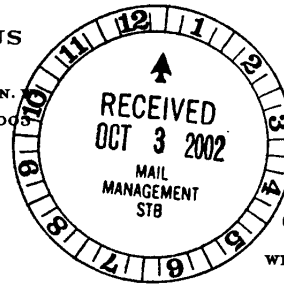


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WASHINGTON, D. C. 20036-3003

*DJ# 0102041004*

October 3, 2002



TELEPHONE:  
(202) 347-7170

FAX:  
(202) 347-3619

WRITER'S E-MAIL:

kjd@sloverandloftus.com

**HAND DELIVERY**

*206 321*

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W. Room 711  
Washington, D.C. 20423-0001

Re: Finance Docket No. 34261, Summit View, Inc.  
--Continuance In Control Exemption--Aliquippa  
& Ohio River Railroad Co.

ENTERED  
Office of Proceedings

OCT 3 2002

Part of  
Public Record

Dear Secretary Williams:

Enclosed for filing in the reference docket please find an original and 10 copies of a Verified Notice of Exemption, along with our check in the amount of \$1,300.00 to cover the requisite filing fee.

An additional copy of the Notice is also enclosed. Kindly indicate receipt and filing by time-stamping this extra copy and returning it to the bearer of this letter.

Thank you for your attention to this matter.

Sincerely,

**FEE RECEIVED**

OCT 3 2002

**SURFACE  
TRANSPORTATION BOARD**

Kelvin J. Dowd  
An Attorney for  
Summit View, Inc.

KJD:dmb  
Enclosure

**FILED**

OCT 3 2002

**SURFACE  
TRANSPORTATION BOARD**

**FEE RECEIVED**

OCT 3 2002

**SURFACE  
TRANSPORTATION BOARD**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



**In The Matter Of:**

**SUMMIT VIEW, INC.**

**-- CONTINUANCE IN CONTROL**

**EXEMPTION -- ALIQUIPPA & OHIO**

**RIVER RAILROAD CO.**

**Finance Docket No. 34261**

**FILED**

OCT 3 2002

**VERIFIED NOTICE OF EXEMPTION**

**SURFACE  
TRANSPORTATION BOARD** to 49 U.S.C. § 10502 and 49 C.F.R. Parts 1180.2 (d)(2) and 1180.4 (g),

Summit View, Inc. ("Summit") files this Verified Notice of Exemption from the prior approval requirements of 49 U.S.C. § 11323, et seq., in connection with Summit's continuance in control of the Aliquippa & Ohio River Railroad Co. ("AORR") following AORR's assumption of Class III rail carrier status through its acquisition from Aliquippa & Southern Railroad ("A&S") and operation of approximately 21 miles of rail line and related assets and equipment in the vicinity of Aliquippa, Pennsylvania.<sup>1</sup>

**ENTERED  
Office of Proceedings**

OCT 3 2002

**Part of  
Public Record**

<sup>1</sup>AORR's acquisition is the subject of a separate Notice of Exemption under 49 C.F.R. Part 1150.31-34, filed in F.D. No. 34260, Aliquippa & Ohio River Railroad Co. -- Exemption -- Acquisition and Operation of Rail Lines in Aliquippa, Pennsylvania. Summit's proposed continuance in control of AORR qualifies for an exemption under 49 C.F.R. Part 1180.2 (d)(2), as AORR's lines will not connect with any other railroad in Summit's corporate family; the control of AORR "is not part of a series of anticipated transactions" that would connect Summit's rail lines; and the transaction involves no Class I rail carriers.

In support of this Notice, Summit provides the following:

1. **Correspondence Relating To This Notice**  
**(49 C.F.R. Part 1180.6(a))**

All correspondence relating to this Notice of Exemption should be addressed to:

Kelvin J. Dowd  
Slover & Loftus  
1224 Seventeenth Street, NW  
Washington, D.C. 20036  
(202) 347-7170

2. **Description of Proposed Transaction**  
**(49 C.F.R. Part 1180.6 (a) (1) (i) - (ii))**

a. **Applicant Information**

Summit is an Ohio corporation with its principal place of business at 136 South Fifth Street, Coshocton, Ohio 43812. Summit's telephone number is (740) 622-8092. Summit is not a rail carrier within the meaning of 49 U.S.C. § 11323.

Summit presently controls nine (9) Class III railroads, each of which are wholly-owned subsidiaries of Summit. These carriers are: The Columbus & Ohio River Rail Road Company; Ohio Central Railroad, Inc.; Mahoning Valley Railway Company; Ohio & Pennsylvania Railroad Company; Ohio Southern Railroad, Inc.; Youngstown & Austintown Railroad, Inc.; Warren & Trumbull Railroad Company; the Youngstown Belt Railroad Company; and the Pittsburgh & Ohio Central Railroad Company.

Questions regarding this Notice of Exemption may be directed to Summit's counsel, Kelvin J. Dowd of the law firm of Slover & Loftus, at the address and telephone number shown above.

**b. Summary and Purpose of Transaction**

Through the proposed transaction, Summit will continue in control of AORR once AORR becomes a carrier through its purchase and operation of the lines currently owned and operated by A&S in the vicinity of Aliquippa, Pennsylvania. AORR will not connect with any other rail lines operated by carriers controlled by Summit, and will interchange only with CSX Transportation, Inc. at Aliquippa. AORR's acquisition of the A&S lines is not part of an anticipated series of transactions designed to link railroads in the Summit corporate family. Summit's continued control of AORR will allow the latter to benefit from Summit's capital support and overall management, corporate direction and expertise. AORR will handle freight traffic for the customers formerly served by A&S, without any material change in the level or quality of transportation service provided.

**c. Proposed Time Schedule**

Summit expects that AORR's acquisition of assets and assumption of rail carrier status will occur promptly following the effectiveness of the exemption invoked by this Notice.

**3. States In Which Applicant's Property Is Situated  
(49 C.F.R. Part 1180.6 (a) (5))**

Carriers controlled by Summit own and/or operate property in the States of Ohio and Pennsylvania.

4. **Map of Rail Lines**  
(49 C.F.R. Part 1180.6 (a)(6))

See Exhibit 1.

5. **Related Written Instruments**  
(49 C.F.R. Part 1180.6 (a) (7) (ii))

There is no control agreement between Summit and AORR, so this term is not applicable.

6. **Labor Protection**  
(49 C.F.R. Part 1180.4 (g) (i))

Because this Notice relates to a transaction “involving only Class III rail carriers,” the provisions of 49 U.S.C. § 11326 requiring employee protective conditions do not apply. See 49 U.S.C. § 11326 (c).

7. **Environmental Review**  
(49 C.F.R. Part 1180.4 (g) (3))

Because this Notice relates to a transaction that will “not result in significant changes in carrier operations,” the Board’s environmental review regulations do not apply. See 49 C.F.R. Part 1105.6 (c) (2).

8. **Historic Report**  
(49 C.F.R. Part 1105.8 (b))

Because Summit has no plans to dispose of or alter properties that are subject to the Board’s jurisdiction fifty years old or older, Board regulations do not require an historic report in connection with the proposed transaction.

9. **Coastal Zone Management Act**  
**(49 C.F.R. Part 1105.9 (a))**

Because this Notice of Exemption does not affect "land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act," the Board's Coastal Zone Management Act regulations do not apply.

Respectfully submitted,

SUMMIT VIEW, INC.  
136 South Fifth Street  
Coshocton, Ohio 43812

OF COUNSEL:

Slover & Loftus  
1224 Seventeenth Street, NW  
Washington, D.C. 20036

By: Kelvin J. Dowd   
Slover & Loftus  
1224 Seventeenth Street, NW  
Washington, D.C. 20036  
(202) 347-7170

Dated: October 3, 2002

Attorney & Practitioner

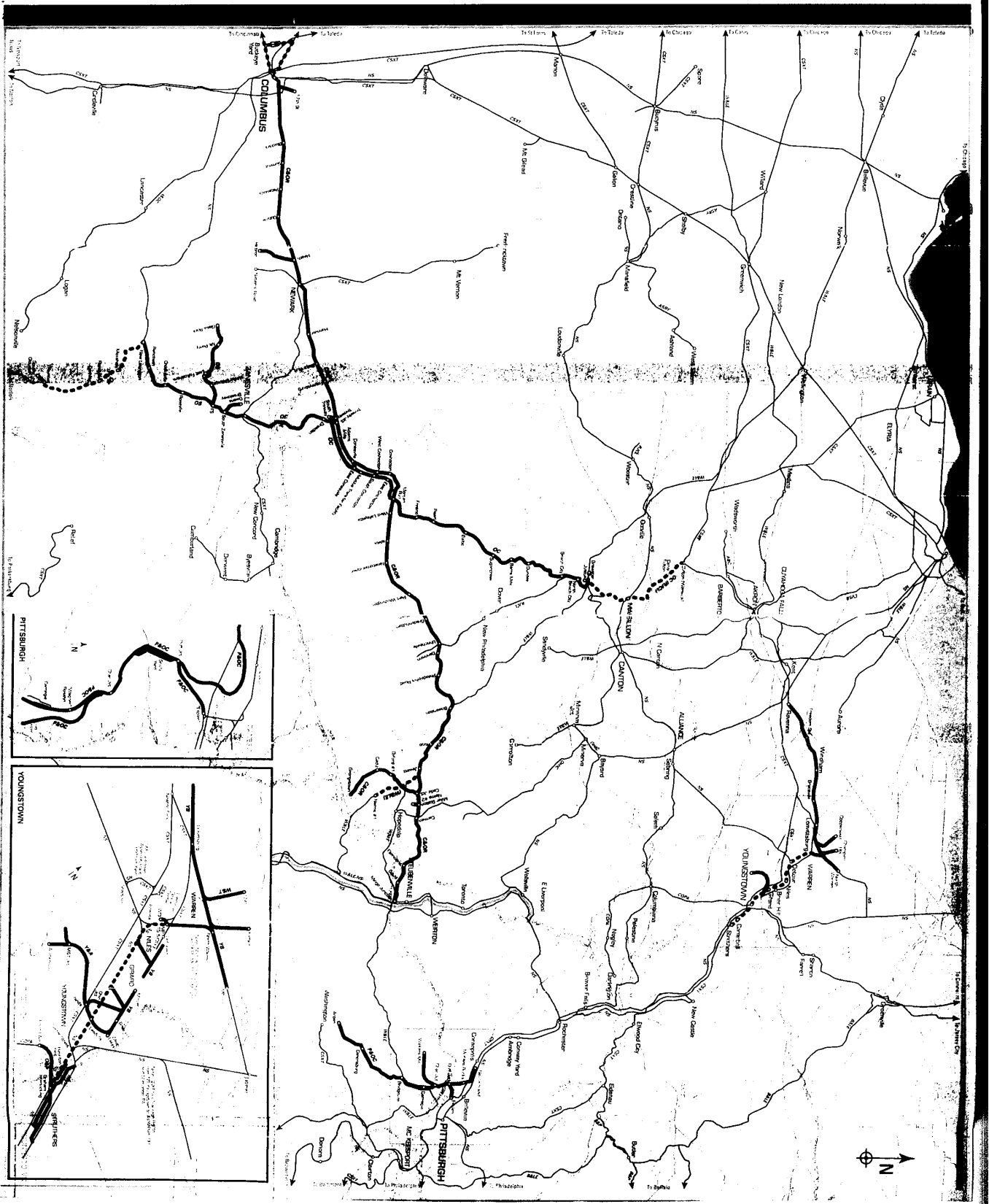
**EXHIBIT 1**

**1 OF 2**

**MAP**

**Legends of Railroads  
Controlled by Summit View, Inc.**

|      |                                    |
|------|------------------------------------|
| C&OR | Columbus & Ohio River Rail Road    |
| MV   | Mahoning Valley Railway            |
| O&P  | Ohio & Pennsylvania Railroad       |
| OC   | Ohio Central Railroad              |
| OS   | Ohio Southern Railroad             |
| P&OC | Pittsburgh & Ohio Central Railroad |
| W&T  | Warren & Trumbull Railroad         |
| Y&A  | Youngstown & Austintown Railroad   |
| YB   | Youngstown Belt Railroad           |



VERIFICATION

STATE OF OHIO )  
 )  
 )  
COUNTY OF COSHOCTON ) SS:

BARRY L. FOGLE <sup>SECRETARY</sup> being duly sworn, deposes and says that he is TREASURER of Summit View, Inc., that he has read the foregoing Notice, knows the contents thereof, and that the same are true as stated to the best of his knowledge, information and belief.

Barry L. Fogle

SWORN AND SUBSCRIBED before me this  
2ND day of October, 2002.

Kimberly R. Wright  
Notary Public

My Commission Expires:



KIMBERLY R. WRIGHT  
Notary Public, State of Ohio  
My Commission Expires  
June 5th, 2003