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September 15, 2021

VIA E-FILING

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Ohio Rail Development Commission – Acquisition and Operation Exemption –
City of Jackson, FD 36537

Dear Ms. Brown:

Enclosed for filing in the above-referenced matter is an errata containing pages, which correct a mistaken reference to a trackage rights ending milepost and provide a corrected certification supporting the Verified Notice of Exemption under 49 C.F.R. §1150.31 filed on behalf of the Ohio Rail Development Commission on September 3, 2021. If there are any questions concerning this e-filing, please contact me by telephone at (202) 663-7831 or by e-mail at czorbaugh@bakerandmiller.com. If I am unavailable, you may contact my colleague, William A. Mullins, by telephone at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com

Sincerely,

/s/ *Crystal M. Zorbaugh*

Crystal M. Zorbaugh
Special Counsel for Ohio Rail Development
Commission

Enclosures

cc: Parties of Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

FD 36537

**OHIO RAIL DEVELOPMENT COMMISSION
– ACQUISITION AND OPERATION EXEMPTION –
CITY OF JACKSON**

VERIFIED NOTICE OF EXEMPTION

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**Special Counsel for Ohio Rail
Development Commission**

September 15, 2021

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

FD 36537

**OHIO RAIL DEVELOPMENT COMMISSION
– ACQUISITION AND OPERATION EXEMPTION–
CITY OF JACKSON**

VERIFIED NOTICE OF EXEMPTION

ERRATA TO SEPTEMBER 3, 2021 NOTICE OF EXEMPTION

Since submitting Ohio Rail Development Commission’s (“ORDC”) verified notice of exemption (“Notice”) on September 3, 2021, counsel for ORDC has discovered an inadvertent typo to a trackage rights ending milepost and that an earlier version of the revenue certification was used. The Notice stated “ORDC is also acquiring incidental trackage rights over 5.9 miles of former B&O/C&O rail lines (currently owned by CSX Transportation, Inc.) for interchange purposes from RA Junction (milepost 91.6) to RA Junction¹ (milepost 85.7) near Vauces, OH.

ORDC is submitting this errata to correct the mistaken reference to the milepost and provide a corrected version of the certification. ORDC respectfully requests that the Board substitute the following pages in the Notice: pages 3, 6, 11, and 13². Please feel free to contact me should you have any questions regarding this errata.

¹ This reference should have been stated as “VA Junction (milepost 85.7).”

² Corrected mileposts are in red on the replacement pages.

Respectfully submitted,

/s/ Crystal M. Zorbaugh

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**Special Counsel for Ohio Rail Development
Commission**

Dated: September 15, 2021

cc: Parties of Record

and Firebrick (MP 32.76);³ between West Junction, OH (MP 112.3) and Hamden, OH (MP 127.0);⁴ between Hamden, OH (MP 127.71) and Red Diamond, OH (MP 136.71);⁵ and between RA Junction (MP 91.6) and West Junction, OH (MP 95.5 at West Junction, which is also known as milepost 112.3)⁶ (the “Lines”) and the following spurs off of the Hamden-Firebrick portion of the mainline:⁷ Buckeye Branch, Meadow Run Branch, Huron Branch (East), Huron Branch (West) and Pyro Spur, all of which is located in Jackson, Vinton, Ross and Lawrence Counties in Ohio. The Lines are currently operated by Indiana Eastern Railroad, LLC d/b/a Ohio South Central Railroad. ORDC is also acquiring incidental trackage rights over 5.9 miles of former B&O/C&O rail lines (currently owned by CSX Transportation, Inc.) for interchange purposes from RA Junction (milepost 91.6) to VA Junction (milepost 85.7) near Vauces, OH.

³ Acquired in 1987 in City of Jackson, OH – Acquisition – Balt. and Ohio R.R. Co. and Chesapeake and Ohio Ry. Co., FD 31020, slip op at 1 (I.C.C. served Apr. 24, 1987) (“1987 Acquisition”).

⁴ Acquired in 1987 Acquisition.

⁵ The City of Jackson acquired 9.0 miles of line between milepost 127.71 (near Hamden, OH), and milepost 136.71 (at a point known as Red Diamond, OH) following abandonment by CSX Transportation of the rail line in CSX Transp., Inc. – Abandonment and Discontinuance of Trackage Rights – In Vinton and Jackson Counties, OH, AB 55 (Sub-No. 221X), slip op at 1 (I.C.C. served Nov. 8, 1988 as supplemented by decision served Dec. 18, 1990). See also The Ind. & Ohio E. R.R., Inc., Modified Rail Certificate, FD 31803, slip op at 1 (I.C.C. served Jan. 18, 1991).

⁶ Acquired in 1987 Acquisition.

⁷ While ORDC is acquiring the entirety of the City of Jackson’s ownership interest in the mainline track. ORDC is only acquiring certain 10906 spur and ancillary tracks currently owned by the City of Jackson. The 10906 spur and ancillary tracks being acquired include the Buckeye Branch (an approx. 0.8-mile spur at MP 2.6; the Meadow Run Branch (an approx. 1.3-mile spur at MP 4.4), the Huron Branch (East) (an approx. 1.0-mile spur at MP 13.1), the Huron Branch (West) (an approx. 4.8-mile spur at MP 13.4), and the Pyro Spur (a 1.1.-mile spur at MP 23.6)

ORDC is also acquiring incidental trackage rights over 5.9 miles of former B&O/C&O rail lines (currently owned by CSX Transportation, Inc.) for interchange purposes from RA Junction (milepost 91.6) to VA Junction (milepost 85.7) near Vauces, OH.

(4) Route miles being acquired:

The Lines being acquired by ORDC, excluding the 10906 spurs, total approximately 60.36 miles.

(f) **Map: 49 C.F.R. § 1150.33(f)**

A map of the Lines being acquired is attached as Exhibit A.

(g) **Certification of Revenues: 49 C.F.R. § 1150.33(g)**

ORDC hereby certifies that its projected annual revenues resulting from the transaction will not exceed those that would qualify it as a Class III carrier. See certification attached as Exhibit B.

(h) **Interchange Commitments: 49 C.F.R. §1150.33(h)**

The proposed transaction does not involve, and the purchase agreement does not include any interchange commitments.

ENVIRONMENTAL AND HISTORIC IMPACTS

Under 49 C.F.R. § 1105.6(c)(2), the proposed transaction is exempt from environmental reporting requirements because the proposed transaction will not result in significant changes in carrier operations, i.e., changes that exceed the thresholds established in 49 C.F.R. § § 1105.7(e)(4) or (5).

Also, under 49 C.F.R. § 1105.8(b)(1), the proposed transaction is exempt from historic preservation reporting requirements. The proposed transaction is for the purpose of continued rail operations. Further Board approval would be required for ORDC to abandon service. There are

CERTIFICATION OF REVENUES

Commonwealth of Pennsylvania)
) SS:
County of Allegheny)

I, Matthew Dietrich, Executive Director of Ohio Rail Development Commission (“ORDC”), hereby certify that ORDC’s projected annual revenues will not result in ORDC becoming a Class I or Class II carrier so as to require processing the foregoing notice of exemption under 49 C.F.R. § 1150.32. I further certify that ORDC's annual revenues are not projected to exceed \$5 million following consummation of the subject transaction.

September 15, 2021

A handwritten signature in black ink, appearing to read 'Matthew Dietrich', is written over a horizontal line.

Matthew Dietrich, Executive Director
Ohio Rail Development Commission

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FD 36537

**OHIO RAIL DEVELOPMENT COMMISSION
– ACQUISITION AND OPERATION EXEMPTION –
CITY OF JACKSON**

Ohio Rail Development Commission (“ORDC”), non-carrier, has filed a verified notice of exemption to acquire and operate approximately 60.36 miles of mainline currently owned and operated by the City of Jackson (“City”) extending between Hamden, OH (MP 0) and Firebrick, (MP 32.76); between West Junction, OH (MP 112.3) and Hamden, OH (MP 127.0); between Hamden, OH (MP 127.71) and Red Diamond, OH (MP 136.71); and between RA Junction (MP 91.6) and West Junction, OH (MP 95.5 at West Junction, which is also known as milepost 112.3) (the “Lines”) and the following spurs off of the Hamden-Firebrick portion of the mainline: Buckeye Branch, Meadow Run Branch, Huron Branch (East), Huron Branch (West) and Pyro Spur.⁸ ORDC is also acquiring incidental trackage rights over 5.9 miles of former B&O/C&O rail lines (currently owned by CSX Transportation, Inc.) for interchange purposes from RA Junction (milepost 91.6) to VA Junction (milepost 85.7) near Vauces, OH.

An operator for the City, Indiana Eastern Railroad, LLC d/b/a Ohio South Central Railroad, currently provides common carrier rail service to the Lines. Upon this class exemption notice becoming effective and the closing of the transaction, ORDC will become a Board-

⁸ The 10906 spur and ancillary tracks being acquired include the Buckeye Branch (an approx. 0.8-mile spur at MP 2.6; the Meadow Run Branch (an approx. 1.3-mile spur at MP 4.4), the Huron Branch (East) (an approx. 1.0-mile spur at MP 13.1), the Huron Branch (West) (an approx. 4.8-mile spur at MP 13.4), and the Pyro Spur (an 1.1.-mile spur at MP 23.6)