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**Before the
SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36757

**GREAT LAKES BASIN RAILROAD
- OPERATION EXEMPTION –
LINE IN HAMMOND, IN**

ENTERED
Office of Proceedings
February 26, 2024
Part of
Public Record

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10901**

(includes color images)

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*Counsel for
Great Lakes Basin Railroad*

Dated: February 22, 2024

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February 26, 2024
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TRANSPORTATION BOARD

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**VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10901**

This Verified Notice is filed pursuant to 49 C.F.R. §1150.31, by Great Lakes Basin Railroad (“GLBR”), a non-carrier, to exempt from regulation under 49 U.S.C. § 10901, its operation of 1623 feet of existing railroad trackage inside an existing industrial facility (the “Rail Line”). A map of the Rail Line is attached as Exhibit A. After the Notice becomes effective, the GLBR will provide common carrier rail service for customers located or to be located within the facility.

Notice

In accordance with 49 C.F.R. § 1150.33, GLBR hereby provides the following information:

- (a) The full name and address of Applicant:** Great Lakes Basin Railroad, 23860 State Line Road, Crete, Illinois, 60417-1859.
- (b) The name, address, and telephone number of the representative of GLBR who should receive correspondence:** Daniel Elliott, Esq., GKG Law, 1055 Thomas Jefferson Street NW, Suite 620, Washington, D.C. 20007-4492, (703) 863-9670, delliot@gkgllaw.com.
- (c) Statement Concerning Agreement:** The facility where GLBR will operate is owned by N/S Hammond LLC (“N/S”). N/S and GLBR have reached an agreement under which GLBR will commence common carrier railroad service over the Rail Line (described below).
- (d) Operation of the Property:** GLBR will offer common carrier service over the Rail Line on or after the effective date of this exemption. As the service will constitute the entirety of GLBR’s railroad common carrier operations, authorization of the commencement of such operations (by way of this

notice of exemption) is subject to Board jurisdiction in accordance with *Effingham Railroad Company — Petition for Declaratory Order — Construction at Effingham, Ill.*, Docket No. FD 41986, 2 STB 606, 607 (1997) and *Effingham Railroad Company — Operation Exemption — Line Owned by Agracel*, FD 33468 (STB served Sep. 24, 1997), *aff'd United Transp. Union v. United States*, 183 F.3d 606, 614 (7th Cir. 1999).

(e) **Summary of the Transaction:**

Currently, the owner of the Rail Line does not have operations on it as part of its industrial facility located in Hammond, IN. The name and address of the non-carrier company that currently owns the Rail Line (as private track) is N/S Hammond LLC, 6340 Indianapolis Blvd, Hammond, IN. The owner of the facility anticipates that customers will be locating at the facility. N/S has chosen to arrange for the commencement of common carrier operations for the first time at its industrial facility. (None of the trackage within the N/S industrial facility is currently a Board-regulated line of railroad.) To that end, N/S has negotiated an operating agreement with GLBR that extends to GLBR the exclusive right to conduct common carrier service.

The Rail Line, located in Hammond, IN, consists of roughly of 1623 feet of track, which will fall within the scope of the Board's jurisdiction upon the commencement of GLBR common carrier operations. GLBR's prospective main line extends from a point of connection with Norfolk Southern Railway Company's ("NSR") Chicago District at a switch located at approximately NSR milepost 499.4, and extending 1623 feet. The Rail Line has not been deployed in common carrier service previously and is located inside a private industrial facility, and thus has no mileposts.

GLBR intends to commence common carrier service on or after the effective date of the subject class exemption.

(f) **Map:** Attached as Exhibit A to this Notice of Exemption is a map of the main line of the Rail Line highlighted in yellow. The map also shows associated ancillary tracks that are located within the facility.

(g) **Certification:** A Certificate in compliance with the provisions of 49 C.F.R. § 1150.33(g) is attached as Exhibit X.

(h) **Interchange Commitments:** No interchange commitments are being imposed on GLBR's operations. As matters currently stand, GLBR's only interline connection is NSR.

Advance Notice: To the extent relevant here,¹ GLBR's projected annual revenue is not expected to exceed \$5 million, and, accordingly, the advance notice requirements of 49 C.F.R. § 1150.32(e) are not applicable to this transaction. See Exhibit X.

Labor Protection

Pursuant to 49 U.S.C. §10901(c), approval of this transaction may not be subjected to labor protections.

Environmental and Historic Reports

Under 49 C.F.R. § 1105.6(c)(2), the proposed operation of the Rail Line is exempt from environmental reporting requirements. GLBR's proposed common carrier operations will not result in significant changes in 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)(1), GLBR's proposed operation of the Rail Line also is exempt from historic preservation reporting requirements, as the proposed change in operations is not expected to impact historic structures along the Rail Line that are 50 years old or older.

Caption Summary

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R. §1150.34.

¹ See, e.g., *Wheeling; R.J. Corman Railroad Company/Memphis Line – Operation Exemption – Line in Montgomery and Stewart Counties, TN*, (STB served Jan. 18, 2000) (for the proposition that the advance notice requirements of Section 1150.33(g) are not applicable to a transaction involving the commencement of common carrier operations over a track segment that currently is beyond the scope of the Board's jurisdiction).

Conclusion

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

Respectfully submitted,

/s/ Daniel Elliott
Daniel Elliott
GKG Law
1055 Thomas Jefferson Street NW
Suite 620
Washington, D.C. 20007-4492
(703) 863-9670
delliott@gkglaw.com

*Counsel for
Great Lakes Basin Railroad*

Dated: February 22, 2024

VERIFICATION

I, Frank Patton, Chairman, Great Lakes Basin Transportation Inc., verify under penalty of perjury that the foregoing is true and correct.

Further, I certify that I am qualified and authorized to file the foregoing document.

Executed on (Date) , 2024

A handwritten signature in cursive script that reads "Frank R Patton".

Frank R Patton

EXHIBIT A

MAPS





EXHIBIT B

CAPTION SUMMARY

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This Verified Notice is filed pursuant to 49 C.F.R. §1150.31 by Great Lakes Basin Railroad (“GLBR”), to exempt from regulation under 49 U.S.C. §10901, its operation of 1623 feet of existing railroad track (the “Rail Line”) that connects to the Norfolk Southern Railway Company inside an industrial facility owned by N/S Hammond LLC, 6340 Indianapolis Blvd, Hammond, IN. After the effective date of the Exemption, GLBR will provide common carrier service for this owner of the facility as well as other customers located or to be located within the facility.

Comments must be filed with the Board and served on GLBR representative:

Daniel Elliott
GKG Law
1055 Thomas Jefferson Street NW
Suite 620
Washington, D.C. 20007-4492
(703) 863-9670
delliott@gkglaw.com

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.

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

Dated _____, 2024.

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