caption Summary

Exhibit A

Map

Note: this map is taken from the
Environmental Assessment served Jan. 2, 2004, in
CSX Transportation, Inc. – Abandonment Exemption –
In LaPorte, Porter, and Starke Counties, IN,
AB-55 (Sub-no. 643X),
(proceeding in which Town of North Judson OFA'd the line in question)



Northern Indiana Railroad Company, LLC

Acquisition from Town of North Judson

Approximately 32.97 miles

Line Name: Wabash Sub.	VAL: C&O V-51/180-199
County: LaPorte, Stark, Porter	V3/IND/1-11
State: Indiana	GIS: 17360-17380, 22851-22865
Fips: 18091, 18149, 18127	Scale: 1" = 16,500'
Site ID: IN-091-0997878	Date: 08/20/03
	Drawn By: J.H. Sullivan

LEGEND

————— CN LINE

————— CSX LINES

————— NS LINE

————— Proposed Acquisition

—————

Total Distance = 32.97 Miles +-

Western Region
Chicago Division
Wabash Subdivision

FD 36499

Exhibit B

Caption Summary

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Finance Docket 36499

Northern Indiana Railroad Company, LLC

- Acquisition Exemption –

Town of North Judson

Northern Indiana Railroad Company, LLC, has filed a notice of exemption to acquire Town of North Judson's 32.97 mile rail line between milepost ("MP") CF 0.63 at Lacrosse to MP CF 1252.3 at Wellsboro, and between MP CI 212.5 at North Judson through Lacrosse to MP CI 230.9 at Malden in LaPorte, Porter and Starke Counties, Indiana.

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 Northern Indiana Railroad Company, 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.

Verification

I, Brian Miller, Member, Northern Indiana Railroad Company, 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 Northern Indiana Railroad Company, LLC.

Executed on March 18, 2021.


Brian Miller