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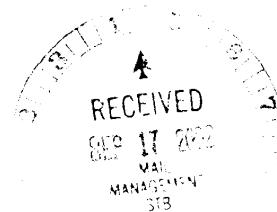
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DID TFC/02-031001

September 17, 2002

VIA HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001



**Re: Finance Docket No. 34253
TransitAmerica, LLC -- Operation Exemption --
Line In Buchanan County, MO**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Verified Notice of Exemption of TransitAmerica, LLC**, dated September 17, 2002. A check in the amount of \$1,300.00, representing the appropriate filing fee for the Verified Notice of Exemption, is enclosed.

Should any questions arise regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,

Edward J. Fishman
Attorney for TransitAmerica, LLC

ENTERED
Office of Proceedings

SEP 18 2002

Enclosures

Part of
Public Record

FILED

SEP 17 2002

SURFACE
TRANSPORTATION BOARD

FEE RECEIVED

SEP 17 2002

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34253

TRANSITAMERICA, LLC
-- OPERATION EXEMPTION --
LINE IN BUCHANAN COUNTY, MO

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

Kevin M. Sheys
Edward J. Fishman
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue – 2nd Floor
Washington, DC 20036
(202) 778-9000

ATTORNEYS FOR TRANSITAMERICA, LLC

Dated: September 17, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34253

TRANSITAMERICA, LLC
-- OPERATION EXEMPTION --
LINE IN BUCHANAN COUNTY, MO

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

Pursuant to 49 C.F.R. § 1150.31 et seq., TransitAmerica, LLC (“TRAM”), a non-carrier, hereby files this Verified Notice of Exemption to operate a rail line extending between approximately milepost 201.0 and approximately milepost 198.4 east of St. Joseph, MO (the “Subject Line”). The total distance of the Subject Line is approximately 2.6 route miles within Buchanan County, MO. Based on projected revenues, TRAM expects to become a Class III rail carrier once it begins freight rail operations on the Subject Line.

In accordance with the requirements of 49 C.F.R. § 1150.33, TRAM submits the following information:

Advance Notice: **49 C.F.R. § 1150.32(e)**

The projected annual revenue from the Subject Line will not exceed \$5 million. Accordingly, the requirements of 49 C.F.R. § 1150.32(e) do not apply to this transaction.

Name and Address of Applicant: **49 C.F.R. § 1150.33(a)**

The full name and address of the applicant herein is as follows:

TransitAmerica, LLC
600 South Riverside Road
St. Joseph, MO 64507

Applicant's Representative:

49 C.F.R. § 1150.33(b)

TRAM's representative to whom correspondence regarding this transaction should be addressed is as follows:

Kevin M. Sheys
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue – 2nd Floor
Washington, DC 20036
(202) 778-9000

Statement Concerning Agreement:

49 C.F.R. § 1150.33(c)

TRAM recently acquired the right, title and interest in the abandoned railroad right of way and trackage that constitutes the Subject Line from Herzog Contracting Corporation ("HCC"), a limited liability member of TRAM.

Operation of the Property:

49 C.F.R. § 1150.33(d)

TRAM will operate the Subject Line on or soon after the date this Verified Notice of Exemption becomes effective.

Summary of the Transaction:

49 C.F.R. § 1150.33(e)

The Subject Line was part of the railroad line extending between St. Joseph, Missouri and Laclede, Missouri that was abandoned by the Burlington Northern Railroad Company in the mid-1980's. See Burlington Northern Railroad Company Abandonment Between Laclede and St. Joseph, in Linn, Buchanan, Clinton, DeKalb, Caldwell and Livingston Counties, MO, Docket No. AB-6 (Sub-No. 213X)(ICC served Oct. 18, 1984). TRAM recently acquired the right, title and interest to a portion of that abandoned rail line east of St. Joseph from HCC. On or soon after the date this notice of exemption becomes effective, TRAM intends to provide freight rail service on the Subject Line between approximately milepost 201.0 and approximately milepost 198.4, a total distance of approximately 2.6 route miles in Buchanan County, MO. TRAM acquired the Subject Line in order to provide freight rail service to HCC and to any other customer requiring service on the Subject Line.

Map:

49 C.F.R. § 1150.33(f)

A map indicating the area served by the Subject Line, including origins, termini, stations, cities and counties, is attached as Exhibit A to this Notice.

Certification of Class III Status:

49 C.F.R. § 1150.33(g)

A certificate complying with the provisions of 49 C.F.R. § 1150.33(g) is attached as Exhibit B to the Notice. Based on projected revenues for the Subject Line, TRAM will become a Class III rail carrier after it begins freight rail operations on the Subject Line.

Environmental/Historic Preservation Data:

49 C.F.R. Part 1105

Under 49 C.F.R. § 1105.6(c)(2)(i), the proposed operation of the Subject Line by TRAM is exempt from environmental reporting requirements because it will not result in significant changes in carrier operations (i.e. changes which exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5)).

Under 49 C.F.R. § 1105.8(b)(3), the proposed operation of the Subject Line by TRAM also is exempt from historic preservation reporting requirements. TRAM's acquisition of the Subject Line is for the purpose of providing rail operations thereon. Further Surface Transportation Board approval is required to abandon any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Caption Summary:

49 C.F.R. § 1150.34

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

Respectfully submitted,

By: 

Kevin M. Sheys
Edward J. Fishman
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue – 2nd Floor
Washington, DC 20036
(202) 778-9000

Dated: September 17, 2002

ATTORNEYS FOR TRANSITAMERICA, LLC

EXHIBIT A

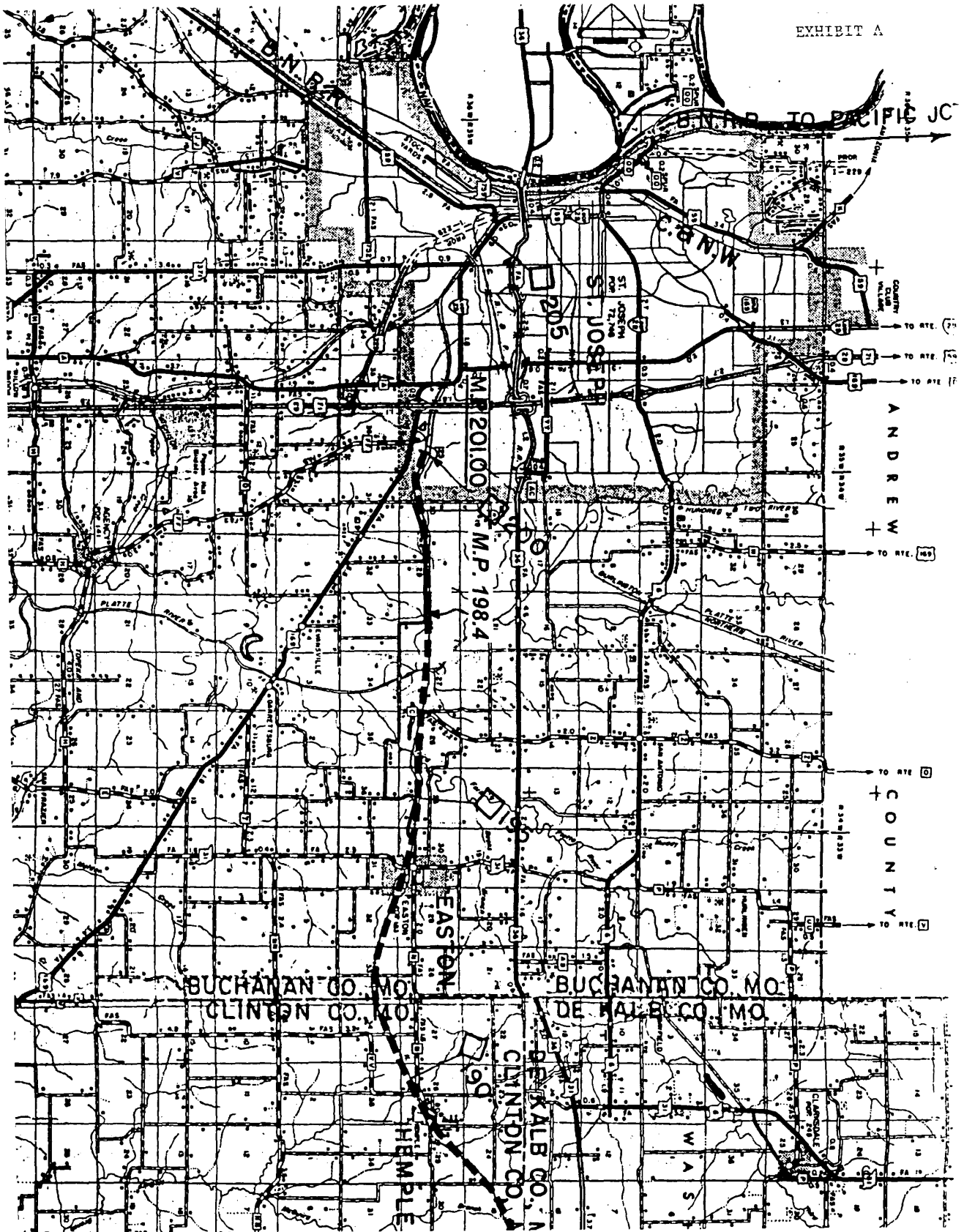


EXHIBIT B

CERTIFICATION

Stanley Herzog, being duly sworn, certifies that the projected revenues of TransitAmerica, LLC upon consummation of the proposed transaction will not result in the creation of a Class I or Class II rail carrier under the provisions of 49 C.F.R. § 1201 (1-1).

Stanley Herzog
[This should be signed by officer, director or manager of TRAM]

SUBSCRIBED AND SWORN TO

before me this 7th day

of September, 2002

Lorrie A. Smiley
Notary Public

My Commission expires:

LORRIE A. SMILEY
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
COUNTY OF BUCHANAN
My Commission Exp. June 21, 2005

EXHIBIT C

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO. 34253

TRANSITAMERICA, LLC
--OPERATION EXEMPTION --
LINE IN BUCHANAN COUNTY, MO

TransitAmerica, LLC ("TRAM"), a non-carrier, has filed a Verified Notice of Exemption to operate an abandoned rail line extending between approximately milepost 201.0 and approximately milepost 198.4 east of St. Joseph, MO, a distance of approximately 2.6 route miles in Buchanan County, MO.

Comments must be filed with the Board and served on Kevin M. Sheys, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue, N.W., 2nd floor, Washington, DC 20036; (202) 778-9000.

This 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. § 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Date: _____, 2002

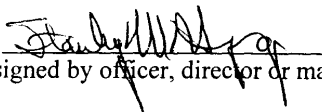
By the Board

Vernon A. Williams – Secretary

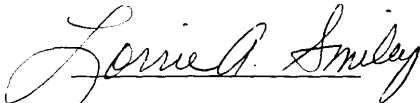
VERIFICATION

State of Missouri)
) ss:
County of Buchanan)

Stanley Herzog being duly sworn, deposes and says that he is duly authorized to file this verification on behalf of TransitAmerica, LLC, that he has read the foregoing Notice of Exemption and knows the facts asserted therein, and that the same are true as stated.


[This should be signed by officer, director or manager of TRAM]

SUBSCRIBED AND SWORN TO
before me this 9th day
of September, 2002


Notary Public

My Commission expires:

LORRIE A. SMILEY NOTARY PUBLIC - NOTARY SEAL STATE OF MISSOURI COUNTY OF BUCHANAN My Commission Exp. June 21, 2005
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