

311505

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36939

ENTERED
Office of Chief Counsel
May 29, 2026
Part of
Public Record

KEAN BURENGA AND CHESAPEAKE AND DELAWARE, LLC
-- CONTINUANCE IN CONTROL EXEMPTION --
DELAWARE AND SOUTH BRANCH RAILROAD, LLC

**VERIFIED NOTICE OF EXEMPTION OF
KEAN BURENGA AND CHESAPEAKE AND DELAWARE, LLC
PURSUANT TO 49 C.F.R. § 1180.2(d)(2)**

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, IL 60606-3208
rwimbish@fletcher-sippel.com
(312) 252-1500

**ATTORNEY FOR KEAN BURENGA AND
CHESAPEAKE AND DELAWARE, LLC**

Dated: May 29, 2026

**FEE RECEIVED
May 29, 2026
SURFACE
TRANSPORTATION BOARD**

**FILED
May 29, 2026
SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36939

KEAN BURENGA AND CHESAPEAKE AND DELAWARE, LLC
-- CONTINUANCE IN CONTROL EXEMPTION --
DELAWARE AND SOUTH BRANCH RAILROAD, LLC

**VERIFIED NOTICE OF EXEMPTION OF
KEAN BURENGA AND CHESAPEAKE AND DELAWARE, LLC
PURSUANT TO 49 C.F.R. § 1180.2(d)(2)**

Kean Burenga (“Burenga”), an individual and non-carrier, and Chesapeake and Delaware, LLC (“CAD”), a non-carrier holding company, hereby file this notice of exemption under 49 C.F.R. § 1180.2(d)(2) to continue in control of Delaware and South Branch Railroad, LLC (“DSBR”), a non-carrier established to operate pursuant to lease certain rail lines owned by Black River & Western Corp. d/b/a Black River & Western Railroad (“BRW”) and Belvidere & Delaware River Railway Company, Inc. (“BDR”). The lines DSBR proposes to operate are in New Jersey.

In accordance with the requirements of 49 C.F.R. § 1180.4(g), Burenga and CAD submit the following information:

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

Burenga and CAD are non-carriers. CAD currently controls three Class III railroads: Dover and Rockaway River Railroad, LLC (“DRRV”), Dover and

Delaware River Railroad, LLC (“DDRR”), and Delaware and Raritan River Railroad, LLC (“DRRR”) – collectively, the “CAD Railroads.” *Kean Burenga and Chesapeake and Delaware, LLC – Continuance in Control Exemption – Delaware and Raritan River Railroad, LLC*, FD 36597 (STB served June 3, 2022) (“*Burenga/CAD – Control*”). The lines of the CAD Railroads are shown on the map attached hereto as Exhibit A.

Burenga has authority to control five Class III railroads as follows: BDR, BRW, DDRR, DRRV, and DRRR (collectively, the “Burenga Railroads”). Each operates in New Jersey, and is shown on the maps attached as Exhibit A.

DSBR is a non-carrier controlled by CAD. DSBR concurrently is filing a verified notice of exemption under 49 C.F.R. part 1150, subpart D to lease and operate certain rail lines owned by BRW and BDR. *See Delaware and South Branch River Railroad, LLC – Lease and Operation Exemption – Black River & Western Corp. d/b/a Black River & Western Railroad, and Belvidere & Delaware River Railway Company, Inc.*, FD 36938. DSBR will become a Class III common carrier upon its commencement of operations.

The full names and addresses of the Applicants herein are as follows:

Kean Burenga
20 Toad Lane
Ringoos, NJ 08551

and

Chesapeake and Delaware, LLC
c/o Cathrin Banks
24006 Old Meadow Road
Seaford, DE 19973

The proposed control transaction: (a) would not connect DSBR with any of the Burenga Railroads (none of which connect to one another)¹; (b) is not part of a plan by Burenga or CAD to connect DSBR to any of the Burenga Railroads, or to connect any of the Burenga Railroads to one another; or (c) does not involve a Class I carrier. While DSBR will lease and operate lines currently owned by BRW and BDR, this arrangement constitutes a substitution of the active operator over existing trackage within the corporate family footprint, rather than the creation of a new operational connection for the interchange of traffic between previously isolated Burenga Railroads. Accordingly, the proposed transaction satisfies the class exemption criteria at 49 C.F.R. § 1180.2(d)(2).

Burenga and CAD acknowledge that if Burenga's relationship with all five of the Burenga Railroads (which includes the three existing CAD Railroads) were definitively recognized by the Board as a single, fully integrated corporate family, deploying DSBR to assume operations over BRW and BDR lines might arguably be characterized as an exempt transaction within a corporate family under 49 C.F.R. § 1180.2(d)(3). For clarity regarding this shared orbit, CAD exercises control over the CAD Railroads. Burenga's involvement in CAD, the CAD Railroads, and now DSBR consists of specific ownership and management interests. Currently, Burenga serves as the Chief Project Officer of CAD, holds a 25% membership interest in CAD, and sits on its Board of Directors (which, according to

¹ DDDR and BDRV both connect with Norfolk Southern Railway Company at Phillipsburg, New Jersey. However, despite the proximity, the two short lines have no physical connection with each other.

Burenga, makes him a *de facto* director of DSBR and the CAD Railroads).

Regarding the other Burenga Railroads, Burenga owns 100% of BDR and is its sole officer. Burenga holds a majority stake in BRW via both direct and indirect interests in that company. Because the Board's prior class exemption authorization of Burenga's control over the CAD Railroads read as being precautionary in nature – prompted by potential questions of control arising from these minority stakes and management roles, which remain structurally subordinate to CAD's majority ownership, rather than absolute majority ownership² – Burenga and CAD have elected, out of an abundance of caution, to seek authorization via the present two-step process under 49 C.F.R. § 1180.2(d)(2) and 49 C.F.R. part 1150, subpart D. This conservative approach ensures strict regulatory compliance without requiring the Board to definitively adjudicate the dubious statutory parameters of the “corporate family” or “families” (as the case may be) at this time.

Any questions concerning this Notice should be sent to Burenga's and CAD's representative at the following address:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, IL 60606-3208
(312) 252-1500

² See *Burenga/CAD – Control*, slip op. at 2, n.1 (relegating the Burenga control element of that proceeding to a footnote and observing “that Burenga ‘seeks permissive control authority for [the newly-added short line] DRRR out of an abundance of caution.’”) (quoting from the class exemption filing itself).

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

Burenga and CAD intend to consummate the proposed transaction and continue in control of DSBR upon DSBR's commencement of common carrier operations on or after the effective date of this exemption and the exemption invoked in FD 36596, anticipated to be June 28, 2026.

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

The transaction will promote Burenga's and CAD's investment objectives, and sustain the Burenga Railroads' efficiency, financial strength, and ability to meet shipper needs.

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

Burenga and CAD are non-carriers, and their business addresses are supplied above. DSBR and each of the Burenga Railroads (which includes the CAD Railroads) are located in New Jersey.

Maps: 49 C.F.R. § 1180.6(a)(6)

A map showing generally the location of the Burenga Railroads is attached hereto as Exhibit A. A map showing generally the location of DSBR is attached hereto as Exhibit B.

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

CAD already controls DSBR, currently a non-carrier. No agreement is contemplated or necessary for CAD (or for Burenga) to continue in control of DSBR once DSBR becomes a railroad common carrier.

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

The proposed transaction involves the control of one new Class III rail carrier by one or more entities that have authority to control other, existing Class III carriers, and it involves no Class I or II rail carriers. Accordingly, this transaction is not subject to the imposition of labor protection conditions. *See* 49 U.S.C. § 11326(c).

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

Under 49 C.F.R. § 1105.6(c)(2)(i), the proposed control transaction is exempt from environmental reporting requirements. Burenga's and CAD's authority to control DSBR 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)(3), the continuance in control transaction also is exempt from historic preservation reporting requirements.

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

The proposed control transaction does not involve the acquisition or operation of a rail line, and, thus, the provisions of 49 C.F.R. § 1180.4(g)(4) are inapplicable. In any event, the agreement governing the transaction that is the subject of the DSBR exemption in FD 36938 does not include any provision restricting DSBR's interchange of traffic with a third-party connecting carrier.

Respectfully submitted,

By: /s/ *R. A. Wimbish*

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, IL 60606-3208
rwimbish@fletcher-sippel.com
(312) 252-1500

**ATTORNEY FOR KEAN BURENGA AND
CHESAPEAKE AND DELAWARE, LLC**

Dated: May 29, 2026

BEFORE THE
SURFACE TRANSPORTATION BOARD

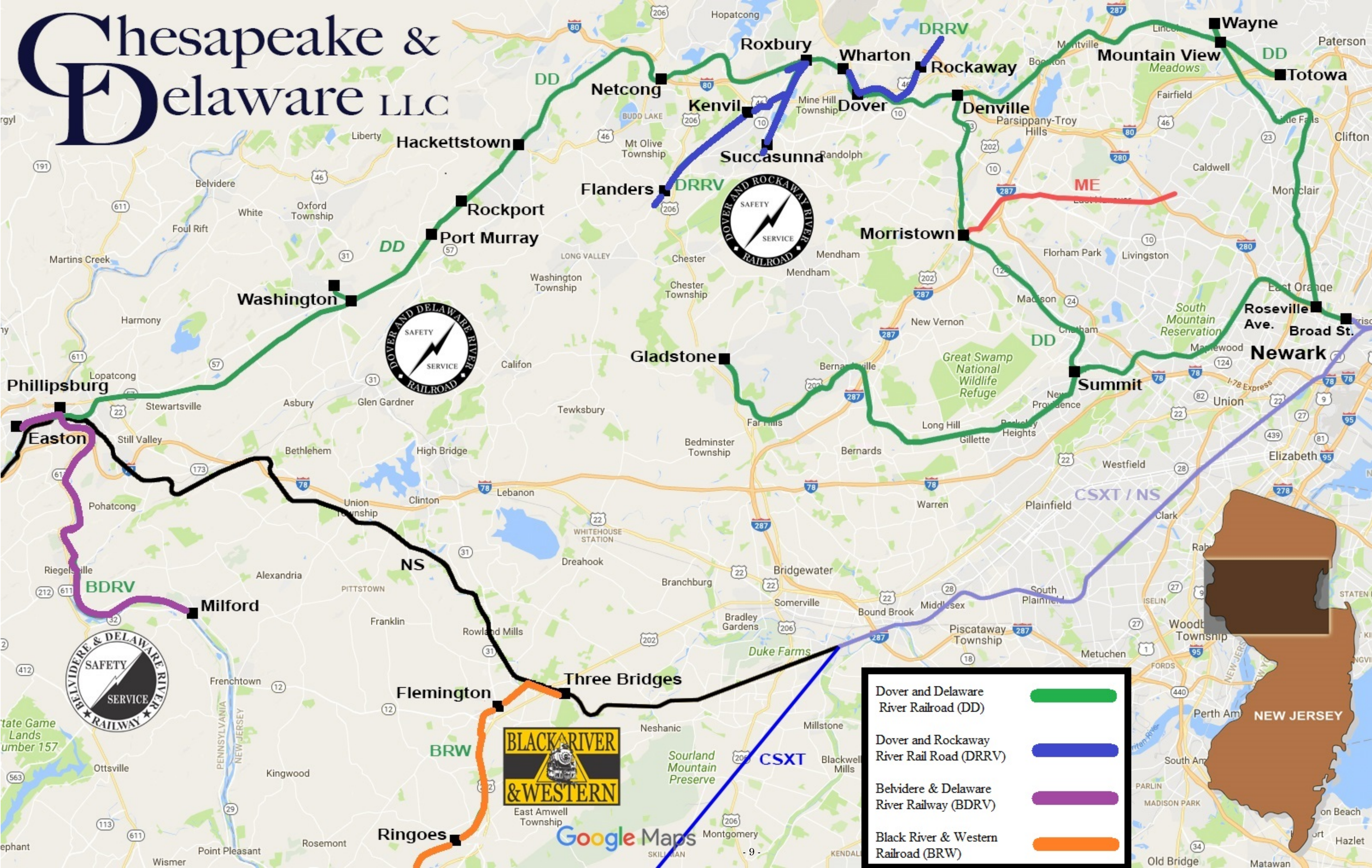
FD 36939

**KEAN BURENGA AND CHESAPEAKE AND DELAWARE, LLC
-- CONTINUANCE IN CONTROL EXEMPTION --
DELAWARE AND SOUTH BRANCH RAILROAD, LLC**

EXHIBIT A

MAP OF THE BURENGA RAILROADS

Chesapeake & Delaware LLC



Dover and Delaware River Railroad (DD)

Dover and Rockaway River Rail Road (DRRV)

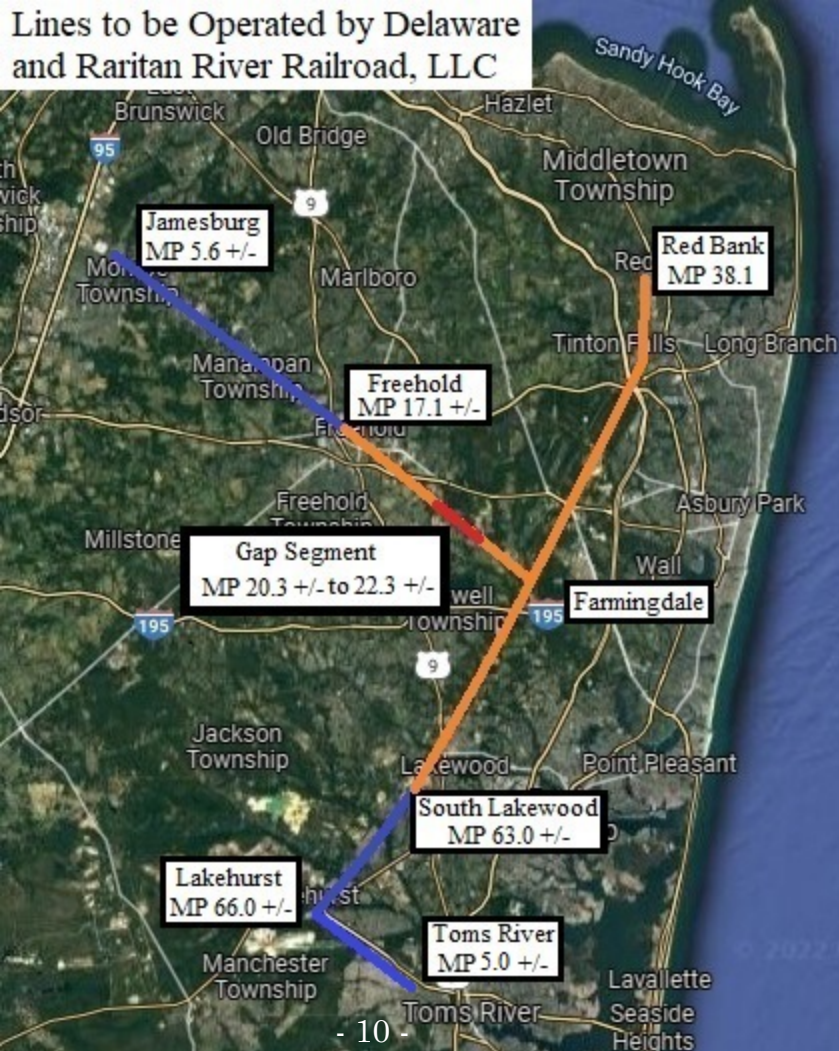
Belvidere & Delaware River Railway (BDRV)

Black River & Western Railroad (BRW)

Lines to be Operated by Delaware and Raritan River Railroad, LLC

Legend

-  = Conrail
-  = NJT
-  = Gap Segment



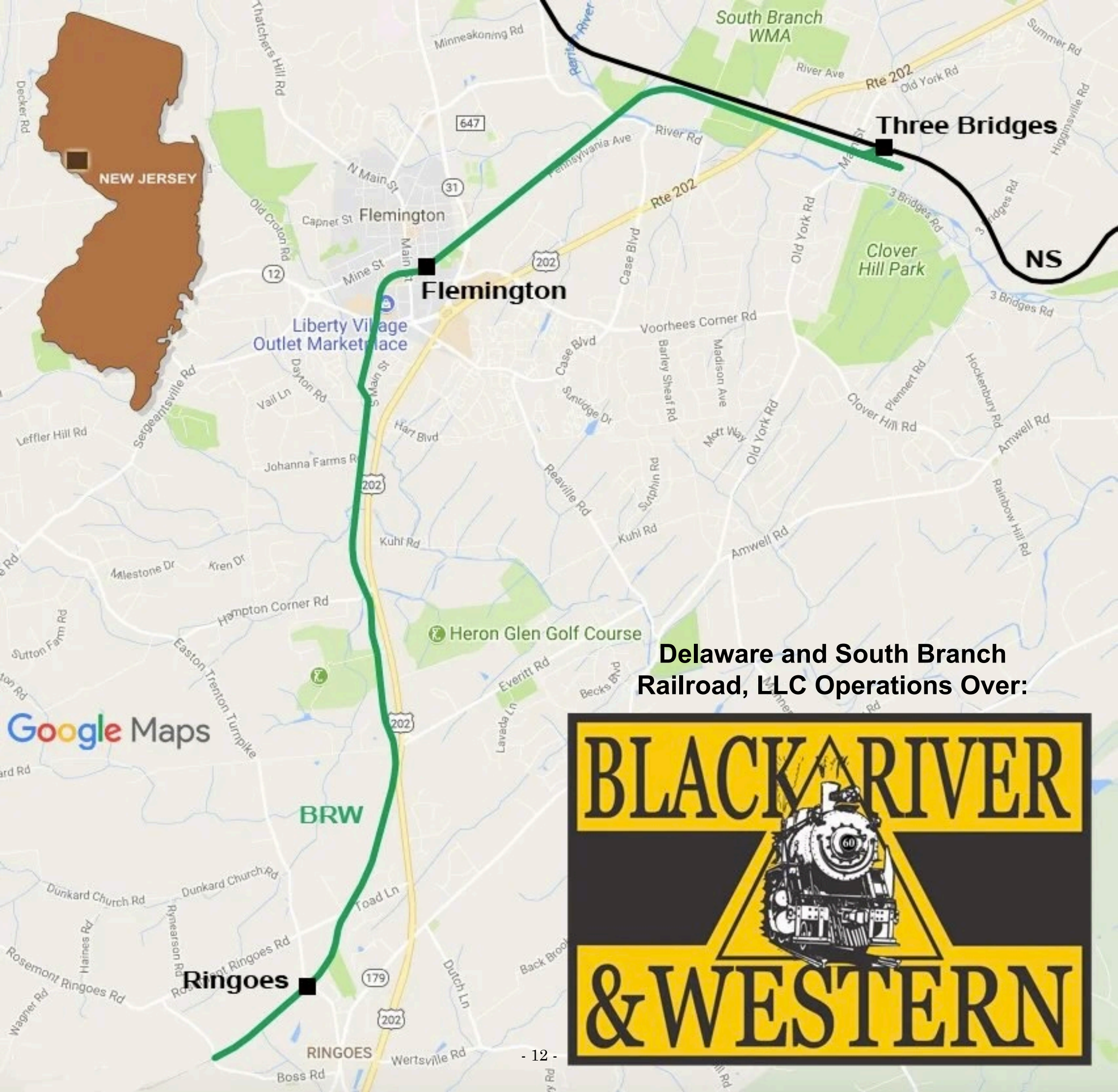
BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36939

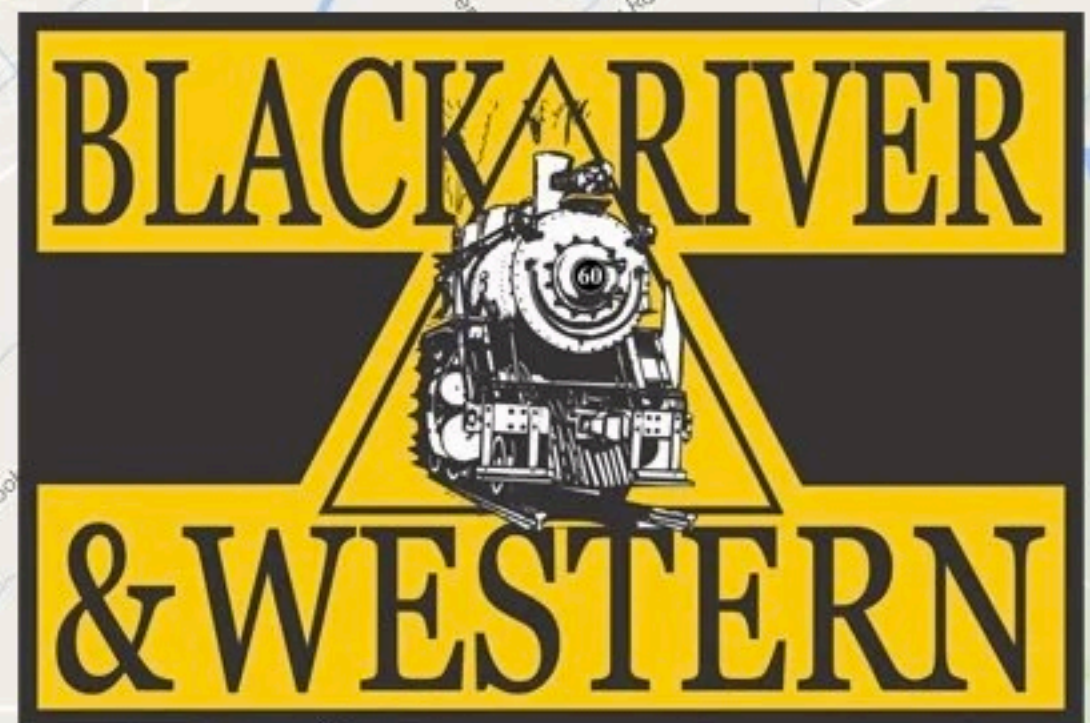
**KEAN BURENGA AND CHESAPEAKE AND DELAWARE, LLC
-- CONTINUANCE IN CONTROL EXEMPTION --
DELAWARE AND SOUTH BRANCH RAILROAD, LLC**

EXHIBIT B

**MAPS OF PROPOSED DELAWARE AND SOUTH BRANCH
RIVER RAILROAD, LLC OPERATIONS**



**Delaware and South Branch
Railroad, LLC Operations Over:**



**Delaware and South Branch Railroad,
LLC Operations Over:**



BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36939

**KEAN BURENGA AND CHESAPEAKE AND DELAWARE, LLC
-- CONTINUANCE IN CONTROL EXEMPTION --
DELAWARE AND SOUTH BRANCH RAILROAD, LLC**

VERIFICATIONS

VERIFICATION

I, Kean Burenga, individually, verify under penalty of perjury that I have knowledge of the matters contained herein as they pertain to my control of the subject entities, that the statements contained herein are true and correct to the best of my knowledge, information and belief, and further, I certify that I am qualified and authorized to provide this verification.

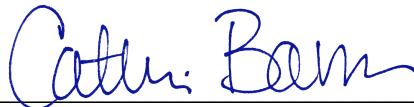


Kean Burenga

Dated: May 20, 2026

VERIFICATION

I, Cathrin Banks, President of Chesapeake and Delaware, LLC, verify under penalty of perjury that I have knowledge of the matters contained herein as they pertain to Chesapeake and Delaware, LLC, that the statements contained herein are true and correct to the best of my knowledge, information and belief, and further, I certify that I am qualified and authorized to provide this verification.



Cathrin Banks
President, Chesapeake and Delaware, LLC

Dated: May 26, 2026