



308955

ENTERED
Office of Proceedings
December 2, 2024
Part of
Public Record

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

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

December 2, 2024

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

Re: Puerto Verde Industrial Railroad, LLC
– Operation Exemption –
Line in Maverick County, TX
Surface Transportation Board Finance Docket 36820

Dear Ms. Brown:

Enclosed for e-filing on behalf of Puerto Verde Industrial Railroad, LLC ("PVIR") is a Notice of Exemption being filed under 49 USC 10901 and 49 CFR 1150.31. 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 for Puerto Verde Industrial Railroad, LLC

Enclosure

FILED
December 2, 2024
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
December 2, 2024
SURFACE TRANSPORTATION BOARD
clarkhill.com

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36820

PUERTO VERDE INDUSTRIAL RAILROAD, LLC
- OPERATION EXEMPTION –
LINE IN MAVERICK COUNTY, TX

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

(includes color images)

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

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

Counsel for
Puerto Verde Industrial Railroad, LLC

Dated: December 2, 2024

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36820

PUERTO VERDE INDUSTRIAL RAILROAD, LLC
- OPERATION EXEMPTION –
LINE IN MAVERICK COUNTY, TX

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

This Verified Notice is filed pursuant to 49 C.F.R. §1150.31 by Puerto Verde Industrial Railroad, LLC (“PVIR”), a non-carrier, to exempt from regulation under 49 U.S.C. §10901, its operation of approximately 2.43 miles of existing private railroad track within the property of a former coal mine (the “Rail Line”) that is being converted into a rail-served industrial park. After approval of the Notice, PVIR will provide common carrier switching services and transloading for customers that locate to the industrial park.

Notice

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

- (a) The full name and address of Applicant: Puerto Verde Industrial Railroad, LLC, 607 County Road 305, Eagle Pass, TX 78852.
- (b) The name, address, and telephone number of the representative of PVIR who should receive correspondence: Justin J. Marks, Clark Hill, PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916.
- (c) PVIR will be entering into an agreement to lease and operate the Rail Line to convert the private industry track to common carrier track.

(d) Currently there is no common carrier operating on the track that will be the Rail Line. PVIR will be the freight operator of the Rail Line.

(e) Brief Summary of the Proposed Transaction:

Farming Hydrasource, LLC, a corporate affiliate of PVIR, currently owns the former coal mine and will enter into a lease and an operating agreement that will give PVIR control of the Rail Line. PVIR will operate the portion of the tracks designated as the Rail Line as shown on the map attached hereto as Exhibit A, as common carrier tracks.

PVIR's conversion of private industrial track to common carrier rail service is consistent with Board precedent in cases such as *Effingham Railroad Company – Petition for Declaratory Order - Construction at Effingham, IL*, STB Finance Docket No. NOR 41986, 1997 WL 564155 (served Sept. 12, 1997).

(1) The name and address of the non-carrier company that currently controls the Rail Line: Farming Hydrasource, LLC; 607 County Road 305; Eagle Pass, TX 78852.

(2) PVIR expects to commence operations on or after the effective date of this notice of exemption, more than thirty days after filing.

(3) The Rail Line is located in Maverick County, Texas. There are no mileposts because the Rail Line is located within the boundaries of a former coal mine.

(4) The total mileage to be acquired and operated is approximately 2.43 miles.

(f) Attached as Exhibit A to this Notice of Exemption is a map of the Rail Line denoted in purple.

(g) PVIR 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) No interchange commitments are being imposed on PVIR's operations.

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

Pursuant to 49 C.F.R. §1105.6(c)(1)(i), no environmental documentation should be required because this proceeding involves operating authority under 49 U.S.C. §10901 for converting private railroad operations to common carrier operations that will not exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (e)(5).

No historic report under 49 C.F.R. §1105.8(b)(1) should be required because this Notice of Exemption merely involves the acquisition of operating authority to conduct switching and transloading services as a rail common carrier on tracks that were previously operated as a private industrial railroad, and Board approval will be required to discontinue or abandon any service. PVIR has no plans to dispose of or alter properties subject to the Board's jurisdiction 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.

Conclusion

Accordingly, PVIR requests that the Board issue a notice allowing the common carrier

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

operations of PVIR to become effective at any time after 30 days from the filing of this Notice of Exemption.

Respectfully submitted,



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

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8500
ehocky@clarkhill.com

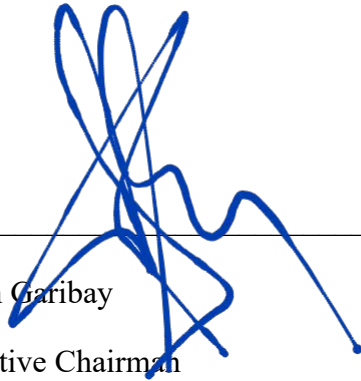
*Counsel for Puerto Verde Industrial
Railroad, LLC*

Dated: December 2, 2024

VERIFICATION

I, Ruben Garibay, Sole Member, of Puerto Verde Industrial Railroad, LLC 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 November 28, 2024.



Ruben Garibay
Executive Chairman

EXHIBIT A

MAP

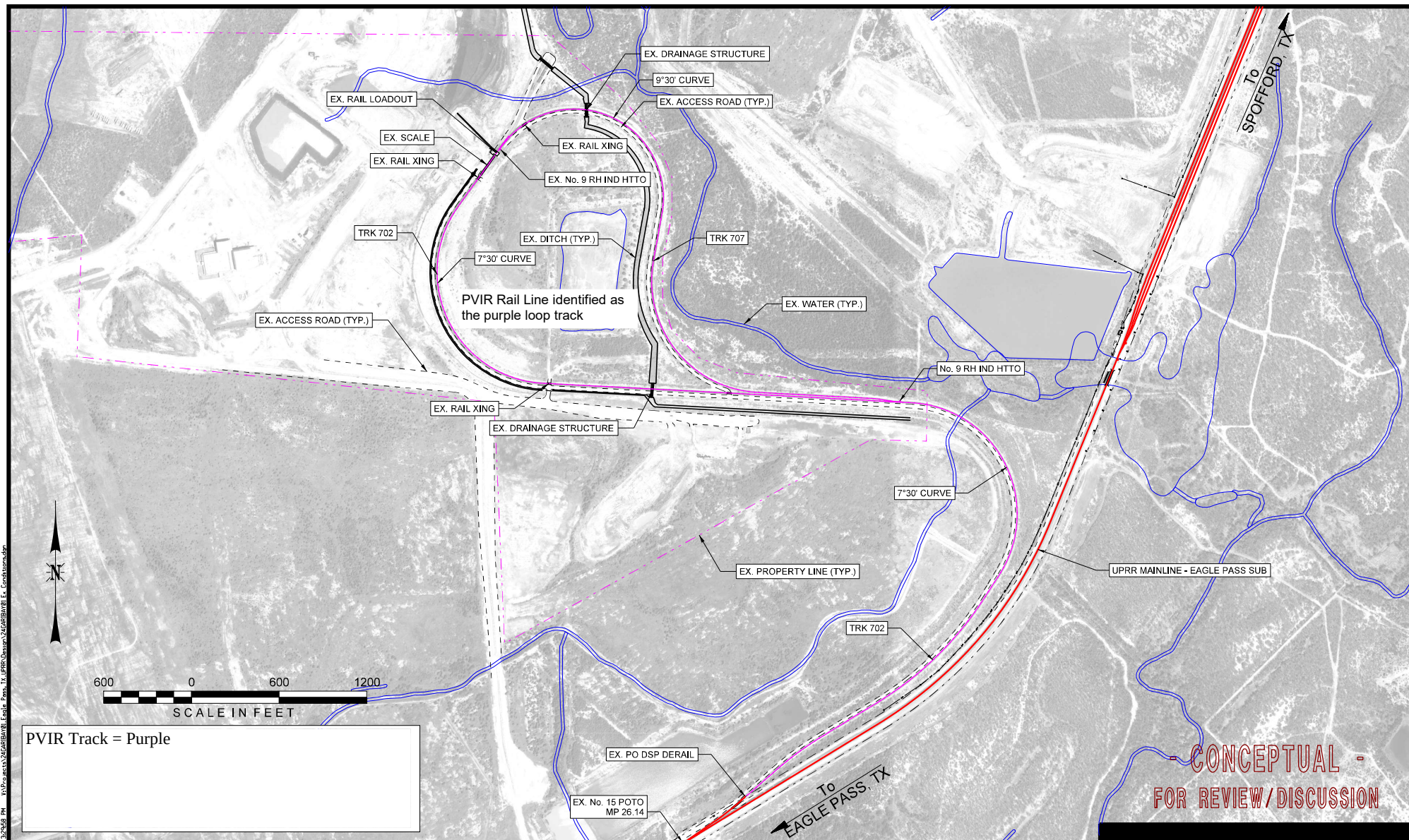


EXHIBIT B

CAPTION SUMMARY

**BEFORE the
SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36820

**PUERTO VERDE INDUSTRIAL RAILROAD, LLC
- OPERATION EXEMPTION –
LINE IN MAVERICK COUNTY, TX**

This Verified Notice is filed pursuant to 49 C.F.R. §1150.31 by Puerto Verde Industrial Railroad, LLC (“PVIR”), a non-carrier, to exempt from regulation under 49 U.S.C. §10901, its operation of approximately 2.43 miles of existing railroad track within the property of a former coal mine (the “Rail Line”) that is being converted into a rail-served industrial park. After approval of the Notice, PVIR will provide common carrier switching services and transloading for customers that locate to the industrial park.

Comments must be filed with the Board and served on PVIR’s representative, Justin J. Marks, Esq., Clark Hill, PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South Washington, DC 20004; (202) 572-8668.

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: December __, 2024.

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