

301001

IRVIN RIGSBY PLC
ATTORNEYS AT LAW

ENTERED
Office of Proceedings
August 19, 2020
Part of
Public Record

LEXINGTON OFFICE
228 East High Street
P.O. Box 34106
Lexington, KY 40588-4106
T: (859) 233-4633 F: (859) 233-4642

NICHOLASVILLE OFFICE
110 North Main Street
Nicholasville, KY 40356
T: (859) 887-1200 F: (859) 885-2307

CATHERINE S. WRIGHT
cwright@irvinrigsby.com
Direct Dial: (859) 724-4104

August 19, 2020

VIA ELECTRONIC FILING

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

RE: Finance Docket No. 36431; R. J. Corman Railroad Company, LLC – Continuance in Control Exemption – R. J. Corman Railroad Company/Lehigh Line, LLC, R. J. Corman Railroad Company/Owego & Harford Line, LLC, and R. J. Corman Railroad Company/Luzerne & Susquehanna Line, LLC

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding is a verified notice of exemption under 49 C.F.R. § 1180.2(d)(2), pursuant to which R. J. Corman Railroad Company, LLC seeks to continue in control of R. J. Corman Railroad Company/Lehigh Line, LLC (“LRWY”), R. J. Corman Railroad Company/Owego & Harford Line, LLC (“OHRY”), and R. J. Corman Railroad Company/Luzerne & Susquehanna Line, LLC (“LS”) upon LRWY, OHRY and LS becoming Class III carriers in the following proceedings, each of which is being filed concurrently:

- (1) Finance Docket No. 36428; R. J. Corman Railroad Company/Lehigh Line, LLC – Change Operators, Lease and Operation Exemption with Interchange Commitment – Lehigh Railway, LLC and Norfolk Southern Railway Company
- (2) Finance Docket No. 36429; R. J. Corman Railroad Company/Luzerne & Susquehanna Line, LLC – Change Operators, Lease and Operation Exemption –

Page 2
Ms. Cynthia T. Brown
August 19, 2020

Luzerne and Susquehanna Railway Co. and Luzerne County Rail Corporation

(3) Finance Docket No. 36430; R. J. Corman Railroad Company/Owego & Harford
Line, LLC – Notice of Modified Certificate of Public Convenience and Necessity

The sum of \$1,500.00, representing the appropriate fee for this filing, has been tendered electronically via Pay.gov. The Pay.gov Tracking ID is 26PNTONE.

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

Sincerely,



Catherine S. Wright
*Attorney for R. J. Corman Railroad
Company, LLC*

Enclosure

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36431

**R. J. CORMAN RAILROAD COMPANY, LLC – CONTINUANCE IN CONTROL
EXEMPTION – R. J. CORMAN RAILROAD COMPANY/LEHIGH LINE, LLC, R. J.
CORMAN RAILROAD COMPANY/OWEGO & HARFORD LINE, LLC, AND R. J.
CORMAN RAILROAD COMPANY/LUZERNE & SUSQUEHANNA LINE, LLC**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1180.2(d)(2)**

Submitted by:
David R. Irvin
Catherine S. Wright
IRVIN RIGSBY PLC
110 N. Main St.
Nicholasville, Kentucky 40356
dirvin@irvinrigsby.com
cwright@irvinrigsby.com
(859) 724-4104
*Counsel for R. J. Corman Railroad
Company, LLC*

Contains Color Images

Dated: August 19, 2020

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36431

**R. J. CORMAN RAILROAD COMPANY, LLC – CONTINUANCE IN CONTROL
EXEMPTION – R. J. CORMAN RAILROAD COMPANY/LEHIGH LINE, LLC, R. J.
CORMAN RAILROAD COMPANY/OWEGO & HARFORD LINE, LLC, AND R. J.
CORMAN RAILROAD COMPANY/LUZERNE & SUSQUEHANNA LINE, LLC**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1180.2(d)(2)**

Pursuant to 49 C.F.R. § 1180.2(d)(2), R. J. Corman Railroad Company, LLC (“Applicant”),¹ a non-carrier holding company, hereby provides this verified notice of exemption from 49 U.S.C. § 11323 for Applicant to continue in control of three newly formed entities that are currently non-carrier owned and controlled by Applicant: (1) R. J. Corman Railroad Company/Lehigh Line, LLC (“LRWY”) upon LRWY becoming a Class III rail carrier in *R. J. Corman Railroad Company/Lehigh Line, LLC – Change Operators, Lease and Operation Exemption with Interchange Commitment – Lehigh Railway, LLC and Norfolk Southern Railway Company*, Finance Docket No. 36428; (2) R. J. Corman Railroad Company/Luzerne & Susquehanna Line, LLC (“LS”) upon LS becoming a Class III rail carrier in *R. J. Corman Railroad Company/Luzerne & Susquehanna Line, LLC – Change Operators, Lease and Operation Exemption – Luzerne and Susquehanna Railway Co. and Luzerne County Rail Corporation*,

¹ R. J. Corman Railroad Company, LLC is a wholly owned subsidiary of R. J. Corman Railroad Group, LLC.

Finance Docket No. 36429; and (3) R. J. Corman Railroad Company/Owego & Harford Line, LLC (“OHRY”) upon OHRY becoming a Class III rail carrier in *R. J. Corman Railroad Company/Owego & Harford Line, LLC – Notice of Modified Certificate of Public Convenience and Necessity*, Finance Docket No. 36430, while Applicant remains in control of fifteen (15) other Class III STB regulated carriers, including two non-operating STB-regulated railroad carriers, R. J. Corman Railroad Property, LLC and R. J. Corman Railroad Company/Ashland, LLC.

The operating railroads under Applicant’s ownership and control are: R. J. Corman Railroad Company/Western Ohio Line, Inc. (“RJCW”), R. J. Corman Railroad Company/Pennsylvania Lines, Inc. (“RJCP”), R. J. Corman Railroad Company/Allentown Lines, Inc. (“RJCN”), R. J. Corman Railroad Company/Bardstown Line, Inc. (“RJCR”), R. J. Corman Railroad Company/Cleveland Line, Inc. (“RJCL”), R. J. Corman Railroad Company/Carolina Lines, LLC (“RJCS”), R. J. Corman Railroad Company/Central Kentucky Lines LLC (“RJCC”), R. J. Corman Railroad Company/Texas Lines, LLC (“RJCD”), R. J. Corman Railroad Company/Tennessee Terminal, LLC (“RJCK”), R. J. Corman Railroad Company/Memphis Line, Inc. (“RJCM”), R. J. Corman Railroad Company/Nashville & Eastern Railroad Line (“NERR”), R. J. Corman Railroad Company/Nashville & Western Railroad Line (“NWR”) and R. J. Corman Railroad Company/Childersburg Line, LLC (“RJAL”) (collectively “RJC Railroads”).

This proceeding is related to three other proceedings: (1) *R. J. Corman Railroad Company/Lehigh Line, LLC – Change Operators, Lease and Operation Exemption with Interchange Commitment – Lehigh Railway, LLC and Norfolk Southern Railway Company*, Finance Docket No. 36428, in which LRWY has filed for authority to assume the lease and operation of 56.0 miles of rail line and related industrial track located in Bradford and Wyoming

counties, Pennsylvania (“LRWY Line”); (2) *R. J. Corman Railroad Company/Luzerne & Susquehanna Line, LLC – Change Operators, Lease and Operation Exemption – Luzerne and Susquehanna Railway Co. and Luzerne County Rail Corporation*, Finance Docket No. 36429, in which LS has filed for authority to assume the lease and operation of approximately 55.09 miles of rail line, with additional trackage rights, located in Luzerne and Lackawanna counties, Pennsylvania (the “LS Line”); and *R. J. Corman Railroad Company/Owego & Harford Line, LLC – Notice of Modified Certificate of Public Convenience and Necessity*, Finance Docket No. 36430, in which OHRY has filed for authority to assume the lease and operation of approximately 27.6 miles of rail line located between milepost 0.0 at Owego, New York and milepost 27.6 at North Harford, New York (the “OHRY Line”).

In support of this notice of exemption and in compliance with 49 C.F.R. § 1180.4(g), Applicant submits the following:

INFORMATION REQUIRED BY 49 C.F.R. § 1180.6

- (1) A description of the proposed transaction, including appropriate references to any supporting exhibits and statements contained in the application and discussing the following:

49 C.F.R. § 1180.6(a)(1)(i) – Description of Transaction and Parties Thereto:

Description of the Proposed Transaction.

In this proceeding, Applicant seeks to continue in control of (1) LRWY upon LRWY becoming a Class III rail carrier in Finance Docket No. 36428; (2) LS upon LS becoming a Class III rail carrier in Finance Docket No. 36429; and (3) OHRY upon OHRY becoming a Class III rail carrier in Finance Docket No. 36430, while Applicant remains in control of the RJC Railroads.

Description of the Parties.

Names, Address, and Phone Numbers of Involved Parties.

Applicant's Legal Name, Address and Phone Number

R. J. Corman Railroad Company, LLC
101 R. J. Corman Drive
PO Box 788
Nicholasville, Kentucky 40356
859-881-6648

LRWY, LS and OHRY's Legal Name, Address and Phone Number

R. J. Corman Railroad Company/Lehigh Line, LLC
101 R. J. Corman Drive
PO Box 788
Nicholasville, Kentucky 40356
859-881-6648

R. J. Corman Railroad Company/Owego & Harford, LLC
101 R. J. Corman Drive
PO Box 788
Nicholasville, Kentucky 40356
859-881-6648

R. J. Corman Railroad Company/Luzerne & Susquehanna, LLC
101 R. J. Corman Drive
PO Box 788
Nicholasville, Kentucky 40356
859-881-6648

Certification.

Applicant hereby certifies that (1) LRWY, LS and OHRY and the RJC Railroads would not connect with each other or any other railroad in the corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the carriers with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I

carrier. Therefore, pursuant to 49 C.F.R. §1180.2(d)(2), the proposed transaction is exempt from the prior approval requirements of 49 U.S.C. § 11323.

Names of counsel to whom questions can be addressed.

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

49 CFR §1180.6(a)(1)(ii) - Schedule for Consummation

The parties propose to consummate the proposed transaction on or after the respective effective dates established by the Board in (1) Finance Docket No. 36428 for LRWY to replace Lehigh Railway, LLC as operator as exclusive operator of the LRWY Line, (2) Finance Docket No. 36429 for LS to replace Luzerne & Susquehanna Railway Company as exclusive operator of the LS Line, and (3) Finance Docket No. 36430 for OHRY to replace the Owego and Harford Railway, Inc. as the exclusive operator of the OHRY Line.

49 CFR §1180.6(a)(1)(iii) - Purpose of Transaction

The purpose of the transaction is to allow Applicant to continue in control of LRWY, LS and OHRY upon becoming rail carriers to promote operating efficiency and maximize the reliability of rail service provided by LRWY, LS and OHRY.

49 CFR §1180.6(a)(5) - List of States in which Parties' Property is Located

Applicant controls the following rail carriers who operate in the states specified.

<u>Carriers</u>	<u>State</u>
RJCL	Ohio
RJCW	Ohio and Indiana
RJCP	Pennsylvania and West Virginia
RJCN	Pennsylvania
RJCR and RJCC	Kentucky
RJCS	North Carolina and South Carolina
RJCD	Texas
RJCM	Tennessee and Kentucky
RJCK	Tennessee and Mississippi
NERR	Tennessee
NWR	Tennessee
RJAL	Alabama

49 CFR §1180.6(a)(6) – Maps Exhibit

Maps showing the locations of the rail lines operated by Applicant and LRWY, LS and OHRY are attached as Exhibit A.

49 CFR §1180.6(a)(7)(ii) - Agreements

Applicant has not and does not plan to enter into an agreement related to Applicant's continuance in control of LRWY, LS and OHRY.

49 CFR §1180.4(g)(1)(i) - Level of Labor Protection

This proposed transaction involves only Class III carriers and as such, no labor protection applies to this transaction. 49 U.S.C. § 11326(c).

49 CFR 1180.4(g)(4) – Interchange Commitment

Applicant certifies that this continuance in control transaction does not contain any provision or agreement that would limit future interchange with a third-party connecting carrier.

The related proceeding, *R. J. Corman Railroad Company/Lehigh Line, LLC – Change Operators*,

Lease and Operation Exemption with Interchange Commitment – Lehigh Railway, LLC and Norfolk Southern Railway Company, Finance Docket No. 36428, includes a Lease Amendment #2 between LRWY and NSR that contains an interchange commitment, in the form of an interchange fee that affects interchange with carriers other than NSR at the interchange points. LRWY has complied with the applicable interchange disclosure requirements in that docket.

49 C.F.R. § 1105.6 through 1105.8 - Environmental and Historic Report

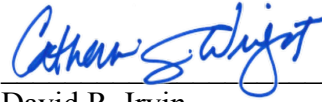
Pursuant to 49 C.F.R. § 1105.6(c)(1), the proposed transaction is exempt from environmental reporting requirements. The proposed transaction will not result in significant changes in carrier operations, i.e. changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

The proposed transaction also is excepted from historic preservation reporting requirements under 49 C.F.R. § 1105.8(b)(3). The control transaction will not substantially change the level of maintenance of any railroad property.

Caption Summary.

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

Respectfully submitted this 19th day of August 2020.



David R. Irvin

Catherine S. Wright

IRVIN RIGSBY PLC

110 N. Main St.

Nicholasville, Kentucky 40356

dirvin@irvinrigsby.com

cwright@irvinrigsby.com

(859) 724-4104

*Counsel for R. J. Corman Railroad
Company, LLC*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36431

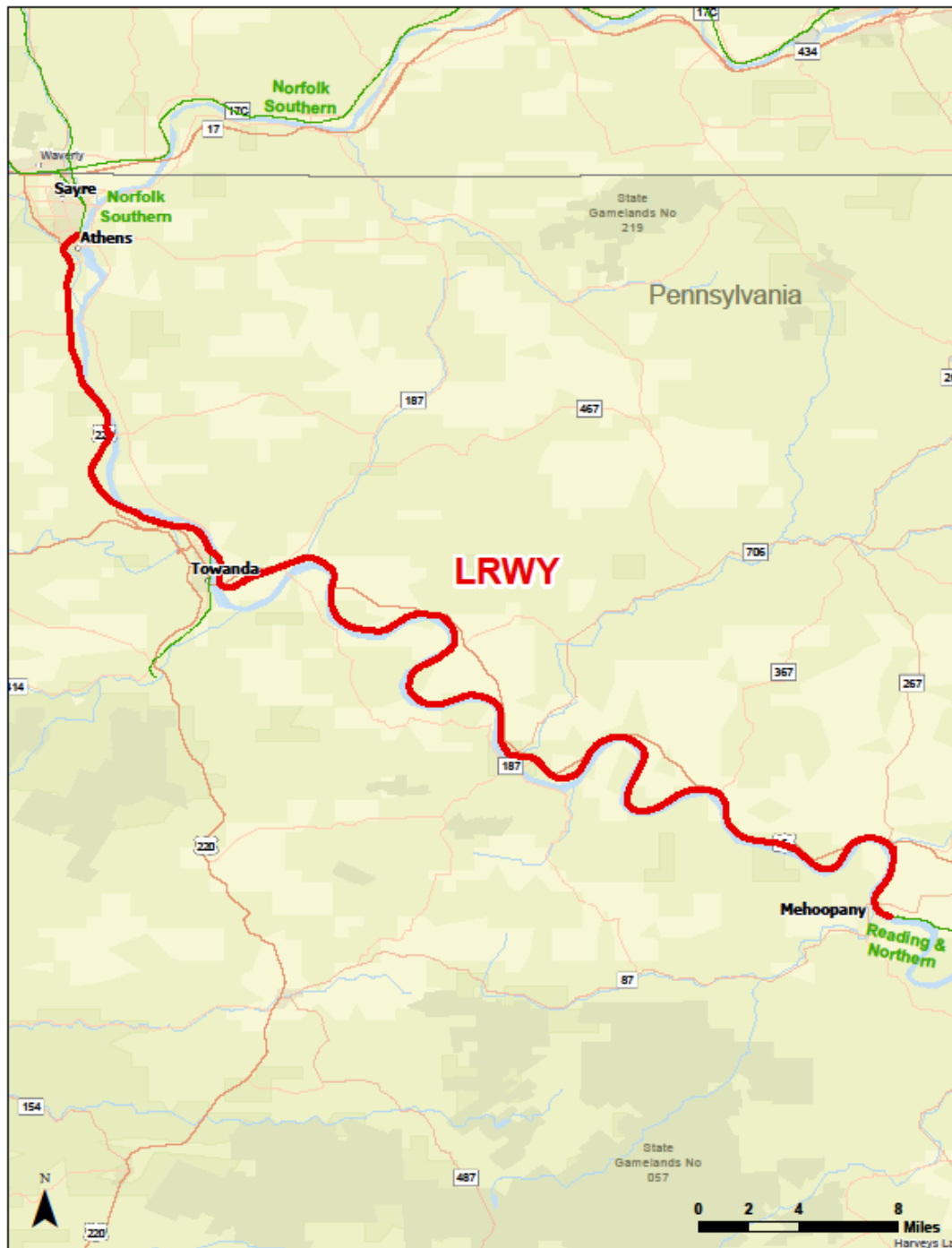
**R. J. CORMAN RAILROAD COMPANY, LLC – CONTINUANCE IN CONTROL
EXEMPTION – R. J. CORMAN RAILROAD COMPANY/LEHIGH LINE, LLC, R. J.
CORMAN RAILROAD COMPANY/OWEGO & HARFORD LINE, LLC, AND R. J.
CORMAN RAILROAD COMPANY/LUZERNE & SUSQUEHANNA LINE, LLC**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1180.2(d)(2)**

EXHIBIT A

CONTAINS COLOR IMAGES

R. J. Corman Railroad Company/Lehigh Line (LRWY)



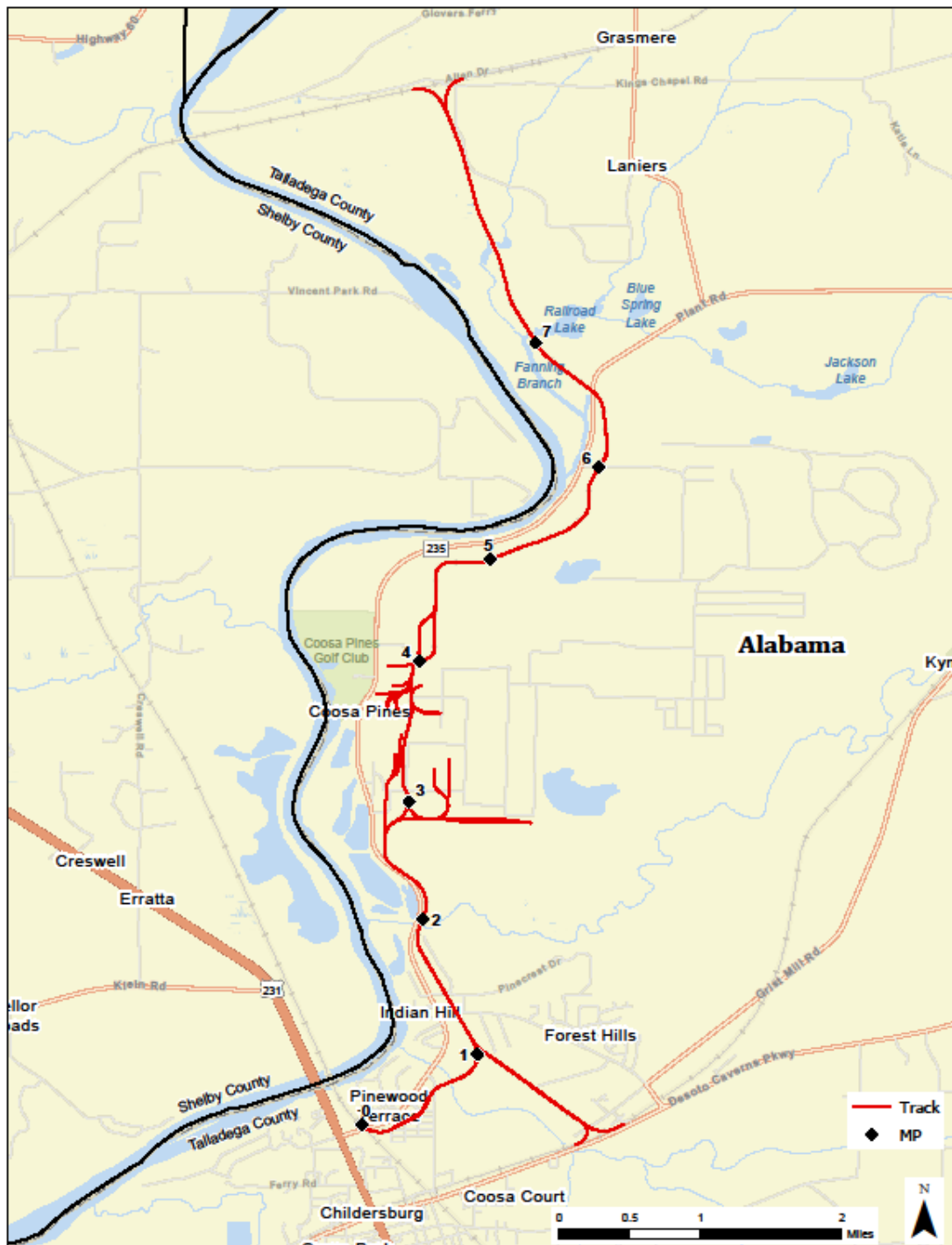
R. J. Corman Railroad Company/Owego & Harford Line (OHRY)



R. J. Corman Railroad Company/Luzerne & Susquehanna Line (LS)



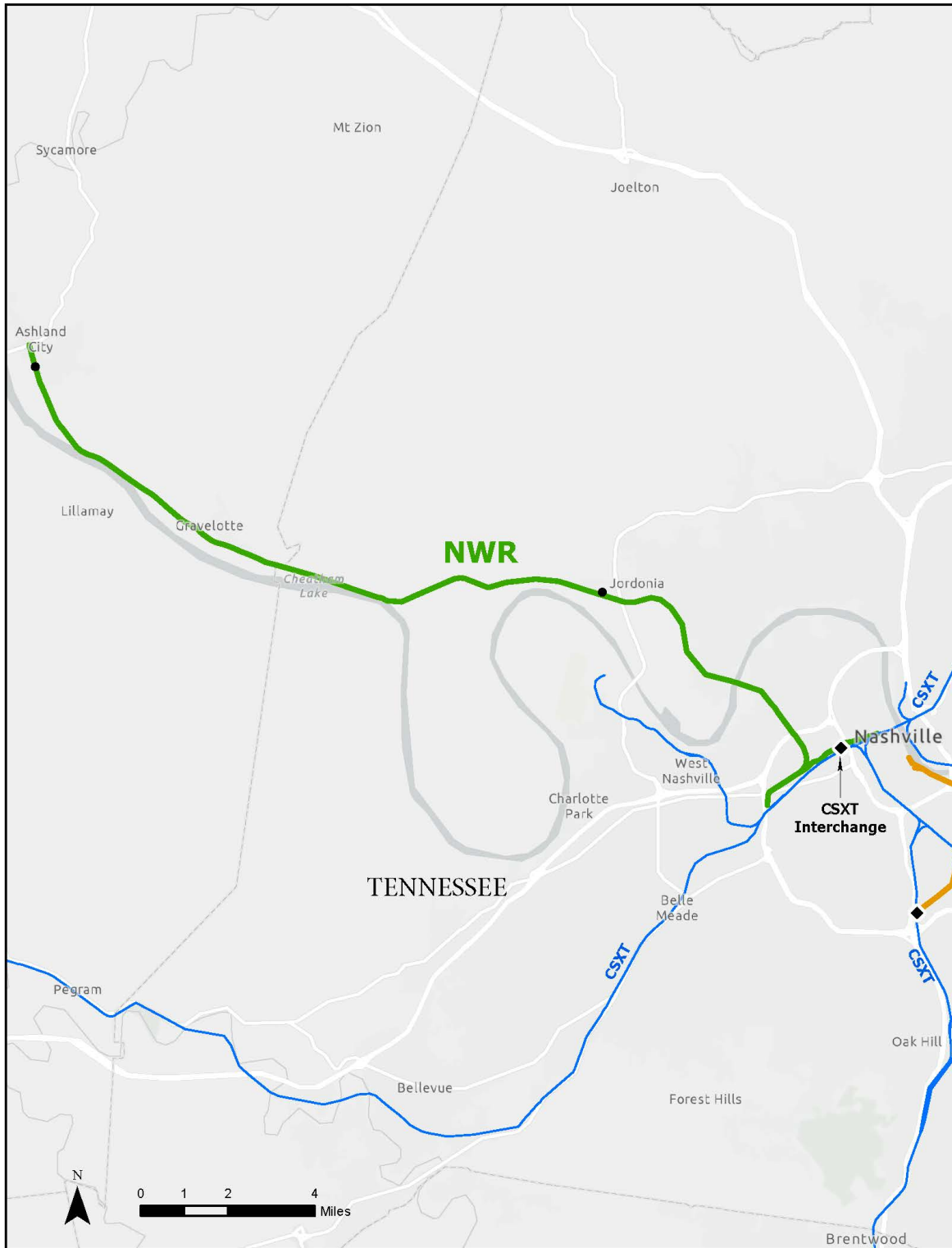
R. J. Corman Railroad Company/Childersburg Line (RJAL)



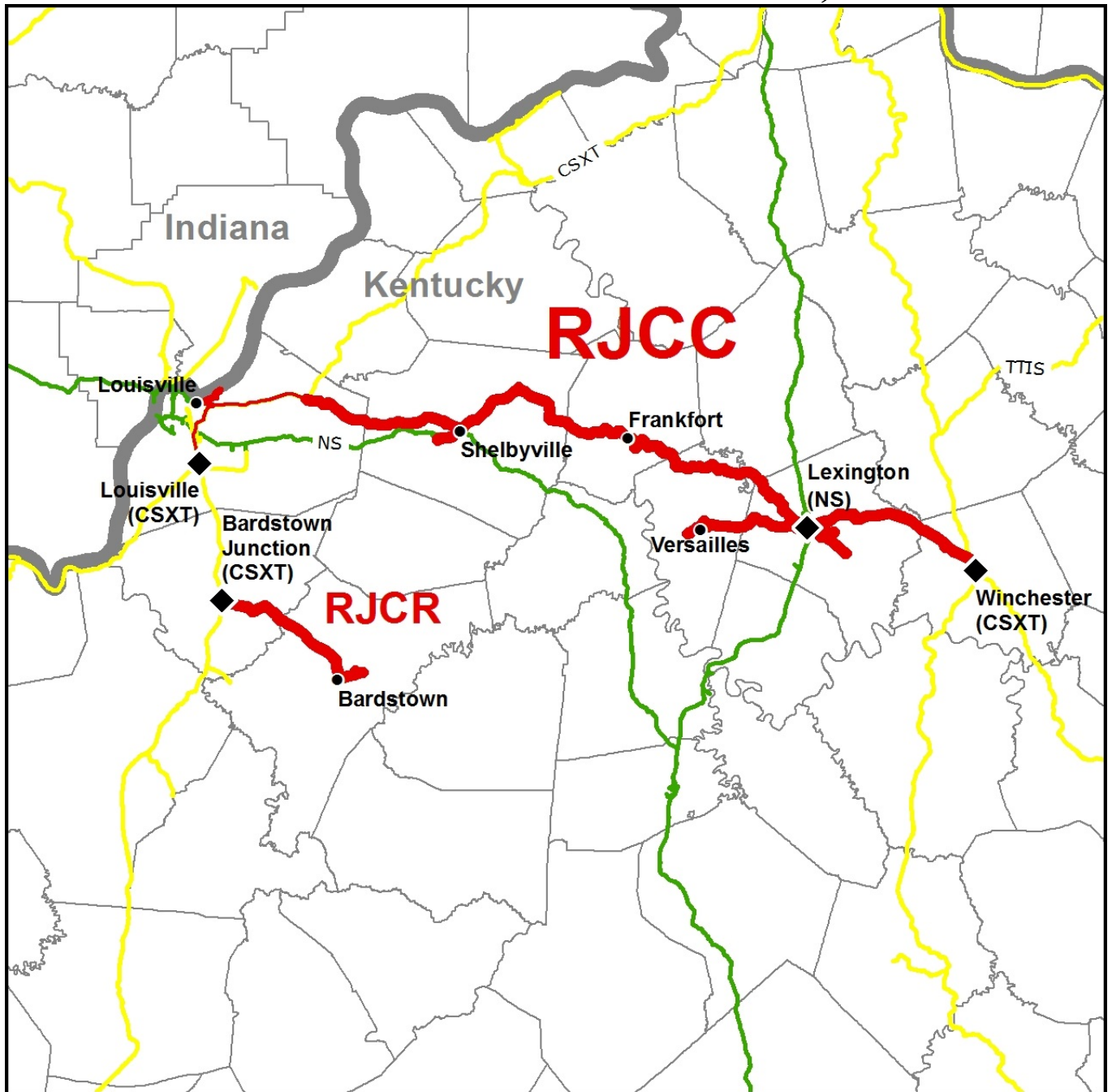
Nashville & Eastern Railroad Corp. (NERR)



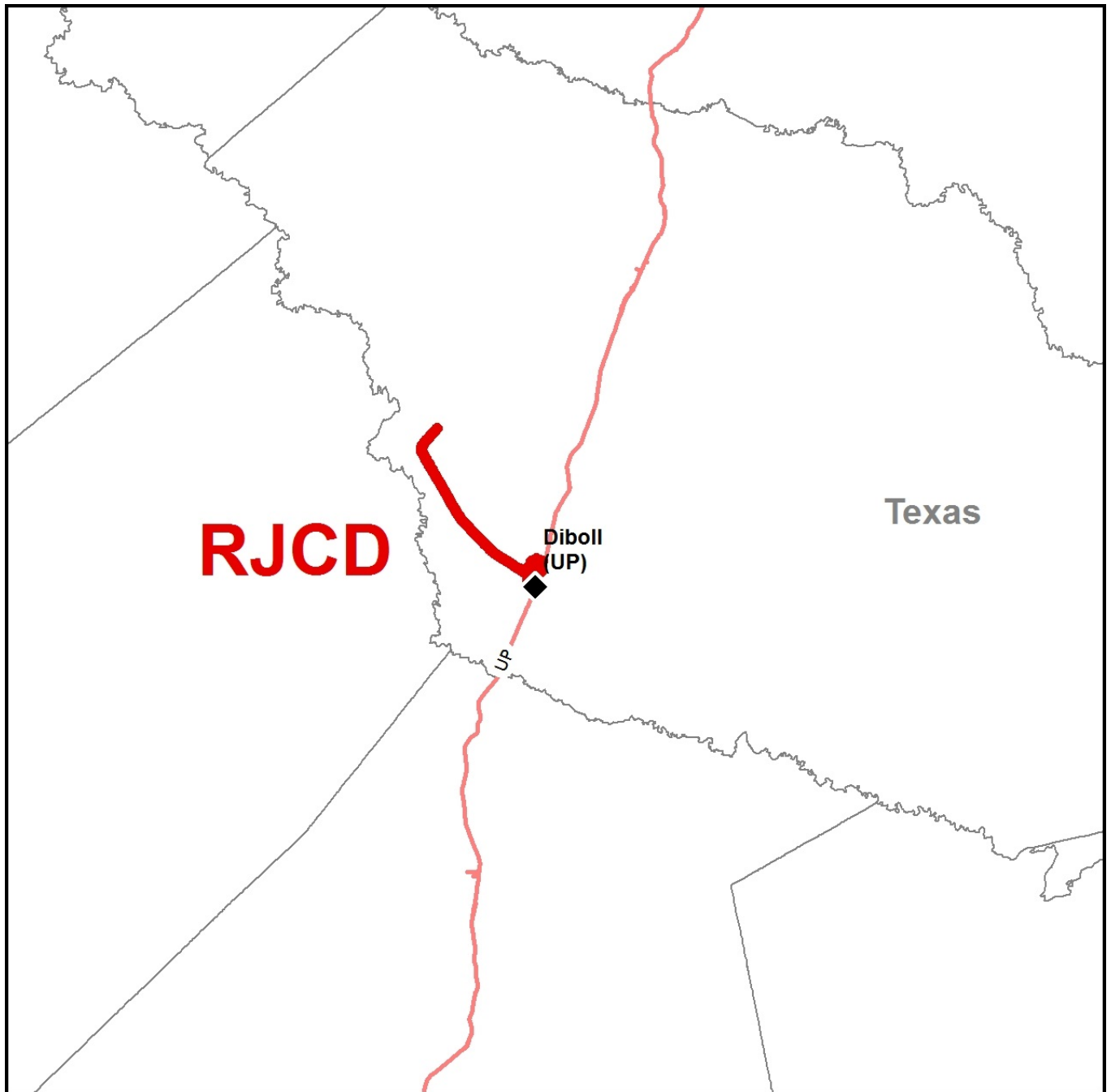
Nashville and Western Railroad Corp. (NWR)



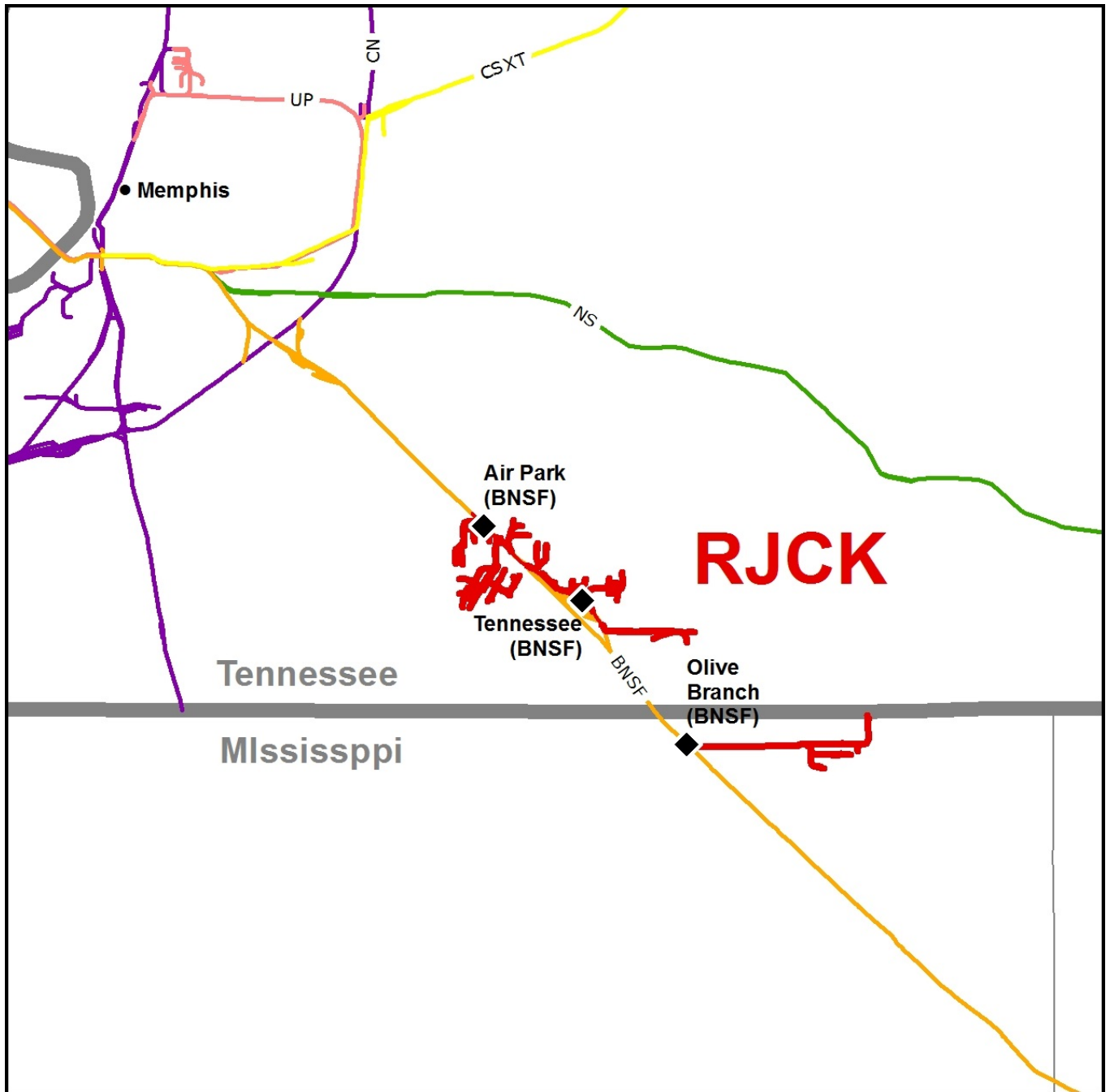
R. J. Corman Railroad/Central Kentucky Lines, LLC
R. J. Corman Railroad/Bardstown Line, LLC



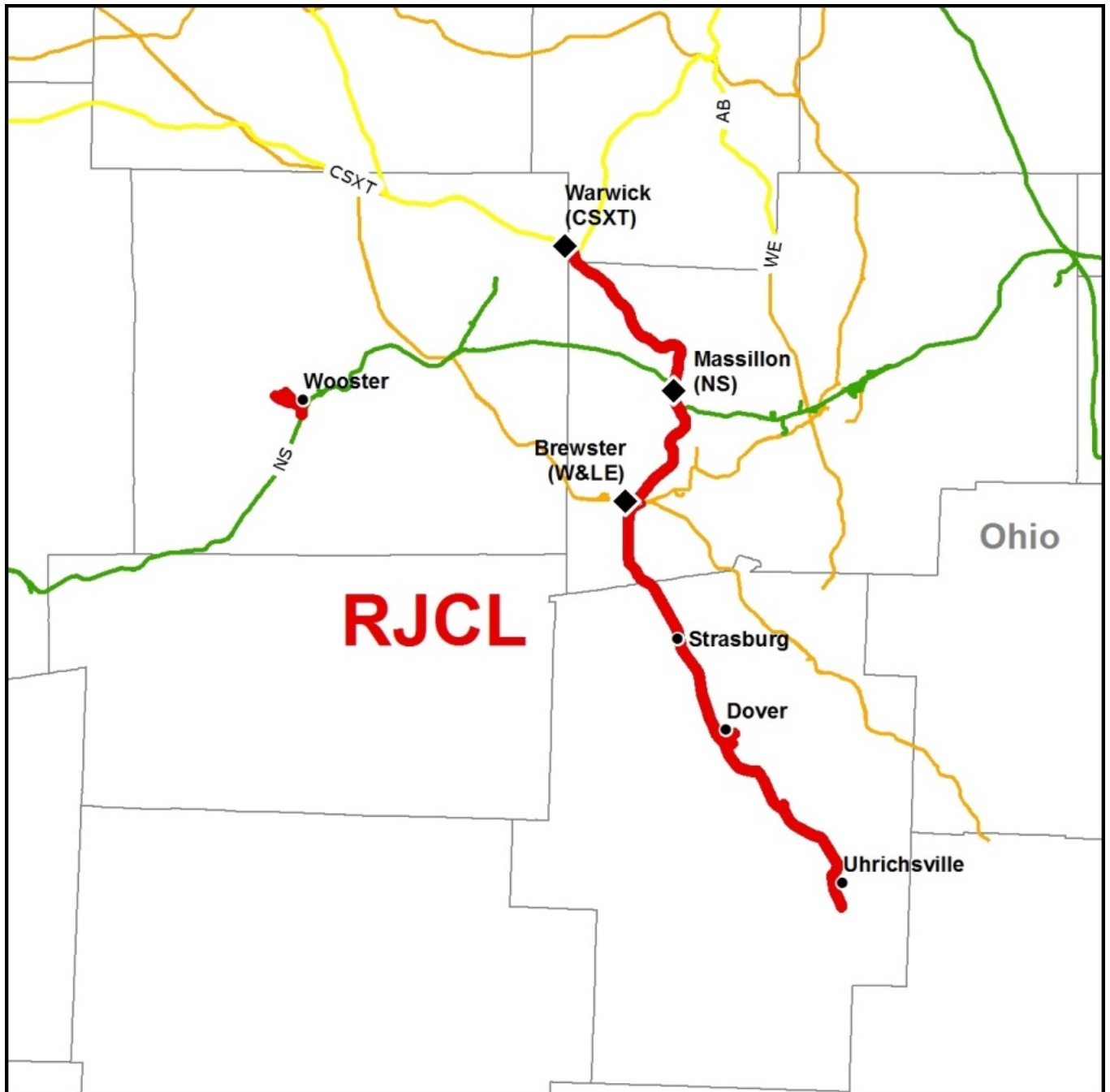
R. J. Corman Railroad/Texas Lines, LLC



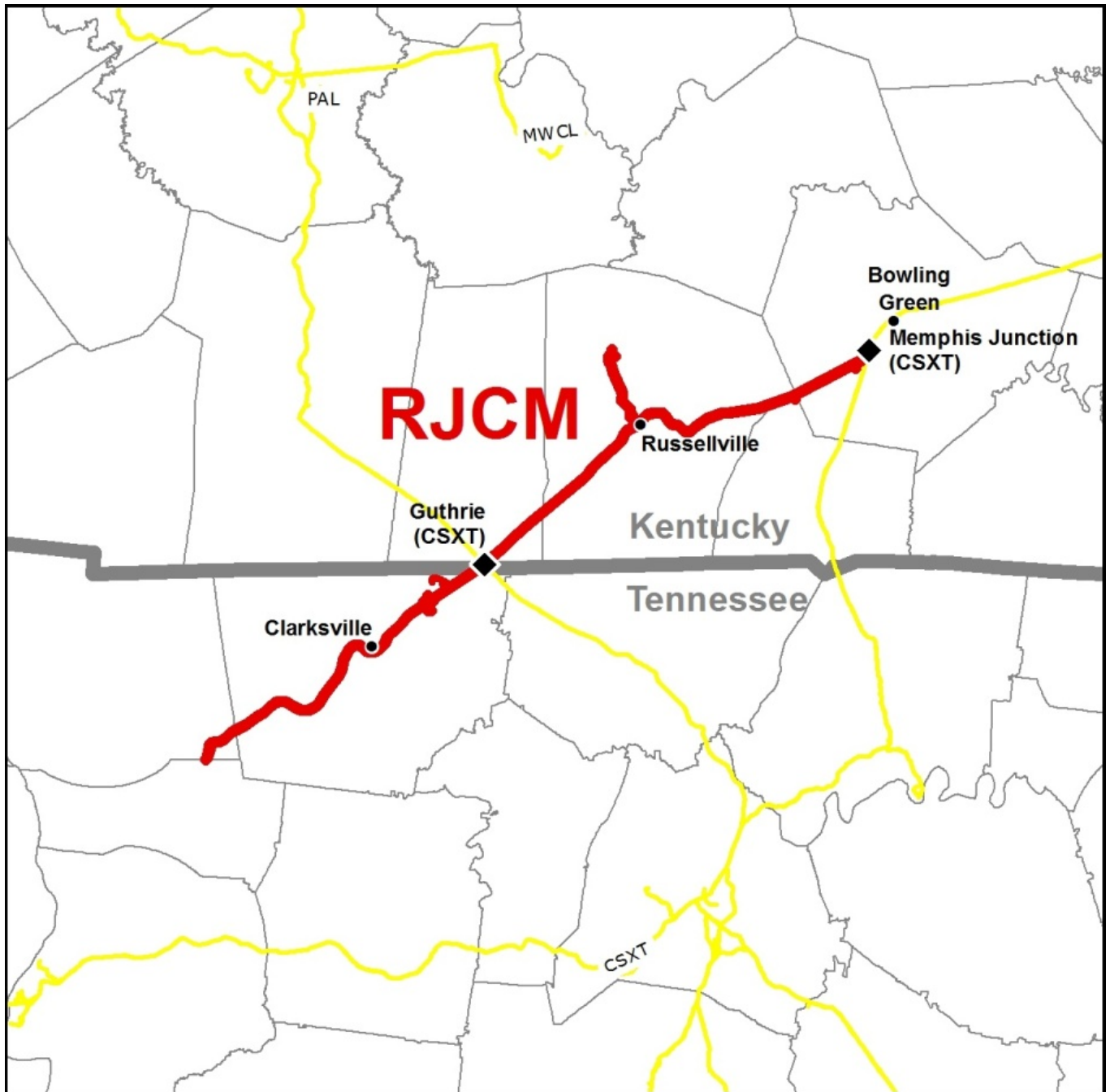
R. J. Corman Railroad/Tennessee Terminal, LLC



R. J. Corman Railroad/Cleveland Line, LLC



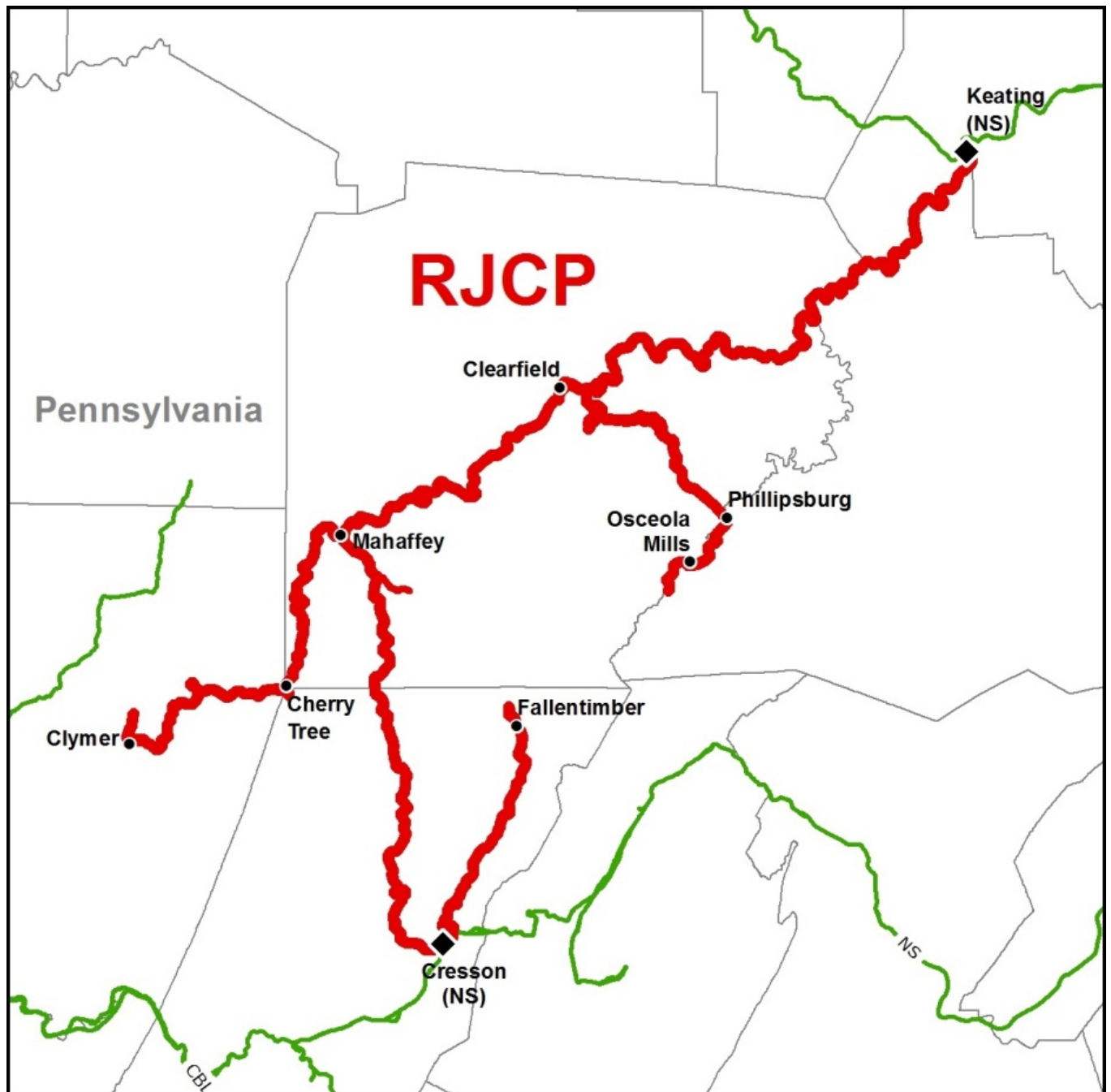
R. J. Corman Railroad/Memphis Lines, LLC



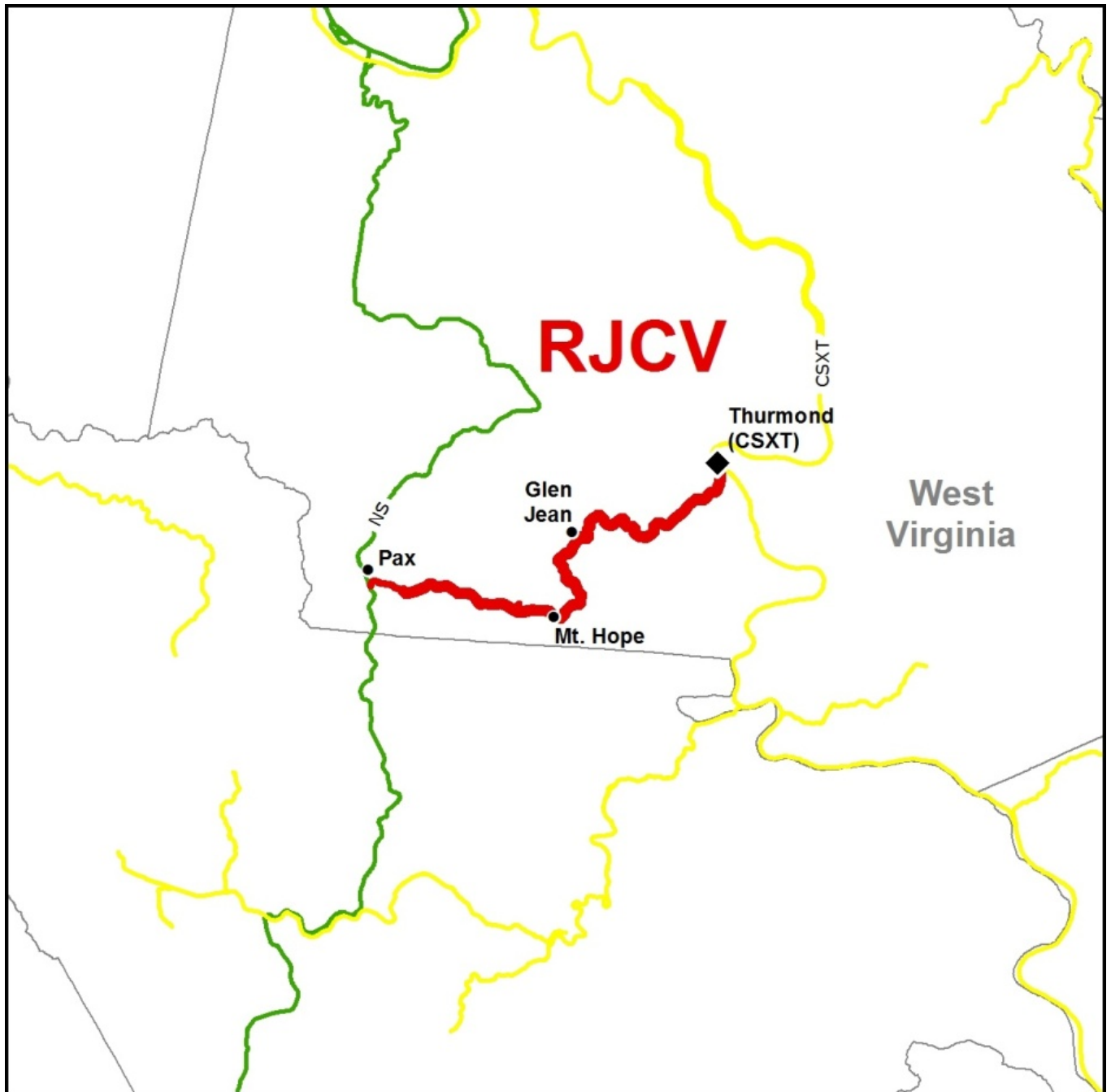
R. J. Corman Railroad/Allentown Lines, LLC



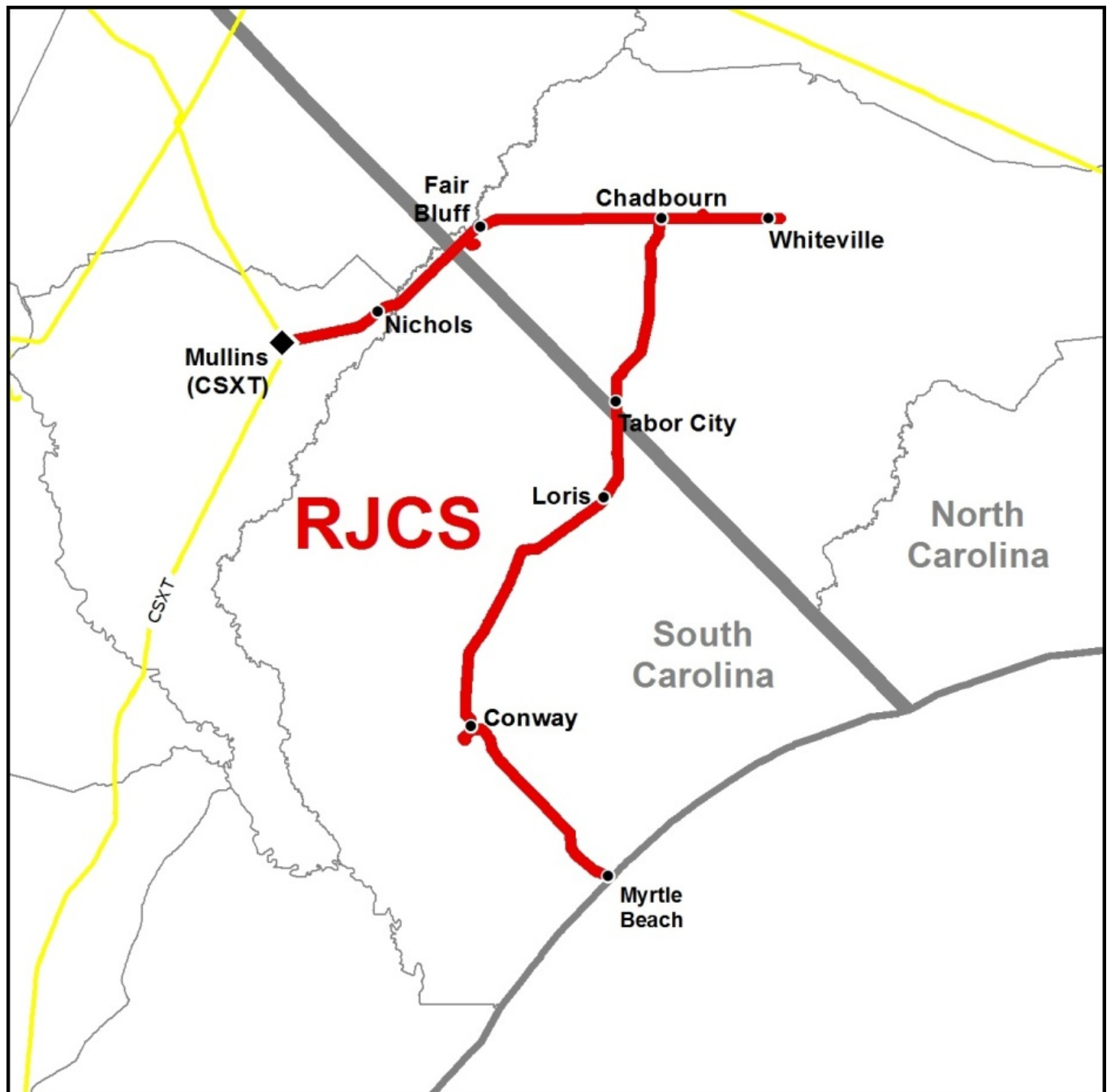
R. J. Corman Railroad/Pennsylvania Lines, LLC



R. J. Corman Railroad/Pennsylvania Lines, LLC
cont'd.



R. J. Corman Railroad/Carolina Lines, LLC



R. J. Corman Railroad/Western Ohio Line, LLC

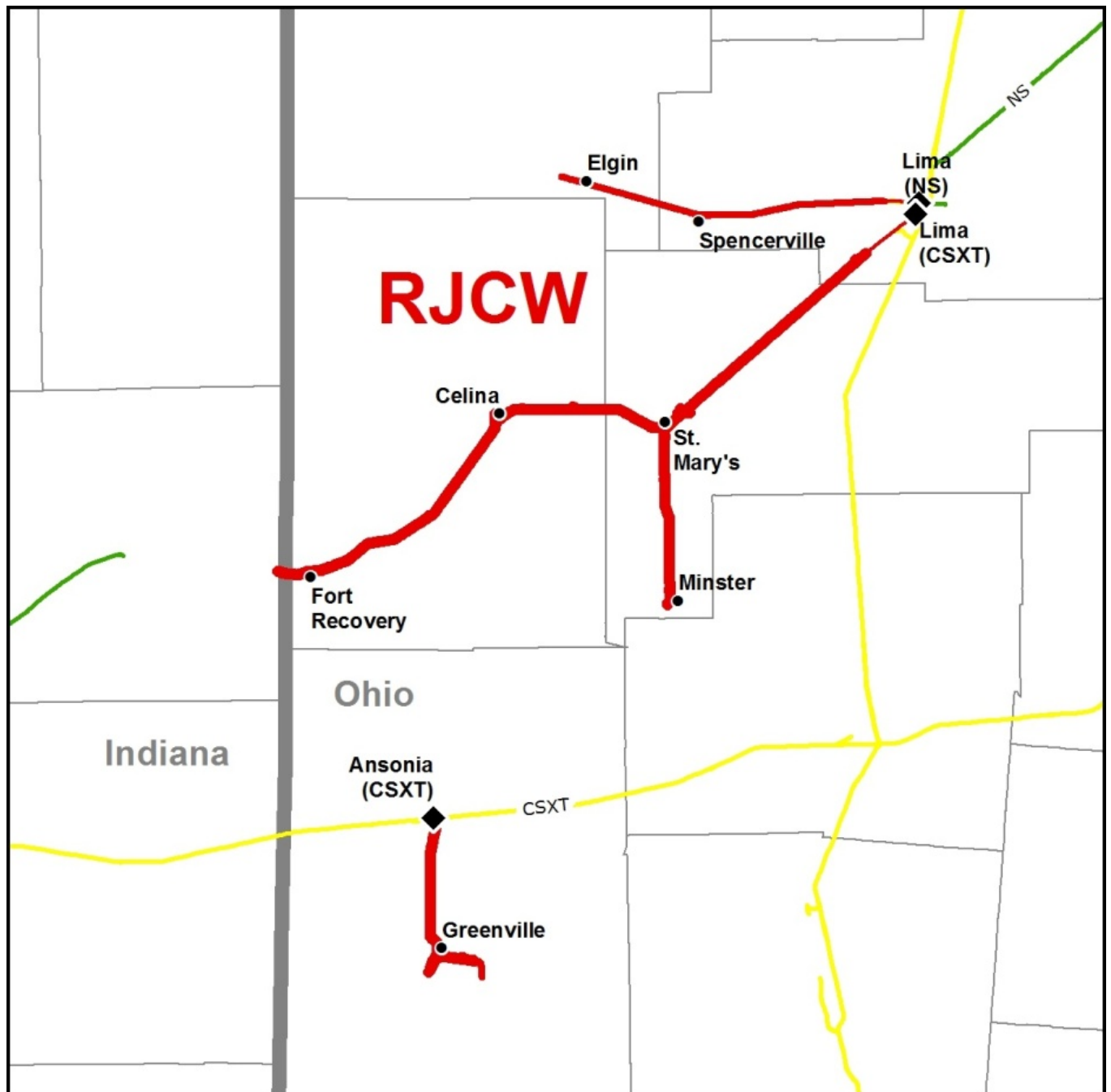


EXHIBIT B

VERIFICATION

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury under the laws of the United States that the foregoing Verified 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 August 19, 2020.


Ray Goss
President, R. J. Corman Railroad Company, LLC

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FD 36431

**R. J. CORMAN RAILROAD COMPANY, LLC – CONTINUANCE IN CONTROL
EXEMPTION – R. J. CORMAN RAILROAD COMPANY/LEHIGH LINE, LLC, R. J.
CORMAN RAILROAD COMPANY/OWEGO & HARFORD LINE, LLC, AND R. J.
CORMAN RAILROAD COMPANY/LUZERNE & SUSQUEHANNA LINE, LLC**

R. J. Corman Railroad Company, LLC (“Applicant”),¹ a non-carrier holding company, has filed a verified notice of exemption pursuant to 49 C.F.R. §§ 1180.2(d)(2) to continue in control of three newly formed entities that are currently non-carrier owned and controlled by Applicant: (1) R. J. Corman Railroad Company/Lehigh Line, LLC (“LRWY”) upon LRWY becoming a Class III rail carrier in *R. J. Corman Railroad Company/Lehigh Line, LLC – Change Operators, Lease and Operation Exemption with Interchange Commitment – Lehigh Railway, LLC and Norfolk Southern Railway Company*, Finance Docket No. 36428; (2) R. J. Corman Railroad Company/Luzerne & Susquehanna Line, LLC (“LS”) upon LS becoming a Class III rail carrier in *R. J. Corman Railroad Company/Luzerne & Susquehanna Line, LLC – Change Operators, Lease and Operation Exemption – Luzerne and Susquehanna Railway Co. and Luzerne County Rail Corporation*, Finance Docket No. 36429; and (3) R. J. Corman Railroad Company/Owego & Harford Line, LLC (“OHRY”) upon OHRY becoming a Class III rail carrier in *R. J. Corman Railroad Company/Owego & Harford Line, LLC – Notice of Modified Certificate of Public*

¹ R. J. Corman Railroad Company, LLC is a wholly owned subsidiary of R. J. Corman Railroad Group, LLC.

Convenience and Necessity, Finance Docket No. 36430, while Applicant remains in control of fifteen (15) other Class III STB regulated carriers, including two non-operating STB-regulated railroad carriers, R. J. Corman Railroad Property, LLC and R. J. Corman Railroad Company/Ashland, LLC.

This proceeding is related to three other proceedings: (1) *R. J. Corman Railroad Company/Lehigh Line, LLC – Change Operators, Lease and Operation Exemption with Interchange Commitment – Lehigh Railway, LLC and Norfolk Southern Railway Company*, Finance Docket No. 36428, in which LRWY has filed for authority to assume the lease and operation of 56.0 miles of rail line and related industrial track located in Bradford and Wyoming counties, Pennsylvania (“LRWY Line”); (2) *R. J. Corman Railroad Company/Luzerne & Susquehanna Line, LLC – Change Operators, Lease and Operation Exemption – Luzerne and Susquehanna Railway Co. and Luzerne County Rail Corporation*, Finance Docket No. 36429, in which LS has filed for authority to assume the lease and operation of approximately 55.09 miles of rail line, with additional trackage rights, located in Luzerne and Lackawanna counties, Pennsylvania (the “LS Line”); and *R. J. Corman Railroad Company/Owego & Harford Line, LLC – Notice of Modified Certificate of Public Convenience and Necessity*, Finance Docket No. 36430, in which OHRY has filed for authority to assume the lease and operation of approximately 27.6 miles of rail line located between milepost 0.0 at Owego, New York and milepost 27.6 at North Harford, New York (the “OHRY Line”).

The parties intend to consummate the proposed transaction on or after the respective effective dates established by the Board in (1) Finance Docket No. 36428 for LRWY to replace Lehigh Railway, LLC as operator as exclusive operator of the LRWY Line, (2) Finance Docket

No. 36429 for LS to replace Luzerne & Susquehanna Railway Company as exclusive operation of the LS Line, and (3) Finance Docket No. 36430 for OHRY to replace the Owego and Harford Railway, Inc. as the exclusive operator of the OHRY Line.

The operating railroads under Applicant's ownership and control are: RJCW, RJCP, RJCN, RJCR, RJCL, RJCS, RJCC, RJCD, RJCK, RJCM, NERR, NWR, and RJAL. Applicant certifies that (1) the rail lines to be operated by LRWY, LS and OHRY do not connect with each other or any other railroads in the Applicant's corporate family; (2) the proposed continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. § 11323. *See* 49 C.F.R. § 1180.2(d)(2).

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.

If this 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: _____, 2020

By the Board