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April 23, 2019

247574

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
April 24, 2019
Part of
Public Record

FD 36296

Re: Perry County Railroad LLC, Operating Exemption, Uniontown

Alabama

Verified Notice of Exemption and Caption Summary

Dear Ms. Brown:

Enclosed please find the original and ten copies of the Verified Notice of Exemption and Caption Summary relating to Perry County Railroad, LLC seeking authority to operate class III common carrier rail service on lands and tracks leased in Uniontown, Alabama. The main track to be operated will be all or part of a line and side tracks extending from Norfolk Southern Mainline Switch into the property which is located 1400' West of Mile Post 218 on the Marion Junction to Demopolis branch of the former Southern Railway. The switch is 600' West of the Norfolk Southern Railroad Tayloe Rd. grade crossing in Uniontown. This transaction involves 20,700 feet (3.92 miles) of track now used by the land owners for private rail operations.

Also enclosed are a check for the filing fee of \$4,200, and a CD containing the Notice and caption summary in Word and pdf. format.

Please time and date stamp the additional copy of this letter and Notice and return it in the self-addressed prepaid envelope.

Thank you for your assistance. If you have any questions, please contact me.

FEE RECEIVED

April 24, 2019

SURFACE

TRANSPORTATION BOARD

FILED

April 24, 2019

SURFACE

TRANSPORTATION BOARD

Very truly yours

John F. McHugh

Enclosures.

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John F. McHugh

Enclosures.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36296



PERRY COUNTY RAILROAD LLC

OPERATING EXEMPTION, UNIONTOWN, ALABAMA

VERIFIED NOTICE OF EXEMPTION

PERRY COUNTY RAILROAD, LLC. (PCR) is an LLC organized under the laws of the State of Alabama. PCR, a non-carrier, files A Notice of Exemption under 49 USC Section 10901 to exempt its agreement with Howling Coyote, LLC. and Perry County Associates, LLC aka "Arrowhead", (hereinafter, "Owners") and to to operate common carrier rail service on lands and tracks they own in Uniontown, Alabama on which 20,700 feet (3.92) miles of track are in place, currently used for private facility rail service. PCF, pursuant to 49 CFR Section 1150.31, seeks to commence the operation of common carrier rail service on this land using the said tracks. The land and facilities are

currently owned by Howling Coyote, LLC. and facilities thereon are operated by Perry County Associates, LLC aka "Arrowhead", companies which are under common ownership. PCR has agreed to take over the rail operations, when authorized, then to provide common carrier service to the owners and the public.

NOTICE

Pursuant to 49 C.F.R. Section 1150.44, PCR provides the following information:

(a) the full name of the applicant is Perry County Railroad, LLC.
(PCR),

(b) the name and address of the representative of PCR who should receive correspondence is John F. McHugh, Esq. 233 Broadway, suite 2320, New York, N.Y. 10279, 212-483-0875.

(c) PCR and the Owners have entered into an agreement under which PCR will continue service to Perry County Associates LLC but as

a common carrier which, upon the effective date of this exemption, will offer common carrier rail services to the public as well. The Board has licensing authority pursuant to 49 U.S.C. 10901, See: *United Transp. Union-Illinois Legislative Bd. v. Surface Transp. Bd.*, 183 F. 3d 606. 613 (7th Cir. 1999).

(d) The operator of the line will be PCR.

(e) The exemption seeks authority to operate a rail common carrier utilizing the existing trackage, described herein. This transaction does not contemplate the construction of track or facilities except within the existing, currently private, rail yard. The common carrier rail services will include continuation of existing services to the Owners, as well as carload service, freight transloading services and container transfer to the public. PCR will be obtaining all required Federal, State and local permits, licenses and approvals to develop any facilities or provide any services which require them.

1. The prior freight handling services were provided by Perry County Associates, LLC, address of 622 Tayloe Road, Uniontown, Alabama 36786.

2. PCR and Owners have entered into a land and facility use agreement under which PCR will use these assets to provide common carrier rail services.

3. There are no mileposts on the tracks in issue.

4. The main track to be operated will be all or part of a line and side tracks extending from Norfolk Southern Mainline Switch into the property which is located 1400' West of Mile Post 218 on the Marion Junction to Demopolis branch of the former Southern Railway which is 600' West of the Norfolk Southern Railroad Tayloe Rd. grade crossing, thence running west from that switch 1.6 miles. The primary track to be operated is approximately 8,700' and is the most southerly of the 3 parallel tracks on the site.

f. Map of the facility



g. PCR certifies that expected revenue will not exceed that of a class III carrier.

Labor Protection

Petitioner seeks to create a class III carrier to establish common carrier rail service on the existing non common carrier operated

trackage. This transaction will not displace any railroad employees.

Labor protection is not required pursuant to 49 U.S.C. Section 11326(c).

Environmental and Historic Reports

All tracks and lands in issue are or were previously devoted to private rail service and are on lands owned and/or controlled by the private operator. No highway or rail traffic volumes generated will exceed the maximums set by 49 C.F.R. Section 1105.7 (e). Board approval will be required to dispose of or alter any facilities which are 50 years old or older. Thus, no environmental or historic documentation is required. See 49 C.F.R. Section 1105.6(c)(1)(i); 49 C.F.R. section 1105.8(b)(1).

Pursuant to 49 CFR Section 1150.31 notice is not required as the sole customer currently served by the line, Perry County Associates, LLC aka "Arrowhead", is a party to the operating agreement here in issue.

Caption Summary

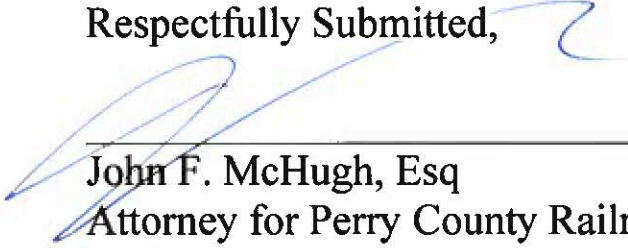
Submitted herewith is the caption summary required by 49 C.F.R.
Section 1150.44.

Conclusion

By reason of the above PCR requests that the Board issue a notice permitting PCR to commence common carrier operations at any time after thirty days of the filing of this Notice of Exemption.

Dated: New York, NY
April , 2019

Respectfully Submitted,



John F. McHugh, Esq
Attorney for Perry County Railroad,
LLC
233 Broadway, Suite 2320
New York, NY 10279
212-483-0875
jfmchughpc@aol.com

VERIFICATION

John F. McHugh declares pursuant to 28 U.S.C. 1746 that he is the attorney for Perry County Railroad, LLC. and is authorized to make this declaration, and knows the representations hereinabove made in this Notice of Exemption are correct from his own knowledge and/or that he believes the information provided by his client to be correct based upon the information known. The undersigned declares under penalty of perjury that the forgoing is true.

Dated, New York, NY
April 23, 2019



/s/ John F. McHugh

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36296



**PERRY COUNTY RAILROAD, LLC.
OPERATING EXEMPTION, UNIONTOWN ALABAMA**

EXEMPTION

CAPTION SUMMARY

Perry County Railroad, LLC. (PCR), a non-carrier, has filed a notice of exemption of its agreement with by Howling Coyote, LLC, and Perry County Associates, LLC. aka "Arrowhead" to operate a common carrier rail service using tracks on their lands in Uniontown, Alabama, currently operated by them as a private rail facility, i.e. as a non-carrier. PRC, LLC. will continue to serve the owners, but as a common carrier and will offer common carrier services to the public.

Comments must be filed with the Surface Transportation Board, 395 E St. SW, Washington, DC 20423 and served on petitioner's

representative, John F. McHugh, Esq. 233 Broadway, Suite 2320, New York, N.Y. 10279, 212-483-0875.

This notice is filed under 49 CFR 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.

Dated, New York, N.Y.
April 23, 2019

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