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BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34486

OHIO VALLEY RAILROAD COMPANY
- ACQUISITION AND OPERATION EXEMPTION -
HARWOOD PROPERTIES, INC.



ENTERED
Office of Proceedings

MAR 23 2004

Part of
Public Record

FILED

MAR 23 2004

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10901

FILED

MAR 23 2004

RECEIVED

FILED

RICHARD R. WILSON, ESQ.
Attorney for Ohio Valley Railroad Company
Pa. I.D. #25661
VUONO & GRAY, LLC
2310 Grant Building
Pittsburgh, PA 15219-2383
(412) 471-1800

Dated: March 23, 2004

OHIO VALLEY RAILROAD COMPANY
-ACQUISITION AND OPERATION EXEMPTION-
HARWOOD YARD PROPERTIES, INC.
STB FINANCE DOCKET NO. 34486



VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10901

This Verified Notice is filed pursuant to 49 C.F.R. §1150.31 by Ohio Valley Railroad Company ("OVR"), a non-carrier, to exempt from regulation under 49 U.S.C. §10901, its acquisition and operation of certain lines of railroad (the "Rail Lines") owned by Harwood Properties, Inc. ("HPI"). The Rail Lines consist of tracks 4 through 11 and connecting tracks in Harwood Yard, Evansville, IN that serve the facilities of Mid America Locomotive & Car Repair, Inc. ("MALX").

OVR will be an operating class III common carrier railroad after the transaction.

Notice

In accordance with 49 C.F.R. §1150.33, OVR hereby states as follows:

- (a) The full name and address of Applicant is: Ohio Valley Railroad Company, 1601 West Allens Lane, Evansville, IN 47710.
- (b) The name, address and telephone number of the representative of OVR who should receive correspondence is: Richard R. Wilson, Esq., Vuono & Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.
- (c) The parties will enter into a Lease and Operating Agreement to accomplish this transaction.
- (d) The tracks are presently private yard tracks, but MALX has requested that OVR establish common carrier rail service for it and other shippers to be served from the yard tracks.

(e) Brief Summary of the Proposed Transaction:

On or after the effective date of this exemption, OVR will acquire by lease and conduct rail operations on approximately 9.808 acres of real property including the shop and office building together with the rail improvements erected thereon comprising tracks 4 through 11 and connecting tracks in the former Harwood Yard in Evansville, IN

(1) The name and address of the party transferring the Rail Lines is Harwood Properties, Inc.

(2) OVR expects to consummate the acquisition and commence rail operation on or after the seventh day following the filing of this notice.

(3) The Rail Lines are shown on Exhibit A, and are comprised of approximately 9.808 acres of property and lead, yard, and switching tracks without assigned mile posts which connect to the Indiana Southwestern Railroad Company.

(4) The total track mileage to be acquired is approximately 2.8 miles of yard track.

(f) Attached as Exhibit A to this Notice of Exemption is a map of the Rail Lines.

(g) OVR certifies that its projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier and will not exceed \$5,000,000 per year.

Environmental and Historic Reports

Pursuant to 49 C.F.R. §1105.6(c)(2), no environmental documentation is required because this proceeding involves authority for an acquisition under 49 U.S.C. §10901 for

continued operations that will not exceed the thresholds established in 49 C.F.R. §1105.7 (e)(4) or (5).

No historic report under 49 C.F.R. §1105.8(b)(1) is required because the transaction merely involves an acquisition for continued rail operations, and further Board approval is required to discontinue or abandon any service. OVR has no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old.

Labor Protection

Pursuant to 49 U.S.C. §10901(e), approval of this transaction may not be subjected to labor protection conditions.

Captions Summary

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R. §1150.34.

Respectfully submitted,



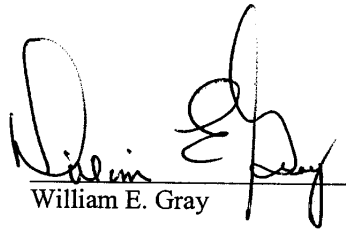
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VERIFICATION

I, William E. Gray, President of Ohio Valley Railroad Company, verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file the foregoing document.

Executed on 19 March, 2004.


William E. Gray

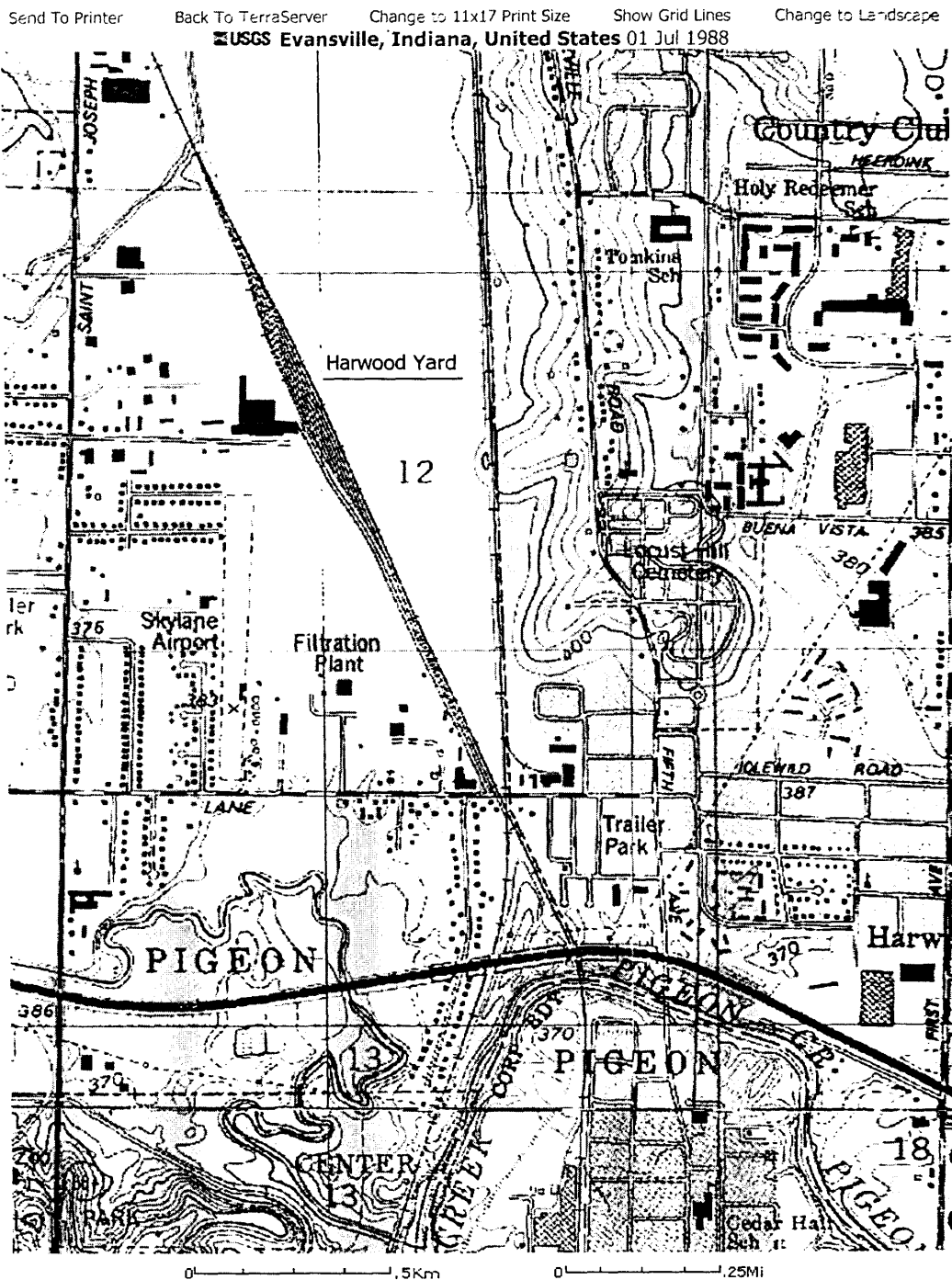


Image courtesy of the U.S. Geological Survey
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EXHIBIT A

<http://terraserver-usa.com/printimage.aspx?T=2&S=12&X=560&Y=5258&Z=16&W=2&P...> 1/19/2004

BEFORE THE
SURFACE TRANSPORTATION BOARD
STB FINANCE DOCKET NO. 34486
OHIO VALLEY RAILROAD COMPANY
-ACQUISITION AND OPERATION EXEMPTION-
HARWOOD PROPERTIES, INC.

Ohio Valley Railroad Company ("OVR"), a non-carrier has filed a Notice of Exemption to acquire and operate approximately 2.8 miles of rail lines owned by Harwood Properties, Inc. ("HRI"). The Rail Lines are located in Vanderburgh County, Evansville, Indiana. The Rail Lines are described as follows:

Approximately 2.8 miles of track and 9.808 acres of property including yard tracks 4 through 11 and all lead and switching tracks related thereto without assigned mile posts in the former Harwood Yard.

Comments must be filed with the Board and served on OVR representative, Richard R. Wilson, Esq., Vuono & Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

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.