

307028

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jmarks@ClarkHill.com

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Office of Proceedings
August 28, 2023
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Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

August 28, 2023

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

Re: The Warren & Trumbull Railroad Company
– Acquisition and Operation Exemption –
Economic Development Rail II Corporation
Surface Transportation Board Finance Docket 36704

Dear Ms. Brown:

Enclosed for e-filing on behalf of The Warren & Trumbull Railroad Company 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,



Justin J. Marks
Counsel to The Warren & Trumbull Railroad
Company

Enclosure

FILED
August 28, 2023
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
August 28, 2023
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36704

THE WARREN & TRUMBULL RAILROAD COMPANY
– ACQUISITION AND OPERATION EXEMPTION –
ECONOMIC DEVELOPMENT RAIL II CORPORATION

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

(includes color images)

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

*Attorneys for The Warren & Trumbull
Railroad Company*

Dated: August 28, 2023

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36704

THE WARREN & TRUMBULL RAILROAD COMPANY
– ACQUISITION AND OPERATION EXEMPTION –
ECONOMIC DEVELOPMENT RAIL II CORPORATION

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

The Warren & Trumbull Railroad Company (“WTRM”), a Class III railroad, files this Notice of Exemption under 49 U.S.C. § 10902 to exempt from regulation WTRM’s acquisition from Economic Development Rail II Corporation (“EDR-II”), and operation of, the following lines of railroad (together referred to herein as the “Rail Line”): (a) that property known as North Warren Railroad located along the 2.78 miles of track between Milepost 91.60 near the North Warren Station in Warren, Ohio and Milepost 94.38 at North Warren in North Trumbull, Ohio; (b) that property known as a portion of Conrail’s Freedom Secondary Railroad between Milepost 164.52 and Milepost 160.60 in Warren, Ohio, and the K-Mart Lead extending from its connection with the Freedom Secondary at Milepost 81.00 up to and including Milepost 81.70; (c) the K-Mart Lead from Milepost 81.70 up to and including Milepost 82.90; and (d) the section of track beginning at Milepost 82.90 up to and including track to the east R.O.W. of Park Avenue being 1435.61 feet ±.

Notice

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

(a) The full name and address of Applicant: The Warren & Trumbull Railroad Company, 200 Meridian Centre, Suite 270, Rochester, NY 14618.

(b) Applicant's Representatives:

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8523

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916

(c) WTRM has entered into a Purchase and Sale Agreement ("PSA") with EDR-II.

(d) WTRM is the current operator of the Rail Line. WTRM has operated the Rail Line under an operating agreement with EDR-II.

(e) Brief Summary of the Proposed Transaction: WTRM has entered into a PSA to acquire the Rail Line from EDR-II so that WTRM 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 and Rail Line is Economic Development Rail II Corporation, 4319 Belmont Avenue, Youngstown, OH, 44505.

(2) The acquisition and operation will be effective upon the effective date of this Notice of Exemption, thirty days after filing.

(3) The Rail Line WTRM is acquiring from EDR-II includes the following

segments: (a) that property known as North Warren Railroad located along the 2.78 miles of track between Milepost 91.60 near the North Warren Station in Warren, Ohio and Milepost 94.38 at North Warren in North Trumbull, Ohio; (b) that property known as a portion of Conrail's Freedom Secondary Railroad between Milepost 164.52 and Milepost 160.60 in Warren, Ohio, and the K-Mart Lead extending from its connection with the Freedom Secondary at Milepost 81.00 up to and including Milepost 81.70; (c) the K-Mart Lead from Milepost 81.70 up to and including Milepost 82.90; and (d) the section of track beginning at Milepost 82.90 up to and including track to the east R.O.W. of Park Avenue being 1435.61 feet $\pm$.

- (4) The total distance of the Rail Line to be acquired and operated is approximately 8.97 miles.
- (f) Attached as Exhibit A to this Notice of Exemption is a map of the Rail Line.
- (g) WTRM 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) WTRM certifies that the PSA does not contain an interchange commitment.

Labor Protection

WTRM 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 WTRM is the current operator of the Rail Line, there will be no employees adversely affected by the proposed acquisition.

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

Environmental and Historic Reports

These agreements are 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 WTRM 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.

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Conclusion

Accordingly, WTRM 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,



Eric M. Hocky
Clark Hill PLC
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2001 Market St.
Suite 2620
Philadelphia, PA 19103
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Suite 1300 South
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jmarks@clarkhill.com

*Attorneys for The Warren & Trumbull Railroad
Company*

Dated: August 28, 2023

VERIFICATION

I hereby verify on behalf of The Warren & Trumbull Railroad Company 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

MAP

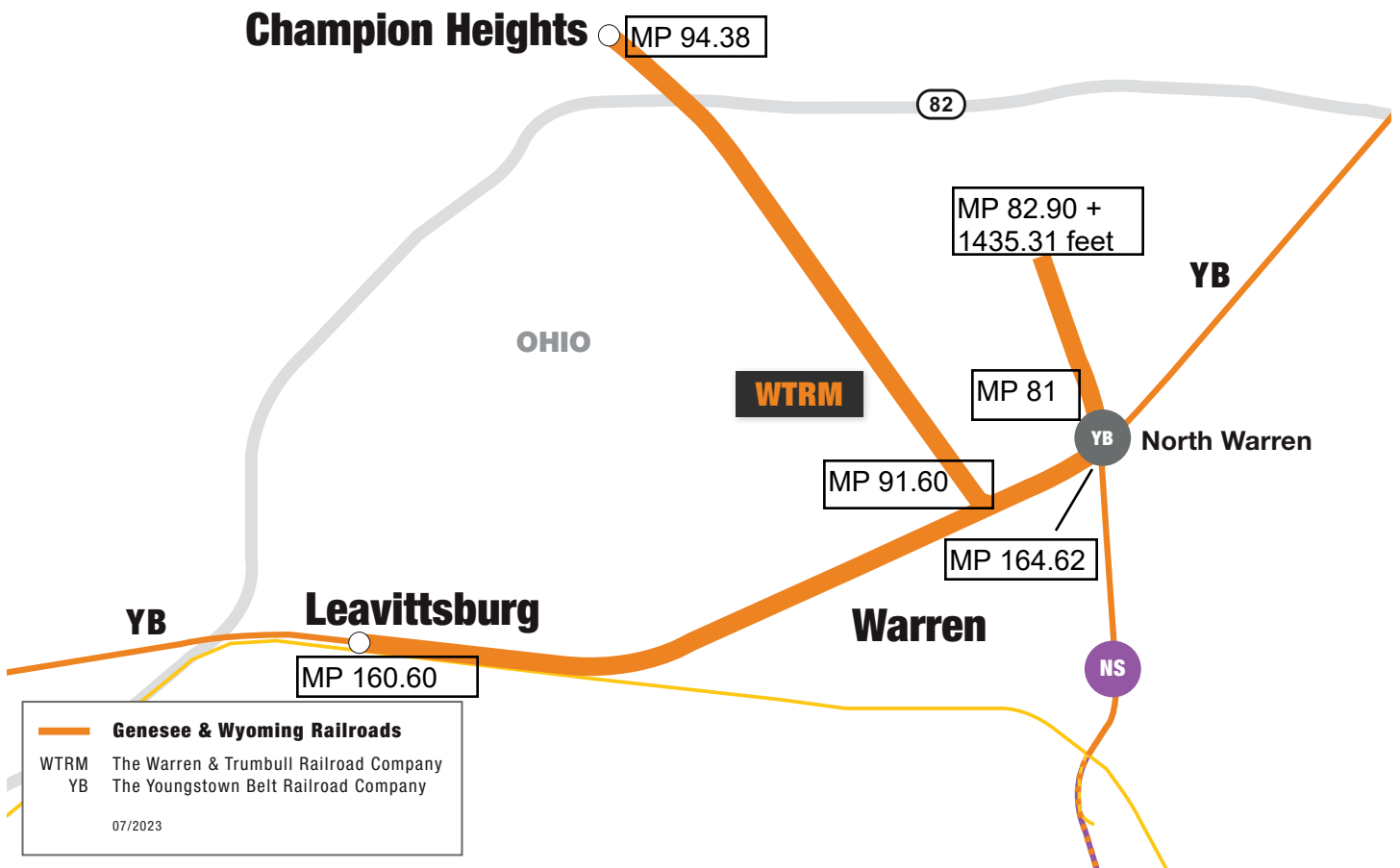


EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Docket No. FD 36704

**THE WARREN & TRUMBULL RAILROAD COMPANY
– ACQUISITION AND OPERATION EXEMPTION –
ECONOMIC DEVELOPMENT RAIL II CORPORATION**

VERIFIED NOTICE OF EXEMPTION

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Comments must be filed with the Board and served on WTRM’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.