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JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ORIGINAL

14-7
415



BY HAND

April 6, 2004

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street
Washington, D.C. 20423-0001

FILED

APR 6 - 2004

**SURFACE
TRANSPORTATION BOARD**

RE: FD No. 34492, Riverport Railroad, LLC
- Acquisition Exemption - Jo Davies/Carrol
County Local Redevelopment Authority

Dear Mr. Williams:

On behalf of Petitioner Riverport Railroad, LLC ("Riverport"), I am filing an original and ten copies of a verified notice of exemption under 49 CFR 1150.41 for the acquisition by Riverport of railroad properties owned by the Jo Davies/Carrol County Local Redevelopment Authority and currently operated under lease by Riverport.

I am also enclosing one check payable to the Board for \$1,400 to cover the applicable filing fee and a computer disk formatted in WordPerfect 8.0 containing this filing.

Please date stamp and return one copy of this filing for our records.

FEE RECEIVED

APR 6 - 2004

**SURFACE
TRANSPORTATION BOARD**

Sincerely yours,

John D. Heffner

Enclosures

cc: Mr. John C. Koster

ENTERED
Office of Proceedings

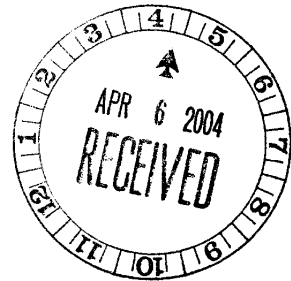
APR -7 2004

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34492

RIVERPORT RAILROAD, LLC
-- ACQUISITION EXEMPTION --
JO-DAVIES/CARROL COUNTY
LOCAL REDEVELOPMENT AUTHORITY



VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. 10902 and 49 CFR 1150.41

NOTICE OF ACQUISITION OF RAIL LINE

Submitted By:

John D. Heffner
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4180

Counsel for Petitioner

Dated: April 6, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34492

RIVERPORT RAILROAD, LLC
-- ACQUISITION EXEMPTION --
JO-DAVIES/CARROL COUNTY
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VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. 10902 and 49 CFR 1150.41

NOTICE OF ACQUISITION OF RAIL LINE

INFORMATION REQUIRED BY 49 CFR 1150.43

Name and Address of Applicant **49 CFR 1150.43(a)**

Riverport Railroad, LLC
2750 Kinney Loop,
Suite 2,
Savanna, IL 61074-8610

Applicant's Representative **49 CFR 1150.43(b)**

John D. Heffner
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4180

Statement of Agreement(s) **49 CFR 1150.43(c)**

Riverport Railroad, LLC ("Riverport") is negotiating
with and expects soon to execute an agreement with the Jo-

Davies/Carroll County Local Redevelopment Authority ("the Authority")¹ for Riverport to purchase approximately 50 miles of railroad trackage, rights of way, and facilities located at the former Savanna Army Ammo Depot near Savanna, IL. Riverport currently leases and operates the subject railroad property under an agreement with the Authority. The property to be acquired consists of numerous main line tracks, yard tracks, and sidings totaling approximately 50 track miles as well as underlying rights of way consisting of both easements and property owned in fee, buildings, and railroad facilities. The subject track is located along the Chicago to Twin Cities main line of the Burlington Northern Santa Fe Railroad ("BNSF") at BNSF MP 156.9.

Operator of the Property

49 CFR 1150.43(d)

In all cases anticipated by this Notice, and as described in the transaction summary provided below, Riverport will hold itself out to provide common carrier rail freight service over the subject rail facilities.

Brief Summary of Transaction

49 CFR 1150.43(e)

Riverport is a class III short line railroad established in 1999 to operate over the subject rail facilities

¹ The Authority's address is Jo-Carroll Depot Local Redevelopment Authority, 18933 A Street, Savanna, IL 61074

under a sublease dated April 5, 1999 with the Authority.² Originally the subject property had been a rail-served Army Depot which the Authority initially leased from the Army and then acquired in 2003 under the Defense Base Closure and Realignment Act of 1990. The effect of the subject transaction will be to place ownership of the railroad trackage, rights of way, and facilities in the operator, Riverport. By reason of its ownership in these facilities, Riverport expects to obtain funding to rehabilitate the rail facilities and attract new rail-served customers who will generate traffic for the connecting BNSF line.

This transaction qualifies for a class exemption under 49 CFR 1150.41 et seq., because it involves the acquisition of a rail line by the existing class III short line rail carrier which presently leases and operates that trackage.

Map

49 CFR 1150.43(f)

A series of Maps depicting the line to be acquired is attached as Exhibit B.

Certificate of Carrier Classification **49 CFR 1150.43(g)**

Riverport hereby certifies that, with this acquisition, its projected annual revenues will still be less than \$5,000,000

² A copy of Riverport's original operating authority in FD No. 33799 is attached hereto as Exhibit A.

annually. A certificate complying with the provisions of 49 CFR 1150.43(g) is attached as Exhibit C to this notice.

Labor Protection

Under 49 U.S.C. 10902 labor protective conditions do not apply and will not be imposed. In any event, no employees will be adversely affected.

Caption Summary

49 CFR 1150.44

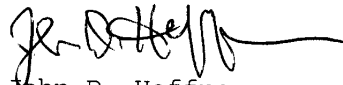
A caption summary in the prescribed form is attached as Exhibit D to this Notice.

Environmental and Historic Preservation Data **49 CFR 1105**

Pursuant to 49 CFR 1105.6(c)(2), the proposed transaction is exempt from environmental review under 49 CFR 1105(c)(2)(i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 1105.7(e)(4) or (5).

In addition, this transaction is exempt from historic review under 1105.8(b)(1). Under this section, a sale, lease or transfer of a rail line is exempt if rail operations will continue. Further Board approval is required for the parties to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John D. Heffner", with a long horizontal flourish extending to the right.

John D. Heffner
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4180

Counsel for Petitioner

Dated: April 6, 2004

EXHIBIT A

Case**Docket No.**
FD 33799 0**Title**

RIVERPORT RAILROAD, L.L.C.--LEASE AND OPERATION EXEMPTION--JO-DAVIES/CARROL COUNTY LOCAL RE-DEVELOPMENT AUTHORITY

Decision Summary

NOTICE THAT RIVERPORT RAILROAD, L.L.C., HAS FILED A VERIFIED NOTICE OF EXEMPTION TO LEASE FROM THE JO-DAVIES/CAROL COUNTY LOCAL RE-DEVELOPMENT AUTHORITY AND OPERATE APPROXIMATELY 50 MILES OF RAIL LINES.

Download Files

The WordPerfect (WPD) version of this decision is provided as a courtesy and should not be used for citation purposes. The PDF file represents the official Board decision.

WP Envoy (requires WordPerfect viewer)

Graphics/Maps/Figures:



- 30500.evy



- 30500.wpd

Size of PDF File: 0.00 MB

Approximate download time at 28.8 : 0 Minute(s)

Note:

Some installations of Adobe Acrobat 3 browser plug-ins cannot open large PDF files. If you experience problems viewing our files, we recommend upgrading to an Acrobat 4 reader available free at www.adobe.com.

If you are attempting to view a .EVY file and do not have an Envoy reader, you may download this free software from [this link](#).

Full Text of Decision

30500

SERVICE DATE - SEPTEMBER 16, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33799]

Riverport Railroad, L.L.C.--Lease and Operation Exemption--Jo-Davies/Carrol County Local Re-Development Authority

Riverport Railroad, L.L.C., a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from the Jo-Davies/Carrol County Local Re-Development Authority and operate approximately 50 miles of rail lines. The lines are located in the former Savanna Army Ammo Depot near Savanna, IL, adjacent to the main line of The Burlington Northern and Santa Fe Railway Company (BNSF), at BNSF milepost 156.9, and consist of two former classification tracks, a loop track, and several stub tracks.

The transaction is scheduled to be consummated on or after September 10, 1999.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33799, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Esq., Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

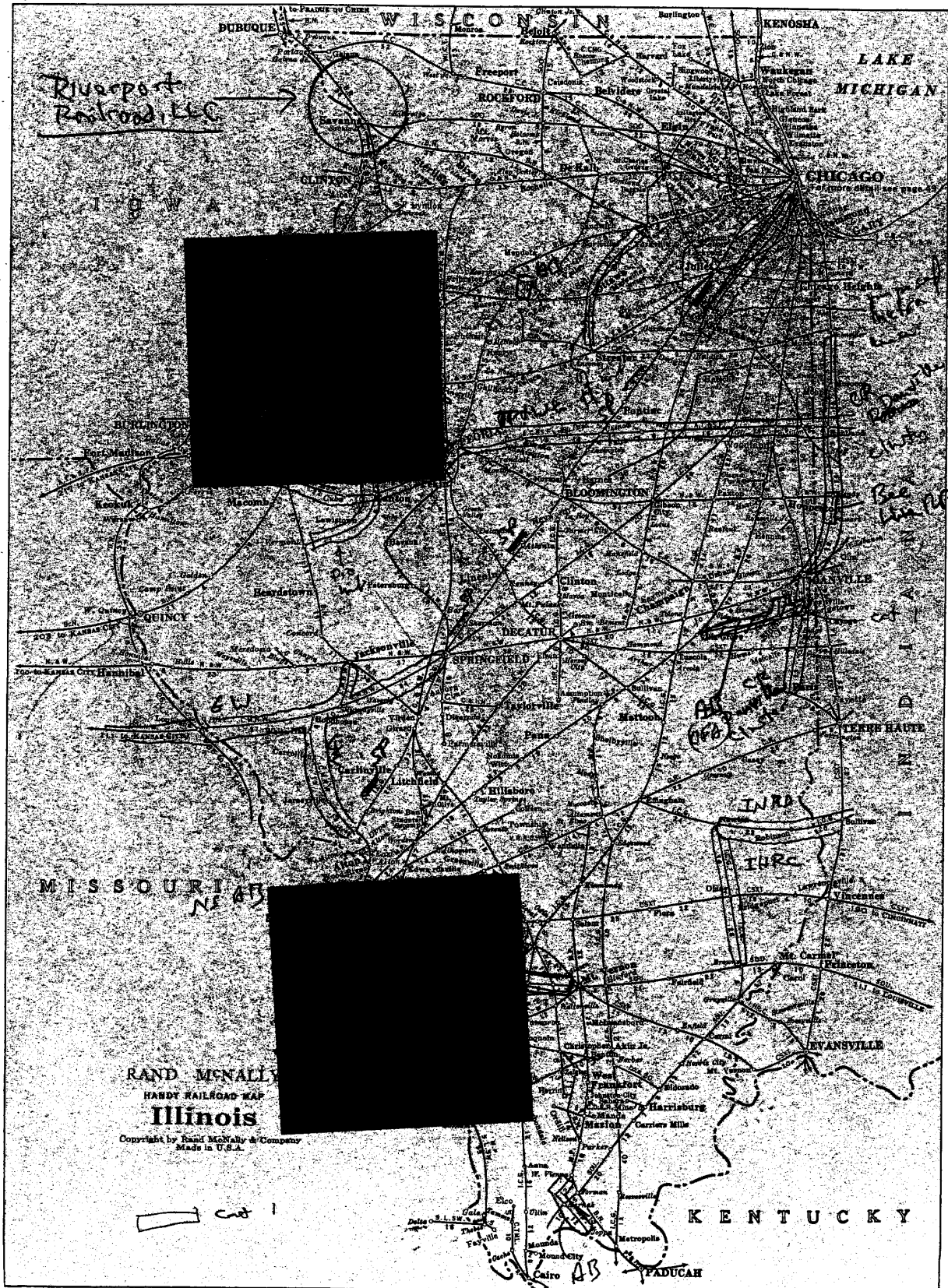
Decided: September 9, 1999.

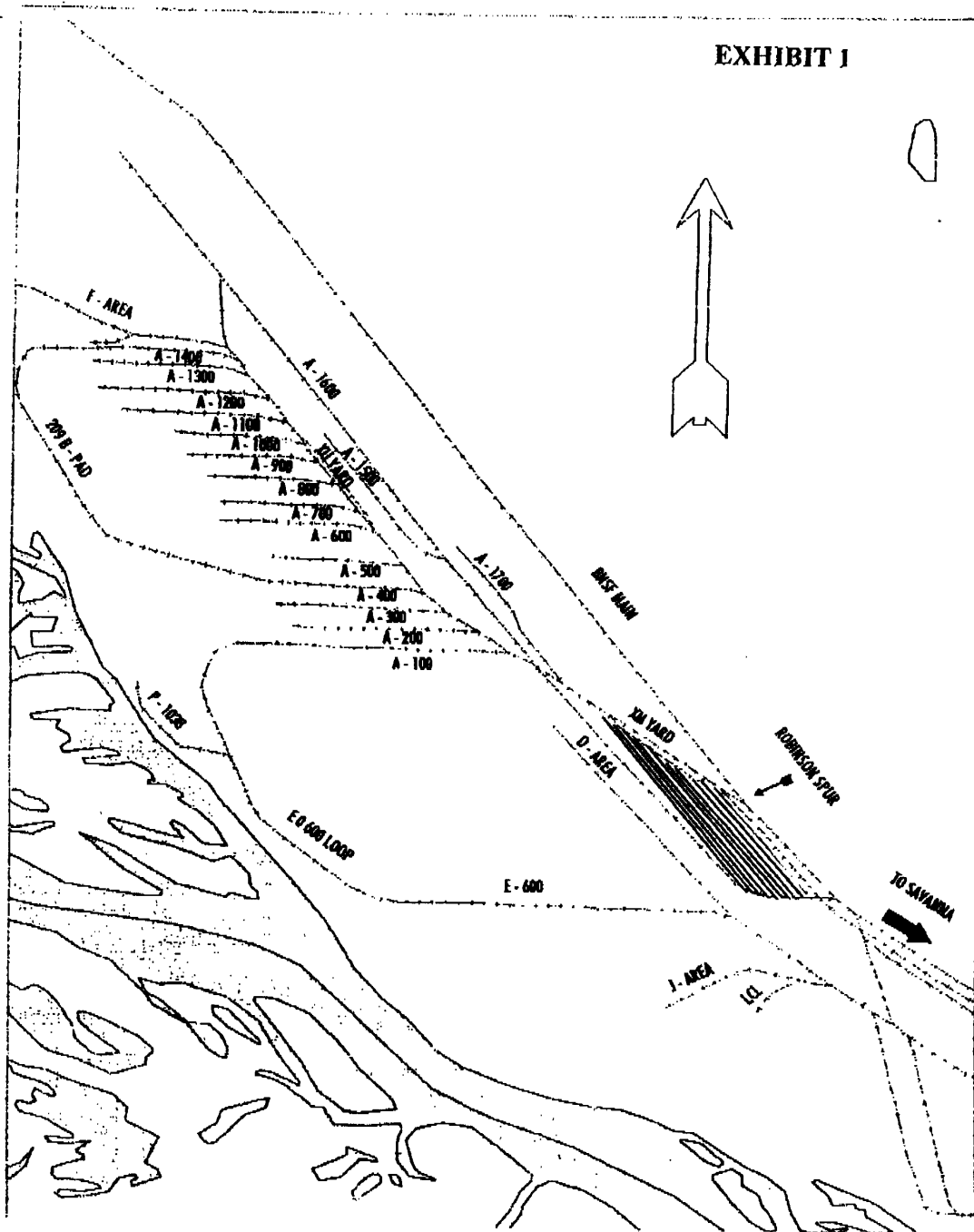
By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

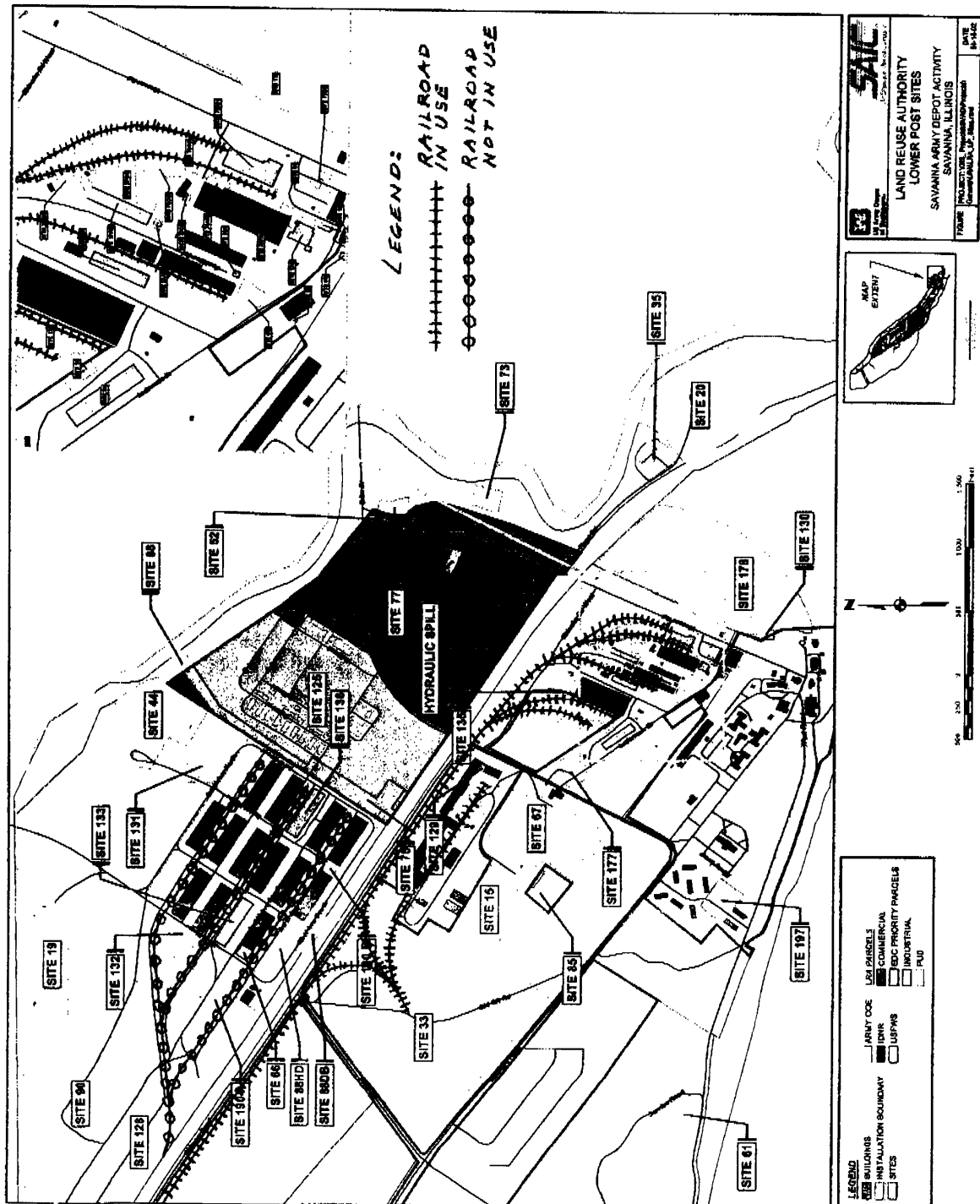
Secretary

FD_33799_0





Riverport Railroad, LLC
Track Diagram 8/99



CERTIFICATION

I, JOHN C. KASTER, an officer of the
COMPANY ("RIVERPORT RAILROAD LLC") hereby certify under
penalty of perjury that the projected annual revenues of
RIVERPORT RAILROAD LLC, in the aggregate, will not exceed \$5,000,000, and
that RIVERPORT RAILROAD LLC will be a Class III rail carrier as set
forth at 49 CFR 1201 (1-1) (a). Further, I certify that I am
qualified and authorized to make this certification on behalf of
RIVERPORT RAILROAD, LLC.


Signature

EXHIBIT D

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34492

RIVERPORT RAILROAD, LLC
-- ACQUISITION EXEMPTION --
JO-DAVIES/CARROL COUNTY
LOCAL REDEVELOPMENT AUTHORITY

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. 10902 and 49 CFR 1150.41

NOTICE OF ACQUISITION OF RAIL LINE

Riverport Railroad, LLC ("Riverport"), an existing class III short line railroad, has filed a Verified Notice of Exemption under 49 CFR 1150.41 to acquire the following railroad property: Approximately 50 miles of railroad trackage, rights of way, and facilities located at the former Savanna Army Ammo Depot near Savanna, IL. The property to be acquired consists of numerous main line tracks, yard tracks, and sidings totaling approximately 50 track miles as well as underlying rights of way consisting of both easements and property owned in fee, buildings, and railroad facilities.

Riverport intends to consummate this transaction on or about April 15, 2004.

This notice is filed under 49 C.F.R. 1150.41. 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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34492 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, D.C. 20423-0001. In addition, a copy of each pleading must be served on:

John D. Heffner, Esq.
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C., 20036
Telephone: (202) 263-4180

(seal)

Vernon A. Williams
Secretary

VERIFICATION

STATE OF)
) SS
CITY OF)

JOHN C. KOSTER, being duly sworn according to law, hereby
deposes and states that ~~(s)he~~ is authorized to make the Verification, has
read the foregoing document, and knows the facts asserted therein are true
and accurate as stated, to the best of ~~(her)~~his knowledge, information and
belief.

Jo Carey

Subscribed and sworn to before me, a Notary Public, in and for the City of
— in the State of Illinois, this 1 day of April, 2004

Jo Carey

Notary Public

My Commission expires:

1-23-06

