

DID# 010989001

LAWRENCE W. BIERLEIN
DOUGLAS M. CANTER
JOHN M. CUTLER, JR.
ANDREW P. GOLDSTEIN
STEVEN J. KALISH
RICHARD D. LIEBERMAN
CHANNING D. STROTHER, JR.

OF COUNSEL
KAREN R. O'BRIEN

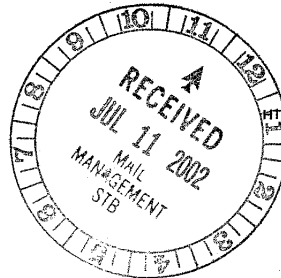
LAW OFFICES
MCCARTHY, SWEENEY & HARKAWAY, P.C.

SUITE 600
2175 K STREET, N.W.
WASHINGTON, D. C. 20037
(202) 393-5710

FACSIMILE
(202) 393-5721

E-MAIL
MSH@MSHPC.COM

WEBSITE
HTTP://WWW.MSHPC.COM



July 11, 2002

205818

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

Re: Finance Docket No. 34230, Squaw Creek Southern Railroad, Inc. -- Operation Exemption -- Line of Norfolk Southern Railway Company

Dear Secretary Williams:

Enclosed for filing is a signed original and 10 copies of Verified Notice of Exemption Under 49 U.S.C. § 1150.31 in the above-captioned case. Also enclosed is a check in the amount of \$1,300.00 as filing fee for the same.

Sincerely,

Andrew P. Goldstein

Andrew P. Goldstein

FEE RECEIVED

JUL 11 2002

Enclosures

APG/rmm

FILED

**SURFACE
TRANSPORTATION BOARD**

JUL 11 2002

**SURFACE
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**ENTERED
Office of Proceedings**

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Part of
Public Record

ORIGINAL 112
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BEFORE THE 205818

SURFACE TRANSPORTATION BOARD

DID# 0101989001

FINANCE DOCKET NO. 34230



SQUAW CREEK SOUTHERN RAILROAD, INC. --
OPERATION EXEMPTION -- LINE OF
NORFOLK SOUTHERN RAILWAY COMPANY

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JUL 11 2002

VERIFIED NOTICE OF EXEMPTION UNDER
49 U.S.C. § 1150.31

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

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Part of
Public Record

FILED

JUL 11 2002

SURFACE
TRANSPORTATION BOARD

Andrew P. Goldstein
McCarthy, Sweeney & Harkaway, P.C.
Suite 600
2175 K Street, N.W.
Washington, DC 20037
(202) 775-5560

Attorney for
Squaw Creek Southern Railroad, Inc.

Dated: July 11, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34230

SQUAW CREEK SOUTHERN RAILROAD, INC. --
OPERATION EXEMPTION -- LINE OF
NORFOLK SOUTHERN RAILWAY COMPANY

VERIFIED NOTICE OF EXEMPTION UNDER
49 U.S.C. § 1150.31

Pursuant to the class exemption codified at 49 C.F.R. § 1150.31, *et seq.*, Squaw Creek Southern Railroad, Inc. ("SCS") or "Applicant"), a non-carrier, hereby files this verified notice of exemption from the prior approval requirements of 49 U.S.C. § 10901 for its operation under a non-exclusive trackage rights use agreement with Norfolk Southern Railway Company ("NS") of a line of railroad that extends between Milepost No. 0.6 at or near Yankeetown Dock, IN and Milepost 21.9 at or near Lynnville Mine, IN, a distance of 21.3 miles in Warrick County, IN (the "Line").

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

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

Applicant is Squaw Creek Southern Railroad, Inc. Its address is P. O. Box 298, Crossville, IL 62827.

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

Andrew P. Goldstein, McCarthy, Sweeney & Harkaway, P.C., Suite 600, 2175 K Street, N.W., Washington, DC 20037, (202) 775-5560.

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

An agreement has been reached between SCS and NS regarding operation of the rail line.

(d) *The operator of the property:*

SCS will be the non-exclusive operator of the property.

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

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

The transferor is Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510-2191.

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

The transaction is to be consummated not earlier than July 19, 2002.

(3) *The mile-posts of the subject property, including any branch lines, and*

The rail line extends between Milepost No. 0.6 at or near Yankeetown Dock, IN and Milepost No. 21.9 at or near Lynnville Mine, IN. SCS will be able to interchange with NS at Boonville, IN.

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

A total of approximately 21.3 route miles is being acquired.

(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 to this notice as Appendix A.

(g) *A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier, and that such revenues would not exceed \$5 million per year.*

The required certificate is attached to this notice as Appendix B.

CAPTION SUMMARY

The caption summary required by 49 C.F.R. § 1150.34 is attached to this notice as Appendix C.

ENVIRONMENTAL AND HISTORIC REPORTING NOT REQUIRED

Pursuant to 49 C.F.R. § 1105.6(c)(2)(i) and 49 C.F.R. § 1105.8(b)(1), no environmental or historical reporting is required in conjunction with this matter.

NO LABOR PROTECTION CONDITIONS

Pursuant to 49 U.S.C. § 10901(c), no labor protection conditions are to be imposed in this matter.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should publish a notice of the filing of this exemption in the Federal Register within 30 days of such filing in accordance with 49 C.F.R. § 1150.32(b).

Respectfully submitted,



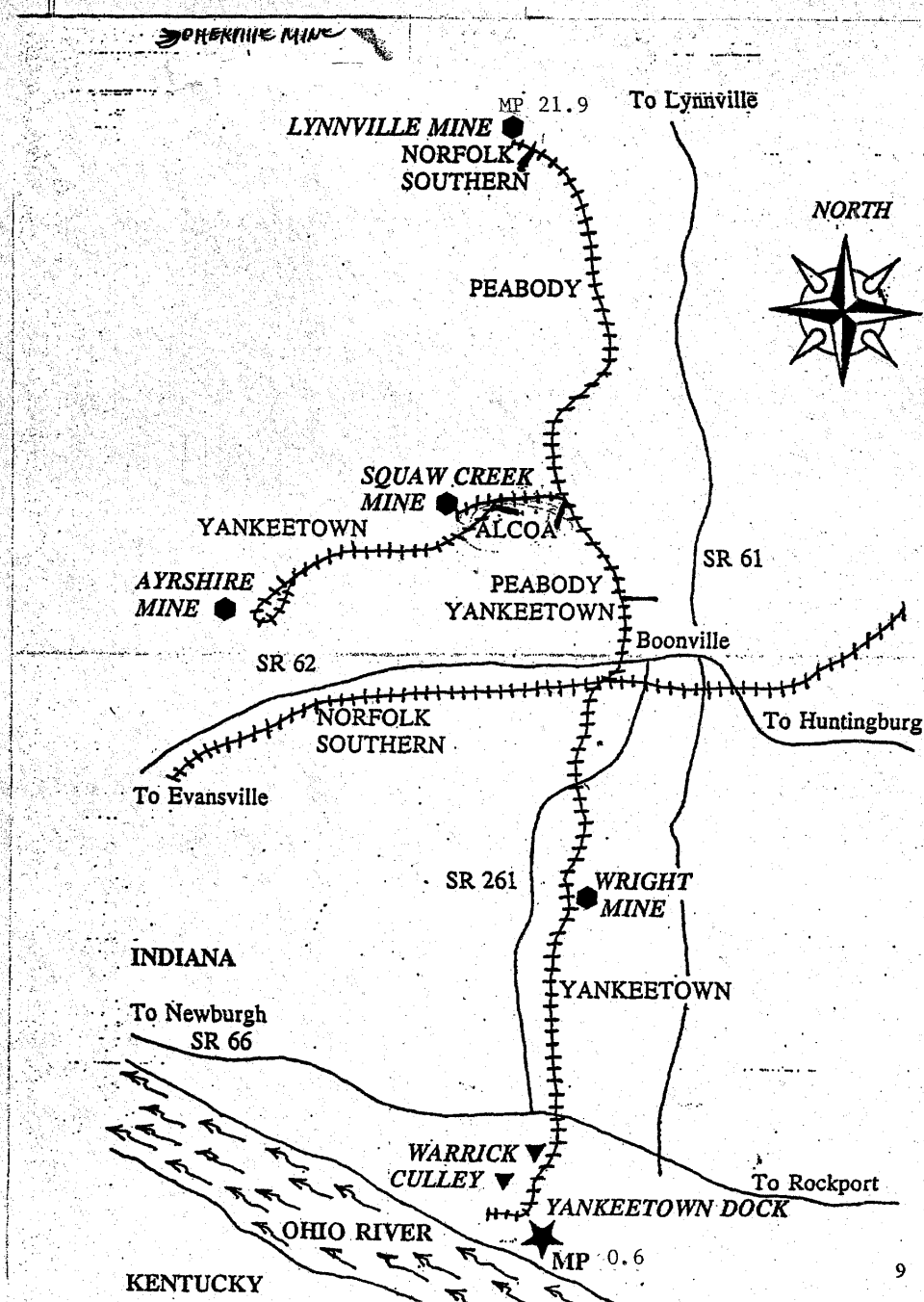
SQUAW CREEK SOUTHERN RAILROAD, INC.

By: Andrew P. Goldstein
McCarthy, Sweeney & Harkaway, P.C.
Suite 600
2175 K Street, N.W.
Washington, DC 20037
(202) 775-5560

Its Attorney

DATE FILED: July 11, 2002

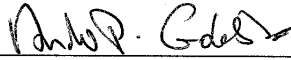
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Appendix B

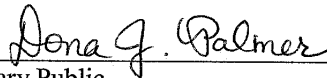
CERTIFICATION UNDER 49 C.F.R. § 1150.33(g)

Squaw Creek Southern Railroad, Inc., hereby certifies under 49 C.F.R. § 1150.33(g), that the projected revenues from the operation proposed in this matter do not exceed those that would qualify it as a Class III rail carrier, and that such revenues will not exceed \$5 million annually.



Andrew P. Goldstein
Authorized Representative of
Squaw Creek Southern Railroad, Inc.

Subscribed and sworn to before me this 10th day of July, 2002.



Notary Public

My Comm. expires: 3/14/03

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO. 34230

**SQUAW CREEK SOUTHERN RAILROAD, INC. - OPERATION EXEMPTION -
LINE OF NORFOLK SOUTHERN RAILWAY COMPANY**

Squaw Creek Southern Railroad, Inc., a non-carrier, has filed a Notice of Exemption to acquire non-exclusive trackage rights use from Norfolk Southern Railway Company to operate a rail line extending between Milepost 0.6, near Yankeetown Dock, IN, and Milepost 21.9, near Lynnville Mine, a distance of approximately 21.3 miles, in Warlick County, IN. Comments must be served and filed on Applicant's representative, Andrew P. Goldstein, McCarthy, Sweeney & Harkaway, P.C., Suite 600, 2175 K Street, N.W., Washington, DC 20037, (202) 775-5560.

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

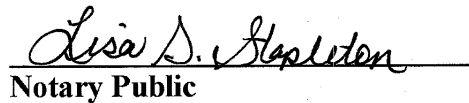
Vernon A. Williams, Secretary

VERIFICATION

I, Terry Respondek, being President of Squaw Creek Southern Railroad, Inc., verify that I have read the foregoing Notice of Exemption and that its assertions are true and correct to the best of my knowledge and belief. I further declare that I am qualified and authorized to submit this verification.


Terry L. Respondek

Subscribed and sworn to before me this 8th day of July, 2002.


Notary Public

