

FLETCHER & SIPPEL LLC

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December 8, 2021

VIA ELECTRONIC FILINGMs. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001Re: **FD 36565**
LVR Railroad LLC — Acquisition and Operation
Exemption — Landisville Railroad, LLC

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is a **Verified Notice of Exemption of LVR Railroad LLC Pursuant to 49 C.F.R. Part 1150, subpart D**, dated December 8, 2021. The sum of \$2,100, representing the appropriate fee for this filing, has been tendered electronically via Pay.gov.

If you have any questions regarding this filing, please feel free to contact me.
Thank you for your assistance on this matter.

Respectfully submitted,

/s/ *Audrey L. Brodrick*Audrey L. Brodrick
Attorney for LVR Railroad LLC

ALB:ah

Attachment

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36565

LVR RAILROAD LLC
– ACQUISITION AND OPERATION EXEMPTION –
LANDISVILLE RAILROAD, LLC

**VERIFIED NOTICE OF EXEMPTION OF LVR RAILROAD LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART D**

Audrey L. Brodrick
Robert A. Wimbish
Fletcher & Sippel
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

ATTORNEYS FOR LVR RAILROAD LLC

Dated: December 8, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36565

LVR RAILROAD LLC
— ACQUISITION AND OPERATION EXEMPTION —
LANDISVILLE RAILROAD, LLC

**VERIFIED NOTICE OF EXEMPTION OF LVR RAILROAD LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART D**

LVR Railroad LLC (“LVR”), a non-carrier, hereby files this notice of exemption under 49 C.F.R. Part 1150, subpart D to acquire and operate a rail line owned and operated by Landisville Railroad, LLC (“Landisville”) beginning at its connection with Norfolk Southern Railway Company (“NSR”) on the so-called Harrisburg Line (owned by the National Railroad Passenger Corporation – “Amtrak”) at approximately milepost 30.77, and extending to approximately milepost 32.69 at the end of the track, north of Stony Battery Road in West Hempfield, Lancaster County, Pennsylvania, a distance of less than two miles (the “Line”).¹ Based on projected revenues for the Line, LVR expects to become a Class III rail carrier.

In accordance with the requirements of 49 C.F.R. § 1150.33, LVR submits the following information:

Name and Address of Applicant: 49 C.F.R. § 1150.33(a)

The full name and address of the applicant herein is as follows:

LVR Railroad LLC
5768 Sweeteners Blvd
Lakeville, NY 14480
Attn: Jonathan Bamberger

¹ Landisville purchased the Line in 2008. See *Landisville Railroad LLC – Acquisition and Operation Exemption – The Landisville Railroad, Inc., and Landisville Terminal & Transfer Company*, FD 35170 (STB served Aug. 15, 2008).

Applicant's Representative: 49 C.F.R. § 1150.33(b)

The LVR representative to whom correspondence regarding this transaction should be sent is as follows:

Audrey L. Brodrick
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

LVR and Landisville will shortly execute a purchase agreement pursuant to which LVR will purchase the Line from Landisville, and will operate it accordingly.

Operation of the Property: 49 C.F.R. § 1150.33(d)

LVR will provide common carrier service on the Line upon consummation of the proposed transaction.

Summary of the Transaction: 49 C.F.R. § 1150.33(e)

LVR is a newly-formed non-carrier. Pursuant to agreements to be executed by LVR and Landisville, LVR will acquire and operate the aforementioned Line, which begins at a connection with NSR on Amtrak's Harrisburg Line at approximately milepost 30.77, and extends from there to approximately milepost 32.69 at the end of the track, north of Stony Battery Road, in West Hempfield, a distance of less than two miles, all within Lancaster County, Pennsylvania. Incidentally, this transaction will not create a situation where, post-transaction, LVR will be commonly controlled alongside any other railroad common carrier in the U.S., and, accordingly,

the proposed transaction will not trigger the need for a corresponding continuance in control proceeding.

The full name and address of the entity selling the Line to LVR is as follows:

Landisville Railroad, LLC
1559 Boiling Springs Road
Boiling Springs, PA 17007
Attn: Mike Kennedy

LVR intends to consummate its acquisition of the Line and commence operations on or after January 7, 2022, the anticipated effective date of this notice.

Map: 49 C.F.R. § 1150.33(f)

A map showing the Line and indicating the area served is attached as Exhibit A to this notice.

Certificate of Compliance: 49 C.F.R. § 1150.33(g)

A certification of compliance with the provisions of 49 C.F.R. § 1150.33(g) is attached as Exhibit C to this notice.

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

The Subject agreements between LVR and Landisville do not include any provision limiting LVR's future interchange of traffic on the Line with a third-party connecting carrier.

Advance Notice: 49 C.F.R. § 1150.32(e)

The projected annual revenue of LVR will not exceed \$5 million, and, accordingly, the advance notice requirements of 49 C.F.R. § 1150.32(e) are not applicable to this transaction. See Exhibit C.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

Under 49 C.F.R. § 1105.6(c)(2), the proposed acquisition of the Line by LVR is exempt from environmental reporting requirements. LVR's acquisition and operation of the Line 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).

Under 49 C.F.R. § 1105.8(b)(1), the proposed acquisition of the Line by LVR also is exempt from historic preservation reporting requirements. LVR's operation of the Line is for the purpose of continuing rail operations.

Caption Summary: 49 C.F.R. § 1150.34

A caption summary in appropriate form is attached as Exhibit B to this notice.

Respectfully submitted,

/s/ *Audrey L. Brodrick*

Audrey L. Brodrick
Robert A. Wimbish
Fletcher & Sippel
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

ATTORNEYS FOR LVR RAILROAD LLC

Dated: December 8, 2021

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36565

**LVR RAILROAD LLC
— ACQUISITION EXEMPTION —
LANDISVILLE RAILROAD, LLC**

EXHIBIT A

MAP

Docket No. FD-36565 LVR Railroad, LLC - Acquisition and
Operation Exemption - Landisville Railroad, LLC



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36565

**LVR RAILROAD LLC
-- ACQUISITION EXEMPTION --
LANDISVILLE RAILROAD, LLC**

EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FD 36565

LVR RAILROAD LLC
-- ACQUISITION AND OPERATION EXEMPTION --
LINE OF LANDISVILLE RAILROAD, LLC

LVR Railroad LLC (“LVR”), a non-carrier, has filed a Verified Notice of Exemption under 49 C.F.R. § 1150.31 to acquire from Landisville Railroad, LLC a line of railroad beginning at a connection with Norfolk Southern Railway Company on the so-called Harrisburg Line (owned by the National Railroad Passenger Corporation) at approximately milepost 30.77 and extending to approximately milepost 32.69 at the end of the track north of Stony Battery Road in West Hempfield (the “Line”), a distance of less than two miles, all within Lancaster County, Pennsylvania.

LVR expects to consummate its purchase of the Line and commence operations on or after January 7, 2022.

Comments must be filed with the Board and served on:

Audrey L. Brodrick
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

This Notice is filed under 49 C.F.R. § 1150.31. If this 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.

Dated: December _____, 2021

By the Board

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36565

**LVR RAILROAD LLC
— ACQUISITION EXEMPTION —
LANDISVILLE RAILROAD, LLC**

EXHIBIT C

CERTIFICATION AND VERIFICATION

CERTIFICATION AND VERIFICATION

I, Jonathan Bamberger, being duly sworn, hereby certify that the projected annual rail revenue of LVR Railroad LLC ("LVR") would not exceed \$5 million and will not result in the creation of a Class II or Class I rail carrier under the provisions of 49 C.F.R. § 1201 (1-1). In addition, I hereby verify that I have read the foregoing Notice of Exemption and knows the facts asserted therein, and that the same are true as stated. Finally, I also hereby verify that I am duly authorized to tender the present certification and verification on behalf of LVR.



Jonathan Bamberger
Executive Chairman

Dated: November 30, 2021