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August 28, 2023
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August 28, 2023

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Youngstown & Austintown Railroad, Inc.
– Acquisition and Operation Exemption –
Economic Development Rail Corporation
Surface Transportation Board Finance Docket 36705

Dear Ms. Brown:

Enclosed for e-filing on behalf of the Youngstown & Austintown Railroad, Inc. is a Notice of Exemption being filed under 49 USC § 10902 and 49 CFR § 1150.41. The filing fee was paid using Pay.gov.

Please let me know if there are any questions regarding this filing.

Sincerely,

A handwritten signature in blue ink that reads 'Justin J. Marks'.

Justin J. Marks
Counsel to Youngstown & Austintown Railroad,
Inc.

Enclosure

FEE RECEIVED
August 28, 2023
Surface
Transportation Board

FILED
August 28, 2023
Surface
Transportation Board

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36705

YOUNGSTOWN & AUSTINTOWN RAILROAD, INC.
– ACQUISITION AND OPERATION EXEMPTION –
ECONOMIC DEVELOPMENT RAIL CORPORATION

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902

(includes color images)

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*Attorneys for Youngstown & Austintown
Railroad, Inc.*

Dated: August 28, 2023

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36705

YOUNGSTOWN & AUSTINTOWN RAILROAD, INC.
– ACQUISITION AND OPERATION EXEMPTION –
ECONOMIC DEVELOPMENT RAIL CORPORATION

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902

Youngstown & Austintown Railroad, Inc. (“YARR”), a Class III railroad, files this Notice of Exemption under 49 U.S.C. § 10902 to exempt from regulation YARR’s acquisition from Economic Development Rail Corporation (“EDRC”), and operation of, a line of railroad known as the Y & A Branch (Line Code 6556) (a.k.a. Austintown Industrial Track) from approximately Milepost 0.76 (at a point south of the clearance point of the switch connection with CSX Transportation, Inc.) to approximately Milepost 3.50 (at the northerly right-of-way line of Oakwood Avenue) in Youngstown, Mahoning County, Ohio (the “Rail Line”).

Notice

In accordance with 49 C.F.R. §1150.43, YARR hereby provides the following information:

(a) The full name and address of Applicant: Youngstown & Austintown Railroad, Inc., 200 Meridian Centre, Suite 270, Rochester, NY 14618.

(b) Applicant’s Representatives:

Eric M. Hocky
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Suite 2620
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- (c) YARR has entered into a Purchase and Sale Agreement (“PSA”) with EDRC.
- (d) YARR is the current operator of the Rail Line. YARR has operated the Rail Line under an operating agreement with EDRC for over thirty years.
- (e) Brief Summary of the Proposed Transaction: YARR has entered into a PSA to acquire the Rail Line from EDRC so that YARR can become the owner of the Rail Line and not just the operator.
 - (1) The name and address of the entity transferring the subject property is Economic Development Rail Corporation, 4319 Belmont Avenue, Youngstown, OH, 44505.
 - (2) The acquisition and operation will be effective on or after the effective date of this Notice of Exemption, thirty days after filing.
 - (3) The rail line YARR is acquiring from EDRC extends from approximately Milepost 0.76 (at a point south of the clearance point of the switch connection with CSX Transportation, Inc.) in Youngstown, Mahoning County, Ohio to approximately Milepost 3.50 (at the northerly right-of-way line of Oakwood Avenue).
 - (4) The total distance of the rail line to be acquired and operated is

approximately 2.74 miles.

- (f) Attached as Exhibit A to this Notice of Exemption are maps of the Rail Line.
- (g) YARR certifies that its projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier.¹
- (h) YARR certifies that the PSA does not contain an interchange commitment.

Labor Protection

YARR is a Class III carrier, and pursuant to 49 U.S.C. §10902(d), approval of this transaction may not be subjected to labor protection conditions. Additionally, since YARR is the current operator of the Rail Line, there will be no employees adversely affected by the proposed acquisition.

Environmental and Historic Reports

The transaction provides 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 YARR to abandon service on the Rail Line 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.

¹ YARR additionally certifies that its projected revenues after the transaction will not exceed \$5,000,000 per year.

Conclusion

Accordingly, YARR requests that the Board issue a notice allowing the acquisition and operation of the Rail Line to become effective 30 days from the filing of this Notice of Exemption.

Respectfully submitted,



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*Attorneys for Youngstown & Austintown
Railroad, Inc.*

Dated: August 28, 2023

VERIFICATION

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

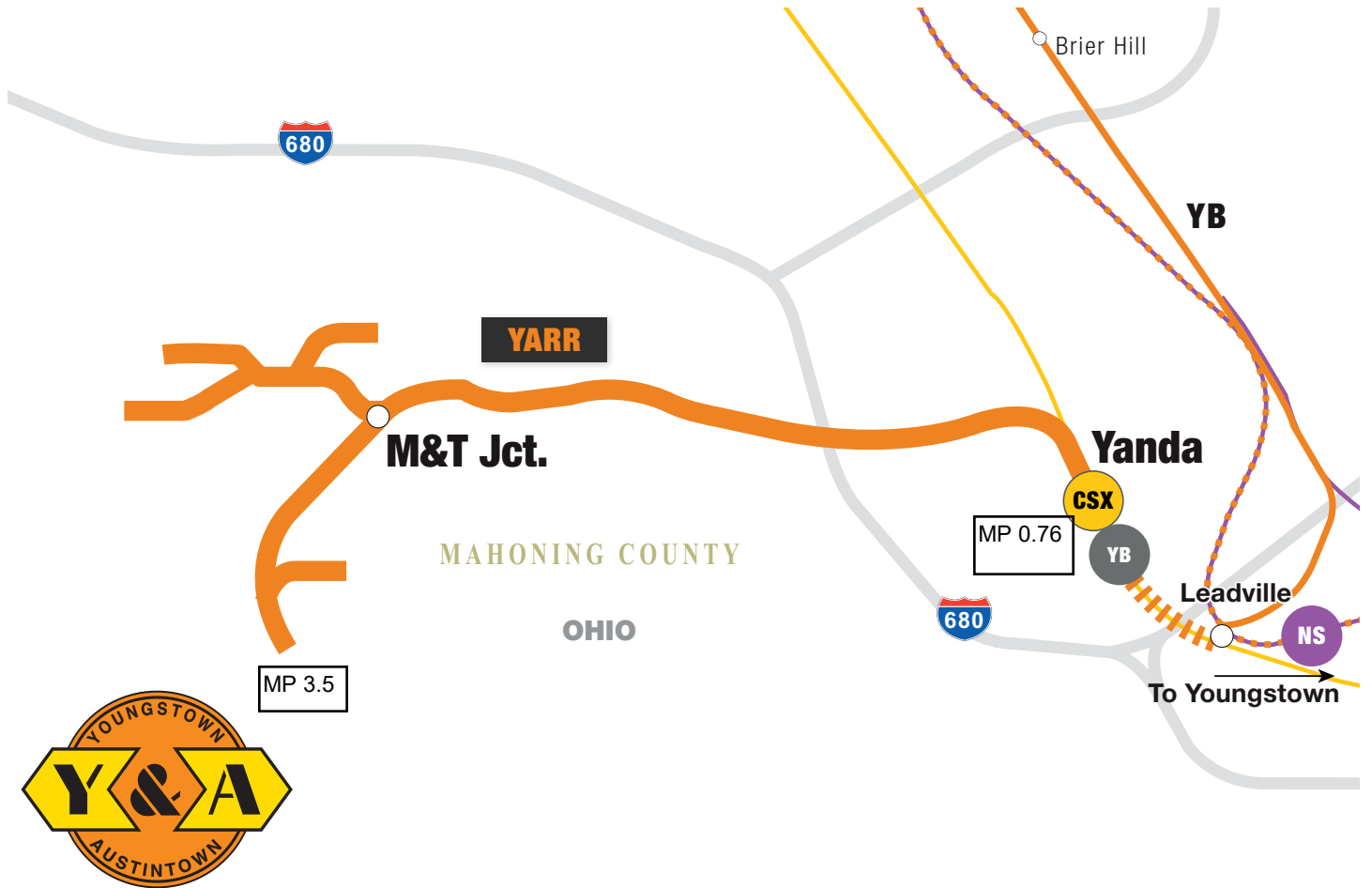
Executed on August 28, 2023.

J. Bradley Ovitt

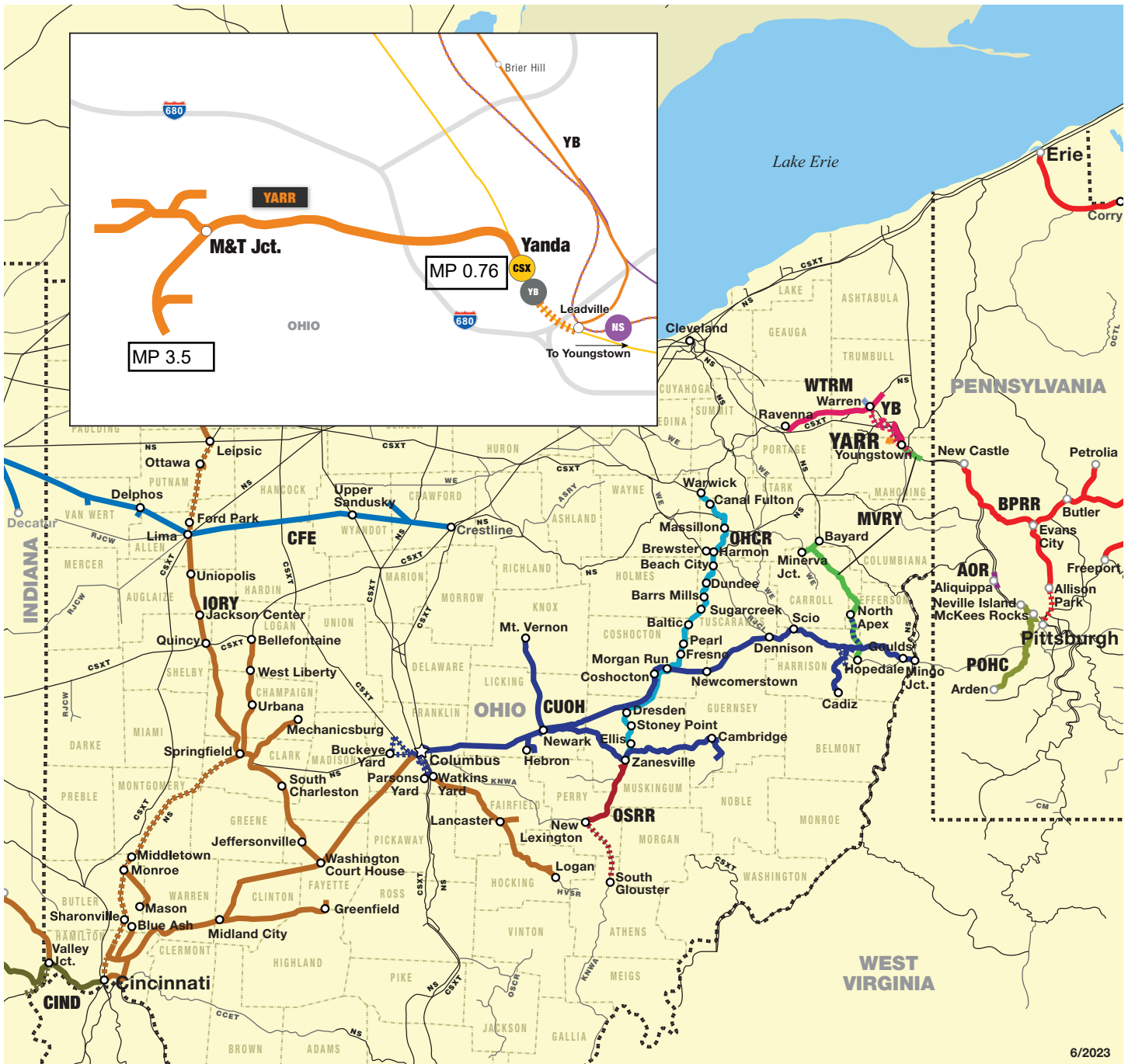
J. Bradley Ovitt, President

EXHIBIT A

MAPS



02/2022



Youngstown & Austintown Railroad, Inc.
123 Division Street Extension
Youngstown, Ohio 44510
330-744-1992

Genesee & Wyoming (G&W) Railroads

- **YARR** Youngstown & Austintown Railroad Inc.
- **AOR** The Aliquippa & Ohio River Railroad Co.
- **BPRR** Buffalo & Pittsburgh Railroad, Inc.
- **CFE** Chicago, Fort Wayne & Eastern Railroad
- **CIND** The Central Railroad Company of Indiana
- **CUOH** The Columbus & Ohio River Rail Road Company
- **IORY** Indiana & Ohio Railway Company
- **MVRY** The Mahoning Valley Railway Company
- **OHCR** Ohio Central Railroad, Inc.
- **OSRR** Ohio Southern Railroad, Inc.
- **POHC** The Pittsburgh & Ohio Central Railroad Company
- **WTRM** The Warren & Trumbull Railroad Company
- **YB** The Youngstown Belt Railroad Company

Dashed line indicates Trackage Rights.

EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Docket No. FD 36705

**YOUNGSTOWN & AUSTINTOWN RAILROAD, INC.
– ACQUISITION AND OPERATION EXEMPTION –
ECONOMIC DEVELOPMENT RAIL CORPORATION**

VERIFIED NOTICE OF EXEMPTION

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Comments must be filed with the Board and served on YARR’s representative, Eric M. Hocky, Esq., Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103; (215) 640-8523; ehocky@clarkhill.com.

The Notice is filed under 49 C.F.R. §1150.41. If the 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.

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

Decided: _____, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings