

ENTERED
Office of Chief Counsel
May 29, 2026
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36938

DELAWARE AND SOUTH BRANCH RAILROAD, LLC
– LEASE AND CHANGE OF OPERATOR EXEMPTION –
BLACK RIVER & WESTERN CORP. D/B/A/ BLACK
RIVER & WESTERN RAILROAD, AND BELVIDERE & DELAWARE
RIVER RAILWAY COMPANY, INC.

**VERIFIED NOTICE OF EXEMPTION OF
DELAWARE AND SOUTH BRANCH RAILROAD, LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART D**

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
rwimbish@fletcher-sippel.com
(312) 252-1500

**ATTORNEY FOR DELAWARE AND SOUTH
BRANCH RAILROAD, LLC**

Dated: May 29, 2026

FEE RECEIVED
May 29, 2026
SURFACE TRANSPORTATION BOARD

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**VERIFIED NOTICE OF EXEMPTION OF
DELAWARE AND SOUTH BRANCH RAILROAD, LLC
PURSUANT TO 49 C.F.R. § 1150.31**

Pursuant to 49 C.F.R. part 1150, subpart D, Delaware and South Branch Railroad, LLC (“DSBR”), a non-carrier, hereby files this verified notice of exemption (the “Notice”) to operate as a common carrier via leasehold rights over approximately 31.91 route miles of rail lines (the “Lines”) located in New Jersey and owned by Black River & Western Corp. d/b/a Black River & Western Railroad (“BRW”) and Belvidere & Delaware River Railway Company, Inc. (“BDR”), as described in additional detail below. Based upon projected annual revenues, DSBR expects to be a Class III rail carrier following consummation of the transaction proposed herein. The present transaction is related to the concurrently-filed class exemption notice in *Kean Burenga and Chesapeake and Delaware, LLC – Continuance in Control Exemption – Delaware and South Branch Railroad, LLC*, FD 36939, in which Chesapeake and Delaware and Kean Burenga seek authorization (as may be necessary in the case of Mr. Burenga) to continue in

control of DSBR at such time as DSBR consummates the present transaction and becomes a railroad common carrier.

In accordance with the requirements of 49 C.F.R. § 1150.33, DSBR submits the following information:

Name and Address of Applicant: 49 C.F.R. § 1150.33(a)

The full name and address of the applicant is as follows:

Delaware and South Branch Railroad, LLC
c/o Cathrin Banks
24006 Old Meadow Road
Seaford, DE 19973

Applicant's Representative: 49 C.F.R. § 1150.33(b)

DSBR's representative to whom correspondence regarding this transaction should be sent is as follows:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
rwimbish@fletcher-sippel.com
(312) 252-1500

Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

DSBR has entered into lease agreement terms (the "Agreement") with BRW and BDR pursuant to which DSBR will assume common carrier operations over the Lines. Transactional details, including a description of the Lines, are set forth below. The subject lease terms would take effect on or after the effective date of this exemption, which is currently expected to be June 28, 2026.

Operator of the Property: 49 C.F.R. § 1150.33(d)

DSBR will operate and provide rail common carrier service to shippers on and/or accessed from the Lines. With respect to the Three Bridges Segment, DSBR's operations will replace those of BDR. Accordingly, upon the commencement of DSBR's operations over the Three Bridges Segment, BDR will have no further common carrier obligation on that line, and BDR's common carrier status over that line will terminate.

Summary of the Transaction: 49 C.F.R. § 1150.33(e)

BRW and BDR are affiliated Class III railroad carriers controlled by Kean Burenga ("Burenga"). *See Kean Burenga and Chesapeake and Delaware, LLC – Continuance in Control Exemption – Delaware and Raritan River Railroad, LLC*, FD 36597 (STB served June 3, 2022) ("*Burenga/CAD – Control*") slip op. at 2, n.1. BRW owns approximately 16.2 miles of railroad line extending from milepost 0.0 at Lambertville, New Jersey, to milepost 16.2 at the connection with Norfolk Southern Railway Company at Three Bridges, New Jersey (the "BRW System"). Of the BRW System, BDR currently leases and operates a roughly 10-mile portion (the "Three Bridges Segment") extending between milepost 6.2 at Ringoes, New Jersey, to milepost 16.2 at Three Bridges, New Jersey. *See Belvidere & Delaware River Railway Company, Inc. – Lease and Operation Exemption – Black River & Western Corp. d/b/a Black River & Western Railroad*, FD 34511 (STB served June 24, 2004). Upon DSBR's assumption of the leasehold operations detailed herein, BDR will completely cease all common carrier operations over the BRW and thereby

terminate its common carrier status over the Three Bridges Segment. The complete name and address of the incumbent operator on the Three Bridges Segment is as follows: Belvidere & Delaware River Railway Company, Inc., c/o Kean Burenga, 20 Toad Lane, Ringoes, NJ 08551. BDR voluntarily consents to the proposed change in operators.

In turn, BDR owns a roughly 15.71-mile line of railroad (the “BDR Line”) extending from milepost 50.6 at Philipsburg, New Jersey, to milepost 34.89 near Alexandria Creek, New Jersey (excluding the line segment south of milepost 34.89 recently abandoned pursuant to *Belvidere & Delaware River Railway Company – Abandonment Exemption – In Hunterdon County, N.J.*, AB 1301X (STB served Apr. 9, 2026) (consummation notice filed May 11, 2026).

DSBR is a newly formed subsidiary of Chesapeake and Delaware, LLC (“CAD”), a non-carrier holding company that controls multiple U.S. short lines. DSBR is intended to assume operations of the aforementioned BRW System and BDR Line. CAD controls the following three Class III carriers pursuant to Board authorization: Dover and Rockaway River Railroad, LLC (“DRRV”); Dover and Delaware River Railroad, LLC (“DDRR”); and Delaware and Raritan River Railroad, LLC (“DRRR”). *See Burenga/CAD – Control*. The Board also has granted Burenga similar control authorization for DRRV, DDRR, and DRRR – evidently out of an abundance of caution – given Burenga’s minority equity stake and his management and board of director positions in each. *See id.*, slip op. at 2, n.1.

Under the proposed lease transaction, DSBR would assume leasehold operations over the roughly 16.2-mile BRW System lines described above (including the 10-mile Three Bridges Segment) and over the roughly 15.71-mile BDR line between milepost 50.6 at Philipsburg and milepost 34.89 at Alexandria Creek.

The complete names and addresses of the owners of the Lines are as follows:

Black River & Western Corp. d/b/a
Black River & Western Railroad
c/o Kean Burenga
20 Toad Lane
Ringo, NJ 08551

Belvidere & Delaware River Railway Company
c/o Kean Burenga
20 Toad Lane
Ringo, NJ 08551

DSBR intends to consummate its operation on the Lines on or after June 28, 2026, subject to the effectiveness of this class exemption notice.

Map: 49 C.F.R. § 1150.33(f)

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

Certificate of Class III Status: 49 C.F.R. § 1150.33(g)

Certification in accordance with the provisions of 49 C.F.R. § 1150.33(g) (establishing that DSBR would qualify as a Class III carrier) is attached. See Certifications and Verification, attached.

Interchange Commitments: 49 C.F.R. § 1150.33(h)

The proposed transaction does not involve any contractual provision, restriction or agreement that would limit DSBR's interchange with any third-party connecting carrier.

Shipper Notice: 49 C.F.R. § 1150.32(b)

DSBR has notified all customers on the Three Bridges Segment of the proposed change in operator on that BRW-owned line. A certificate of service of the notice and a list of customers is attached as Exhibit C.

Advance Notice: 49 C.F.R. § 1150.32(e)

DSBR's projected annual revenue is not expected to exceed \$5 million, and, accordingly, the advance notice requirements of 49 C.F.R. § 1150.32(e) are inapplicable to this transaction. See Certifications and Verification, attached.

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

Under 49 C.F.R. § 1105.6(c)(1)(i), DSBR's proposed operations on the Lines is exempt from environmental reporting requirements. The proposed transaction will not result in significant changes in operations on the Lines, *i.e.*, changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

Under 49 C.F.R. § 1105.8(b)(1), DSBR's proposed operation of the Lines also is exempt from historic preservation reporting requirements. The proposed transaction is for the purpose of continuing rail service. Separate Surface Transportation Board approval would be required to discontinue any service and

there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Caption Summary: 49 C.F.R. § 1150.34

A caption summary in appropriate form is attached as Exhibit B to this Notice.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish

Fletcher & Sippel LLC

29 North Wacker Drive, Suite 800

Chicago, Illinois 60606-3208

rwimbish@fletcher-sippel.com

(312) 252-1500

**ATTORNEY FOR DELAWARE AND
SOUTH BRANCH RAILROAD, LLC**

Dated: May 29, 2026

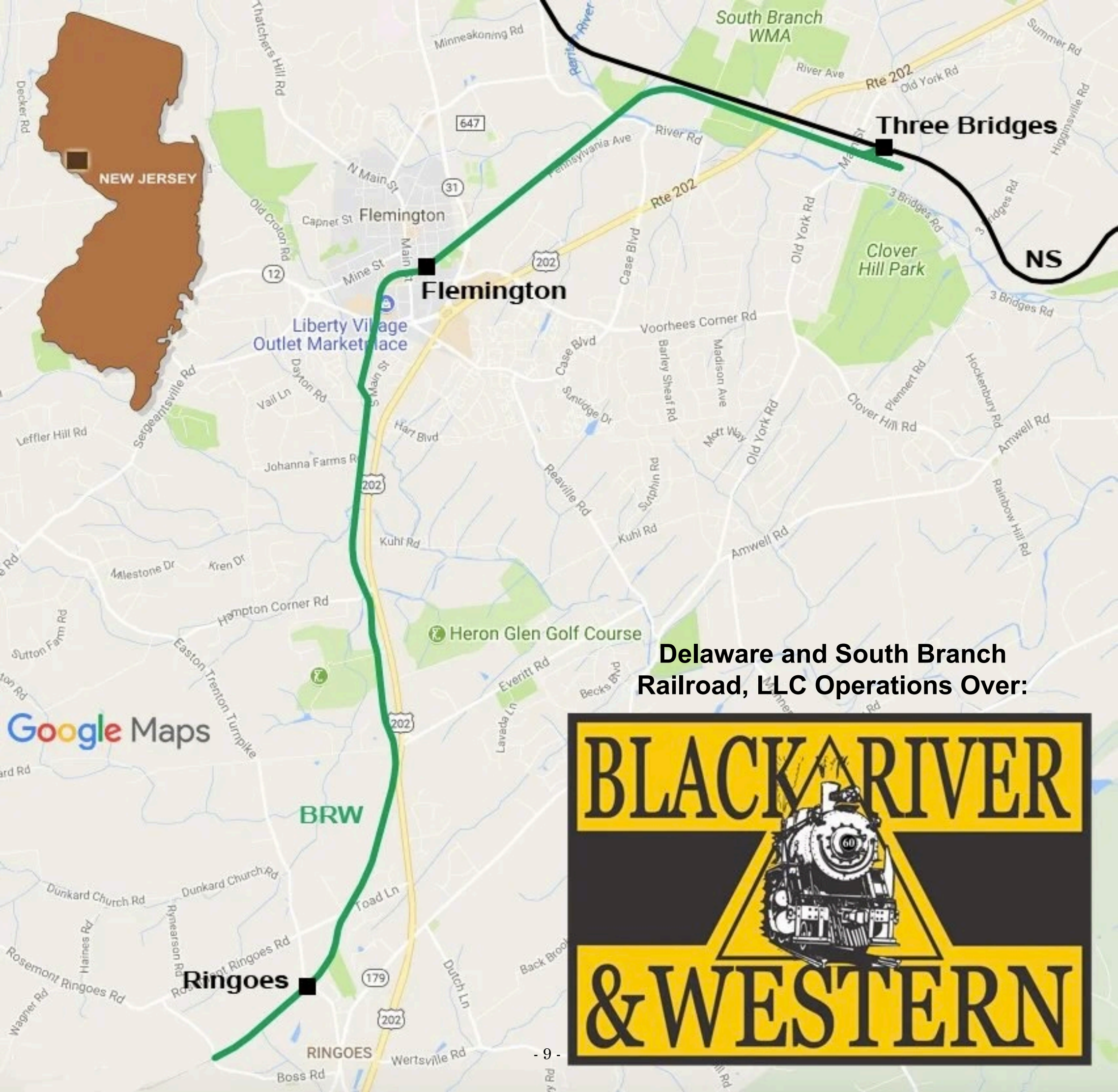
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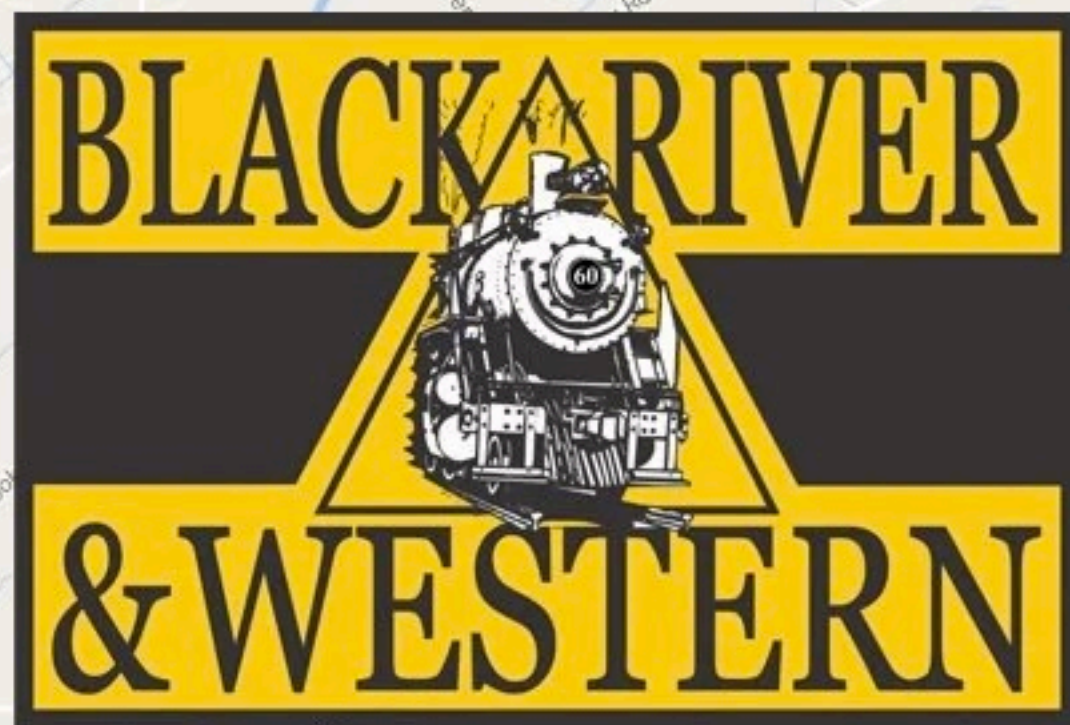
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RIVER & WESTERN RAILROAD, AND BELVIDERE & DELAWARE
RIVER RAILWAY COMPANY, INC.

EXHIBIT A

MAP OF LINES



**Delaware and South Branch
Railroad, LLC Operations Over:**



**Delaware and South Branch Railroad,
LLC Operations Over:**



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EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

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RIVER RAILWAY COMPANY, INC.

Delaware and South Branch Railroad, LLC (“DSBR”), a non-carrier, has filed a verified notice of exemption to operate, pursuant to a lease agreement, approximately 31.91 route miles of rail lines (the “Lines”). The Lines consist of (1) the lines of the Black River & Western Corp. d/b/a Black River & Western Railroad extending from milepost 0.0 at Lambertville, New Jersey, to milepost 16.2 at the connection with Norfolk Southern Railway Company at Three Bridges, New Jersey; and (2) a roughly 15.71-mile line of railroad owned by Belvidere & Delaware River Railway Company, Inc. extending between milepost 50.6 at Philipsburg, New Jersey, and milepost 34.89 at Alexandria Creek, New Jersey. DSBR will replace BDR as the operator of the Three Bridges Segment, thereby ending BDR's common carrier obligations (and status) over that segment.

DSBR expects to consummate the subject transaction and commence operations on the Lines on or after June 28, 2026.

Comments must be filed with the Board and served on:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
rwimbish@fletcher-sippel.com
(312) 252-1500

This 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.

Dated: _____, 2026

By the Board

Chief, Case Management
Office of the Chief Counsel

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EXHIBIT C

**CERTIFICATE OF SHIPPER NOTICE –
THREE BRIDGES SEGMENT**

CERTIFICATE OF SHIPPER NOTICE – THREE BRIDGES SEGMENT

I hereby certify that, in compliance with the advance notice requirements of 49 C.F.R. § 1150.32(b), I have today arranged to notify the below-listed customers on the Three Bridges Segment of the proposed change in operator that is the subject of the present class exemption proceeding.

Aeropres - SDeLeon@aeropres.com

Ferrell Gas - FrankMoreira@ferrellgas.com

Blue Sky - pwortman@blueskydefna.com

JMAT - hank@jmat.com

Opdyke Lumber - jpershyn@opdyke.com

Creter Concrete - rich.creter@creterconcrete.com

I further certify that, in so doing, I have also supplied those customers with a copy of the present Notice of Exemption.

/s/ *R. A. Wimbish*

Robert A. Wimbish

Attorney for Delaware and South Branch Railroad, LLC

Executed on: May 29, 2026

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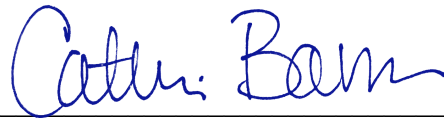
CERTIFICATIONS AND VERIFICATION

CERTIFICATIONS AND VERIFICATION

I, Cathrin Banks, President of Delaware and South Branch Railroad, LLC (“DSBR”), under penalty of perjury, certify and verify as follows:

1. I certify that I am authorized to provide this certification and verification on behalf of DSBR;
2. I certify that DSBR’s annual rail revenues are not expected to exceed \$5 million, and that the transaction that is the subject of this exemption proceeding will not result in DSBR becoming a Class I or II rail carrier under the thresholds set forth at 49 C.F.R. § 1201(1-1); and
3. I verify that I have read the foregoing Notice of Exemption and know that the facts stated herein are true.

Dated: May 26, 2026



Cathrin Banks