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208 SOUTH LASALLE STREET - SUITE 1666
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THOMAS F. McFARLAND

May 15, 2019

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May 15, 2019
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By e-filing

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

Re: Finance Docket No. 36305, *Indiana Eastern Railroad, LLC -- Lease and
Operation Exemption -- CSX Transportation, Inc.*

Dear Ms. Brown:

Hereby transmitted is the original Verified Notice Of Exemption Under 49 C.F.R.
§ 1150.41 for filing with the Board in the above referenced matter.

The \$2000 filing fee was paid through pay.gov.

Very truly yours,



Thomas F. McFarland
Attorney for Applicant

TMcF:kl:\1842\efSTB1

FEE RECEIVED
May 15, 2019
SURFACE
TRANSPORTATION BOARD

FILED
May 15, 2019
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

INDIANA EASTERN RAILROAD, LLC --)
LEASE AND OPERATION EXEMPTION) FINANCE DOCKET
-- CSX TRANSPORTATION, INC.) NO. 36305

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

INDIANA EASTERN RAILROAD, LLC
412 West 4th Street
Edwardsville, IL 62025

Applicant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1112
(312) 236-0204 (office)
mcfarland@aol.com

Attorney for Applicant

Date Filed: May 15, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

INDIANA EASTERN RAILROAD, LLC --	)	
LEASE AND OPERATION EXEMPTION	)	FINANCE DOCKET
-- CSX TRANSPORTATION, INC.	)	NO. 36305
	)	

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

Pursuant to 49 C.F.R. § 1150.41, et seq., INDIANA EASTERN RAILROAD, LLC (IERR), a Class III rail carrier, hereby provides notice of its exemption from 49 U.S.C. § 11323 for an extension until May 6, 2029 of its lease from CSX TRANSPORTATION, INC. (CSXT) for operation of a 43-mile rail line between Milepost No. CI 61.9 at or near Richmond, IN and Milepost No. CI 18.9 at or near Fernald, OH, in Wayne, Union, and Franklin Counties, IN and Butler and Hamilton Counties, OH (the Rail Line).^{1/}

^{1/} IERR, d.b.a. Ohio South Central Railroad, leases from the City of Jackson, Ohio, and operates approximately 64 miles of rail line in Ohio, i.e.:

(1) Milepost 91.6 at RA Junction near Richmond Dale, Ross County and Milepost 95.5 at West Junction, Ross County; and

(2) between Milepost 112.3 at West Junction and Milepost 127.5 near Hamden, Vinton County; and

(3) between Milepost 127.5 near Hamden and Milepost 136.8 near Red Diamond, Vinton County; and

(4) between Milepost 0.0 at Hamden and Milepost 31 near Firebrick, Jackson County; and

(5) between Milepost 0.0 in the City, Link Township and Milepost 4.5 in Liberty Township.

There is no proposed change in that lease.

IERR's Lease of the Rail Line from CSXT is scheduled to expire on August 25, 2025. IERR is pursuing public grants of funds to invest in the lease to support safety, service, and industrial development. A requirement of such grants is that IERR have control of the Lease for a minimum of 10 years from the date of the grant.

Accordingly, on May 6, 2019, IERR and CSXT agreed in Amendment No. 2 of the Lease to extend the term of the Lease for 10 years from the date of the Amendment, i.e., until May 6, 2029.^{2/}

INFORMATION REQUIRED BY 49 C.F.R. § 1150.43

(a) The full name and address of the applicant;

Applicant is INDIANA EASTERN RAILROAD, LLC (IERR), 412 West 4th Street, Edwardsville, IL 62025.

(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence;

Applicant's representative is Thomas F. McFarland, Thomas F. McFarland, P.C. 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, ph (312) 236-0204, mcfarland@aol.com.

(c) A statement that an agreement has been reached or details about when an agreement will be reached;

An agreement has been reached between IERR and CSXT for extension of the expiration date of the Lease from August 25, 2025 to May 6, 2029.

^{2/} An exemption for the CSXT-IERR lease and operation was obtained in *Indiana Eastern Railroad, LLC -- Lease and Operation Exemption -- CSX Transportation, Inc.*, 2005 WL 1995970 (STB Finance Docket No. 34727, decision served August 19, 2005).

(d) The operator of the property;

IERR will operate the property.

(e) A brief summary of the proposed transaction, including:

(1) The name and address of the railroad transferring the subject operating authority,

N/A, CSXT will remain as owner of the Rail Line.

(2) The proposed time schedule for consummation of the transaction,

The transaction will be consummated no sooner than 30 days after this Verified Notice is filed.

(3) The mile-posts of the subject property, including any branch lines, and

Milepost 61.9 near Richmond, IN and Milepost 18.9 near Fernald, OH.

(4) The total route miles being acquired;

A total of approximately 43 miles of rail line will be acquired.

(f) A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States; and

The required map is attached as Appendix 1.

(g) A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier.

Attached as Appendix 2 is a certificate of an authorized representative of IERR that (1) IERR's projected revenues as a result of the transaction will not result in the creation of a Class I or Class II rail carrier; (2) the projected annual revenues of the Rail Lines involved together with the acquiring carrier's projected revenues will not exceed \$5 million; and (3) all other statements in the Verified Notice of Exemption are true and correct.

(h) The filing party must certify whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means ("interchange commitment").

The proposed operation does not involve an Interchange Commitment.

LABOR PROTECTION

The proposed extension of lease expiration does not require labor protective conditions.

See 49 U.S.C. § 10902(c).

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

The proposed extension of lease expiration date does not require environmental or historic reporting. *See 49 C.F.R. § 1105.6(c)(1) and 49 C.F.R. § 1150.8(b)(1).*

CAPTION SUMMARY

The required caption summary is attached to this Verified Notice as Appendix 3.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, for the reasons stated, the Board should accept this Verified Notice of Exemption under 49 C.F.R. § 1150.41, et seq. for filing, and should publish it in the *Federal Register* within 16 days of filing of the Verified Notice.

Respectfully submitted,

INDIANA EASTERN RAILROAD, LLC
412 West 4th Street
Edwardsville, IL 62025

Applicant

Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1112
(312) 236-0204 (ph)
mcfarland@aol.com

Attorney for Applicant

Date Filed: May 15, 2019

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Finance Docket No. 36305

Indiana Eastern Railroad

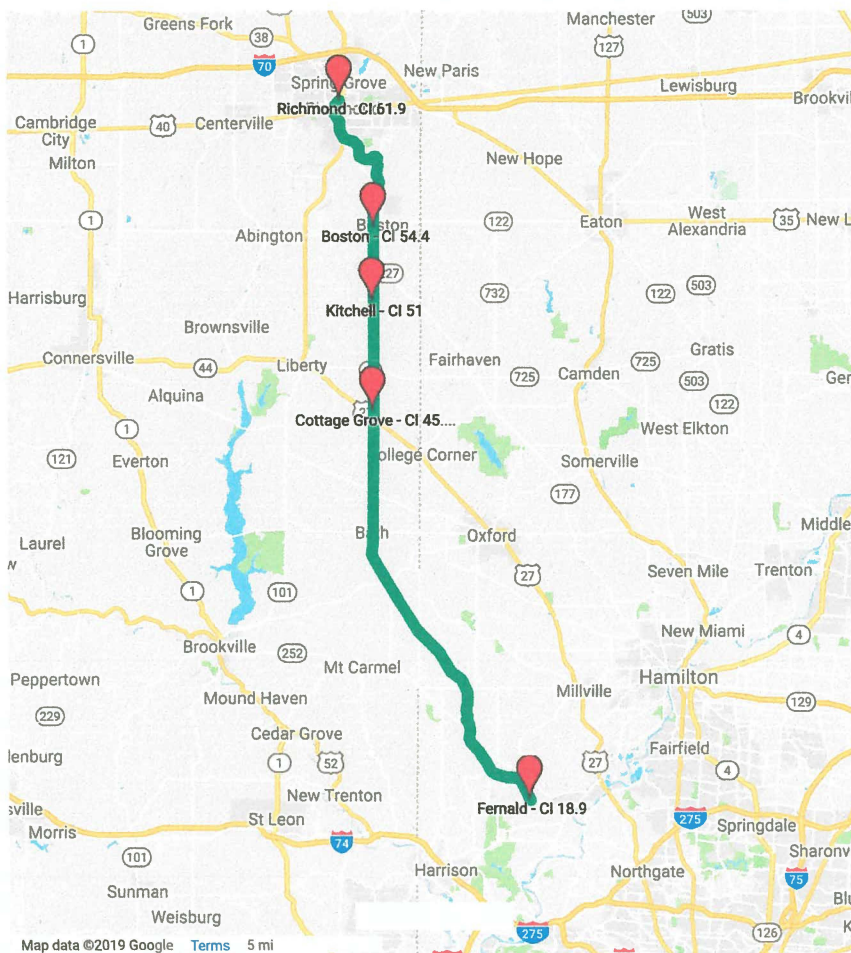
Appendix 1

Operations Office:

2551 S. US Hwy 27
Liberty, IN 47353
Office: (765) 732-3151
Fax: (765) 732-3416

IERR is a 43 mile rail line serving Wayne, Union and Franklin counties in Indiana and Butler and Hamilton counties in Ohio. CSX interchange located at Cottage Grove, IN.

Indiana Eastern Railroad, LLC



Indiana Eastern Railroad, LLC

412 W. 4th St.
Edwardsville, IL 62025
Office: (618) 830-6124
Fax: (618) 655-9426

IERR Operations Office

2551 S. US Hwy 27
Liberty, IN 47353
Office: (765) 732-3161
Fax: (765) 732-3416

Ohio South Central Railroad

6 E. Railroad St.
Hamden, OH 45634
Office: (740) 855-4099
Fax: (740) 855-9016

VERIFICATION

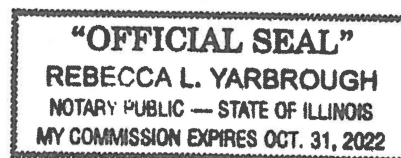
STATE OF ILLINOIS)
) SS:
COUNTY OF MADISON)

GEORGE C. ANDRES, being duly sworn, states that he is an authorized representative of INDIANA EASTERN RAILROAD LLC (IERR); that he has read the foregoing Notice of Exemption; that the projected annual revenue of the rail line being acquired by IERR, together with IERR's annual revenues, do not exceed \$5 million; that IERR's projected revenues as a result of the proposed acquisition will not result in the creation of a Class I or Class II rail carrier; that the proposed acquisition does not involve any interchange commitment as defined in 49 C.F.R. § 1150.43(h); and that all allegations of fact contained in IERR's Notice of Exemption are true and correct.

George C. Andres
GEORGE C. ANDRES

SUBSCRIBED AND SWORN to
before me this 14 day
of May, 2019.

Rebecca L. Yarbrough
Notary Public



My Commission Expires:

Appendix 3

CAPTION SUMMARY

**SURFACE TRANSPORTATION BOARD
NOTICE OF EXEMPTION**

(Finance Docket No. 36305)

**INDIANA EASTERN RAILROAD, LLC -- LEASE'S EXTENSION EXEMPTION --
CSX TRANSPORTATION, INC.**

INDIANA EASTERN RAILROAD, LLC (IERR) a Class III rail carrier, has filed a Verified Notice of Exemption for extension of the expiration date from August 25, 2025 to May 6, 2029 of its lease from CSX TRANSPORTATION, INC. (CSXT) and operation of a 43-mile rail line between Milepost No. CI 61.9 at or near Richmond, IN and Milepost No. CI 18.9 at or near Fernald, OH in Wayne, Union, and Franklin Counties, IN and Butler and Hamilton Counties, OH.

Any comments must be filed with the Board and must be served on IERR's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, ph (312) 236-0204, mcfarland@aol.com.

This Verified Notice is filed under 49 C.F.R. § 1150.41. 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.

(SEAL)

By the Board