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May 16, 2025
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May 16, 2025

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. - Operators Exemption – DeSoto Parish, Louisiana
STB Finance Docket No. 36857

Dear Ms. Brown:

Enclosed for filing on behalf of Railmark Industrial Railway Inc. in the above referenced docket is a Verified Notice of Exemption under 49 C.F.R. § 1150.41. 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 16, 2025
SURFACE
TRANSPORTATION BOARD

FILED
May 16, 2025
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36857

RAILMARK INDUSTRIAL RAILWAY INC.
- OPERATION EXEMPTION –
DESOTO PARISH, LOUISIANA

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

(includes color images)

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Counsel for
Railmark Industrial Railway Inc.

Dated: May 16, 2025

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36857

RAILMARK INDUSTRIAL RAILWAY INC.
- OPERATION EXEMPTION –
DESOTO PARISH, LOUISIANA

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

This Verified Notice is filed pursuant to 49 C.F.R. §1150.41 by Railmark Industrial Railway Inc. (“RIR”), a Class III rail carrier,¹ to exempt from regulation under 49 U.S.C. §10902, its operation of approximately 9 miles of existing private railroad track (the “Rail Line”) to serve the Dolet Hills Power Station at its present location and any other customers that may locate on the Rail Line. A map of the Rail Line is attached hereto as Exhibit A.

Notice

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

- (a) The full name and address of Applicant: Railmark Industrial Railway Inc., P.O. Box 613, Henderson, KY 42419.

- (b) Applicant’s Representatives:

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¹ *Railmark Industrial Railway Inc. d/b/a Railmark Industrial Railway Inc. Mississippi Division – Change in Operator Exemption – Mississippi Central R.R.Co., STB Finance Docket No. 36773 (served May 22, 2024).*

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(c) RIR has entered into an agreement with Cleco Power LLC, the non-carrier owner of the track that will be the Rail Line, to operate the Rail Line as a common carrier.

(d) Currently there is no common carrier operating on the track that will be the Rail Line. RIR will be the freight operator of the Rail Line on or after the effective date of this notice.

(e) Brief Summary of the Proposed Transaction:

RIR has entered into a Railroad Operating Agreement with Cleco Power LLC for RIR to operate the Rail Line as a common carrier. RIR 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.

RIR'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).

RIR will market the Rail Line under the name Railmark Industrial Railway Inc. Louisiana Division to differentiate itself from Railmark Industrial Railway Inc. Mississippi Division.

- (1) The name and address of the non-carrier company that currently controls the track that will be the Rail Line is Cleco Power LLC, 2030 Donahue Ferry Road, Pineville, Louisiana.
- (2) RIR 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 DeSoto Parish, Louisiana. There are no mileposts because the Rail Line has been used as private industry track. The line extends from the Union Pacific Railroad switch and terminates at the Dolet Hills Power Station. The Railroad Operating Agreement also grants RIR the right to operate spur and sidetrack located within the CLECO Dolet Hills Power Station and RIR will operate this additional track as 49 U.S.C. §10906 track.
- (4) The total mileage to be acquired and operated as a common carrier is approximately 9 miles.
- (f) Attached as Exhibit A to this Notice of Exemption is a map of the Rail Line denoted in red.
- (g) RIR certifies that its projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier.²
- (h) No interchange commitments are being imposed on RIR's operations.

Labor Protection

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

² RIR additionally certifies that its projected revenues after the transaction will not exceed \$5,000,000 per year.

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. §10902 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 operate 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. RIR 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. §1150.44.

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Conclusion

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

Respectfully submitted,



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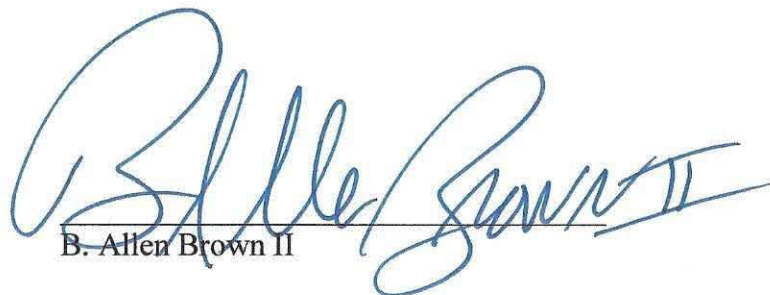
Dated: May 16, 2025

Attorneys for Railmark Industrial Railway Inc.

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 16, 2025.



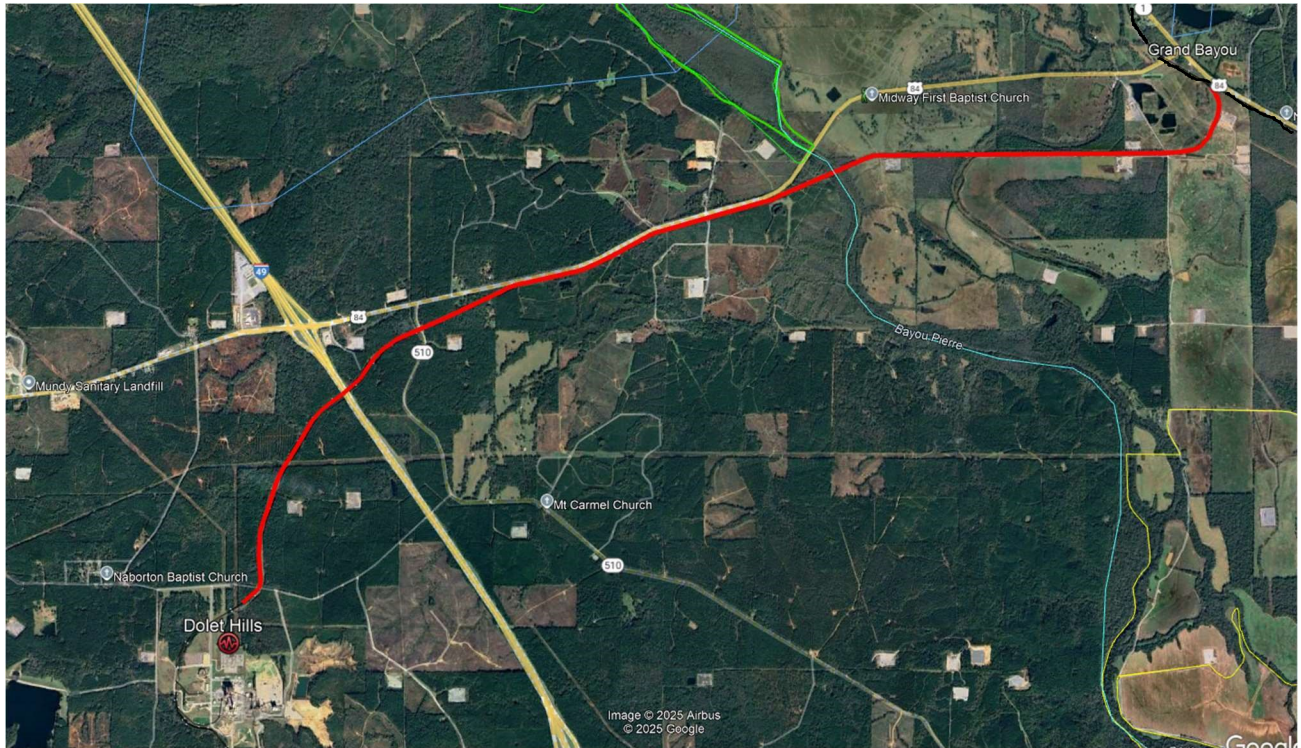
B. Allen Brown II

EXHIBIT A

MAP

Map of Rail Line Subject to FD 36857

Union Pacific Railroad



Railmark line to be operated depicted in red.

Union Pacific Railroad depicted in black.

EXHIBIT B

CAPTION SUMMARY

**BEFORE the
SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36857

**RAILMARK INDUSTRIAL RAILWAY INC.
- OPERATION EXEMPTION –
DESOTO PARISH, LOUISIANA**

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

This Verified Notice is filed pursuant to 49 C.F.R. §1150.41 by Railmark Industrial Railway Inc. (“RIR”), a Class III rail carrier, to exempt from regulation under 49 U.S.C. §10902, its operation of approximately 9 miles of existing private railroad track (the “Rail Line”) to serve the Dolet Hills Power Station at its present location and any other customers that may locate on the Rail Line.

Comments must be filed with the Board and served on RIR’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. §1150.41. 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: June __, 2025.

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