

LAW OFFICE  
**THOMAS F. McFARLAND, P.C.**  
208 SOUTH LASALLE STREET - SUITE 1666  
CHICAGO, ILLINOIS 60604-1228  
TELEPHONE (312) 236-0204  
*mcfarland@aol.com*

THOMAS F. McFARLAND

June 29, 2018

By UPS overnight mail  
(Monday delivery)

246030

Ms. Cynthia T. Brown, Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024

ENTERED  
Office of Proceedings  
July 2, 2018  
Part of  
Public Record



Re: Finance Docket No. 36201, *Eastern Kentucky Railway Company -- Lease and Operation Exemption -- Kentucky Steam Heritage Corporation in Estill County, KY*

Dear Ms. Brown:

Hereby transmitted is the original and 10 copies of a Verified Notice Of Exemption Under 49 C.F.R. § 1150.31 for filing with the Board in the above referenced matter.

Also enclosed is a check in the amount of \$2,000 for the filing fee.

Very truly yours,

Thomas F. McFarland  
*Attorney for Applicant*

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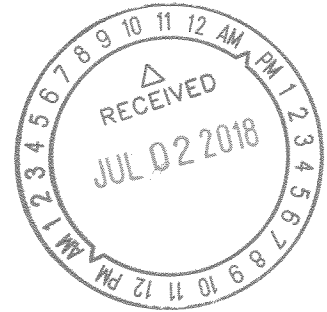
**FILED**

**July 2, 2018  
SURFACE  
TRANSPORTATION BOARD**

**FEE RECEIVED  
July 2, 2018  
SURFACE  
TRANSPORTATION BOARD**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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EASTERN KENTUCKY RAILWAY )  
COMPANY -- LEASE AND OPERATION ) FINANCE DOCKET  
EXEMPTION -- KENTUCKY STEAM ) NO. 36201  
HERITAGE CORPORATION IN ESTILL )  
COUNTY, KY )

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

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EASTERN KENTUCKY RAILWAY COMPANY  
780 Normans Camp Road  
Harrodsburg, KY 40330

Applicant

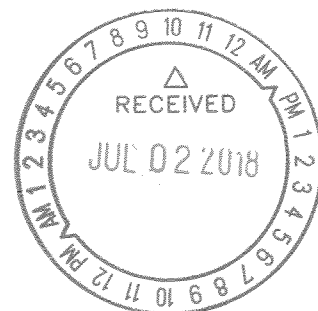
THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1666  
Chicago, IL 60604-1228  
(312) 236-0204 (ph)  
mcfarland@aol.com

Attorney for Applicant

Date Filed: July 2, 2018

BEFORE THE  
SURFACE TRANSPORTATION BOARD

\_\_\_\_\_  
EASTERN KENTUCKY RAILWAY )  
COMPANY -- LEASE AND OPERATION ) FINANCE DOCKET  
EXEMPTION -- KENTUCKY STEAM ) NO. 36201  
HERITAGE CORPORATION IN ESTILL )  
COUNTY, KY )  
\_\_\_\_\_



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

\_\_\_\_\_

Pursuant to 49 C.F.R. § 1150.31, *et seq.*, EASTERN KENTUCKY RAILWAY COMPANY (EKRC), a noncarrier, hereby provides verified notice of its class exemption from the prior approval requirements of 49 U.S.C. § 10901 for its lease from Kentucky Steam Heritage Corporation (KSHC) and operation of approximately 10.6 miles of track at Ravenna, KY.<sup>1/</sup> The transaction also includes assignment to EKRC of KSHC's 7.9 miles of trackage rights over CSX Transportation, Inc. (CSX) between Milepost 142.2 OVB at or near Irvine, KY and Milepost 150.1 OVB at or near Pryse, KY. CSX has consented to that assignment. Interchange between EKRC and CSX will take place at or near Pryse, KY.

**INFORMATION REQUIRED BY 49 C.F.R. § 1150.33**

The following is furnished pursuant to 49 C.F.R. § 1150.33:

(a) *The full name and address of the applicant;*

\_\_\_\_\_

<sup>1/</sup> The trackage at Ravenna is often referred to as Ravenna Yard, but that is a misnomer. The tracks at Ravenna are not excepted tracks under 49 U.S.C. § 10906, nor are they a classification yard as was involved in *Nicholson v. ICC*, 711 F.2d 364 (DC Cir, 1983). EKRC will provide rail service to three shippers over the Ravenna tracks at the inception of operations, and intends to add to the number of shippers at Ravenna. The Ravenna tracks are a line of railroad under 49 U.S.C. § 10903.

Applicant is Eastern Kentucky Railway Company, 780 Normans Camp Road,  
Harrodsburg, KY 40330.

- (b) *The name, address, and telephone number of the representative of the applicant who should receive correspondence;*

Applicant's representative for receipt of correspondence is Thomas F. McFarland,  
Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, ph  
312-236-0204, mcfarland@aol.com.

- (c) *A statement that an agreement has been reached or details about when an agreement will be reached;*

An agreement has been reached whereby KSHC is to lease 10.6 miles of rail line at  
Ravenna, KY to EKRC, and for KSHC to assign to EKRC 7.9 miles of trackage rights over CSX  
between Irvine and Pryse, KY.

- (d) *The operator of the property;*

The operator of the property will be EKRC.

- (e) *A brief summary of the proposed transaction, including:*

- (1) *The name and address of the railroad transferring the subject property;*

The transferor is KSHC, P.O. Box 23971, Lexington, KY 40523.

- (2) *The proposed time schedule for consummation of the transaction;*

The proposed lease and assignment will not be consummated until at least the 30<sup>th</sup>  
day after this Verified Notice is filed.

(3) *The mileposts of the subject property, including any branch lines; and*

The Ravenna trackage is not referred to by milepost numbers. The trackage rights extend between Milepost 142.2 OVB at or near Irvine, KY and Milepost 150.1 OVB at or near Pryse, KY.

(4) *The total route miles being acquired;*

The total miles involved in the proposed transactions are 18.5.

(f) *A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States; and*

The required map is attached as Exhibit 1.

(g) *A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III rail carrier.*

The required certificate is attached as part of the verification of Mr. Charles V. Poling attached as Exhibit 2.

(h) *Interchange Commitments.*

The proposed transactions do not involve any interchange commitments.

#### **NO LABOR PROTECTION**

By virtue of 49 U.S.C. § 10901(c), no labor protection conditions are to be imposed.

#### **NO ENVIRONMENTAL OR HISTORIC REPORTING**

By virtue of 49 C.F.R. § 1150.6(c)(1)(i) and 49 C.F.R. § 1108(b)(1), no environmental reporting is required.

#### **CAPTION SUMMARY**

The required caption summary is attached as Exhibit 3.

**PROJECTED REVENUES LESS THAN \$5 MILLION PER YEAR**

The required statement that Applicant's projected revenues created by the proposed transactions would not exceed \$5 million per year is attached as part of the verification of Mr. Charles V. Poling attached as Exhibit 2.

**VERIFICATION**

The verification of Mr. Charles V. Poling on behalf of Applicant is attached as Exhibit 2.

**CONCLUSION AND REQUESTED RELIEF**

WHEREFORE, the Board should accept this Verified Notice of Exemption under 49 C.F.R. § 1150.31 for filing and should publish the same in the *Federal Register* no later than 16 days after its filing.

Respectfully submitted,

EASTERN KENTUCKY RAILWAY COMPANY  
780 Normans Camp Road  
Harrodsburg, KY 40330

Applicant



THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1666  
Chicago, IL 60604-1228  
(312) 236-0204 (ph)  
mcfarland@aol.com

Attorney for Applicant

Date Filed: July 2, 2018

TO WINCHESTER

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EKRY OPERATING RIGHTS ON CSXT  
M.P. OVB 142.5 TO M.P. OVB 150.1  
INCLUDES STATIONS:

|            |                |                |
|------------|----------------|----------------|
| IRVINE     | M.P. OVB 142.5 |                |
| MAIN LINE  | RAVENNA        | M.P. OVB 149.9 |
| AND SIDING | WAGERS         | M.P. OVB 145.1 |
|            | PRYSE          | M.P. OVB 150.1 |

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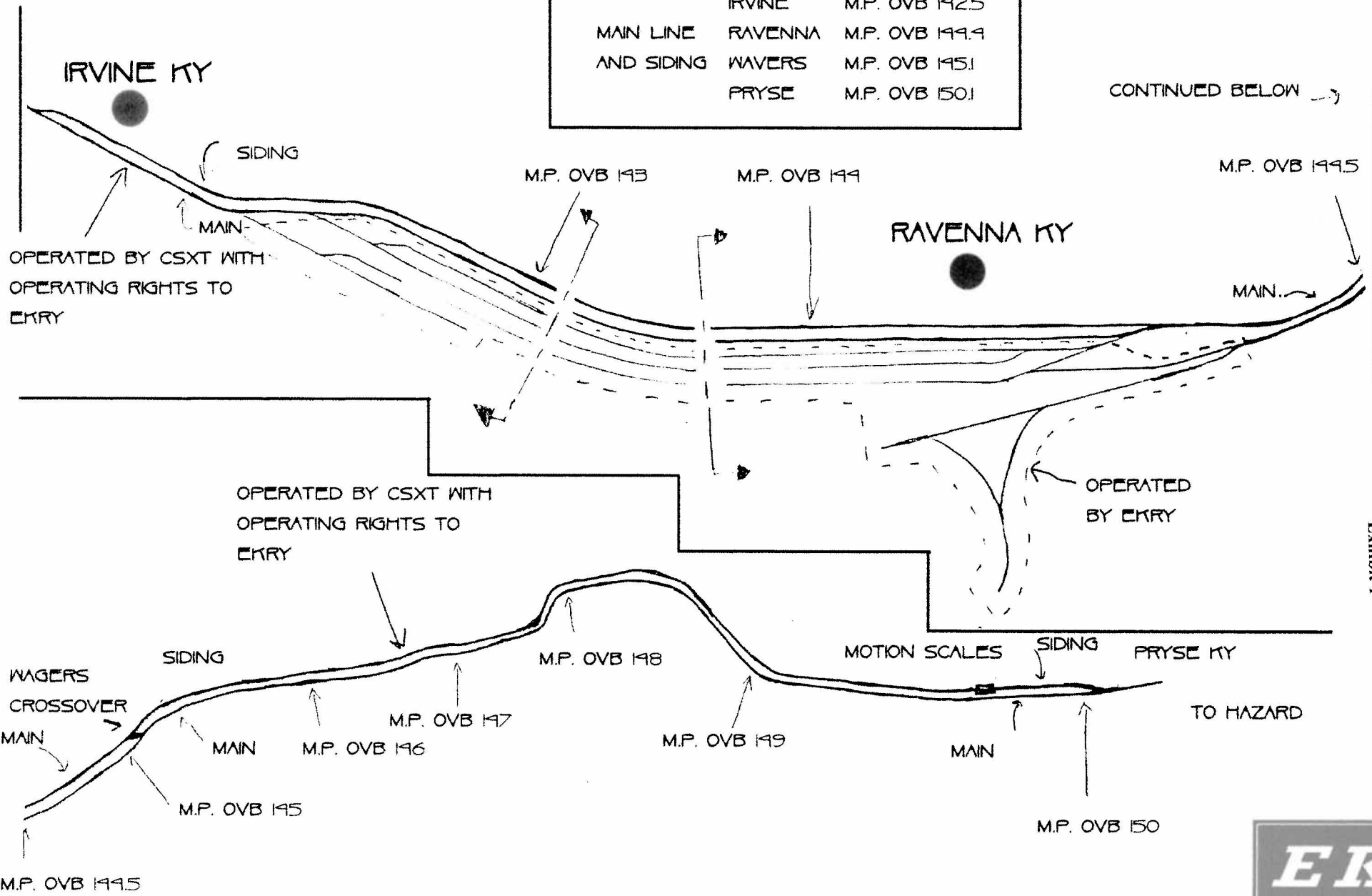


Exhibit 1  
Finance Docket No. 36201



**Exhibit 2**

**VERIFICATION OF CHARLES V. POLING**

STATE OF TENNESSEE    )

) SS:

COUNTY OF KNOX    )

My name is Charles V. Poling. I have personal knowledge that the statements made in the foregoing Verified Notice of Exemption under 49 C.F.R. § 1150.31 are true and correct. I hereby certify that Applicant's projected revenues do not exceed those that would qualify it as a Class III rail carrier; and that the projected annual revenues of Applicant to be created by this Exemption do not exceed \$5 million.

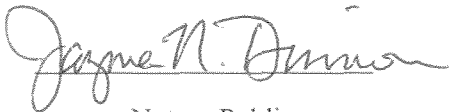


Charles V. Poling

SUBSCRIBED and SWORN to

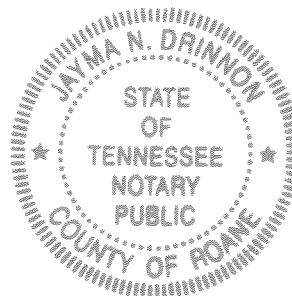
Before me this 27 day of

June, 2018.



Notary Public

My Commission Expires: MARCH 17, 2020



**Exhibit 3**

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

**Verified Notice of Exemption**

Finance Docket No. 36201

*Eastern Kentucky Railway Company -- Lease and Operation  
Exemption -- Kentucky Steam Heritage Corporation in Estill County, KY*

Eastern Kentucky Railway Company (EKRC) has filed a verified notice of exemption to lease from Kentucky Steam Heritage Corporation (KSHC) and to operate approximately 10.6 miles of track at Ravenna, KY. That trackage is not identified by milepost numbers. The transaction includes assignment to EKRC of KSHC's 7.9 miles of trackage rights over CSX Transportation, Inc. (CSX) between Milepost 142.2 OVB at or near Irvine, KY and Milepost 150.1 OVB at or near Pryse, KY.

Comments must be filed with the Board and served on EKRC's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, ph 312-236-0204, mcfarland@aol.com.

The Notice is filed under 49 C.F.R. § 1150.31 *et seq.* 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.

By the Board