

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

311203

ENTERED
Office of Chief Counsel
April 27, 2026
Part of
Public Record

STB Finance Docket Number 36923

COLBY NITTERHOUSE
-CONTINUATION IN CONTROL-
AJAK RAIL, LLC ACQUISITION EXEMPTION

FINANCE DOCKET NO. 36895
COLBY NITTERHOUSE
-CONTINUANCE IN CONTROL-
NPJ RAIL, LLC ACQUISITION EXEMPTION

FINANCE DOCKET NO. 36896
COLBY NITTERHOUSE
-CONTINUANCE IN CONTROL-
PNGT RAIL, LLC ACQUISITION EXEMPTION

FINANCE DOCKET NO. 36897
COLBY NITTERHOUSE
-CONTINUANCE IN CONTROL-
WCN RAIL, LLC ACQUISITION EXEMPTION

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 C.F.R. §1180.2(d)(2)

Colby Nitterhouse (hereinafter “Nitterhouse”), a non-carrier, files this Notice of
Exemption, pursuant to 49 C.F.R. §1180.2(d)(2) to exempt from the provisions of 49 U.S.C.

FEE RECEIVED
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§11323 his continuance in control (by majority ownership) of AJAK RAIL, LLC, NPJ RAIL, LLC, PNGT RAIL, LLC, and WCN, LLC, non-carriers, when AJAK RAIL, LLC, NPJ RAIL, LLC, PNGT RAIL, LLC, and WCN, LLC become common carriers.

On December 15, 2025, NPJ Rail, LLC filed Notice of Exemption, FD 36895, seeking Class III carrier designation in the acquisition, via operating agreement, of 1,800 linear feet of track located at 2999 Guilford Road, Chambersburg, Pennsylvania.

On December 15, 2025, PNGT Rail, LLC, filed Notice of Exemption, FD 36896, seeking Class III carrier designation in the acquisition, via operating agreement, of 2,200 linear feet of track located at 2633 WCN Drive, Chambersburg, Pennsylvania.

On December 17, 2025, WCN Rail, LLC, filed Notice of Exemption, FD 36897, seeking Class III carrier designation in the acquisition, via operating agreement, of 2,220 linear feet of track located at 900 Kriner Road, Chambersburg, Pennsylvania.

On December 15, 2025, AJAK Rail, LLC filed Notice of Exemption seeking Class III carrier designation in the acquisition, via operating agreement, of 2,220 linear feet of track located at 4950 Advantage Avenue, Chambersburg, Pennsylvania, FD 36894. In the Decision of this Board dated March 27, 2026, the Board rejected AJAK's notice of exemption in Docket FD 36894. AJAK Rail, LLC, will refile Notices of Exemption under a new docket number clarifying facts regarding the acquisition of said 2,220 linear feet of track. Pending approval of the exemption by the Surface Transportation Board, Nitterhouse seeks continuance in control exemption for AJAK Rail, LLC.

Colby Nitterhouse, majority owner of Franklin Storage, as well as AJAK RAIL, LLC, NPJ RAIL, LLC, PNGT RAIL, LLC, and WCN, LLC, inadvertently failed to seek Board approval to control four carriers prior to the filing of the Notices of Exemption. The exemption

sought herein will extend authority to control AJAK RAIL, LLC, NPJ RAIL, LLC, PNGT RAIL, LLC, and WCN, LLC. The Board has customarily allowed applicants, such as Colby Nitterhouse, in such similar situations to invoke the applicable exemption proceedings to remedy an inadvertent past omission. The exemption process invoked herein would therefore accomplish Colby Nitterhouse's compliance with 49 U.S.C. §11323(a)(4).¹

Required Information

In accordance with the provisions of 49 C.F.R. §1180(4)(g), Nitterhouse provides the following information as required by 49 C.F.R. §1180.6(a)(1)(i)-(ii) (a)(5), and (a)(7)(ii):

Description of Proposed Transaction: 49 C.F.R. §1180.6(a)(1)

(i) The proposed transaction as described above involves Nitterhouse's continuance in control (by majority ownership) of AJAK RAIL, LLC, NPJ RAIL, LLC, PNGT RAIL, LLC, and WCN, LLC, non-carriers, when said entities become the respective contract operators of the facilities described above. Upon the commencement of operations, and approval of this Board that AJAK RAIL, LLC, NPJ RAIL, LLC, PNGT RAIL, LLC, and WCN, LLC, will become Class III carriers. Nitterhouse controls (by majority ownership) Franklin Storage, which leases the four transload facilities which are non-contiguous or logistically connected.

The full name and address of the Applicant herein is:

Colby Nitterhouse
5218 Technology Avenue
Chambersburg, PA 17201

¹ See, e.g. *OmniTRAX Holdings Combined, Inc. – Acquisition of Control Exemption – Alabama & Tennessee River Railway, L.L.C., et al.*, Finance Docket 36032 (STB served July 14, 2016)

Any questions concerning this Notice should be sent to Colby Nitterhouse's representative at the following address:

Max Callahan, Fulcrum Rail
141 West Jackson Boulevard, Suite 1795
Chicago, Illinois 60604
(312) 629-0222

Proposed Schedule for Consummation: 49 C.F.R. §1180.6(a)(1)(ii)

Colby Nitterhouse intends to consummate the proposed transaction upon the effectiveness of the change in operator notice of exemption that is subject of FD 36895 NPJ RAIL, LLC, FD 36896 PNGT RAIL, LLC, FD 26897 WCN RAIL, LLC, and filing of new Notices of Exemption on behalf AJAK RAIL, LLC., in keeping with 49 C.F.R. 1180.4(g)(1).

Purpose Sought to Be Accomplished: 49 C.F.R. §1180.6(a)(1)(iii)

The subject exemption will allow Colby Nitterhouse to proceed with plans to control (by majority ownership) AJAK RAIL, LLC, NPJ RAIL, LLC, PNGT RAIL, LLC, and WCN, LLC, upon approval of Notices of Exemption for Class III carrier status of said entities.

State in Which Property of Applicants is Located: 49 C.F.R. 1180.6(a)(5)

AJAK RAIL, LLC, NPJ RAIL, LLC, PNGT RAIL, LLC, and WCN, LLC will operate solely in the State of Pennsylvania.

Maps: 49 C.F.R. §1180.6(a)(5)

Attached are the following maps identifying the rail line of the following:

Exhibit A	AJAK RAIL, LLC
Exhibit B	NPJ RAIL, LLC
Exhibit C	PNGT RAIL, LLC
Exhibit D	WCN, LLC

Agreement: 49 C.F.R. §1180.6(a)(7)(ii)

There is no agreement covering the common control of AJAK RAIL, LLC, NPJ RAIL, LLC, PNGT RAIL, LLC, and WCN, LLC, of the continuance in control of the entities by Nitterhouse.

Labor Protective Conditions: 49 C.F.R. §1180.4(g)(1)(i)

Pursuant to 49 U.S.C. 11326(c), approval of this transaction may not be subject to labor protection, because the proposed transaction will only involve Class III carriers.

Environmental and Historic Preservation Matters: 49 C.F.R. §1180.4(g)(3)

Under 49 C.F.R. 1105.6(c)(2)(i) and (ii), the proposed control transaction is exempt from environmental reporting requirements as the proposed acquisition of control involves only the continuance in control of non-carriers; when said entities become carriers, this is not affect the level of operations on the Subject Lines to be operated, which is the only rail line operated by the railroads controlled by Colby Nitterhouse.

Under 49 C.F.R. 1105.8(b)(3), the proposed continuance in control also is exempt from historic preservation reporting requirements. The control transactions will not substantially change the level of maintenance of any railroad property.

Interchange Commitments: 49 C.F.R. §1180.4(g)(4)

The continuance in control does not impose or include an interchange agreement.

Conclusion:

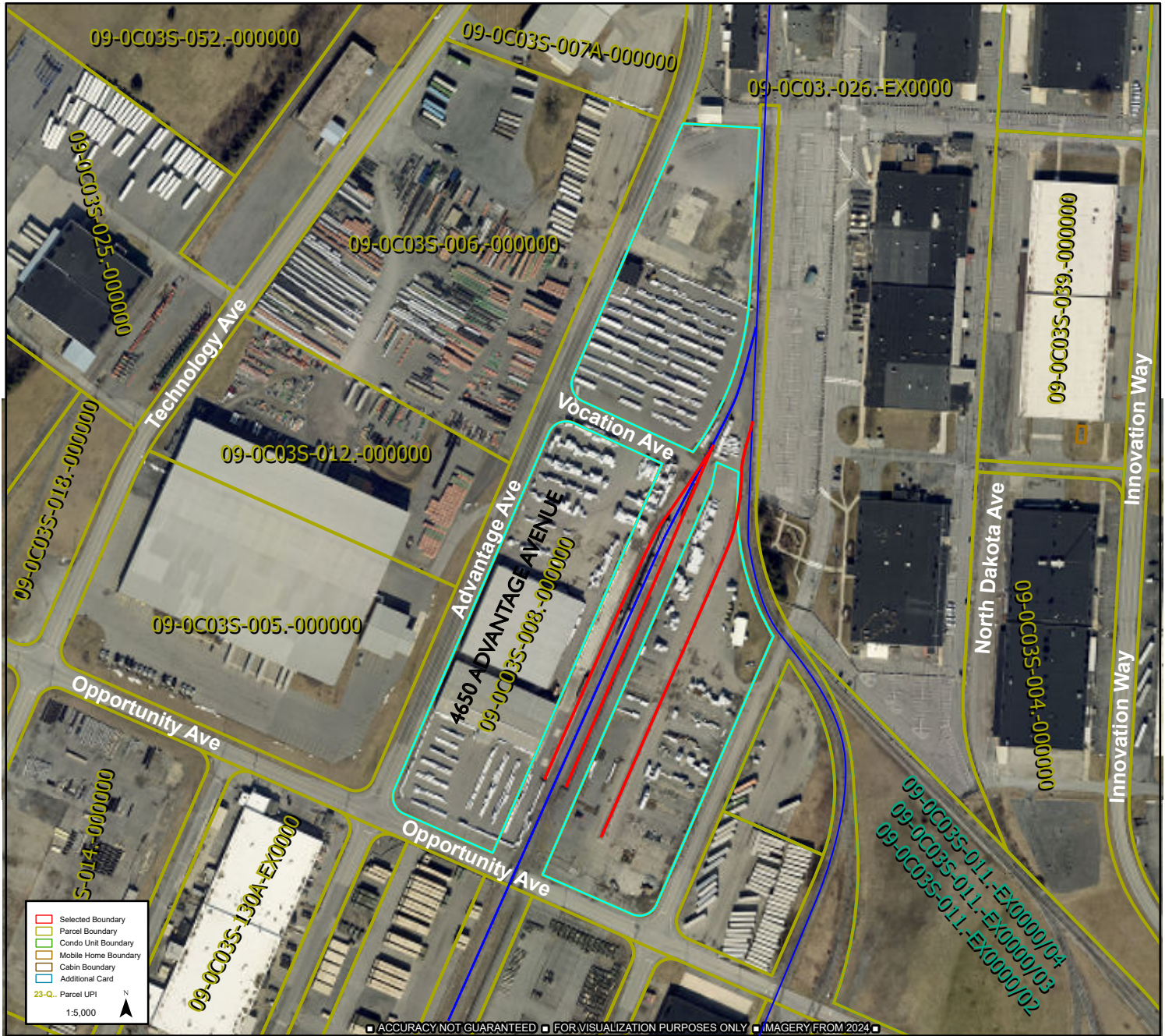
For the foregoing reasons, Nitterhouse requests that the Board issue a notice of exemption pursuant to 49 C.F.R. §1180.2(d)(2).

Respectfully submitted,

/s/ Max Callahan

Max Callahan, Attorney for Colby Nitterhouse
Fulcrum Rail
141 West Jackson Boulevard, Suite 1795
Chicago, Illinois 60604
312-629-0222
max@prptax.com

Dated: April 27, 2026



PROPERTY INFORMATION

UPI: 09-0C03S-008.-000000
ADDRESS: 4950 ADVANTAGE AVENUE
CHAMBERSBURG PA 17201

Unit ID: PARCELS 8 & 9 & 5-114
TYPE: Tax Parcel
DEED AREA: 13.6 ACRES

CURRENT OWNER INFORMATION

OWNER: AJAK PROPERTIES LLC
ADDRESS: 900 KRINER RD STE 1
CHAMBERSBURG PA 17202
DEED REF: 18-025181 SOLD: 12/21/2018
PRICE: \$2,250,000.00

ASSESSMENT VALUES

BLDGS	\$131,200.00
LAND	\$40,790.00
TOTAL	\$171,990.00

TAXABLE STATUS

EXEMPT: NO

AJAK Rail, LLC Operated Track

Track and associated Facility owned by AJAK Properties, LP;
Leased by Franklin Storage, LP; and Track Acquired by AJAK Rail, LLC through Operating Agreement

Pennsylvania & Southern RR Track



PROPERTY INFORMATION

UPI: 10-0D13.-031.-000000
ADDRESS: 2999 GUILFORD SPRINGS ROAD
CHAMBERSBURG PA 17202

Unit ID: PARCEL E
TYPE: Tax Parcel
DEED AREA: 31.95 ACRES

CURRENT OWNER INFORMATION

OWNER: NPJ PROPERTIES L P

ADDRESS: 900 KRINER ROAD
CHAMBERSBURG PA 17202
DEED REF: 2819-0021 SOLD: 6/27/2005
PRICE: \$0.00

ASSESSMENT VALUES

BLDGS	\$2,021,130.00
LAND	\$111,830.00
TOTAL	\$2,132,960.00

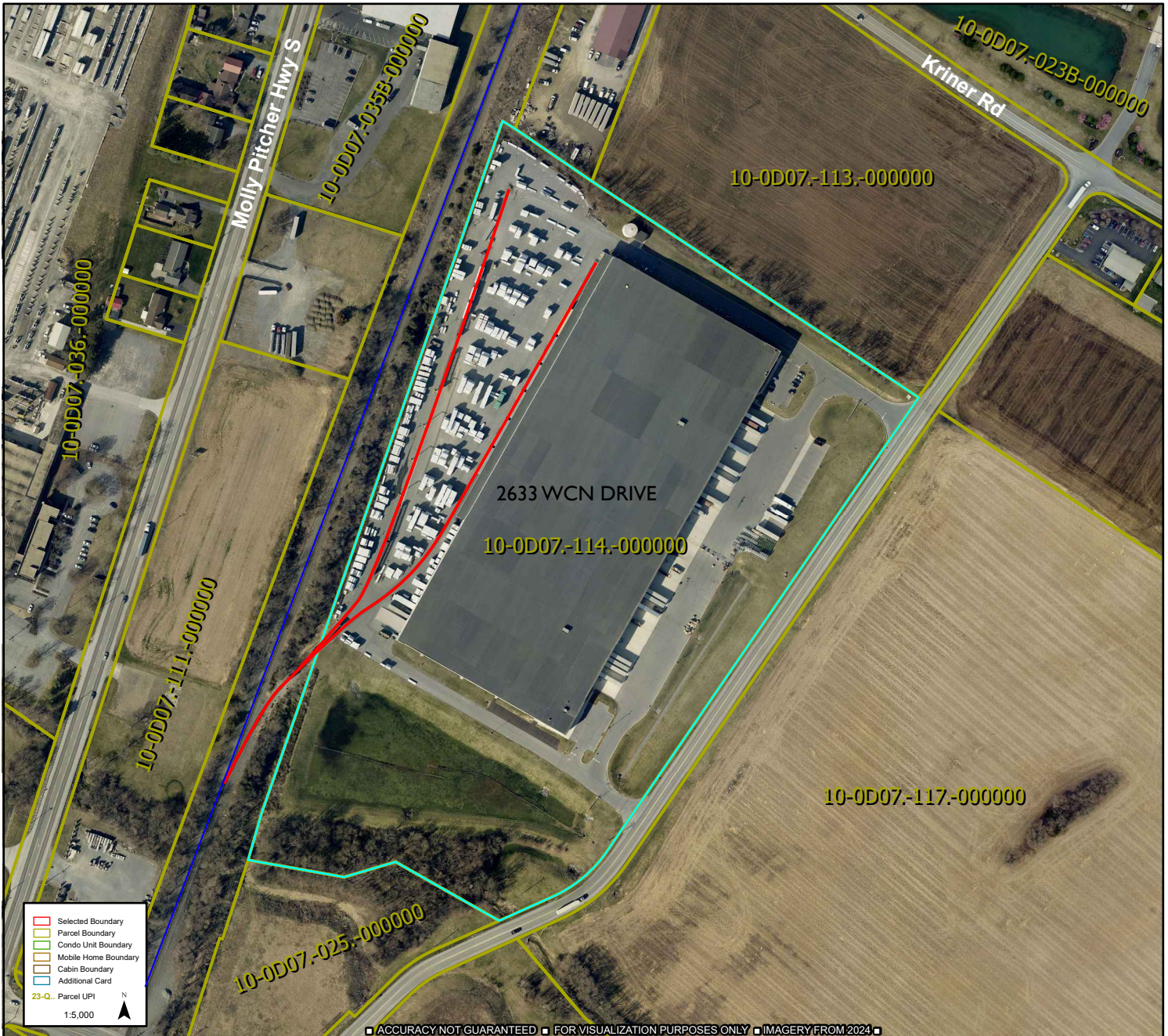
TAXABLE STATUS

EXEMPT: NO

NPJ Rail, LLC Operated Track

Track and associated Facility owned by NPJ Properties, LP;
Leased by Franklin Storage, LP; and Track Acquired by NPJ Rail, LLC through Operating Agreement

NS RR Track



PROPERTY INFORMATION

UPI: 10-0D07.-114.-000000
ADDRESS: 2633 WCN DRIVE
CHAMBERSBURG PA 17202

Unit ID: LOT 1
TYPE: Tax Parcel
DEED AREA: 28.83 ACRES

CURRENT OWNER INFORMATION

OWNER: PAGE NITTERHOUSE
GIFT TRUST
ADDRESS: 900 KRINER RD STE 1
CHAMBERSBURG PA 17201
DEED REF: 17-024701 SOLD: 11/28/2017
PRICE: \$0.00

ASSESSMENT VALUES

BLDGS	\$1,660,760.00
LAND	\$100,910.00
TOTAL	\$1,761,670.00

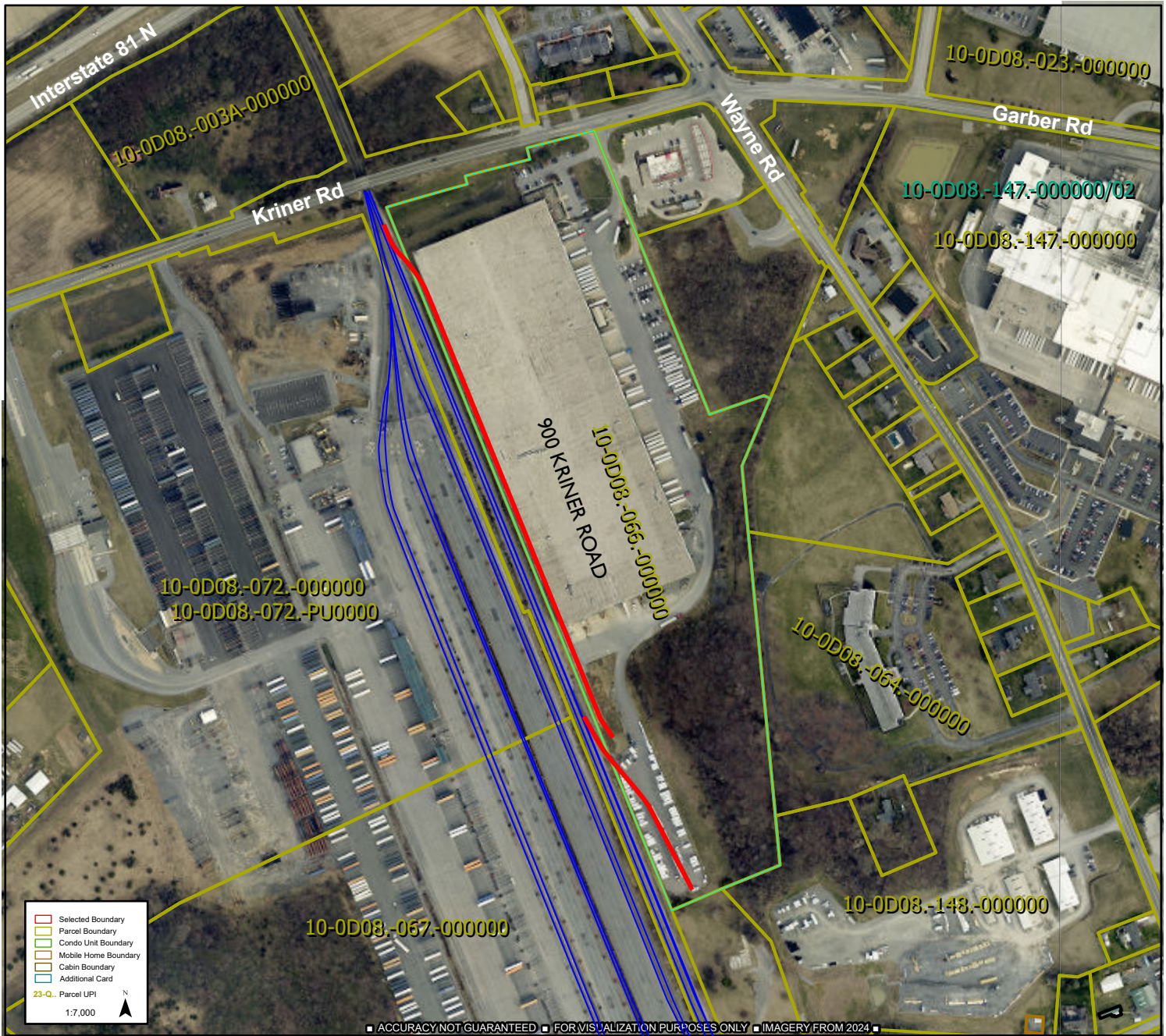
TAXABLE STATUS

EXEMPT: NO

PNGT Rail, LLC Operated Track

Track and associated Facility owned by PNGT, LP;
Leased by Franklin Storage, LP; and Track Acquired by PNGT Rail, LLC through Operating Agreement

NS RR Track



PROPERTY INFORMATION

UPI: 10-0D08.-066.-000000
ADDRESS: 900 KRINER ROAD
CHAMBERSBURG PA 17202

Unit ID: PARCEL A
TYPE: Tax Parcel
DEED AREA: 30.89 ACRES

CURRENT OWNER INFORMATION

OWNER: WCN PROPERTIES L P
ADDRESS: 900 KRINER ROAD
CHAMBERSBURG PA 17202
DEED REF: 15-015234 SOLD: 8/7/2015
PRICE: \$0.00

ASSESSMENT VALUES

BLDGS \$2,062,230.00
LAND \$108,120.00
TOTAL \$2,170,350.00

TAXABLE STATUS

EXEMPT: NO

WCN Rail, LLC Operated Track



Track and associated Facility owned by WCN Properties, LP;
Leased by Franklin Storage, LP; and Track Acquired by WCN Rail, LLC through Operating Agreement

CSXT RR Track



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STB Finance Docket Number 36923

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-CONTINUATION IN CONTROL-

AJAK RAIL, LLC

NPJ RAIL, LLC

PNGT RAIL, LLC

WCN RAIL, LLC

PROPOSED CAPTION SUMMARY

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STB Finance Docket Number 36923

COLBY NITTERHOUSE
-CONTINUATION IN CONTROL-

AJAK RAIL, LLC

NPJ RAIL, LLC

PNGT RAIL, LLC

WCN RAIL, LLC

Colby Nitterhouse, a non-carrier, has filed notices of exemption under 49 C.F.R. §1150.31 to operate NPJ Rail, LLC, PNGT Rail, LLC, and WCN Rail, LLC, and will be filing a notice of exemption under 49 C.F.R. §1150.31 to operate AJAK Rail, LLC to operate rail lines located at four (4) transload facilities (non-connecting) in Chambersburg, Pennsylvania. Colby Nitterhouse (by majority ownership) will control AJAK RAIL, LLC, NPJ RAIL, LLC, PNGT RAIL, LLC, and WCN, LLC, which entities have entered into Operating Agreements with Franklin Storage, lessee of the four transload facilities. Colby Nitterhouse, as majority owner, anticipates commencing common carrier operations over the rail lines on the transloading facilities on or after approval of carrier status by the Surface Transportation Board.

All pleadings, referring to Finance Docket 36923 must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, D.C., 20423-0001. In addition, a copy of each pleading must be served

on Colby Nitterhouse's representative, Max Callahan, Fulcrum Rail, 141 East Jackson Boulevard, Suite 1795, Chicago, Illinois, 60604, 312-629-0222, max@prptax.com.

This action and that of the four notices of exemption acquisition is categorically excluded from environmental review under 49 C.F.R. §1105.6(c) and from historic preservation reporting requirements under 49 C.F.R. §1105.8(b).

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.

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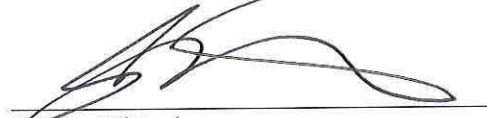
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COLBY NITTERHOUSE
-CONTINUATION IN CONTROL-
AJAK RAIL, LLC
NPJ RAIL, LLC
PNGT RAIL, LLC
WCN RAIL, LLC

VERIFICATION

VERIFICATION

I, Colby Nitterhouse, 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.


Colby Nitterhouse

Executed on April 27, 2026

Certificate of Service

I certify that I have this day served copies of document upon all parties of record in this proceeding via email.

/s/ Kristin Van Kampen, Paralegal
Fulcrum Rail
141 West Jackson Blvd. #1795
Chicago, IL 60604
312-629-0222
kris@prptax.com

Date: April 26, 2026