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April 6, 2022

304252

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
April 6, 2022
Part of
Public Record

Re: **FD 36607**
Hamilton Northwestern Railroad Co. —
Operation Exemption — In Allegan County, MI

FD 36608
Hamilton Hartford Group, LLC —
Continuance in Control – Hamilton Northwestern Railroad Co.

Dear Ms. Brown:

Attached for filing in the above-captioned proceedings are the **Verified Notice of Exemption of Hamilton Northwestern Railroad Co. Pursuant to 49 C.F.R. Part 1150, subpart D**, and the **Verified Notice of Exemption of Hamilton Hartford Group, LLC Pursuant to 49 C.F.R. § 1180.2(d)**, dated April 6, 2022. Appropriate fees for these filings have been tendered electronically via Pay.gov.

FILED
April 6, 2022
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
April 6, 2022
SURFACE
TRANSPORTATION BOARD

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

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish

Thomas J. Healey

Attorneys for Hamilton Northwestern Railroad
Co. and Hamilton Hartford Group, LLC

RAW:th

Attachments

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36608

HAMILTON HARTFORD GROUP, LLC
— CONTINUANCE IN CONTROL EXEMPTION —
HAMILTON NORTHWESTERN RAILROAD CO.

**VERIFIED NOTICE OF EXEMPTION OF
HAMILTON HARTFORD GROUP, LLC
PURSUANT TO 49 C.F.R. § 1180.2(d)(2)**

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**ATTORNEYS FOR HAMILTON
HARTFORD GROUP, LLC**

Dated: April 6, 2022

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36608

HAMILTON HARTFORD GROUP, LLC
— CONTINUANCE IN CONTROL EXEMPTION —
HAMILTON NORTHWESTERN RAILROAD CO.

**VERIFIED NOTICE OF EXEMPTION OF
HAMILTON HARTFORD GROUP, LLC
PURSUANT TO 49 C.F.R. § 1180.2(d)(2)**

Hamilton Hartford Group, LLC (“HHG”), a non-carrier, hereby files this notice of exemption under 49 C.F.R. § 1180.2(d)(2) to continue in control of Hamilton Northwestern Railroad Co. (“HNW”) once HNW becomes a common carrier. HNW is a non-carrier established by HHG to acquire private industry track in Allegan County, Michigan, and, thereupon to commence providing common carrier service over that trackage.

In accordance with the requirements of 49 C.F.R. § 1180.4(g), HHG submits the following information:

Description of Proposed Transaction: 49 C.F.R. § 1180.6(a)(1)(i)

HHG is a non-carrier that currently controls one railroad, the West Michigan Railroad Co. (“WMI”). HHG acquired a controlling interest in WMI in 2015 from Pioneer Railcorp. Because WMI was the first railroad to come under HHG’s control, no Board authority was required for that transaction.

HNW will soon purchase 6.10 miles of private industry track (the “Track”) located between milepost 19.00 (and a connection to CSX Transportation, Inc. (“CSXT”) at Holland, Michigan) to milepost 12.90 at Hamilton, Michigan (the “Track”) from Endeavor Ag

and Energy, LLP (“Endeavor”). The Track was previously abandoned by CSXT,¹ and the track and underlying right of way, after several intervening conveyances, ultimately was sold to Endeavor. Pursuant to a concurrently filed notice of exemption,² HNW seeks to operate the Track as a line of railroad upon HNW’s acquisition of the subject railroad assets. HHG will remain in control of HNW upon HNW becoming a common carrier.

The full name and address of the Applicant is as follows:

Hamilton Hartford Group, LLC
P. O. Box 885
6508 Island Lake Road
Saugatuck, MI, 49543

HHG’s control of HNW upon HNW becoming a rail common carrier is not a transaction where: (a) HNW would connect with WMI (the lines of WMI do not connect with the Track that HNW proposes to acquire and to commence common carrier service over); (b) HHG plans through the continuance of control of HNW once HNW becomes a common carrier to connect HNW to WMI; or (c) a Class I carrier is involved. Accordingly, the proposed transaction satisfies the class exemption criteria at 49 C.F.R. § 1180.2(d)(2).

Any questions concerning this Notice should be addressed to HHG’s representative as follows:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
rwimbish@fletcher-sippel.com
(312) 252-1504

¹ See *CSX Transportation, Inc. – Abandonment Exemption – In Allegan County, MI*, AB-55 (Sub-No. 619X) (STB served Nov. 29, 2002).

² *Hamilton Northwestern Railroad Co. – Operation Exemption – In Allegan County, MI*, FD 36607.

Proposed Schedule for Consummation: 49 C.F.R. § 1180.6(a)(1)(ii)

HHG will continue its control of HNW upon HNW's startup of common carrier operations, expected to occur on or after May 6, 2022.

Purpose Sought to Be Accomplished: 49 C.F.R. § 1180.6(a)(1)(iii)

The transaction will promote HHG's investment objectives, and sustain the efficiency, financial strength, and ability of WMI and HNW to meet the needs of shippers.

States in Which Property of Applicants is Located: 49 C.F.R. § 1180.6(a)(5)

HHG is a non-carrier, and its business address is supplied above. The Track that HNW seeks to purchase and would commence common carrier operations over is located in Michigan. WMI's line is also located in Michigan. Again, the Track and WMI's railroad line do not connect (see maps attached as Exhibit A).

Maps - Exhibit A: 49 C.F.R. § 1180.6(a)(6)

Maps showing the location of HNW and WMI are attached as Exhibit A.

Agreement: 49 C.F.R. § 1180.6(a)(7)(ii)

HHG already controls HNW, currently a non-carrier. No agreement is required or necessary for HHG to continue in control of HNW once HNW becomes a common carrier.

Labor Protective Conditions: 49 C.F.R. § 1180.4(g)(1)(i)

The proposed transaction involves the control of one new Class III rail carrier, and involves no Class I or II rail carriers. Accordingly, this transaction is not subject to the imposition of labor protection conditions. *See* 49 U.S.C. § 11326(c).

Environmental and Historic Preservation Matters: 49 C.F.R. § 1180.4(g)(3)

Under 49 C.F.R. § 1105.6(c)(2)(i) and (ii), the proposed control transaction is exempt from environmental reporting requirements. HHG's continuance of control of HNW once HNW becomes a common carrier 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)(3), the proposed control transaction also is exempt from historic preservation reporting requirements. The proposed transaction will not substantially change the level of maintenance of any railroad property.

Interchange Commitments: 49 C.F.R. § 1180.4(g)(4)

The proposed control transaction does not involve the acquisition or operation of a rail line, and, thus, the provisions of 49 C.F.R. § 1180.4(g)(4) are not applicable. .

Respectfully submitted,

By: /s/ *R. A. Wimbish*

Robert A. Wimbish
Thomas J. Healey
Fletcher & Sippel LLC
29 North Wacker Drive
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**ATTORNEYS FOR HAMILTON
HARTFORD GROUP, LLC**

Dated: April 6, 2022

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36608

**HAMILTON HARTFORD GROUP, LLC
— CONTINUANCE IN CONTROL EXEMPTION —
HAMILTON NORTHWESTERN RAILROAD CO.**

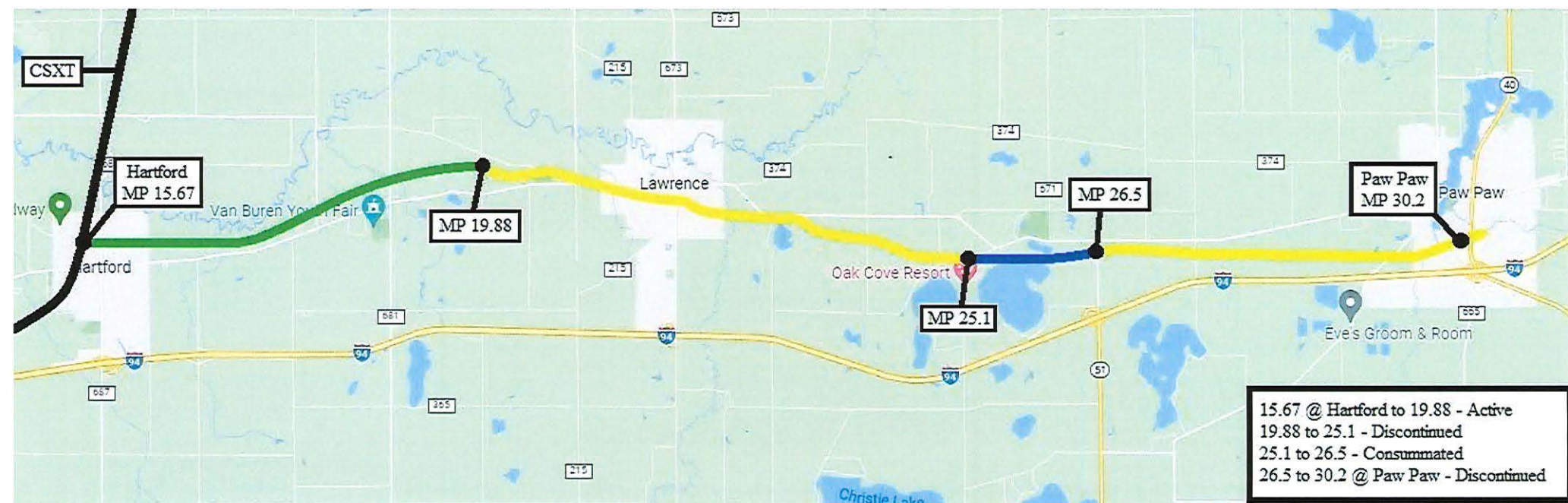
EXHIBIT A

**MAPS OF
WEST MICHIGAN RAILROAD CO. AND
HAMILTON NORTHWESTERN RAILROAD CO.**

Hamilton Northwestern Railroad Co.



WEST MICHIGAN RAILROAD CO.



BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36608

HAMILTON HARTFORD GROUP, LLC
— CONTINUANCE IN CONTROL EXEMPTION —
HAMILTON NORTHWESTERN RAILROAD CO.

VERIFICATION

VERIFICATION

I, Linus Starring, hereby verify under penalty of perjury under the laws of the United States that I am the President of Hamilton Hartford Group, LLC ("HHG"), and that I am an officer duly designated to verify this Notice of Exemption on behalf of HHG. I have knowledge of the matters contained herein as they pertain to HHG, and the statements made herein with respect to HHG are true and correct to the best of my knowledge, information and belief.

A handwritten signature in black ink, appearing to read 'Linus Starring', written over a horizontal line.

Linus Starring
President
Hamilton Hartford Group, LLC

Dated: March 31, 2022