

LAW OFFICES OF
LOUIS E. GITOMER, LLC

ENTERED
Office of Proceedings
October 29, 2021
Part of
Public Record

LOUIS E. GITOMER
Lou@lgrailaw.com

MELANIE B. YASBIN
Melanie@lgrailaw.com
410-296-2205

600 BALTIMORE AVENUE,
SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 * (202) 466-6532
FAX (410) 332-0885

October 29, 2021

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Re: Docket No. FD 36552, *Port Manatee Railroad LLC-Operation Exemption-
Manatee County Port Authority*

Dear Ms. Brown:

Enclosed for efilng is a Notice of Exemption under 49 CFR 1150.31(a). A filing fee of \$2,100.00 has been paid through Pay.gov.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,

/s/ *Louis E. Gitomer*

Louis E. Gitomer
Attorney for Port Manatee Railroad LLC

Enclosure

FILED
October 29, 2021
SURFACE TRANSPORTATION BOARD

FEE RECEIVED
October 29, 2021
SURFACE TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD
STB DOCKET NO. FD 36552

PORT MANATEE RAILROAD LLC
- OPERATION EXEMPTION -
MANATEE COUNTY PORT AUTHORITY

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10901

(includes color image)

Louis E. Gitomer
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Dated: October 29, 2021

Attorney for Port Manatee Railroad LLC

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. FD 36552

PORT MANATEE RAILROAD LLC
- OPERATION EXEMPTION -
MANATEE COUNTY PORT AUTHORITY

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10901

Port Manatee Railroad LLC (“PMR”), a non-carrier, files this Notice of Exemption under 49 USC § 10901 to exempt from regulation, PMR’s operate on behalf of the Manatee County Port Authority (the “Port”) the approximately 7-mile line of railroad (no mileposts) within the Port of Manatee, in Manatee County, FL (the “Line”). The Line is shown on the map attached as Exhibit A.

Notice

In accordance with 49 C.F.R. §1150.33, PMR hereby provides the following information:

- (a) The full name and address of Applicant are: Port Manatee Railroad LLC, 505 South Broad Street, Kennett Square, PA 19348.
- (b) The name, address and telephone number of the representative of PMR who should receive correspondence is: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204; (410) 296-2250.
- (c) PMR and the Port have entered an Operating and Maintenance Agreement to be effective as of December 1, 2021 (the “Agreement”).

(d) The Port currently owns and operates the property as a Class III Shortline Railroad. PMR will replace the Port as the operator of the Line pursuant to the terms of the Agreement on December 1, 2021.

(e) Brief Summary of the Proposed Transaction:

PMR is a newly created railroad subsidiary of Regional Rail, LLC, which controls seven other short line railroads. The railroads controlled by Regional Rail are the East Penn Railroad, LLC, Middletown & New Jersey Railroad, LLC, Tyburn Railroad, LLC, Florida Central Railroad Company, Inc., Florida Midland Railroad Company, Inc., Florida Northern Railroad Company, Inc., and Carolina Coastal Railway, Inc. See the concurrently filed Notice of Exemption in Docket No. FD 36553.

PMR will operate the Line pursuant to the Agreement with the Port.

(1) The name and address of the railroad transferring the Line: Manatee County Port Authority, 300 Tampa Bay Way, Suite One, Palmetto, FL 34221.

(2) The Port and PMR expect PMR to begin operations on December 1, 2021.

(3) There are no mileposts on the Line. The Line begins where it meets the CSX Transportation, Inc. line and includes all rail lines within the Port of Manatee.

(4) The total route miles to be operated are approximately 7 miles.

(f) Attached as Exhibit A to this Notice of Exemption is a map of the Line.

(g) PMR certifies that following this transaction, PMR annual revenues will be less than \$5,000,000 annually, and it will become a Class III carrier.

(h) PMR certifies that its proposed acquisition does not involve an interchange commitment.

Labor Protection

Pursuant to 49 U.S.C. 10901(c), labor protection requirements do not apply to this transaction.

Environmental and Historic Reports

This is an operating agreement for continued rail operations that will not result in changes in carrier operations that will exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (5). Further Board approval is required for PMR to discontinue service, or to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older. Accordingly, no environmental or historic documentation is required. *See* 49 C.F.R. §1105.6(c)(2); 49 C.F.R. §1105.8(b)(1).

Caption Summary

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R. §1150.44.

Conclusion

PMR respectfully requests that the Board serve a notice allowing the common carrier operations of PMR to become effective on November 28, 2021

Respectfully submitted,

/s/ *Louis E. Gitomer*

Louis E. Gitomer
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Dated: October 29, 2021

Attorney for Port Manatee Railroad LLC

VERIFICATION

I hereby verify on behalf of Port Manatee Railroad LLC, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on October 27, 2021.



Alfred M. Sauer, President and CEO

EXHIBIT A

MAP

PORT MANATEE RAILROAD LLC - MAP

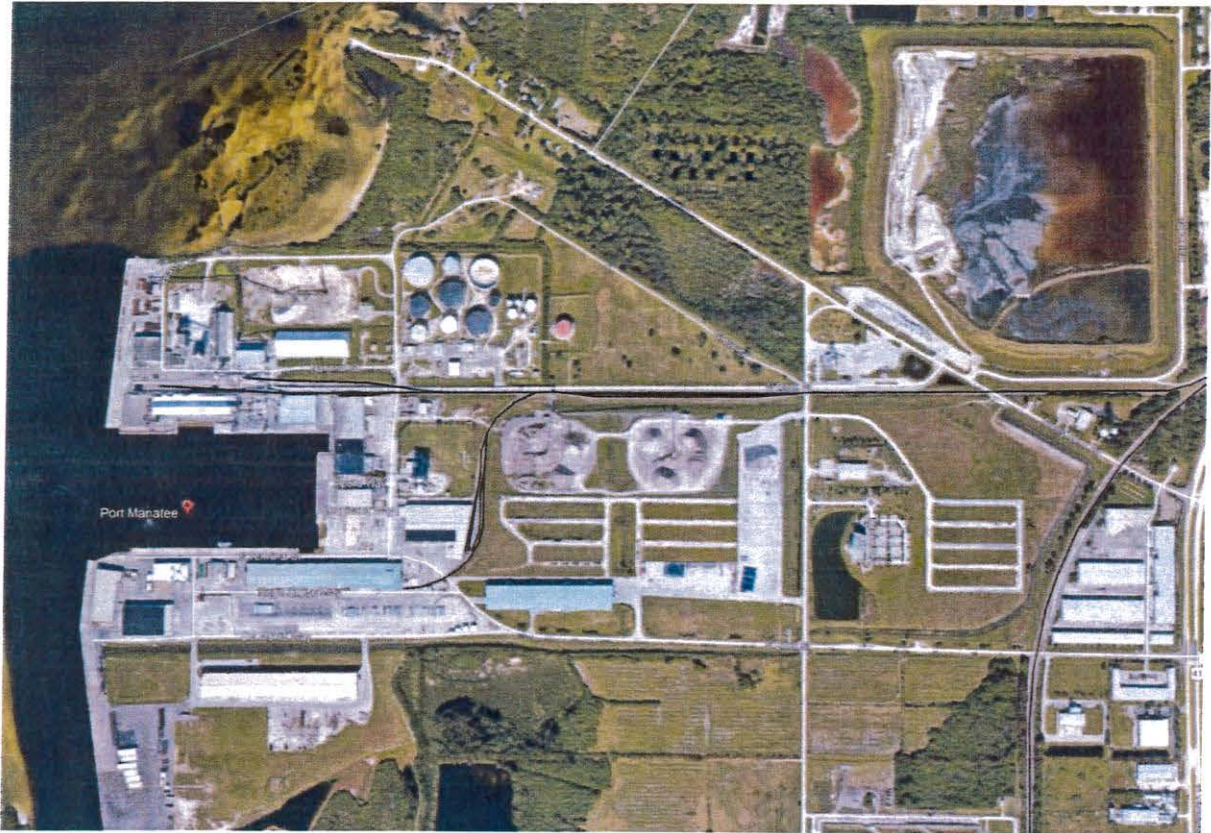


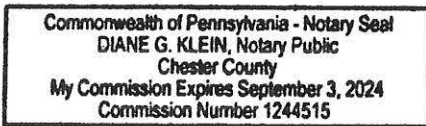
EXHIBIT B

CERTIFICATION

State of Pennsylvania)
County of Chester)

SS:

Alfred M. Sauer, being duly sworn, hereby certifies that the projected annual rail revenues of Port Manatee Railroad LLC as a result of the transaction proposed herein will not result in the creation of a Class II or a Class I rail carrier under the provisions of 49 C.F.R. § 1201 (1-1).



Diane G. Klein

SUBSCRIBED AND SWORN TO
before me this 27 day
of October, 2021.

Alfred M. Sauer, President and CEO

EXHIBIT C

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

STB DOCKET NO. FD 36552

PORT MANATEE RAILROAD LLC
- OPERATION EXEMPTION -
MANATEE COUNTY PORT AUTHORITY

Port Manatee Railroad LLC (“PMR”), a non-carrier, has filed a Notice of Exemption under 49 CFR §1150.31 to operate a line of railroad that extends approximately 7 miles Line between where it meets the CSX Transportation, Inc. line and includes all rail lines within the Port of Manatee (the “Line”). The operation transaction includes does not include an interchange commitment. The Line is currently owned by Manatee County Port Authority (the Port”).

The transaction may be consummated on or after November 28, 2021, the effective date of the exemption.

PMR certifies that its projected annual revenues as a result of this transaction will not exceed \$5 million annually and will not result in PMR becoming a Class I or Class II carrier. If the verified 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 effectiveness of the exemption. Petitions for stay must be filed no later than November 23, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36552, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on PMR’s

representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgrailaw.com.

According to PMR, this action is excluded from environmental review under 49 C.F.R. § 1105.6(c) and from historic preservation reporting requirements under 49 C.F.R. § 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: _____, 2021

By the Board, Scott Zimmerman, Acting, Director, Office of Proceedings.