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October 19, 2026
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BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36028 (Sub-No. 2)

KANAWHA RIVER RAILROAD, L.L.C.—LEASE AND
OPERATION EXEMPTION WITH INTERCHANGE COMMITMENT—
NORFOLK SOUTHERN RAILWAY COMPANY

**VERIFIED NOTICE OF EXEMPTION OF
KANAWHA RIVER RAILROAD, L.L.C.
PURSUANT TO 49 C.F.R. PART 1150, SUBPART E**

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 KANAWHA RIVER
RAILROAD, L.L.C.**

Dated: October 19, 2026.

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October 19, 2026
SURFACE TRANSPORTATION BOARD

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NORFOLK SOUTHERN RAILWAY COMPANY

VERIFIED NOTICE OF EXEMPTION OF
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PURSUANT TO 49 C.F.R. PART 1150, SUBPART E

Kanawha River Railroad, L.L.C. ("KRR"), a Class III railroad carrier, hereby files this verified Notice of Exemption (the "Notice") pursuant to 49 C.F.R. part 1150, subpart E, to extend and update its lease from Norfolk Southern Railway Company ("NSR"), and operation of, approximately 309.45 miles of railroad line, made up of nine interconnected segments (collectively, the "Lines"), located in the States of Ohio and West Virginia.

Pursuant to 49 C.F.R. § 1150.43, KRR submits the following information:

Name and Address of Applicant: 49 C.F.R. § 1150.43(a)

Kanawha River Railroad, L.L.C.
315 West Third Street
Pittsburg, Kansas 66762

Applicant's Representative: 49 C.F.R. § 1150.43(b)

KRR's representative, to whom correspondence regarding this transaction should be sent, is as follows:

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. § 1150.43(c)

KRR and NSR have recently entered into a Second Amendment to Lease Agreement, dated August 17, 2026 (the "Agreement"), updating and extending their current arrangements for KRR's lease and operation of the Lines, dating back to an initial lease agreement entered in 2016 and modified once previously per authorization from the Surface Transportation Board (the "Board") as discussed below. The Agreement will take effect upon appropriate authorization from the Board.

Operator of the Property: 49 C.F.R. § 1150.43(d)

KRR will continue to provide common carrier railroad freight service to all customers located along the Lines.

Brief Summary of the Transaction: 49 C.F.R. § 1150.43(e)

KRR has leased the Lines from NSR since 2016.[1] KRR and NSR are modifying the base lease terms for a second time, under which modified terms KRR would continue to provide common carrier freight service to customers along the Lines. The Lines consist of nine segments of interconnecting railroad between (1) mileposts V381.8 at Maben, West Virginia, and V435.0 at DB/Deepwater Bridge, West Virginia; (2) mileposts RR7.0 at Refugee, Ohio, and RR116.5 at Hobson, Ohio; (3) mileposts WV125.6 at Conco, Ohio, and WV253.4 at Cornelia, West Virginia; (4) mileposts VC0.0 at Vaco Junction, West Virginia, and VC0.84 at Deepwater, West Virginia; (5) an industrial track (Hitop RT) between mileposts TP0.0 and TP1.0, in Charleston, West Virginia; (6) an industrial track (Jones IT) between mileposts JT0.0 and JT1.3, in Jones, West Virginia; (7) mileposts VG 0.0 at Virwest, West Virginia, and VG12.5 at Bolt, West Virginia; (8) an industrial track between mileposts MY0.0 and MY1.01 at Milam, West Virginia; and (9) an industrial track between mileposts PE0.0 and PE2.3 in Putt End Branch, West Virginia.

The name and address of the railroad leasing the Lines to KRR is:

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

[1] *See Kanawha River R.R., L.L.C.—Lease Exemption Containing Interchange Commitment—Norfolk S. Ry. Co.*, FD 36028 (STB served Aug. 5, 2016) ("*Kanawha River I*"); *see also Kanawha River R.R., L.L.C.—Lease Renewal and Operation Exemption with Interchange Commitment—Norfolk S. Ry. Co.*, FD 36028 (Sub-No. 1) (STB served Jan. 4, 2023).

Map: 49 C.F.R. § 1150.43(f)

See Exhibit A.

Certification of Eligibility: 49 C.F.R. § 1150.43(g)

See Certification and Verification.

Interchange Commitments: 49 C.F.R. § 1150.43(h)

The Agreement contains an interchange commitment, which remains as it was at the time of the original 2016 exemption.[2] For this reason, KRR provides the following additional information to the Board:

(i) The interchanges affected are with CSX Transportation, Inc. ("CSXT") at Deepwater and Vaco Junction, West Virginia; Vaughan Railroad at Fola, West Virginia; CSXT at Point Pleasant, West Virginia; and Ohio Southern Railroad ("OHSR") at New Lexington, Ohio.

(ii) A draft copy of the subject lease agreement containing the interchange commitment, inclusive of its first and second amendments, has been filed under seal and is attached hereto. *See* Highly Confidential Exhibit B.

(iii) A list of shippers which have used KRR's common carrier freight services on the Lines over the past two years includes: AC&S; Alpha Met Resources; Altivia Ketones & Additives; Appalachian Railcar Services; Arclin; Brenntag Mid-South; Corey Brothers; CSXT; Dana Transport; Dow Chemical; Duke Energy Progress; Green Metals; Heidelberg Materials; Kanawha River Terminal; Lexycon;

[2] *See Kanawha River I.*

Lucite International; Mammoth Coal Processing; Nicholas Energy; NSR; Pocahontas Holdings; Power Mountain; Protrade Transportation Services; Puretech Scientific; Reagent Chemical & Research; Reist Popcorn; Road & Rail Services; RJ Recycling; Screaming Eagle; The Chemours Company; Union Carbide; US Methanol; Waste Management/Fly Ash Direct; Watco Transload Services; Wells Fargo Rail; West Virginia Army National Guard; West Virginia Cashin Recyclables; and WVA Manufacturing.

(iv) The confidential aggregate number of carloads originated or terminated on the Lines during the past two years by the shippers enumerated above is **xxxxx** cars for calendar year 2024 and **xxxxx** cars for calendar year 2025.

(v) KRR certifies it has provided notice of this transaction and interchange commitment to the shippers listed above.

(vi) Third-party railroads that could physically interchange with the Lines are CSXT at Point Pleasant, West Virginia, and OHSR at New Lexington, Ohio. There are also physical connections with CSXT at Deepwater/Vaco Junction, West Virginia; CSXT at Gauley Bridge, West Virginia; CSXT at Hobson, Ohio; CSXT at Kanauga, Ohio; and Vaughan Railroad at Rich Creek Junction, West Virginia; but there are no interchanges active at these locations.

(vii) The interchange commitment is a mandatory condition of the lease, without which KRR would not be able to operate on the Lines. Accordingly, the value of this interchange commitment cannot be estimated.

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

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

KRR's annual operating revenues exceed $5 million, triggering the sixty (60)-day advance labor notice requirement of 49 C.F.R. § 1150.42(e). However, along with this Notice, KRR has filed a petition for a waiver of the advance labor notice requirement, considering KRR's continuous lease of the Lines since 2016.

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

Under 49 C.F.R. § 1105.6(c)(1)(i), the proposed transaction is excepted from environmental reporting requirements. The proposed transaction will not result in significant changes in carrier operations, *i.e.*, changes that exceed the thresholds established at 49 C.F.R. §§ 1105.7(e)(4) or (5).

Under 49 C.F.R. § 1105.8(b)(1), the proposed transaction is also excepted from historic preservation reporting requirements. Additional Board approval would be required to discontinue service over the Line, or over any part of it. Furthermore, 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. § 1150.32(a)

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
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ATTORNEY FOR KANAWHA RIVER RAILROAD, L.L.C.

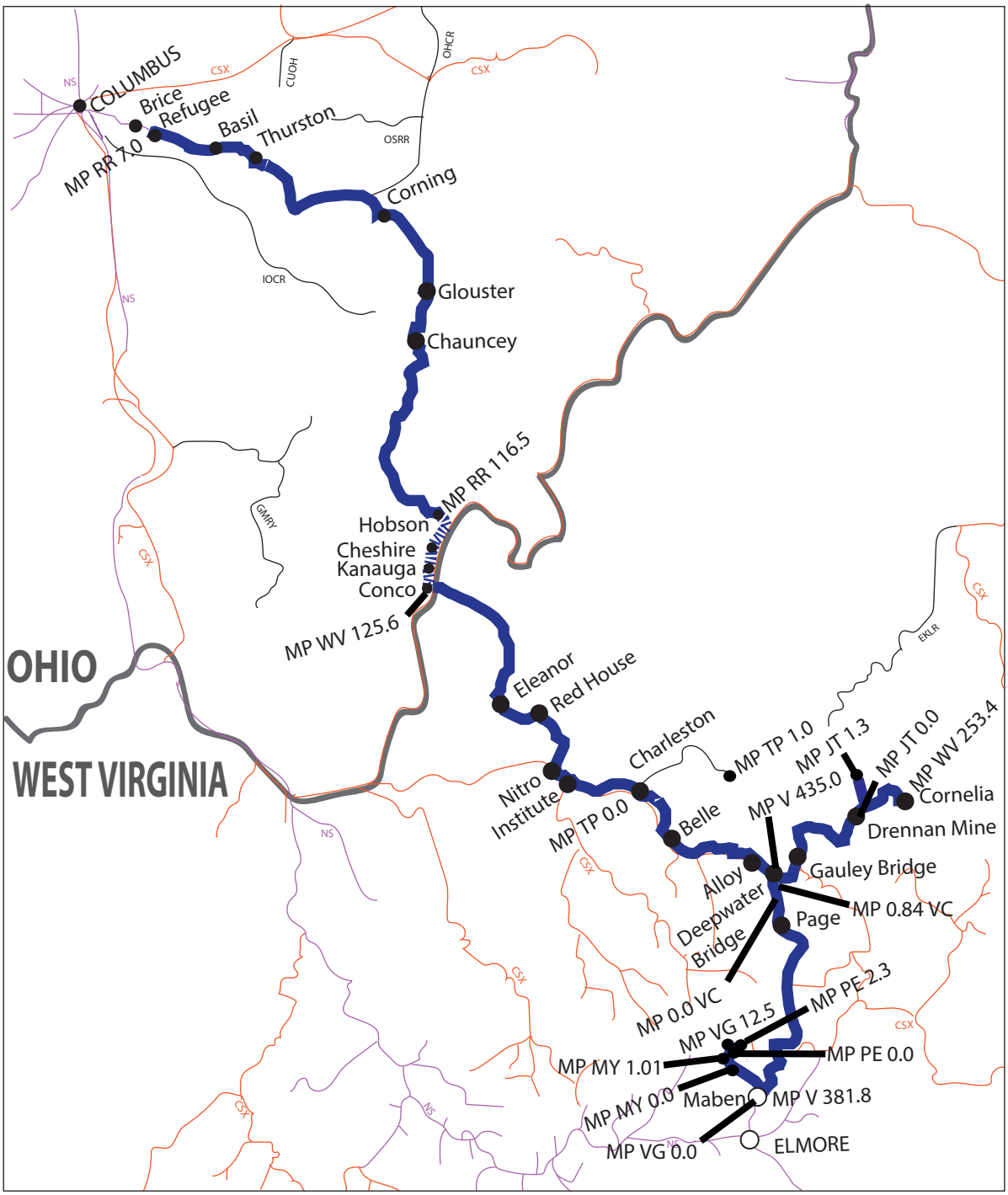
Dated: October 19, 2026.

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EXHIBIT A
MAP



LEGEND:

Kanawha River RR (KNWA)	
Kanawha River RR (KNWA) Trackage Rights	
Norfolk Southern	
CSX	
Other Short Lines	

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HIGHLY CONFIDENTIAL
EXHIBIT B
AGREEMENT

HIGHLY CONFIDENTIAL EXHIBIT B FILED UNDER SEAL

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EXHIBIT C
CAPTION SUMMARY

BEFORE THE
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NORFOLK SOUTHERN RAILWAY COMPANY

Kanawha River Railroad, L.L.C. ("KRR"), a Class III railroad carrier, has filed a verified Notice of Exemption pursuant to 49 C.F.R. part 1150, subpart E, to amend (and thereby to extend) its lease from Norfolk Southern Railway Company ("NSR"), and operation over, approximately 309.45 miles of nine interconnected segments of railroad (the "Lines"), located in the States of Ohio and West Virginia.

The Lines consist of nine segments of interconnecting railroad between (1) mileposts V381.8 at Maben, West Virginia, and V435.0 at DB/Deepwater Bridge, West Virginia; (2) mileposts RR7.0 at Refugee, Ohio, and RR116.5 at Hobson, Ohio; (3) mileposts WV125.6 at Conco, Ohio and WV253.4 at Cornelia, West Virginia; (4) mileposts VC0.0 at Vaco Junction, West Virginia, and VC0.84 at Deepwater, West Virginia; (5) an industrial track (Hitop RT) between mileposts TP0.0 and TP1.0, in Charleston, West Virginia; (6) an industrial track (Jones IT) between mileposts JT0.0 and JT1.3, in Jones, West Virginia; (7) mileposts VG 0.0 at Virwest, West Virginia, and VG12.5 at Bolt, West Virginia; (8) an industrial track between

mileposts MY0.0 and MY1.01 at Milam, West Virginia; and (9) an industrial track between mileposts PE0.0 and PE2.3 in Putt End Branch, West Virginia.

Comments must be filed with the Board and served on: Stephen J. Foland, 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. § 1150.41. 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 stay the transaction automatically.

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CERTIFICATION AND VERIFICATION

CERTIFICATION AND VERIFICATION

I, Rachael Peterson, hereby certify and verify the following to be true under penalty of perjury:

1. I am the Executive Vice President and Chief Business Officer of Kanawha River Railroad, L.L.C. ("KRR");

2. I am authorized to execute this certification and verification on behalf of KRR;

3. KRR's annual operating revenues, although projected to exceed $5 million, have not and will not exceed the revenue thresholds of a Class I or Class II railroad carrier;

4. I have read the foregoing Verified Notice of Exemption, and know the facts contained therein to be true and correct to the best of my knowledge and belief.

By: /s/ 

Dated: 9/23/2026