

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Notice of Exemption

STB Finance Docket No. 36601

**Great Basin and Northern Railroad
—Change in Operators Exemption—
In Elko and White Pine Counties, Nevada**

**Verified Notice of Exemption
of
Great Basin and Northern Railroad**

Great Basin and Northern Railroad hereby files this Verified Notice of Exemption, pursuant to 49 U.S.C. § 10902 and 49 C.F.R. Part 1150, subpart E, and in keeping with the informational requirements at 49 C.F.R. §§ 1150.42 – 1150.44 states as follows:

a. Applicant's full name and address

Great Basin and Northern Railroad
1100 Avenue A
PO Box 150040
East Ely, NV 89315

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

Jeffrey O. Moreno
Jason D. Tutrone
Thompson Hine LLP
1919 M St. NW Ste 700
Washington, DC 20036
(202) 331-8800

c. Agreement

Great Basin anticipates that in the next 30 days it will reach an agreement with the City of Ely and the Nevada Northern Railway Foundation (formerly the White Pine Historical Railroad Foundation) under which it will obtain rights to operate on and over 127 miles of railroad line extending between milepost 0.0 at or near Cobre, NV, and milepost 127.0 at or near

McGill Junction in White Pine County, Nevada (the “Line”). The STB previously authorized S&S Shortline Leasing, LLC (“S&S”), to operate the Line in *S&S Shortline Leasing, LLC—Operation Exemption—City of Ely*, FD 35284 (STB served Aug. 14, 2009). Great Basin will replace S&S as the authorized operator of the Line, and S&S has agreed to cooperate in the change of operations to Great Basin.

Great Basin currently possesses Board authorization to operate a connecting line extending from milepost 127.0 to milepost 146.1 at or near Keystone, Nevada, and two branch lines connecting to this line segment. See *Great Basin & N. R.R.—Change in Operators Exemption—City of Ely*, FD 34506 (STB served June 7, 2004); *Great Basin & N. R.R.—Change in Operators Exemption—City of Ely*, FD 36549 (STB served Nov. 27, 2020) (“*Great Basin – Change in Operators*”).

d. Operator of the property

Great Basin will operate the Line as a rail common carrier.

e. Brief summary of the proposed transaction

The City, the Foundation, and S&S have recently reached an agreement under which Great Basin will replace S&S as the Board authorized operator of the Line. As a result, S&S’s Board authority will be permanently discontinued. The proposed transaction is consistent with a previous, recent change of operator transaction involving the same entities. See *Great Basin – Change in Operators*.

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 after 30 days from the filing date.

3. Mileposts of the subject property

The mileposts for the subject property are milepost 0.0 to milepost 127.0.

4. Total route miles being acquired

The total route miles being acquired is approximately 127 miles.

f. Map

A map of the line is attached as Exhibit A.

g. Projected revenue certification

Great Basin 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 providing advance notice to employees and any involved railroad unions under 49 C.F.R. § 1150.42(e).

h. Interchange commitments

Great Basin certifies that the agreement (or agreements) to govern its operation of the Line will 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). See 49 C.F.R. § 1105.6(b)(4).

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 the subject transaction will not substantially change the level of maintenance of railroad property, within the meaning of 49 C.F.R. § 1105.8(b)(1).

k. Caption summary

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

l. Notice to customers

Great Basin acknowledges the notice requirement of 49 C.F.R. § 1150.42(b), but notes that there are currently no customers on the Line, and thus no entities to notify of the proposed change of operator from S&S to Great Basin.

Respectfully submitted,

Great Basin and Northern Railroad

By its attorneys,

A handwritten signature in black ink, appearing to read "Jeffrey O. Moreno".

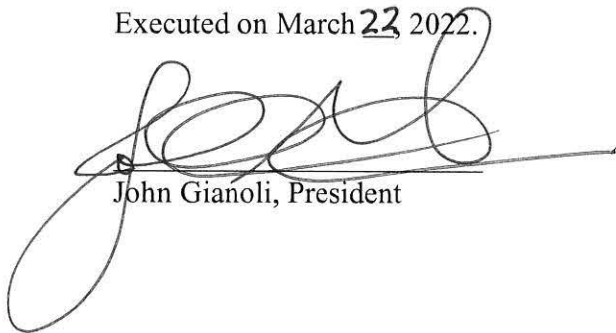
Jeffrey O. Moreno
Jason D. Tutrone
Thompson Hine LLP
1919 M Street, NW, Suite 700
Washington, DC 20036
(202) 263-4107

Dated: March 29, 2022

Verification

I, John Gianoli, President of Great Basin and Northern Railroad, 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 Great Basin and Northern Railroad.

Executed on March 23 2022.

A handwritten signature in black ink, appearing to read 'John Gianoli', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

John Gianoli, President

Exhibit A

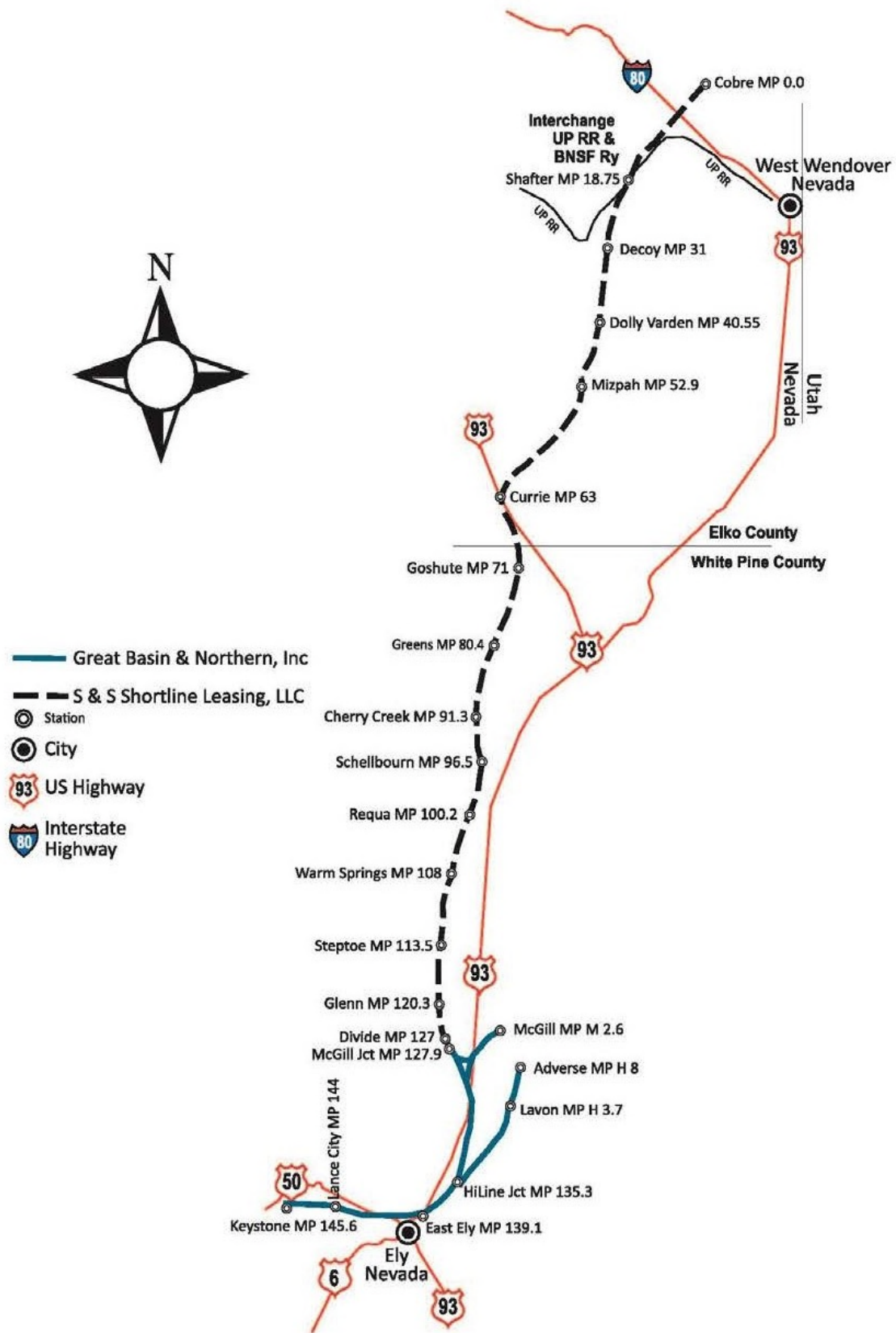


Exhibit B

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB FINANCE DOCKET NO. 36601

GREAT BASIN & NORTHERN RAILROAD

—CHANGE IN OPERATORS EXEMPTION—

CITY OF ELY AND NEVADA NORTHERN RAILWAY FOUNDATION

Great Basin and Northern Railroad has filed a notice of exemption to replace S&S Shortline Leasing, LLC, as the operator over 127 miles of rail line in Elko and White Pine Counties, Nevada. The line extends from milepost 0.0 at or near Cobre, Nevada, to milepost 127.0 at or near McGill Junction, Nevada. Comments must be filed with the Board and served on Jeffrey O. Moreno, Esq., Thompson Hine LLP, 1919 M St. NW Ste. 700, Washington, DC 20036 (telephone 202-331-8800). 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.