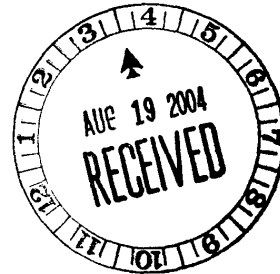


WEINER BRODSKY SIDMAN KIDER PC

211848

1300 NINETEENTH STREET NW  
FIFTH FLOOR  
WASHINGTON DC 20036 1609  
TEL 202 628 2000  
FAX 202 628 2011

August 19, 2004



**BY HAND DELIVERY**

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

**FILED**  
AUG 20 2004  
SURFACE  
TRANSPORTATION BOARD

Re: STB Finance Docket No. 34539, Golden Isles Terminal Railroad, Inc. --  
Acquisition and Operation Exemption -- CSX Transportation Inc.

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding are an original and 10 copies of the verified notice of exemption of Golden Isles Terminal Railroad, Inc., pursuant to 49 C.F.R. § 1150.41. In addition, enclosed are (i) a 3.5-inch disk formatted for WordPerfect 5.1, containing the notice and summary, pursuant to 49 C.F.R. § 1150.42(a), and (ii) a check for \$1,400 to cover the cost of the filing.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,

  
Rose-Michele Weinryb

Enclosures

**FEE RECEIVED**  
AUG 20 2004  
SURFACE  
TRANSPORTATION BOARD

ENTERED  
Office of Proceedings

AUG 20 2004

211848

**GOLDEN ISLES TERMINAL RAILROAD, INC.  
--ACQUISITION AND OPERATION EXEMPTION--  
CSX TRANSPORTATION INC.**

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. § 1150.41**

**STB FINANCE DOCKET NO. 34539**



**1. Applicant's name and current mailing address:**

Golden Isles Terminal Railroad, Inc.  
4337 Pablo Oaks Court, Suite 200  
Jacksonville, FL 32224

**FEE RECEIVED**

AUG 20 2004

**SURFACE  
TRANSPORTATION BOARD**

**2. Applicant's representative to receive correspondence:**

Rose-Michele Weinryb, Esq.  
Weiner, Brodsky, Sidman & Kider, P.C.  
1300 19<sup>th</sup> Street, NW, Fifth Floor  
Washington, DC 20036  
(202) 628-2000

**FILED**

AUG 20 2004

**SURFACE  
TRANSPORTATION BOARD**

**3. Information concerning the agreement:**

Golden Isles Terminal Railroad, Inc. ("GITM"), a class III carrier, and CSX Transportation, Inc. ("CSXT") expect soon to enter into certain agreement(s) by which GITM (i) will purchase from CSXT the track, rails, ties, ballast, culverts and all other non-real property assets that comprise the Subject Line (as such line is described below in paragraph 5), and (ii) will lease from CSXT the real property comprising the right of way underlying the Subject Line.

**4. Operator of the property:**

GITM will be the operator of the Subject Line.

ENTERED  
Office of Proceedings

AUG 26 2004

**5. Brief summary of the proposed transaction:**

CSXT is located at 500 Water Street, Jacksonville, FL 32202. GITM and CSXT expect to consummate the agreement(s) described above on or after August 26, 2004. Pursuant to these agreement(s), GITM will conduct freight operations over the Subject Line, which is located in Savannah, Georgia and which runs from approximately milepost ASO 493.3, at or near Staley Avenue, to the end of the track at approximately milepost ASO 499.75.

The Subject Line totals approximately 6.45 miles of line. A map of the Subject Line is attached hereto as Exhibit A

**6. Environmental Issues**

Environmental documentation normally need not be prepared for an acquisition that does not involve the diversion from rail to motor carriage of more than (A) 1,000 rail carloads a year, or (B) an average of 50 rail carloads per mile per year for any part of the affected line (49 C.F.R. § 1105.7(e)(4)), on the one hand, or that does not involve (A) an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment (49 C.F.R. § 1105.7(e)(5)), on the other hand. *See* 49 C.F.R. § 1105.6(c)(2).

The subject transaction will not result in changes in carrier operations that exceed the above-listed thresholds. Therefore, no environmental documentation is required for this Verified Notice of Exemption.

Transactions involving a sale, lease or transfer of a rail line for the purpose of continued rail operations are exempt from the historic report requirements of 49 C.F.R. § 1105.8(a) if termination of such operations requires further approval by the Surface Transportation Board (the "Board") and there are no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older. *See* 49 C.F.R. § 1105.8(b)(1).

Common carrier service on the Subject Line will be continued. GITM has no plans to dispose of or alter properties subject to Board jurisdiction that are 50 or more years old. Therefore, a historic report is not required for this filing. *See* 49 C.F.R. § 1105.8(a), (b).

**7. Labor.**

The projected annual revenue of GITM following the subject transaction will not exceed \$5 million dollars. Accordingly, the labor notice requirements set forth at 49 C.F.R. § 1150.43(e) do not apply. Because GITM is a class III carrier, approval of this transaction is not subject to labor protection conditions. *See* 49 U.S.C. § 10902(d).

**8. Certificate of projected revenue:**

In accordance with 49 C.F.R. § 1150.43(g), a certificate concerning GITM's projected revenue is attached as Exhibit B.

Respectfully submitted,



Rose-Michele Weinryb  
Weiner Brodsky Sidman Kider PC  
1300 19<sup>th</sup> Street, NW, Fifth Floor  
Washington, D.C. 20036

Attorneys for:

Golden Isles Terminal Railroad, Inc.

Dated: August 19, 2004

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**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. § 1150.41**

**STB Finance Docket No. 34539**

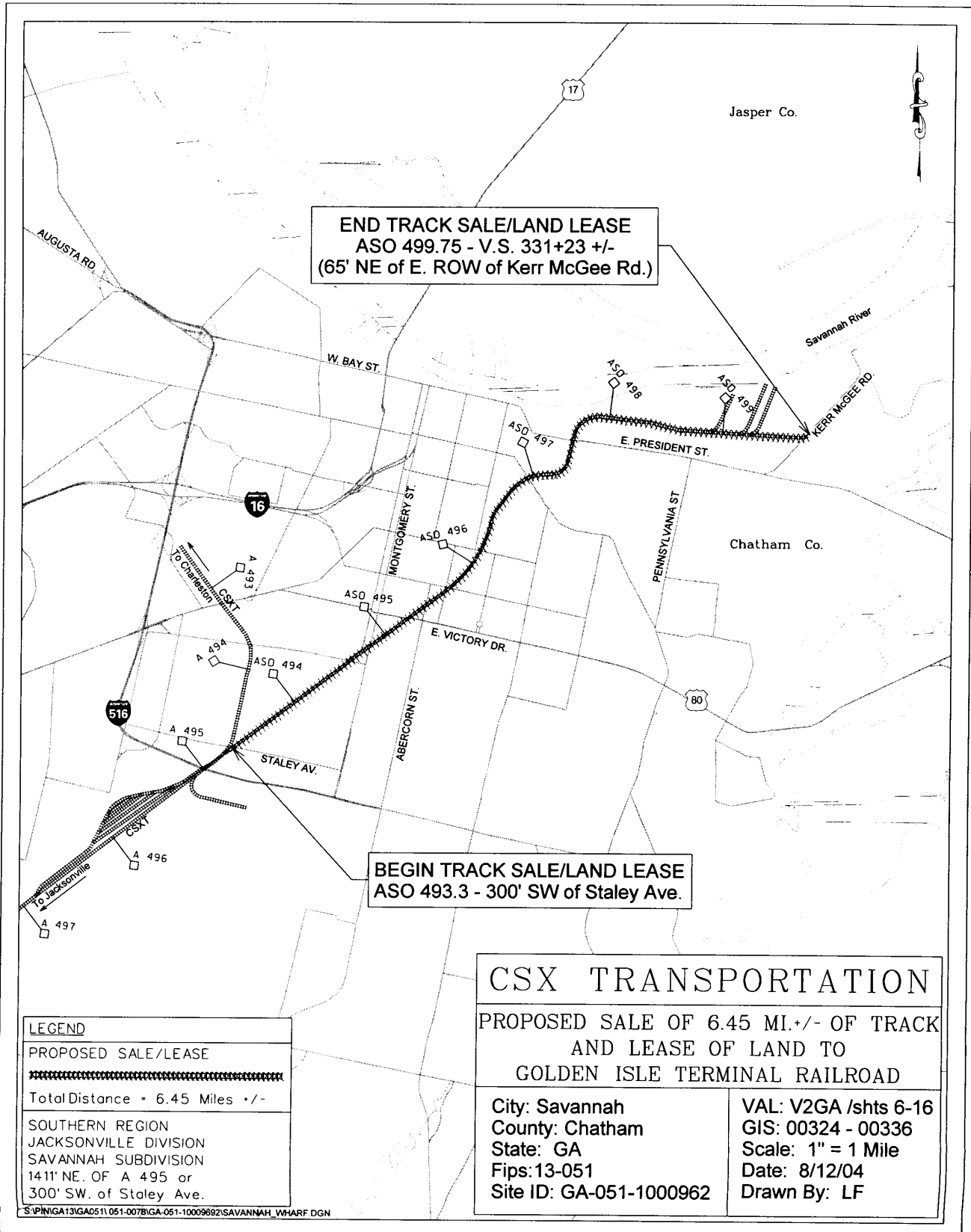
**GOLDEN ISLES TERMINAL RAILROAD, INC.  
--ACQUISITION AND OPERATION EXEMPTION--  
CSX TRANSPORTATION INC.**

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**EXHIBIT A**

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**MAP OF SUBJECT LINE**



END TRACK SALE/LAND LEASE  
ASO 499.75 - V.S. 331+23 +/-  
(65' NE of E. ROW of Kerr McGee Rd.)

BEGIN TRACK SALE/LAND LEASE  
ASO 493.3 - 300' SW of Staley Ave.

| LEGEND                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------|
| PROPOSED SALE/LEASE                                                                                                  |
|                                                                                                                      |
| Total Distance = 6.45 Miles +/-                                                                                      |
| SOUTHERN REGION<br>JACKSONVILLE DIVISION<br>SAVANNAH SUBDIVISION<br>1411' NE. OF A 495 or<br>300' SW. of Staley Ave. |

## CSX TRANSPORTATION

PROPOSED SALE OF 6.45 MI. +/- OF TRACK  
AND LEASE OF LAND TO  
GOLDEN ISLE TERMINAL RAILROAD

City: Savannah  
County: Chatham  
State: GA  
Fips: 13-051  
Site ID: GA-051-1000962

VAL: V2GA /shts 6-16  
GIS: 00324 - 00336  
Scale: 1" = 1 Mile  
Date: 8/12/04  
Drawn By: LF

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. § 1150.41**

**STB Finance Docket No. 34539**

**GOLDEN ISLES TERMINAL RAILROAD, INC.  
--ACQUISITION AND OPERATION EXEMPTION--  
CSX TRANSPORTATION INC.**

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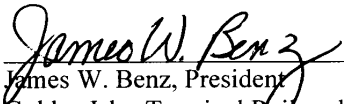
**EXHIBIT B**

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**CERTIFICATE OF REVENUE**

**CERTIFICATE OF REVENUE**

In accordance with 49 C.F.R. § 1150.43(g), I do hereby certify that the revenue projected for GITM as a result of the subject transaction will not result in the creation of a Class II or Class I carrier.

  
James W. Benz, President  
Golden Isles Terminal Railroad, Inc.

Dated: August 19, 2004

**SURFACE TRANSPORTATION BOARD**

***VERIFIED NOTICE OF EXEMPTION***

**STB FINANCE DOCKET NO. 34539**

**GOLDEN ISLES TERMINAL RAILROAD, INC.  
--ACQUISITION AND OPERATION EXEMPTION--  
CSX TRANSPORTATION INC.**

Golden Isles Terminal Railroad Inc. ("GITM"), a class III carrier, has filed a notice of exemption under 49 C.F.R. § 1150.41 to (i) acquire<sup>1</sup> and operate a rail line of CSX Transportation, Inc. ("CSXT") that totals approximately 6.45 miles in Savannah, Georgia and that runs from approximately milepost ASO 493.3, at or near Staley Avenue, to the end of the track at approximately milepost ASO 499.75, and (ii) lease from CSXT the real property comprising the right of way underlying that rail line.

Comments must be filed with the Surface Transportation Board, Office of the Secretary, 1925 K Street, N.W., Washington, D.C. 20423-0001 and served on Rose-Michele Weinryb, Esq., Weiner Brodsky Sidman Kider PC, 1300 19<sup>th</sup> Street, N.W., Fifth Floor, Washington, D.C. 20036, 202-628-2000.

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*. The filing of a petition to revoke will not automatically stay the transaction.

Decided:

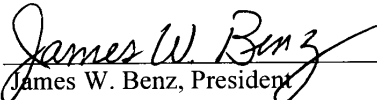
By the Board,

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<sup>1</sup> GITM is purchasing from CSX Transportation, Inc. the track, rails, ties, ballast, culverts and all other non-real property assets that comprise the subject line.

**VERIFICATION**

I, James W. Benz, certify under penalty of perjury that the foregoing notice of exemption is true and correct to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to cause this Verified Notice of Exemption to be filed.

  
James W. Benz, President  
Golden Isles Terminal Railroad, Inc.

Dated: August 19, 2004