

The Foxville & Northern Railroad Company LLC

P.O. Box 577; Pelion, SC 29123
803-626-1730

246116

Surface Transportation Board
ATTN Cynthia Brown
395 East Street S.W.
Washington, D.C. 20432

ENTERED
Office of Proceedings
July 24, 2018
Part of
Public Record

RE: Finance Document 36151- Verified Notice of Exemption Foxville & Northern Railroad Co. LLC

7/17/2018

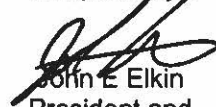
Dear Mrs. Brown,

I am the president and general manager of the Foxville & Northern Railroad Co. LLC, Accordingly I hereby file the above referenced exemption. Enclosed are the original plus 10 copies and CD of the verified notice of exemption and certifications. Please find the enclosed check of \$2000 to cover the filing fee.

If you have any questions please do not hesitate to reach out to me directly.

I may be contacted at 803-849-4007 or 803-626-1731, Alternatively I may be emailed john.elkin@fnrail.com

Respectfully,


John E. Elkin
President and
General Manager

Enclosures.



FILED
July 24, 2018
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
July 24, 2018
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36151

**FOXVILLE AND NORTHERN RAILROAD COMPANY
--- LEASE AND OPERATION EXEMPTION ---
BADIN BUSINESS PARK, LLC**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.31**

**SUBMITTED BY:
JOHN E ELKIN
GENERAL MANAGER
FOXVILLE AND NORTHERN
RAILROAD CO. LLC
571 MAIN ST
PELION, SC 29123
803-849-4007
803-626-1731
JOHN.ELKIN@FNRAIL.COM**



SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. 36151

FOXVILLE AND NORTHERN RAILROAD COMPANY
- LEASE AND OPERATION EXEMPTION -
BADIN BUSINESS PARK, LLC

VERIFIED NOTICE OF EXEMPTION
Under 49 C.F.R. § 1150.31

Foxville and Northern Railroad Co. LLC ("**FN**"), a non-carrier, files this Notice of Exemption pursuant to 49 U.S.C. § 10901 and 49 C.F.R. Part 1150, Subpart D (§§ 1150.31 - 1150.36) ("Exempt Transactions Under 49 U.S.C. 10901"), to permit FN to lease a line of railroad from Badin Business Park; to operate rail common carrier service on the line; and to interchange traffic on the line with Winston Salem South Bound Railroad(referred to in this Notice respectfully as "**WSSB**"). The line at issue is the WF line located entirely in Stanly County, North Carolina between Halls Ferry Junction, NC and Badin, NC. Which include mileposts WF-0.0 to WF-11.11 for approximately 11.11 miles.

In support of this Notice of Exemption, FN submits the following information as required by 49 C.F.R. § 1150.33. FN's notarized Verification signed by a knowledgeable officer, certifying as to all factual statements in this Notice, is attached as Exhibit A.



(a) **Full Name and Address of Applicant**

Foxville and Northern Railroad
Company LLC
571 Main St
Pelion, SC 29123

(b) **Applicant's Representative to Receive Correspondence**

John E Elkin.
President and General
Manager
PO BOX 577
Pelion, SC 29123

Tel (803)849-4007
Tel (803)626-1731
Email john.elkin@fnrail.com

(c) **Statement of Agreements**

There are two agreements governing the proposed transaction: (i) a lease agreement
(ii) an interchange agreement.

Lease agreement. FN anticipates entering into a Lease Agreement ("**Lease**") With Badin Business Park, LLC a wholly owned subsidiary of Alcoa, INC on or about August 1st 2018; to acquire by lease the WF line consisting of approximately 11.11 miles beginning at Halls Ferry Junction Milepost WF-0.0 extending east to Badin, NC Milepost WF-11.11. FN will operate the subject line as a common carrier.

Interchange Agreement. FN and WSSB will enter into an Interchange Agreement ("**Interchange Agreement**") in which FN and WSSB will agree to interchange rail traffic at Whitney, NC Milepost WF-5.90 in order to move freight between shippers along the subject line, and WSSB's main line for further movement. FN is obligated to provide common carrier rail service on the subject line. WSSB and FN will enter into the appropriate interchange agreement upon obtaining operating authority.

(d) **Operator of the Property**

FN will become the operator of the property.

(e) **Summary of Proposed Transaction**

In the proposed transaction, FN, will acquire by lease and begin rail common carrier operations along subject line located entirely in Stanly County, NC owned by Badin Business Park LLC, for the purpose of providing rail transportation service to local industrial shippers. The subject line is approximately 11.11 miles. The line runs between Halls Ferry Junction, NC milepost WF-0.0 and Badin, NC milepost WF-11.11. FN and WSSB will interchange at Whitney, NC Milepost WF-5.90 for further movement of freight on WSSB. Interchange capabilities at Halls Ferry Junction were removed by Norfolk Southern Railway; FN will seek to restore this capability if and when economically feasible. FN's carrier operations on the subject line will be governed by the Lease. The interchange will be governed by the Interchange Agreement. Additional information required by 49 C.F.R. § 1150.31(e) is as follows:

¹ The subject line was constructed to support operations for Alcoa, INC. The line was previously leased by NS Railway. The line has been out of service since 2007 See STB Case AB_290_254_X

- The name and address of the lessor of the subject property (not a railroad) is:

Badin Business Park
NC 740 HWY
Badin, NC 28009

- Badin Business Park will continue to own the property as lessor.
- FN intends to begin operations and become a rail carrier in August 2018, shortly after the effective date of this Notice (30 days from today, the date of filing, assuming no stay).
- The subject property extends from a point near Halls Ferry Junction, NC (Milepost WF-0.0) east to Badin, NC (Milepost WF-11.11).

(f) **Maps.**

Maps of the subject property are attached as Exhibit B.

(g) **Certification Concerning Projected Revenues.**

FN hereby certifies that its projected revenues as a result of this transaction will not result in FN becoming a Class II or Class I rail carrier.

FN further certifies that the projected annual revenue of FN will not exceed

\$5 million. Accordingly, the requirements of 49 C.F.R. § 1150.32(e) do not apply to this transaction.

(h) **No Interchange Commitments.**

FN certifies that this transaction involves no provision or agreement limiting future interchange with other carriers, within the meaning of 49 C.F.R. § 1150.33(h).

Exhibit A

VERIFICATION

VERIFICATION

[illegible]

John Elkin, being duly sworn, deposes and says that he is the President and General Manager of Foxville and Northern Railroad Co. LLC; that he has read the foregoing Verified Notice of Exemption Under 49 C.F.R. § 1150.31 (STB Finance Docket No. 36151); that FN's projected revenues as a result of this transaction will not result in its becoming a Class II or Class I rail carrier; that FN's projected annual revenue will not exceed \$5 million; and that all other facts set forth in the Notice of Exemption are true and correct to the best of his knowledge and belief.



President and General Manager
Foxville and Northern Railroad Co. LLC

Subscribed and sworn to before me this 17th day of July, 2018.

Notary Public

My Commission expires:

September 10, 2023



Exhibit B

MAPS

FOXVILLE AND NORTHERN RAILROAD COMPANY

PROPOSED *Badin, NC* OPERATIONS

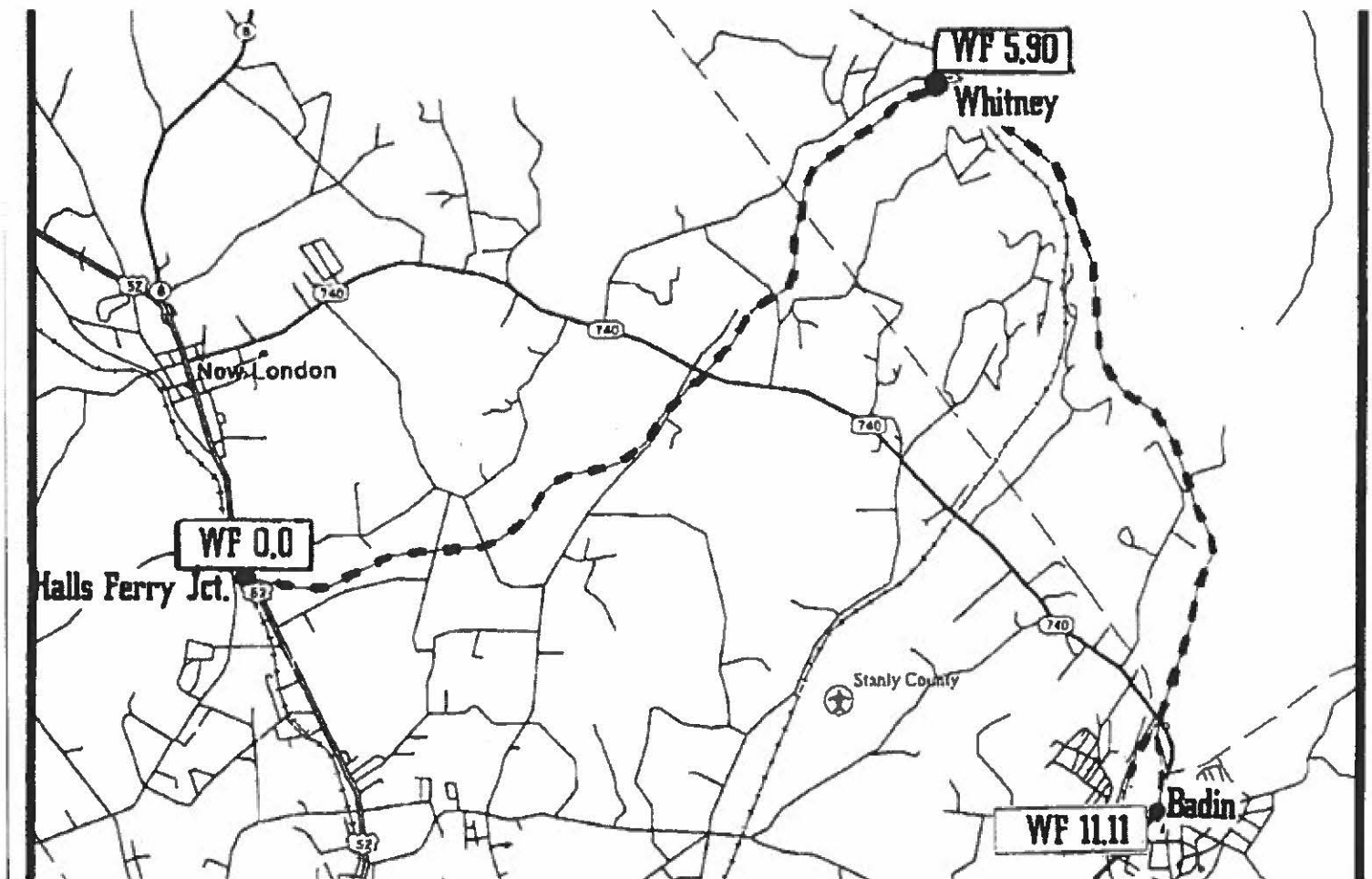


Exhibit C

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO. 36151

**FOXVILLE AND NORTHERN RAILROAD COMPANY
-LEASE AND OPERATION EXEMPTION-
BADIN BUSINESS PARK LLC**

Foxville and Northern Railroad Company ("FN"), a non-carrier, has filed a verified notice of exemption under 49 C.F.R. § 1150.31 to lease a line of railroad approximately 11.11 miles in length located in Stanly County, North Carolina from Badin Business Park, LLC as lessor; to operate rail common carrier service on the line; and to interchange traffic on the line with Winston Salem Southbound Railway.

FN certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

The transaction will occur after the effective date of the verified notice.

If the verified 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.

All comments and other pleadings must be filed with the Board and served on FN's President and General Manager, John E Elkin, 571 Main St; Pelion, SC 29123 or by mail at PO BOX 577; Pelion, SC 29123, email john.elkin@fnrail.com , telephone (803) 849-4007.

Environmental and Historic Matters

Pursuant to 49 C.F.R. § 1105.6(c)(1)(i), no environmental assessment is required in connection with the proposed lease and operation of the subject rail line.

Pursuant to 49 C.F.R. § 1105.5(b)(1), no historic reporting is required.

Caption Summary

A caption summary as required by 49 C.F.R. § 1150.34 is attached as Exhibit C.

Respectfully submitted,

FOXVILLE AND NORTHERN RAILROAD
COMPANY

Date: July 17th, 2018

A handwritten signature in black ink, appearing to read 'John E. Elkin', is written over a horizontal line.

John E. Elkin, President
and General Manager
PO BOX 577
Pelion, SC 29123

Tel (803) 849-4007
Email john.elkin@fnrail.com