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January 30, 2019

Via Fed Ex

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S. W.
Washington, D.C. 20024

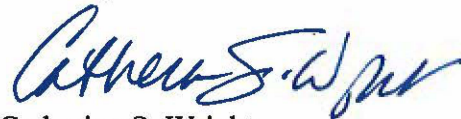
RE: Docket No. FD 36264
R. J. Corman Railroad Company/Western Ohio Line – Renewal of Lease
Exemption with Interchange Commitment – Norfolk Southern Railway Company

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding is the Verified Notice of Exemption of R. J. Corman Railroad Company/Western Ohio Line, pursuant to 49 C.F.R. § 1150.41 dated January 30, 2019, along with 10 copies. A check in the amount of \$2,000.00, representing the appropriate fee for this filing is also enclosed. Confidential materials related to this filing are being submitted under seal in an envelope marked "confidential".

If you have any questions, please feel free to contact me.

Sincerely,



Catherine S. Wright
Attorney for R. J. Corman Railroad
Company/Western Ohio Line

Enclosures

1

FILED
January 31, 2018
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
January 31, 2018
SURFACE
TRANSPORTATION BOARD



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36264

**R. J. CORMAN RAILROAD COMPANY/WESTERN OHIO LINE –
RENEWAL OF LEASE EXEMPTION WITH INTERCHANGE COMMITMENT –
NORFOLK SOUTHERN RAILWAY COMPANY**

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



Submitted by:
David R. Irvin, Esq.
Catherine S. Wright, Esq.
Irvin Rigsby PLC
110 N. Main St.
Nicholasville, Kentucky 40356
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(859) 724-4104
*Counsel for R. J. Corman Railroad
Company/Western Ohio Line*

Contains Color Images

Dated: January 30, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36264

**R. J. CORMAN RAILROAD COMPANY/WESTERN OHIO LINE –
RENEWAL OF LEASE EXEMPTION WITH INTERCHANGE COMMITMENT –
NORFOLK SOUTHERN RAILWAY COMPANY**

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

Pursuant to 49 C.F.R. §§ 1150.41 *et seq.*, R. J. Corman Railroad Company/Western Ohio Line (“RJCW”), a Class III rail carrier, hereby files this Verified Notice of Exemption to renew its lease from Norfolk Southern Railway Company (“NSR”) of a rail line and related industrial tracks known as the St. Mary’s Line, extending from milepost SP 120.0 at St. Mary’s, Auglaize County, Ohio to milepost SP 136.3 near the Ohio-Indiana border, Mercer County, Ohio, a total distance of 16.3 miles (the “Line”).

In accordance with the requirements of 49 C.F.R. § 1150.43, RJCW submits the following information:

Name and Address of Applicant: 49 C.F.R. §1150.43(a)

The full name and address of the Class III rail carrier applicant herein is as follows:

R. J. Corman Railroad Company/Western Ohio Line
101 R. J. Corman Drive
PO Box 788
Nicholasville, Kentucky 40356



Applicant's Representative: 49 C.F.R. §1150.43(b)

David R. Irvin, Esq.
Catherine S. Wright, Esq.
Irvin Rigsby PLC
110 N. Main St.
Nicholasville, Kentucky 40356
dirvin@irvinrigsby.com
cwright@irvinrigsby.com
(859) 724-4104

Statement Concerning Agreement: 49 C.F.R. §1150.43(c)

In 1993, RJCW and NSR executed a Lease Agreement regarding the Line. *See R. J. Corman Railroad Company/Western Ohio Line – Acquisition and Operation Exemption – Certain Lines of the Norfolk and Western Railway Company*, Docket No. FD 32294 (ICC served August 20, 1993). Pursuant to a new Lease Agreement dated as of November 12, 2018 between RJCW and NSR (the “2018 Lease Agreement”), RJCW will continue to lease the Line from NSR and to provide rail freight service to a number of shippers on the Line.

Operator of the Property: 49 C.F.R. §1150.43(d)

RJCW will continue to perform rail freight service operations on the Line and appurtenant industrial trackage. RJCW will provide no passenger rail services over the Line.

Summary of the Transaction: 49 C.F.R. §1150.43(e)

RJCW is a Class III rail common carrier which operates rail lines in the State of Ohio and Indiana. Pursuant to the parties’ 2018 Lease Agreement, RJCW will continue to lease and operate approximately 16.3 miles of rail line constituting NSR’s St. Mary’s Line, extending from milepost SP 120.0 in Auglaize County, Ohio to milepost SP 136.3 near the Ohio-Indiana border, for a total of 16.3 miles. The 2018 Lease Agreement has an initial 10-year term that may be extended by mutual written agreement of the parties.

The complete name and address of the carrier leasing the Line to RJCW is as follows:

Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

RJCW intends to consummate the 2018 Lease Agreement of the Line on or shortly after the effective date of this Notice of Exemption.

Map: 49 C.F.R. §1150.43(f)

A map showing the Line is attached as Exhibit A to this Notice.

Certificate of Compliance: 49 C.F.R. §1150.43(g)

A Certificate of Compliance consistent with the provisions of 49 C.F.R. § 1150.43(g) stating that RJCW's projected revenues will not result in the creation of a Class I or II rail carrier is attached as Exhibit B to this Notice.

Interchange Commitments: 49 C.F.R. § 1150.43(h)(1)

- (i) The 2018 Lease Agreement contains an interchange commitment that charges RJCW an Interchange Charge for carloads that originate or terminate on the Line that are not interchanged to NSR. The affected interchange point is in Lima, Ohio.
- (ii) The 2018 Lease Agreement containing the interchange commitment (as Section 13(b)) is being filed confidentially with the Board in accordance with the provisions of 49 C.F.R. §§ 1150.43(h)(1)(ii) and 1104.14(a).
- (iii) The shippers who currently use or have used the Line within the last two calendar years are as follows: Accutech Films, Helena Chemical Co., Mercer Landmark – Coldwater, Midwest Reload, Omnisource Corp., Versa Pak and Freemont Company.

- (iv) The aggregate number of carloads originated or terminated on the Line during the last two years by the shippers identified in the preceding section is being filed confidentially with the Board in accordance with the provisions of 49 C.F.R. §§ 1150.43(h)(1)(ii) and 1104.14(a).
- (v) RJCW certifies that it has provided notice of the proposed transaction and interchange commitment to the shippers identified in subsection (iii) as further evidenced in Exhibit B;
- (vi) Upon commencement of operations under the 2018 Lease Agreement, RJCW could physically interchange with either NSR or CSX Transportation, Inc.
- (vii) This information is being filed confidentially with the Board in accordance with the provisions of 49 C.F.R. §§ 1150.43(h)(1)(vii) and 1104.14(a).
- (viii) The case caption reflects the existence of an interchange commitment.

Advance Notice: 49 C.F.R. § 1150.42(e)

The projected annual revenue of RJCW does not exceed \$5 million, and accordingly the advance notice requirements of 49 C.F.R. § 1150.42(e) are not applicable to this transaction. *See* Exhibit B hereto.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

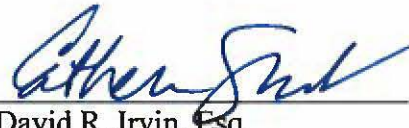
Pursuant to 49 C.F.R. § 1105.6(c)(1), the proposed transaction is exempt from environmental reporting requirements. The proposed transaction will not result in significant changes in carrier operations, i.e. changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

The proposed transaction also is exempt from historic preservation reporting requirements under 49 C.F.R. § 1105.8(b)(1). The proposed lease renewal is for the purpose of continuing rail operations. Additional Board approval would be required to discontinue rail service or to abandon the Line. Moreover, there are no plans to dispose of or alter properties subject to Board jurisdiction that are 50 years old or older.

Caption Summary: 49 C.F.R. § 1150.44

A caption summary in an appropriate form is attached as Exhibit C to this notice.

Respectfully submitted this 30th day of January 2019.



David R. Irvin, Esq.
Catherine S. Wright, Esq.
Irvin Rigsby PLC
110 N. Main St.
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(859) 724-4104
*Counsel for R. J. Corman Railroad
Company/Western Ohio Line, LLC*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36264

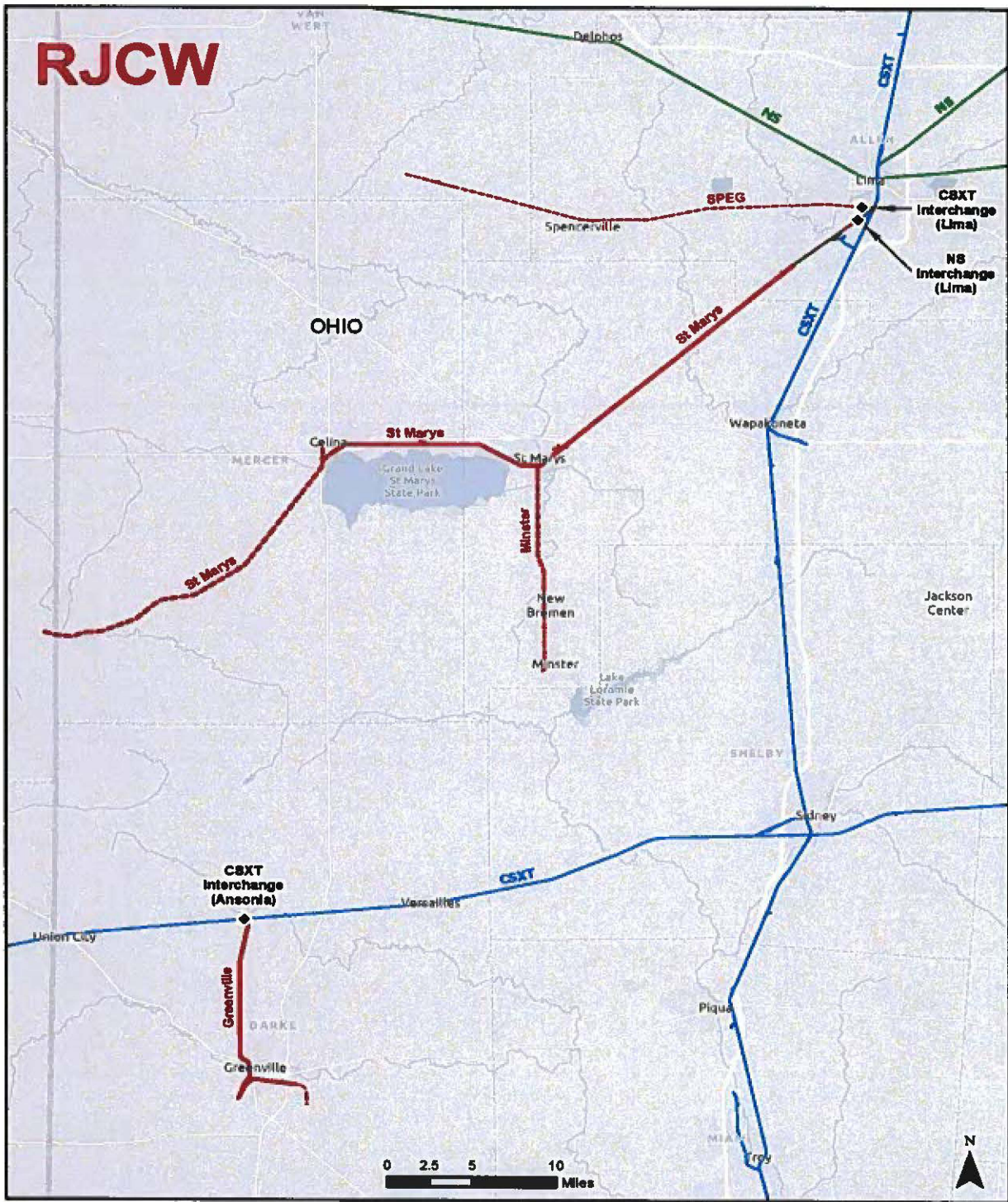
**R. J. CORMAN RAILROAD COMPANY/WESTERN OHIO LINE –
RENEWAL OF LEASE EXEMPTION WITH INTERCHANGE COMMITMENT –
NORFOLK SOUTHERN RAILWAY COMPANY**

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

EXHIBIT A

CONTAINS COLOR IMAGES

R. J. Corman Railroad Company/Western Ohio Line (RJCW)



CERTIFICATION AND VERIFICATION

I, Ray Goss, President of R. J. Corman Railroad Company/Western Ohio Line, hereby certify that RJCW's projected annual revenues will not as a consequence of the proposed transaction result in RJCW becoming a Class I or Class II rail carrier so as to require processing of the foregoing notice of exemption under 49 C.F.R. § 1150.45, and that RJCW's projected annual revenues will not exceed \$5,000,000.00.

I further hereby certify that RJCW has provided, under cover of the attached letter, notice of the proposed transaction and interchange commitment to shippers that currently use or have used in the prior two (2) years the rail line from milepost SP 120.0 in Auglaize County, Ohio to milepost SP 136.6 in Mercer County, Ohio which is the subject of this proceeding.

Furthermore, pursuant to 28 U.S.C. 1746, I declare under penalty of perjury under the laws of the United States that the foregoing Notice of Exemption is true and correct to the best of my knowledge and belief. Further, I certify that I am qualified and authorized to file this pleading.

Executed on January 29, 2019.


Ray Goss

January 30, 2019

VIA U.S. MAIL

[SHIPPER ADDRESS]

RE: Docket No. FD 36264

**R. J. Corman Railroad Company/West Ohio Line – Renewal of Lease Exemption
with Interchange Commitment – Norfolk Southern Railway Company**

Dear Sir/Madam:

As a shipper on the rail line described herein, and in accordance with 49 C.F.R. § 1150.43, this letter serves as notification that R. J. Corman Railroad Company/Western Ohio Line (“RJCW”) and Norfolk Southern Railway (“NSR”) have agreed to renew its lease from Norfolk Southern Railway Company (“NSR”) of a rail line and related industrial tracks known as the St. Mary’s Line, extending from milepost SP 120.0 at St. Mary’s, Auglaize County, Ohio to milepost SP 136.3 near the Ohio-Indiana border, Mercer County, Ohio, a total distance of 16.3 miles (the “Line”). The lease from NSR to RJCW contains an interchange commitment under which Interchange Charges for the Line are imposed if RJCW interchanges rail traffic originating or terminating on the Line with a railroad other than NSR.

RJCW will be filing a Notice of Exemption for the lease renewal transaction at the Surface Transportation Board in Docket No. FD 36264.

Sincerely,

Catherine S. Wright
Attorney for the R. J. Corman Railroad
Company/Western Ohio Line

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

DOCKET NO. FD 36264

**R. J. CORMAN RAILROAD COMPANY/WESTERN OHIO LINE –
RENEWAL OF LEASE EXEMPTION WITH INTERCHANGE COMMITMENT –
NORFOLK SOUTHERN RAILWAY COMPANY**

R. J. Corman Railroad Company/Western Ohio Line ("RJCW"), a Class III rail carrier, has filed a Notice of Exemption under 49 C.F.R. § 1150.41 *et seq.* to renew its lease from Norfolk Southern Railway Company ("NSR") of a rail line and related industrial tracks known as the St. Mary's Line, extending from milepost SP 120.0 at St. Mary's, Auglaize County, Ohio to milepost SP 136.3 near the Ohio-Indiana border, Mercer County, Ohio, a total distance of 16.3 miles (the "Line"). The lease renewal agreement between RJCW and NSR includes an interchange commitment.

RJCW expects to consummate the proposed lease renewal on or shortly after the effective date of this Notice of Exemption.

Comments must be filed with the Board and served on Catherine S. Wright, Irvin Rigsby PLC, 110 North Main Street, Nicholasville, Kentucky 40356, (859) 724-4104.

This Notice is filed under 49 C.F.R. § 1150.41. If this Notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 C.F.R. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated: _____, 2019

By the Board