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May 6, 2024
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May 6, 2024

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

Re: Railmark Industrial Railway Inc. D/B/A Railmark Industrial Railway Inc. Mississippi
Division-Change of Operators Exemption – Mississippi Central Railroad Co. STB
Finance Docket No. 36773

Dear Ms. Brown:

Enclosed for filing on behalf of Railmark Industrial Railway Inc. d/b/a Railmark Industrial Railway Inc. Mississippi Division in the above referenced docket is a Verified Notice of Exemption under 49 C.F.R. § 1150.31. The filing fee has been submitted via pay.gov.

If you have any questions related to this filing, please let me know.

Sincerely,

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

Justin J. Marks
Counsel to Railmark Industrial Railway Inc.

Enclosure

FEE RECEIVED
May 6, 2024
Surface
Transportation Board

FILED
May 6, 2024
Surface
Transportation Board

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36773

RAILMARK INDUSTRIAL RAILWAY INC. D/B/A
RAILMARK INDUSTRIAL RAILWAY INC. MISSISSIPPI DIVISION
– CHANGE OF OPERATORS EXEMPTION –
MISSISSIPPI CENTRAL RAILROAD CO.

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. §1150.31

(includes color images)

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*Attorneys for Railmark Industrial Railway
Inc. d/b/a Railmark Industrial Railway
Inc. Mississippi Division*

Dated: May 6, 2024

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36773

RAILMARK INDUSTRIAL RAILWAY INC. D/B/A
RAILMARK INDUSTRIAL RAILWAY INC. MISSISSIPPI DIVISION
– CHANGE OF OPERATORS EXEMPTION –
MISSISSIPPI CENTRAL RAILROAD CO.

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. §1150.31

Railmark Industrial Railway Inc. d/b/a Railmark Industrial Railway Inc. Mississippi Division (“RIR”), a non-carrier, files this Notice of Exemption pursuant to 49 C.F.R. §1150.31(c) to exempt from regulation under 49 U.S.C. §10901, its commencement of operations of approximately 10 miles of rail line (the “Subject Line”) plus one-mile of Section 10906 track through a Lease Agreement (“Agreement”) between RIR and the owner of the Subject Line, Tishomingo County, Mississippi (the “County”).¹ The Mississippi Central Railroad Co. (“MSCI”) currently holds authority to operate this line through a lease with the County, but MSCI and the County parties are not renewing their lease. As a result of this transaction, RIR will hold authority to operate the Subject Line and MCSI will be relieved of its obligation. The Subject Line extends between the Norfolk Southern Railway Company’s (“NSR”) “Iuka Wye” at milepost 0.0 and the Tri-State Commerce Park at approximately milepost 10.0 in Tishomingo County, Mississippi.

¹ Simultaneously to this notice of exemption, Railmark Holdings, Inc. is filing a notice of exemption under 49 U.S.C. § 1180.2(d)(2) for Railmark Holdings, Inc. to continue in control of RIR once it becomes a rail carrier and the Yreka Western Railroad.

Under 49 C.F.R. §1150.31(a)(3), RIR is filing this change of operators exemption with the consent of the County and MSCI to transfer MSCI's common carrier service rights to operate the Subject Line, to RIR, and RIR will replace MSCI as the operator of the Subject Line.²

Notice

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

- (a) The full name and address of Applicant:

Railmark Industrial Railway Inc. d/b/a
Railmark Industrial Railway Inc. Mississippi Division
P.O. Box 613
Henderson, KY 42419

- (b) Applicant's Representatives:

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jmarks@clarkhill.com

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Two Commerce Square
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Philadelphia, PA 19103
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- (c) Tishomingo County, Mississippi and RIR have entered into a Lease Agreement for RIR to operate the Subject Line.
- (d) RIR will be the operator of the Subject Line.
- (e) Brief Summary of the Proposed Transaction: RIR and the County are entering

² RIR is providing a copy of this notice to MSCI's STB counsel as indicated on the attached certificate of service.

into the Agreement for RIR to lease and operate the Subject Line. The Subject Line has been operated by MSCI through a lease with the County. However, MSCI and the County have allowed that lease to expire.

- i. The name and address of the company transferring operation of the Subject Line:

The Mississippi Central Railroad Co. (Local address)
542 W. Van Dorn Avenue
Holly Springs, Mississippi 38635

The Mississippi Central Railroad Co. (Headquarters)
10752 Deerwood Park Blvd., Ste. 300
Jacksonville, FL 32256

The name and address of the owner of the Subject Line:

County of Tishomingo
Board of Supervisors
1008 Battleground Dr., Suite 204
Iuka, MS 38852

- ii. The proposed schedule for consummation of the transaction is after June 5, 2024, the effective date of this notice. MSCI and RIR are coordinating a plan for transitioning operations from MSCI to RIR to be effective upon the effective date of this notice.
- iii. The mileposts of the Subject Line are between the Norfolk Southern Railway Company's ("NSR") "Iuka Wye" at milepost 0.0 and the Tri-State Commerce Park at approximately milepost 10.0 in Tishomingo County, Mississippi.
- iv. The total mileage to be leased is 11 miles. The total mileage to be operated as common carrier track is 10 miles. One additional mile will be operated as track falling under 49 U.S.C. § 10906.

- (f) Attached as Exhibit A to this Notice of Exemption is a map of the Subject Line.
- (g) RIR certifies that its projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier.
- (h) Interchange Commitment: RIR certifies that the Agreement does not impose or include an interchange commitment.
- (i) RIR is coordinating with MSC1 and the lone shipper on the Subject Line to ensure a smooth transition. In addition, will provide the shipper a copy of this Notice of Exemption.

Labor Protection

Pursuant to 49 U.S.C. §10902(c), approval of this transaction may not be subjected to labor protection.

Environmental and Historic Reports

Pursuant to 49 C.F.R. §1105.6(c)(2), no environmental documentation should be required because this proceeding involves only a change of operators on the Subject Line that will not result in significant changes to carrier operations, and as a result the changes will not exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (e)(5). Further Board approval is required for RIR to discontinue service, and there are no plans 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)(1); 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. §1150.34.

Conclusion

Accordingly, RIR requests that the Board issue a notice allowing RIR to commence operations of the Subject Line effective at any time after 30 days from the filing of this Notice of Exemption.

Respectfully submitted,



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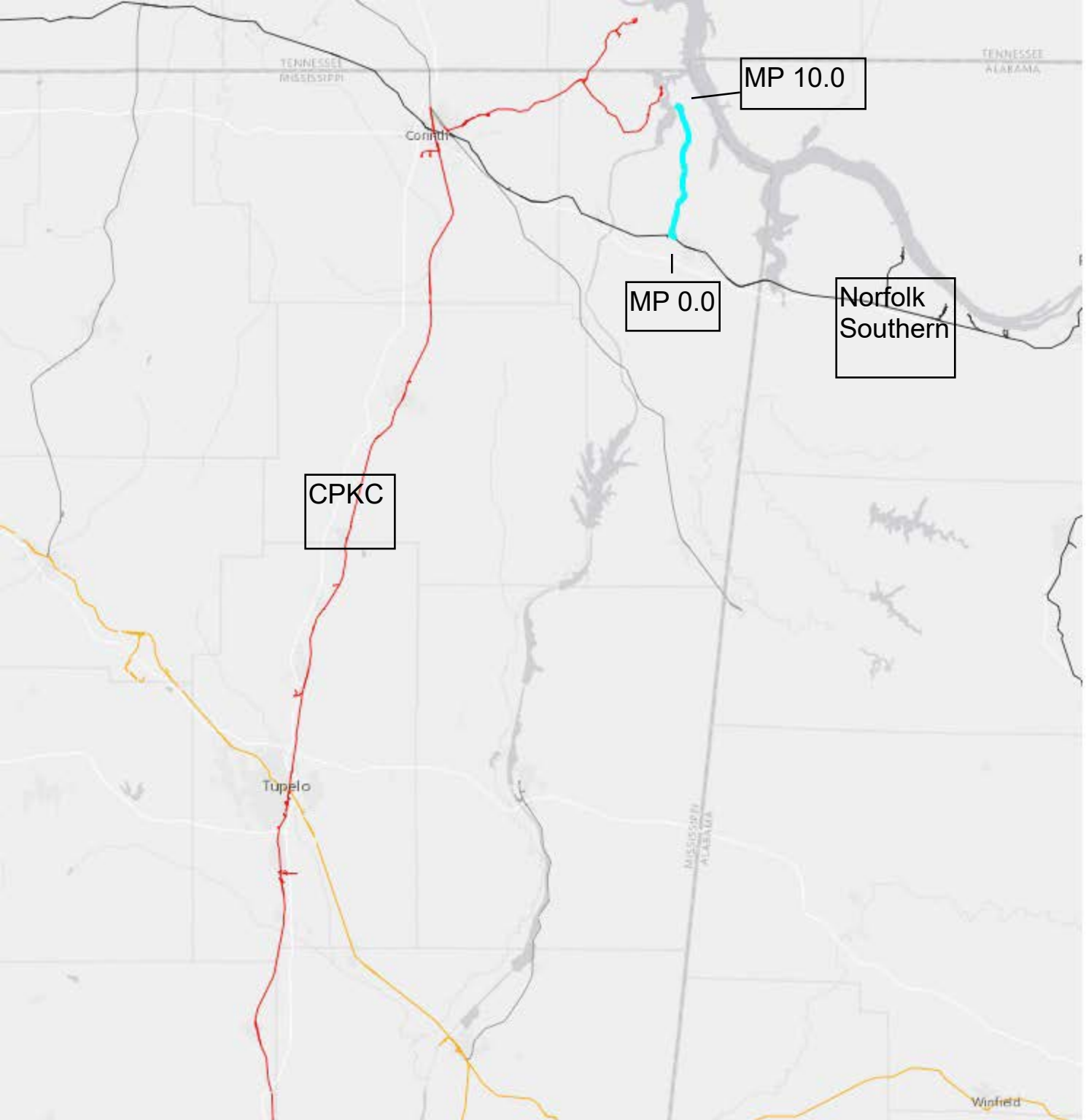
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*Attorneys for Railmark Industrial Railway Inc.
d/b/a Railmark Industrial Railway Inc.
Mississippi Division*

Dated: May 6, 2024

EXHIBIT A

MAP



Map of RIR Line = Blue

EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Docket No. FD 36773

**RAILMARK INDUSTRIAL RAILWAY INC. D/B/A
RAILMARK INDUSTRIAL RAILWAY INC. MISSISSIPPI DIVISION
– CHANGE OF OPERATORS EXEMPTION –
MISSISSIPPI CENTRAL RAILROAD CO.**

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Comments must be filed with the Board and served on Railmark's representative:

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jmarks@clarkhill.com

The 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.

Decided: _____, 2024.

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

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing was served by email or first class mail on the following persons:

Robert A. Wimbish <i>Counsel to</i> Mississippi Central Railroad rwimbish@fletcher-sippel.com	County of Tishomingo Board of Supervisors 1008 Battleground Dr., Suite 204 Iuka, MS 38852
Andrew Welch Red Industrial Products awelch@redindustrialproducts.com	



Justin J. Marks

Dated: May 06, 2024

VERIFICATION

I, B. Allen Brown II, President & CEO of Railmark Industrial Railway 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 May 5, 2024.



B. Allen Brown II