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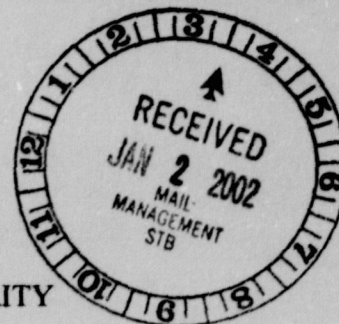
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BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34161



415

LACKAWANNA COUNTY RAILROAD AUTHORITY
-- ACQUISITION EXEMPTION --
SCRANTON LACKAWANNA INDUSTRIAL
BUILDING COMPANY

ENTERED
Office of the Secretary

JAN 03 2002

Part of
Public Record

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. 10902 AND 49 C.F.R. 1150.41

NOTICE OF ACQUISITION OF RAIL LINE
INFORMATION REQUIRED BY 49 CFR 1150.41

FEE RECEIVED

JAN 02 2002

SURFACE
TRANSPORTATION BOARD

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JAN 02 2002

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TRANSPORTATION BOARD

FILED

JAN 02 2002

SURFACE
TRANSPORTATION BOARD

Keith G. O'Brien
REA, CROSS & AUCHINCLOSS
Suite 570
1707 L Street, N.W.
Washington, DC 20036

Counsel for Petitioner
Lackawanna County Railroad Authority

DATED: January 2, 2002

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34161

LACKAWANNA COUNTY RAILROAD AUTHORITY
-- ACQUISITION EXEMPTION --
SCRANTON LACKAWANNA INDUSTRIAL
BUILDING COMPANY

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. 10902 AND 49 C.F.R. 1150.41

NOTICE OF ACQUISITION OF RAIL LINE
INFORMATION REQUIRED BY 49 C.F.R. 1150.41

Name and Address of Applicant

49 C.F.R. 1150.43 (a)

Lackawanna County Railroad Authority
701 Wyoming Ave.,
Scranton, PA 18509

Applicant's Representative

49 C.F.R. 1150.43 (b)

Keith G. O'Brien
REA, CROSS & AUCHINCLOSS
Suite 570
1707 L Street, N.W.
Washington, DC 20036
(202) 785-3700

Statement of Agreement(s)

49 C.F.R. 1150.43 (c)

Lackawanna County Railroad Authority ("LCRA") entered into an agreement
with Scranton Lackawanna Industrial Building Company, seller, to purchase for

operation by its designated short line railroad operator¹ a rail line in Lackawanna County, PA. The parties intend to consummate the transaction to be effective on or about January 10, 2002.

Operator of the Property

49 C.F.R. 1150.43 (d)

D-L will serve as operator of the subject rail line.

Brief Summary of the Transaction

49 C.F.R. 1150.43 (e)

LCRA is a political subdivision and non-operating rail common carrier established in 1984 under Pennsylvania law to acquire and preserve rail lines within its boundaries. It currently owns a 58.0 mile line of railroad between Fell Township and Mt. Pocono, PA; the Diamond Branch of the former Delaware Lackawanna & Western Railroad ("DL&W") extending 0.85 miles from MP 144.75 to MP 145.6 in Scranton, Lackawanna County, PA; and, the Laurel Line of the former DL&W extending 4.11 miles from LC 6253 MP 0.7 to MP 4.81 at Montage Road in the Borough of Moosic, Lackawanna County, PA. As a result of this transaction, D-L will extend its operations over about 1.5 miles of track located in Lackawanna County, PA and known as the Minooka Industrial Track being acquired by LCRA from SLIBCO². The details of this transaction are provided in another notice of exemption simultaneously filed by D-L and docketed as FD No. 34162. Delaware-Lackawanna Railroad Co., Inc. - Change in

¹ The current operator is Luzerne and Susquehanna Railway Company (L&S) pursuant to license agreement which expires January 10, 2002. Upon expiration of that license L&S will discontinue its operations and will be replaced by Delaware Lackawanna Railroad Co. Inc., ("D-L") pursuant to a simultaneously filed Change of Operators exemption.

² SLIBCO's address is 222 Mulberry Street, Scranton, PA 18501

Operators Exemption - Lackawanna County Railroad Authority. The subject rail line consists of a 1.5 mile segment connecting with the Laurel Line mainline at Little Virginia Junction and extending to the Davis Street Crossing. No mileposts are available on this track. Under the transaction contemplated by this exemption, D-L, as LCRA's designated contract operator, will provide rail service previously provided by L&S under a license agreement which expires on January 10, 2002. The total route miles being acquired are comprised of 1.5 miles of track.

This transaction qualifies for a class exemption under 49 C.F.R. 1150. 41 et seq., because it involves the acquisition and operation by an existing class III short line rail carrier of rail property.

Map

49 C.F.R. 1150.43 (f)

A map depicting the area to be served is attached as Exhibit A.

Certificate of Carrier Classification **49 C.F.R. 1150.43 (g)**

LCRA hereby certifies that projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under § 1150.46 and will not exceed \$5,000,000 annually. See Exhibit B.

Caption Summary

49 C.F.R. 1150.44

A caption summary in the prescribed form is attached as Exhibit C to this Notice.

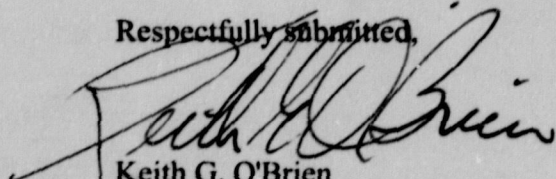
Environmental and Historic Preservation Data

49 C.F.R. 1105

Pursuant to 49 C.F.R. 1105.6 (c) (2), the proposed transaction is exempt from environmental review under 49 C.F.R. 1105 (c) (2) (i), because the action proposed herein will not cause any operating changes that exceed the thresholds established in 49 C.F.R. 1105.7 (e) (4) or (5).

In addition, this transaction is exempt from historic review under 49 C.F.R. 1105.8 (b) (1). Under this section, a sale, lease or transfer of a rail line is exempt if rail operations will continue. Further Board approval is required for the parties to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Keith G. O'Brien", is written over the typed name and address.

Keith G. O'Brien
REA, CROSS & AUCHINCLOSS
1707 L Street, NW
Suite 570
Washington, DC 20036
(202) 785-3700

Counsel for Petitioner
Lackawanna County Railroad Authority

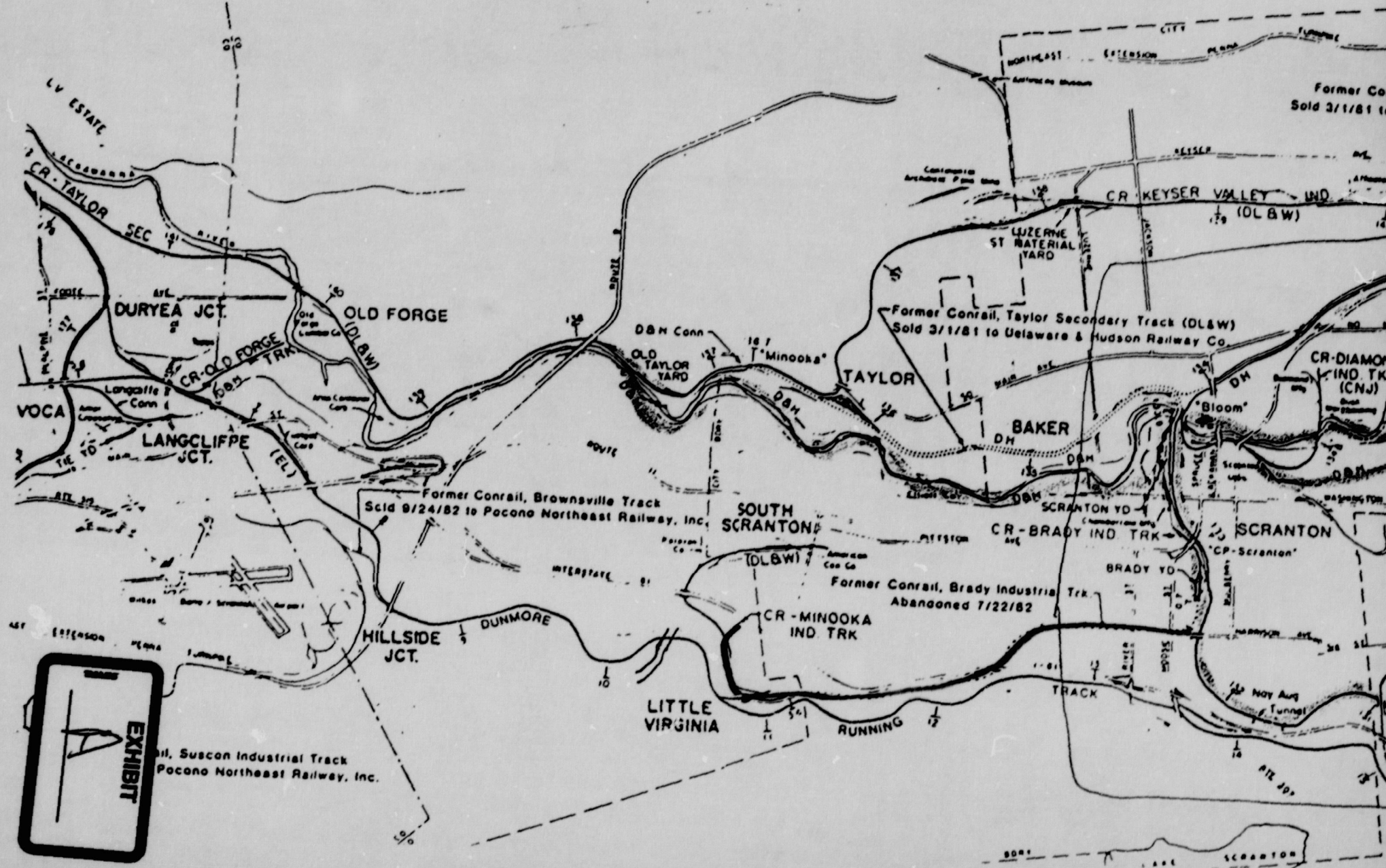
Dated: January 2, 2002

ON YARD

Laurel Line

Minsoka Ind. Truck

MAP A



VERIFICATION

State of Pennsylvania)
)ss:
County of Lackawanna)

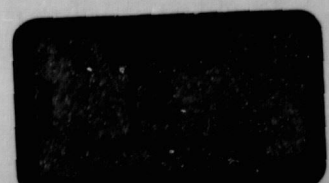
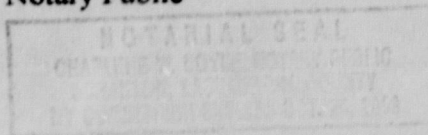
I, Lawrence C. Malski, being duly sworn, deposes and says that he has read the foregoing statement, knows the facts asserted there are true and that the same are true as stated.

Lawrence C. Malski

Subscribed and sworn to before me, a Notary Public, in and for the State of Pennsylvania, this 31st day of January, 2001.

Charles W. Wyle
Notary Public

My Commission Expires: 10-25-03



CERTIFICATION

City of Scranton)
)ss.
County of Lackawanna)

I, Lawrence C. Malski, Executive Director of the Lackawanna County Railroad Authority ("LCRA") hereby certify under penalty of perjury that the projected annual revenues of LCRA in the aggregate, will not exceed \$5,000,000.00, and that "the" Delaware-Lackawanna Railroad Co., Inc. ("D-L") will be a Class III rail carrier as set forth at 49 C.F.R. 1201 (1-1)(a). Further, I certify that I am qualified and authorized to make this certification on behalf of LCRA.

Lawrence C. Malski
Signatory

Subscribed and sworn to before me, a Notary Public, in and for the State of Pennsylvania, the 31st day of December, 2001.

Charlene W. Doyle
Notary Public

My Commission Expires: 10-25-03

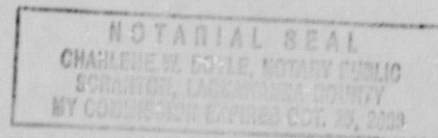


EXHIBIT C

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34161

LACKAWANNA COUNTY RAILROAD AUTHORITY
--ACQUISITION EXEMPTION--
SCRANTON LACKAWANNA INDUSTRIAL
BUILDING COMPANY

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. 10902 AND 49 C.F.R. 1150.41

Lackawanna County Railroad Authority ("LCRA"), a political subdivision and non-operating class III rail carrier, has filed a verified Notice of Exemption under 49 C.F.R. 1150.41 to acquire 1.5 route miles of tracks in Lackawanna County, PA, from Scranton Lackawanna Industrial Building Company ("SLIBCO"). The line known as the Minooka Industrial Track and extends from Little Virginia Junction to the Davis Street Crossing. Delaware-Lackawanna Railroad Co. Inc., ("D-L") will be the operator of the tracks.

The parties intend to consummate the transaction on or about January 10, 2002.

This transaction is related to STB Finance Docket No. 34162 Delaware Lackawanna Railroad Co. Inc., Change in Operators Exemption - Lackawanna County Railroad Authority.

Whereas D-L seeks to succeed Luzerne and Susquehanna Railway Company as operator of the line upon expiration of its license on January 10, 2002.

This notice is filed under 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 automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34161, must be filed with the Surface Transportation, Office of the Secretary, Case Control Branch, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on:

Keith G. O'Brien
REA, CROSS & AUCHINCLOSS
Suite 570
1707 L Street, NW
Washington, DC 20036
Telephone: (202) 785-3700

(seal)

Vernon A. Williams
Secretary