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December 1, 2023
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FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

ROBERT A. WIMBISH
(312) 252-1504
rwimbish@fletcher-sippel.com

December 1, 2023

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 20006

Re: **FD 36742**
Lakeshore Terminal Railroad LLC — Acquisition and
Operation Exemption — Track in Lake County, Ind.

Dear Ms. Brown:

Attached for filing is the **Verified Notice of Exemption of Lakeshore Terminal Railroad LLC** for the captioned matter. The filing fee has been paid via Pay.gov.

If you have any questions about this filing, please contact me. Thank you for your assistance on this matter.

Respectfully submitted,

R.A. Wimbish

Rober A. Wimbish
Attorney for Lakeshore Terminal Railroad LLC

Attachment

FILED
December 1, 2023
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
December 1, 2023
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36742

LAKESHORE TERMINAL RAILROAD LLC
— ACQUISITION AND OPERATION EXEMPTION —
TRACK IN LAKE COUNTY, IND.

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

Robert A. Wimbish
Bradon J. Smith
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-2832
rwimbish@fletcher-sippel.com
(312) 252-1500

**ATTORNEYS FOR LAKESHORE TERMINAL
RAILROAD LLC**

Dated: December 1, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36742

LAKESHORE TERMINAL RAILROAD LLC
— ACQUISITION AND OPERATION EXEMPTION —
TRACK IN LAKE COUNTY, IND.

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

Lakeshore Terminal Railroad LLC (“Lakeshore Terminal”), a non-carrier, files this Verified Notice of Exemption (“Notice”) under 49 C.F.R. Part 1150 Subpart D for authorization to acquire, and to operate as a common carrier over, approximately 0.5-miles (2,854 feet) of what is currently non-federally-regulated trackage in East Chicago, Lake County, Indiana (the “Track”). A non-carrier corporate affiliate of Lakeshore Terminal—Lakeshore Railcar & Tanker Services LLC (“Lakeshore Services”)—presently owns the Track and engages in non-common carrier activity over it. Following the transaction proposed herein, Lakeshore Terminal would become a Class III rail carrier.

Per 49 C.F.R. § 1150.33, Lakeshore Terminal submits the following information:

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

The full name and address of applicant is:

Lakeshore Terminal Railroad LLC
1150 E. 145th Street
East Chicago, Indiana 46312

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

Lakeshore Terminal's representative to whom correspondence regarding this transaction should be sent is:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-2832
rwimbish@fletcher-sippel.com
(312) 252-1500

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

Lakeshore Terminal and Lakeshore Services have an agreement under which Lakeshore Services would convey the track to Lakeshore Terminal for the initiation of railroad common carrier service.

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

Lakeshore Terminal will operate and provide all rail common carrier service to customers on the Track and connecting ancillary trackage.

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

Lakeshore Services has been using the Track for non-common carrier rail services (including, primarily, the provision of freight car repair and cleaning). The Track, which is operated today as private industry track, has never been deployed in common carrier service. It has no mileposts, but the Track that is the subject of this proceeding extends about 0.5 miles (2,854 feet) at East Chicago, Indiana, from a point of connection with the Indiana Harbor Belt Railroad Company to the end of track. See Map, Exhibit A. Lakeshore Terminal will provide common carrier service on the Line, which is the entirety of its rail property. *See Effingham Railroad Company – Petition for Declaratory Order – Construction at Effingham, Ill., FD*

41986, 2 STB 606, 607 (1997); and *Effingham Railroad Company – Operation Exemption – Line Owned by Agracel Corporation*, FD 33468 (STB served Sep. 24, 1997), *aff’d United Transp. Union v. United States*, 183 F.3d 606, 614 (7th Cir. 1999).

The complete name and address of the owner of the Track is as follows:

Lakeshore Railcar & Tanker Services LLC
1150 E. 145th Street
East Chicago, Indiana 46312

Lakeshore Terminal intends to consummate the transaction when this Notice takes effect, with a principal aim of obtaining Board authorization to close on the present transaction before the current calendar year ends.

Map: 49 C.F.R. § 1150.33(f)

A map showing the Line and the surrounding area is attached as Exhibit A.

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

Lakeshore Terminal certifies its projected revenues will not result in it becoming a Class I or II carrier under *Indexing the Annual Operating Revenues of Railroads*, EP 748 (STB served June 29, 2023). See the Certification and Verification attached.

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

Lakeshore Terminal certifies its agreement with Lakeshore Services does not have an interchange commitment. See the Certification and Verification attached.

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

Lakeshore Terminal certifies that its projected annual revenue is not expected to exceed \$5 million. As such, the advance notice requirements of 49 C.F.R. § 1150.32(e) are inapplicable to this transaction. See the Certification and Verification attached. In any event,

there are no affected railroad employees to whom advance notice might otherwise be required under 49 C.F.R. § 1150.32(e). *See Acquisition of Rail Lines under 49 U.S.C. 10901 and 10902 — Advance Notice of Proposed Transactions*, 2 STB 592, 602 (1997).

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

The proposed transaction will not result in changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5). Accordingly Lakeshore Terminal's proposed operation of the Line is exempt from environmental reporting requirements under 49 C.F.R. § 1105.6(c)(1)(i).

The proposed transaction is for the purpose of commencing common carrier operations over track where it is not currently provided. Further Surface Transportation Board approval would be required to discontinue any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older. Thus, under 49 C.F.R. § 1105.8(b)(1), Lakeshore Terminal's assumption of operations on the Line also is exempt from historic preservation reporting requirements.

Caption Summary: 49 C.F.R. § 1150.34

A caption summary is attached as Exhibit B.

Respectfully submitted,

By: *R.A. Wimbish*

Robert A. Wimbish

Bradon J. Smith

Fletcher & Sippel LLC

29 North Wacker Drive, Suite 800

Chicago, Illinois 60606-2832

rwimbish@fletcher-sippel.com

(312) 252-1500

**ATTORNEYS FOR LAKESHORE TERMINAL
RAILROAD LLC**

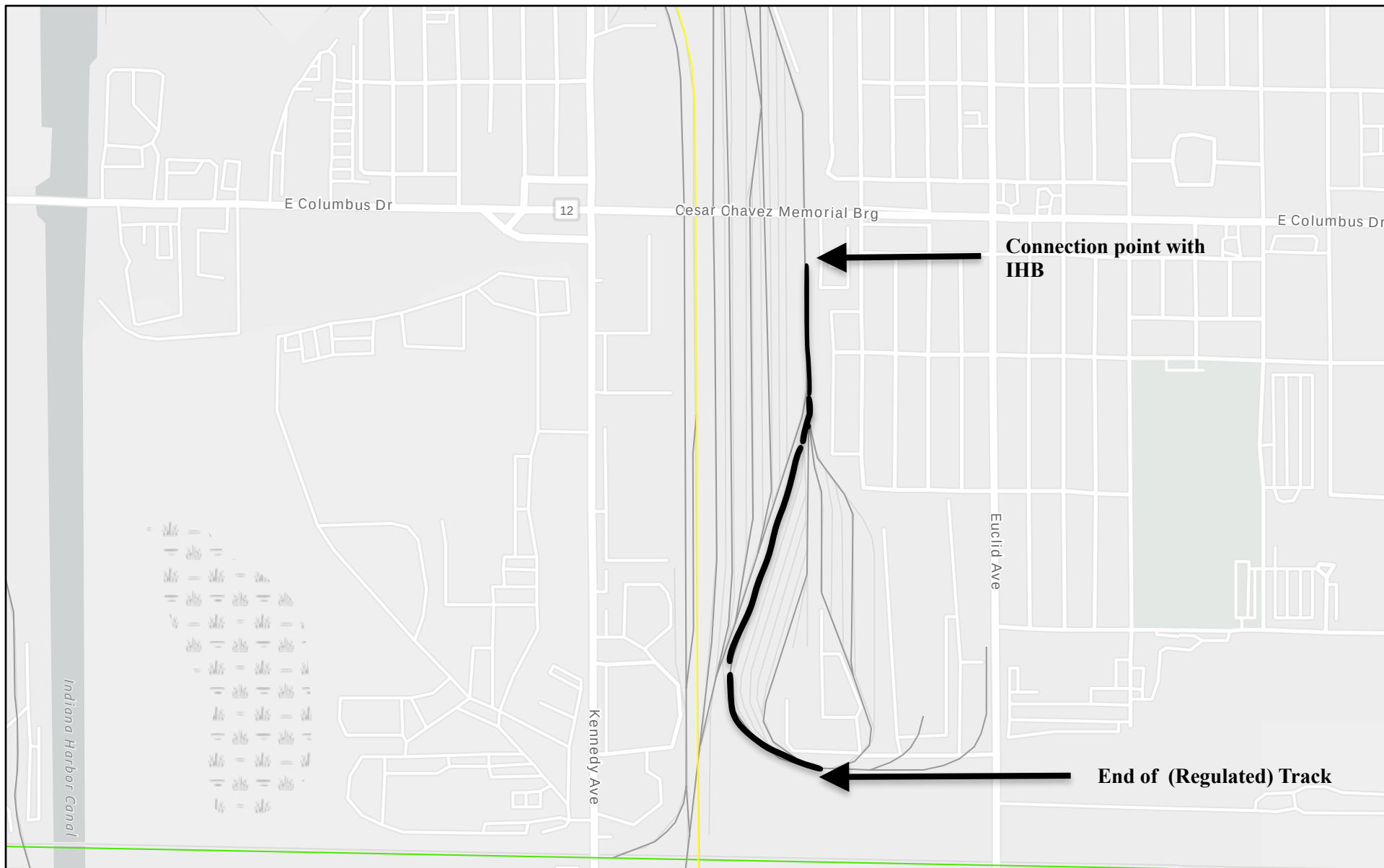
Dated: December 1, 2023

FD 36742

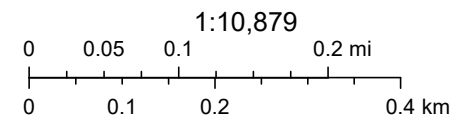
**LAKESHORE TERMINAL RAILROAD LLC
— ACQUISITION AND OPERATION EXEMPTION —
TRACK IN LAKE COUNTY, IND.**

EXHIBIT A
MAP

National Rail Network Map



12/1/2023



Esri Community Maps Contributors, County of Lake, Indiana, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS,

FD 36742

**LAKESHORE TERMINAL RAILROAD LLC
— ACQUISITION AND OPERATION EXEMPTION —
TRACK IN LAKE COUNTY, IND.**

EXHIBIT B

**DRAFT CAPTION SUMMARY/FEDERAL
REGISTER NOTICE**

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FD 36742

**LAKESHORE TERMINAL RAILROAD LLC
— ACQUISITION AND OPERATION EXEMPTION —
TRACK IN LAKE COUNTY, IND.**

Lakeshore Terminal Railroad LLC (“Lakeshore Terminal”), a non-carrier, has filed a Verified Notice of Exemption to acquire and operate about 0.5 miles of track (the “Track”) in East Chicago, Indiana. The Track is currently owned by Lakeshore Railcar & Tanker Services LLC, a non-carrier.

Lakeshore Terminal expects to consummate the subject transaction and commence operations on the Line on December 31, 2023.

Comments must be filed with the Board and served on:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-2832
rwimbish@fletcher-sippel.com
(312) 252-1500

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

CERTIFICATION AND VERIFICATION

I, BRADLEY S. GORDON, certify and verify under penalty of perjury as follows:

1. I am the General Counsel of Lakeshore Terminal Railroad LLC (“Lakeshore Terminal”).
2. The annual rail revenues of Lakeshore Terminal are not expected to exceed \$5 million and will not result in Lakeshore Terminal becoming Class I or II rail carrier under the thresholds set forth at 49 C.F.R. § 1201(11).
3. Lakeshore Terminal will not be subject to any interchange commitments under the terms of the proposed transaction.
4. I have read the above Notice of Exemption and verify that the facts stated here are true to the best of my knowledge.
5. I am qualified and authorized to make these statements.



Name: Bradley S. Gordon
Title: General Counsel

Dated: December 1, 2023