

ENTERED
Office of Chief Counsel
March 31, 2026
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36916

NORTHEAST ATLANTA RAILROAD, LLC
—LEASE AND OPERATION EXEMPTION
WITH INTERCHANGE COMMITMENT—
NORFOLK SOUTHERN RAILWAY COMPANY

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

PUBLIC VERSION

Stephen J. Foland
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500
sfoland@fletcher-sippel.com

**ATTORNEY FOR NORTHEAST
ATLANTA RAILROAD, LLC**

Dated: March 31, 2026.

FEE RECEIVED
March 31, 2026
SURFACE TRANSPORTATION BOARD

FILED
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**VERIFIED NOTICE OF EXEMPTION OF
NORTHEAST ATLANTA RAILROAD, LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART D**

Northeast Atlanta Railroad, LLC (“NEAR”) a Class III rail carrier, hereby files this Verified Notice of Exemption (the “Notice”) pursuant to 49 C.F.R. part 1150, subpart D, to authorize its lease from Norfolk Southern Railway Company (“NSR”), and operation as a common carrier of, approximately 1.15 miles of railroad (the “Line”), extending from a switch known generally as the Stone Mountain Lead Switch, located, approximately, at milepost 620.64 on NSR’s Greenville District, located near the City of Doraville, Georgia, and into the Doraville Industrial Complex.

This Notice is related to FD 36915, *OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC—Continuance in Control Exemption—Northeast Atlanta Railroad, LLC*, in which OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC

(collectively “Jaguar”) are concurrently filing a notice of exemption pursuant to 49 C.F.R. § 1180.2(d)(2) to continue in control of NEAR once NEAR commences leasehold operation of the Line and thereby becomes a carrier. The Jaguar entities are non-carriers that collectively control thirteen (13) Class III carriers.¹ Pursuant to 49 C.F.R. § 1150.33, NEAR submits the following information:

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

Northeast Atlanta Railroad, LLC
1027 South Main Street, Suite 403
Joplin, Missouri 64801

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

Stephen J. Foland
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606
(312) 252-1500
sfoland@fletcher-sippel.com

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

NEAR and NSR have reached an agreement (the “Agreement”) whereby NEAR will assume NSR’s rights and obligations to provide railroad

¹ These carriers are Southwestern Railroad, Inc.; Texas and Eastern Railroad, LLC; Wyoming and Colorado Railroad, Inc. (which also does business under the name “Oregon Eastern Railroad”); Cimarron Valley Railroad, L.C.; Washington Eastern Railroad, LLC; West Memphis Base Railroad, L.L.C.; Missouri Eastern Railroad, LLC; Charlotte Western Railroad, LLC; Kinston Railroad, LLC; Waterloo Railroad, LLC; Kansas City West Bottoms Railroad, LLC; Central Washington Railroad Company, LLC; and Columbia Basin Railroad Company, LLC. *See OPSEU Pension Plan Trust, et al.—Continuance in Control Exemption—Columbia Basin R.R. Co., LLC*, FD 36865 (STB served July 25, 2025).

common carrier service over certain NSR-owned track in Doraville, Georgia. The Agreement will take effect upon appropriate Board authorization.

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

NEAR will provide common carrier railroad freight service to railroad freight customers located along the Line.

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

The Line is located near the City of Doraville, Georgia. Specifically, the Line consists of a 1.15-mile main line extending from the Stone Mountain Lead Switch at mile post 620.64 on NSR's Greenville District, into the Doraville Industrial Complex, together with ancillary yard and spur track.

The Line is owned by NSR. NEAR and NSR have agreed that NSR will lease the Line to NEAR, and NEAR will provide common carrier rail freight service to customers on the Line, under the terms and conditions specified in the Agreement. NEAR intends to consummate the subject transaction upon the effective date of this class exemption.

The name and address of the railroad leasing the Line to NEAR is:

Norfolk Southern Railway Company
650 West Peachtree Street NW
Atlanta, Georgia 30308

Map: 49 C.F.R. § 1150.33(f)

See Exhibit A.

Certification of Eligibility: 49 C.F.R. § 1150.33(g)

See Certification and Verification.

Interchange Commitments: 49 C.F.R. § 1150.33(h)(1)

The Agreement contains an interchange commitment which places monetary penalties on traffic interchanged by NEAR with a third-party carrier. Pursuant to the requirements of subpart D, NEAR provides the following information:

(i) The Line physically connects only with the contiguous NSR Greenville District. No other NEAR interchange points are implicated as no others, aside from the NSR interchange point, exist.

(ii) A true and correct copy of the draft Agreement subject to this Notice has been filed under seal and is attached hereto. *See* Highly Confidential Exhibit B.

(iii) The following shippers located on the Line use or have used NSR services within the last two years: Heidelberg Materials North America; various customers within the Norfolk Southern Thoroughbred Bulk Transfer facility Olé Mexican Foods; Plant Improvement Company; Quikrete; and Univar USA.

(iv) The confidential aggregate total of carloads originated or terminated on the Line by all shippers identified in subparagraph (iii) was [x,xxx] for calendar year 2024 and [x,xxx] for calendar year 2025.

(v) NEAR certifies that it has provided notice of the proposed transaction and interchange commitment to all shippers identified in subparagraph (iii) via email or other means of delivery. *See Certification and Verification.*

(vi) The Line connects only to NSR and does connect to any third-party carrier. As such, NEAR currently cannot physically interchange traffic with any third-party railroads.

(vii) NEAR estimates a zero value for this interchange commitment because NEAR has no physical interchange commitment with any other carrier.

(viii) The caption for this Notice indicates there is an interchange commitment.

Advance Labor Notice: 49 C.F.R. § 1150.42(e)

NEAR's annual operating revenues are not projected to exceed \$5 million. Therefore, the sixty (60)-day labor notice requirement of 49 C.F.R. § 1150.42(e) is not applicable to this transaction. *See Certification and Verification.*

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

Under 49 C.F.R. § 1105.6(c)(2), the proposed transaction is exempt from environmental reporting requirements. The proposed transaction will not result in significant changes in carrier 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), NEAR's lease of the Line is also exempt from historic preservation reporting requirements. The proposed transaction is for the purpose of continued rail operations. Additional 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 (50) years old or older.

Caption Summary: 49 C.F.R. § 1150.42(a)

A caption summary in appropriate form is attached. *See Exhibit C.*

Respectfully submitted,

By: /s/ *Stephen J. Foland*

Stephen J. Foland

Fletcher & Sippel LLC

29 North Wacker Drive, Suite 800

Chicago, Illinois 60606-3208

(312) 252-1500

sfoland@fletcher-sippel.com

**ATTORNEY FOR NORTHEAST
ATLANTA RAILROAD, LLC**

Dated: March 31, 2026.

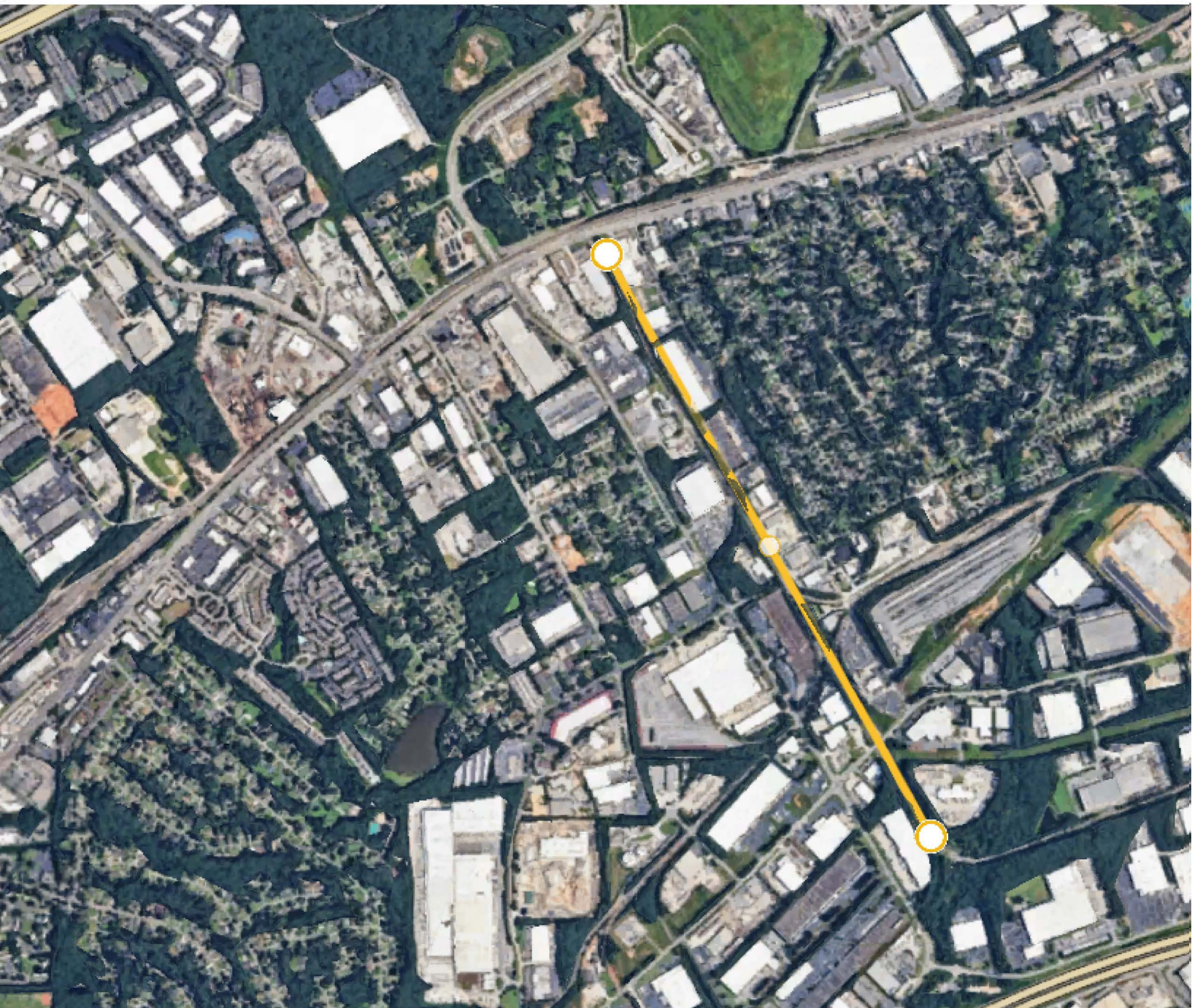
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NORFOLK SOUTHERN RAILWAY COMPANY

EXHIBIT A
MAP

NORTHEAST ATLANTA RAILROAD, LLC
NORFOLK SOUTHERN GREENVILLE DISTRICT
STONE MOUNTAIN LEAD SWITCH MP 620.64
DORAVILLE, GEORGIA



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HIGHLY CONFIDENTIAL
EXHIBIT B
LEASE AGREEMENT

**[HIGHLY CONFIDENTIAL EXHIBIT B
FILED UNDER SEAL]**

BEFORE THE
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EXHIBIT C
CAPTION SUMMARY

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SURFACE TRANSPORTATION BOARD

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—LEASE AND OPERATION EXEMPTION
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NORFOLK SOUTHERN RAILWAY COMPANY

Northeast Atlanta Railroad, LLC (“NEAR”), a Class III carrier, has filed a certified and verified Notice of Exemption pursuant to 49 C.F.R. Part 1150, subpart D, to enter into a lease and operation agreement (the “Agreement”) of approximately 1.15 miles of railroad track owned by Norfolk Southern Railway Company (“NSR”) (the “Line”). The Line extends from a switch known generally as the Stone Mountain Lead Switch, located, approximately, at mile post 620.64 on NSR’s Greenville District (the “Line”), located near the City of Doraville, Georgia, into the Doraville Industrial Complex. NEAR will provide common carrier freight service to rail shippers located along the Line, subject to the terms and conditions of the Agreement.

Comments must be filed with the Board and served on: Stephen J. Foland, Esq., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, Illinois 60606-3208, telephone (312) 252-1500, e-mail sfoland@fletcher-sippel.com.

This Notice has been filed pursuant to 49 C.F.R. § 1150.31. If the Notice contains any false or misleading information, the Exemption is void *ab initio*. Petitions to revoke this Exemption under 49 U.S.C. § 10502 may be filed at any time. The filing of a Petition to revoke will not stay the transaction automatically.

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**CERTIFICATION AND
VERIFICATION**

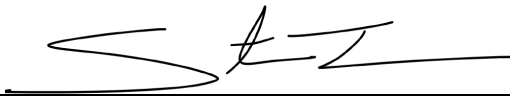
CERTIFICATION AND VERIFICATION

I, J. Stuart Towner, am the President of Northeast Atlanta Railroad, LLC (“NEAR”). Under penalty of perjury, I hereby certify and verify as follows:

1. I am authorized to provide the present certification and verification on behalf of NEAR;

2. I certify that NEAR’s annual rail revenues are not expected to exceed \$5 million, and that the transaction that is the subject of this exemption proceeding will not result in NEAR becoming Class I or II rail carrier under the thresholds set forth at 49 C.F.R. § 1201(1-1);

3. I verify that I have read the foregoing Notice of Exemption and know that the facts stated herein are true.

By: /s/  _____

Dated: 3/31/2026 _____