



BRUSSELS CINCINNATI CLEVELAND COLUMBUS DAYTON NEW YORK WASHINGTON, D.C.

210859

May 12, 2004

Via Hand Delivery

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St., N.W.
Washington, D.C. 20423



RE: STB Finance Docket No. 34506, *Great Basin and Northern Railroad—Change in Operators Exemption—The City of Ely and the White Pine Historical Railroad Foundation*

Dear Secretary Williams:

Enclosed please find the original and ten (10) copies of the Verified Notice of Exemption of Great Basin and Northern Railroad for filing in the above referenced docket. A check in the amount of \$1,400, made payable to the Surface Transportation Board, is also enclosed to cover the related filing fee. As a courtesy, electronic copies of this filing in Microsoft Word and Adobe Acrobat are contained on the enclosed diskette.

One additional copy of this filing is enclosed for stamping and return to our offices.

Should you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

Sincerely,

Michael H. Higgins

Nicholas J. DiMichael
Michael H. Higgins
Counsel for Great Basin and Northern Railroad

FILED

MAY 12 2004

**SURFACE
TRANSPORTATION BOARD**

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**SURFACE
TRANSPORTATION BOARD**

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Office of Proceedings

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Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34506

GREAT BASIN AND NORTHERN RAILROAD
— CHANGE IN OPERATORS EXEMPTION —
THE CITY OF ELY AND THE WHITE PINE HISTORICAL RAILROAD
FOUNDATION



VERIFIED NOTICE OF EXEMPTION
OF
GREAT BASIN AND NORTHERN RAILROAD
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Applicant, Great Basin and Northern Railroad of East Ely, Nevada ("GB&N"), a non-carrier, hereby files this Verified Notice of Exemption, pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1150.31(a)(3) and states as follows:

a. Applicant's full name and address:

Great Basin and Northern Railroad
1100 Avenue A
P.O. Box 150040
East Ely, NV 89315

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b. Name, address, and telephone number of Applicant's representative:

Nicholas J. DiMichael
Michael H. Higgins
Thompson Hine LLP
1920 N Street, N.W.
Suite 800
Washington, DC 20036-1601
(202) 331-8800

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c. Agreement:

The City of Ely (the “City”) and White Pine Historical Railroad Foundation (the “Foundation”) have agreed to jointly grant non-exclusive trackage rights to GB&N on and over approximately 28.8 miles of railroad lines in White Pine County, Nevada, as more fully described below (the “Lines”), so that GB&N may commence and perform common carrier rail operations on and over the Lines. BHP Nevada Railroad Company last provided rail operations over the main line segment of the Lines, between Keystone and McGill Junction, pursuant to a license agreement with the City and the Foundation. BHP consummated its discontinuance of service over the segment on or about June 28, 2002. See STB Docket No. AB-598X, BHP Nevada Railroad Company—Discontinuance of Service Exemption—in Elko and White Pine Counties, NV, 2002 STB Lexis 316 (Served May 24, 2002). There are currently no active rail shippers on the Lines.

Presently, GB&N is neither a railroad, nor a person in control of a railroad.

d. Operator of the property:

GB&N will operate the Lines as a rail common carrier.

e. Brief summary of the proposed transaction.

1. The name and address of the entities transferring the property:

City of Ely
City Hall Building
501 Mill Street
Ely, NV 89301

White Pine Historical Railroad Foundation
1100 Avenue A
P.O. Box 150040
East Ely, NV 89315

2. Proposed time schedule for consummation of the transaction:

On or about seven days after the date of this Verified Notice of Exemption.

3. Milepost designations of the subject property:

The milepost designations for the subject property are as follows:

- (a) McGill Junction (MP 127.9) to Keystone (MP 146.1);
- (b) McGill Junction (MP 127.9) to McGill (MP MB 2.6); and
- (c) Hiline (MP 135.3) to Adverse (MP H-8).

4. The total route miles being acquired:

The total route miles being acquired is approximately 28.8 miles.

f. Map:

Maps of the Lines are attached hereto as Exhibits A and B.

g. Projected revenue certification:

The projected revenues of GB&N are not expected to exceed those of a Class III railroad, or \$5 million annually, requiring notification of employees pursuant to 49 C.F.R. 1150.32(e).

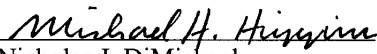
h. Environmental certification:

Since this is a change in operators over a rail line pursuant to a class exemption from the requirements of 49 U.S.C. § 10901(a) which will result in no significant changes in railroad operations exceeding the thresholds of 49 C.F.R. § 1105.7(e)(4) or (5), no environmental documentation is required. Similarly, since the proposed transaction will not result in the disposition or alteration of properties 50 years old or older, within the meaning of 49 C.F.R. § 1105.8(b)(1), and will not substantially change the level of maintenance of railroad property, within the meaning of 49 C.F.R. § 1105.8(b)(4), no historic report is required.

Respectfully submitted,

Great Basin and Northern Railroad

By its attorneys,



Nicholas J. DiMichael

Michael H. Higgins

Thompson Hine LLP

1920 N Street, N.W.

Suite 800

Washington, DC 20036-1601

(202) 331-8800

Dated: May 12, 2004

VERIFICATION

I, Mark S. Bassett, President of Great Basin and Northern Railroad, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Notice of Exemption and that its statements are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Great Basin and Northern Railroad. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. § 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. § 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Ely, Nevada, this 30th day of April 2004.



Mark S. Bassett

Exhibit A

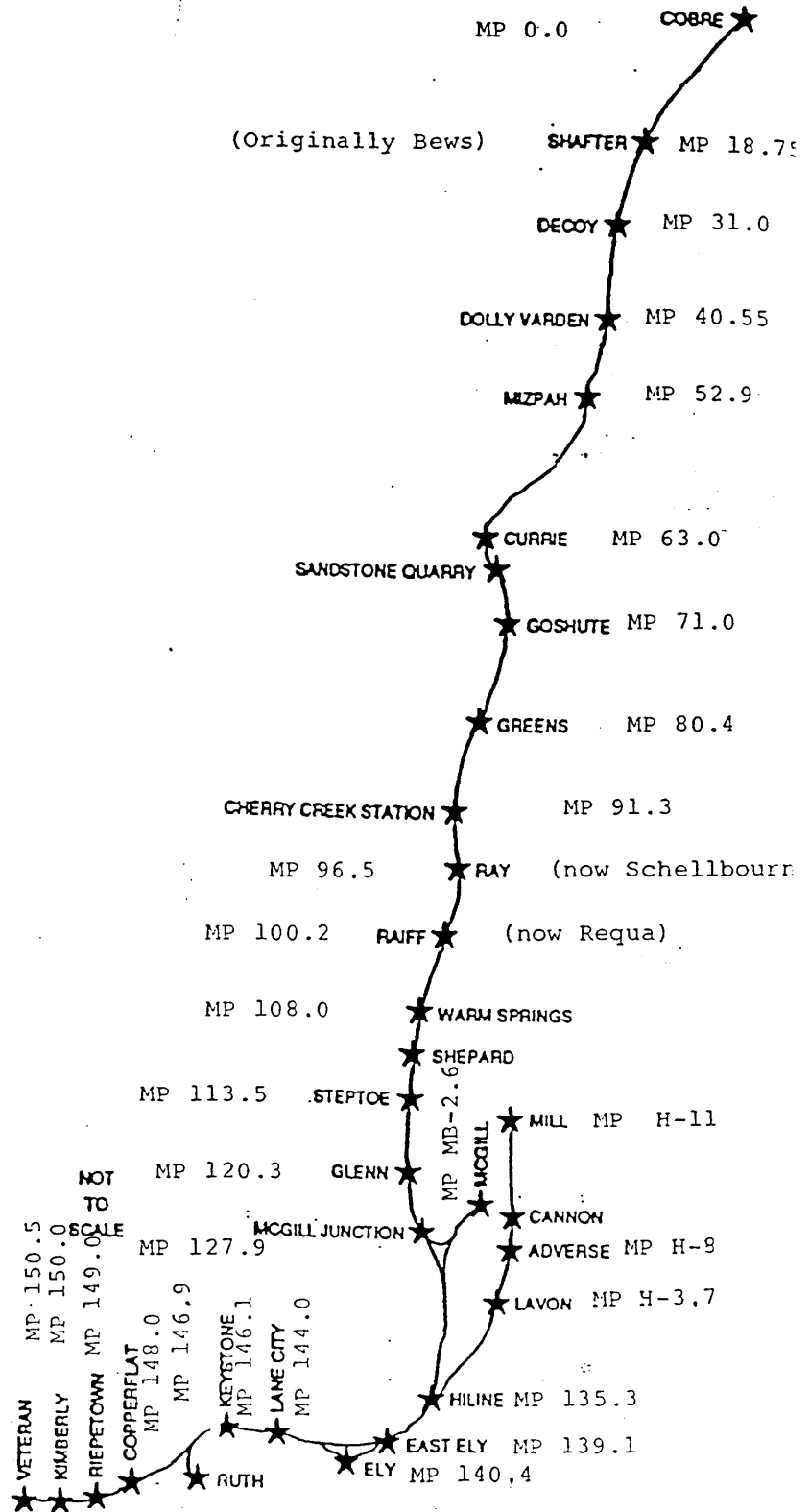
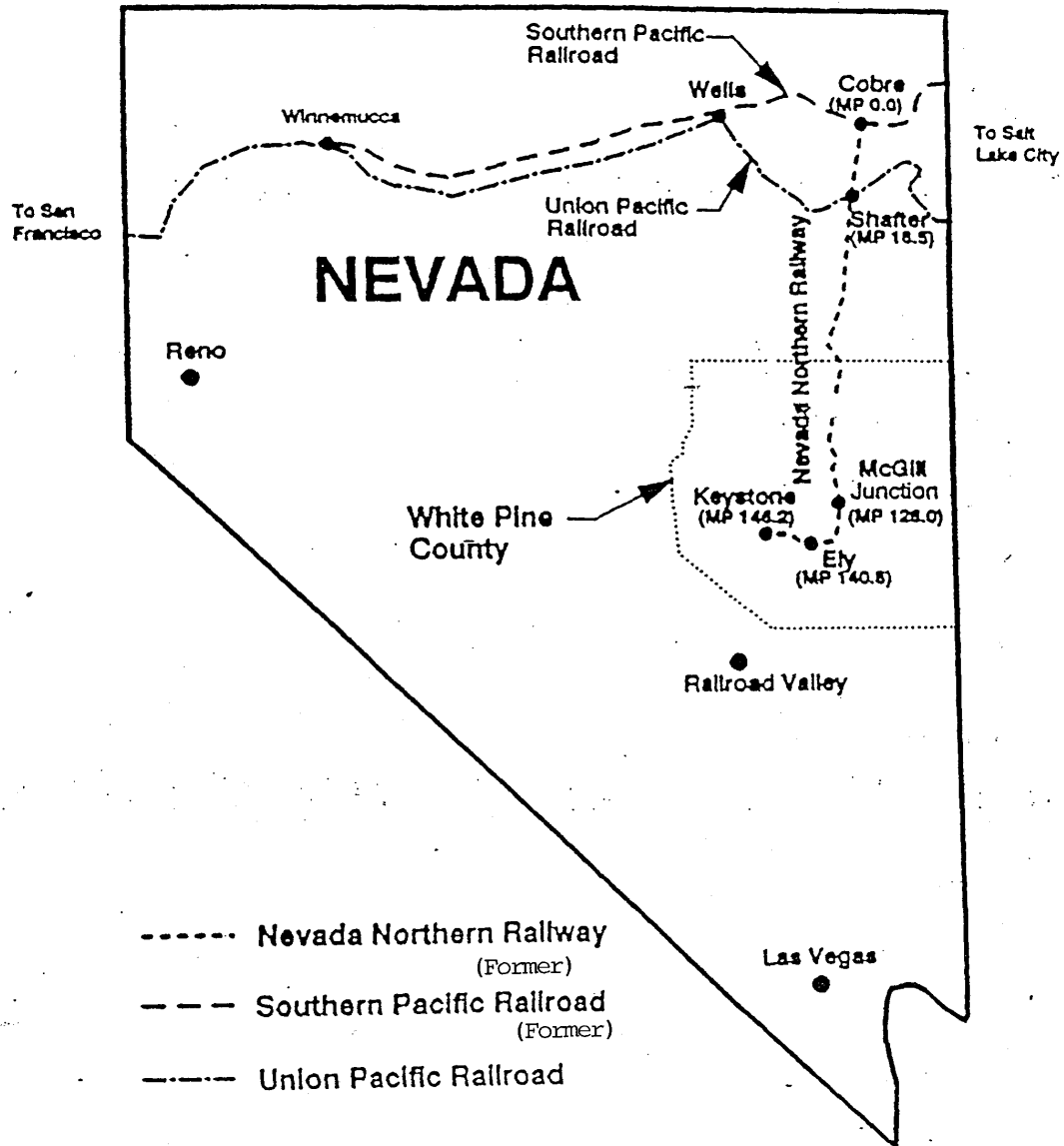


Exhibit B



CAPTION SUMMARY
BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34506

GREAT BASIN AND NORTHERN RAILROAD
— CHANGE IN OPERATORS EXEMPTION —
THE CITY OF ELY AND THE WHITE PINE HISTORICAL RAILROAD
FOUNDATION

Great Basin and Northern Railroad (“GB&N”), a non-carrier, has filed a Verified Notice of Exemption to change operators on and over approximately 28.8 miles of railroad lines in White Pine County, NV, presently owned by the City of Ely (the “City”) and White Pine Historical Railroad Foundation (the “Foundation”). The City and the Foundation have agreed to jointly grant non-exclusive trackage rights to GB&N on and over the railroad lines, so that GB&N may commence and perform common carrier rail operations. The milepost designations for the subject property are as follows: (a) McGill Junction (MP 127.9) to Keystone (MP 146.1); (b) McGill Junction (MP 127.9) to McGill (MP MB 2.6); and (c) Hiline (MP 135.3) to Adverse (MP H-8). Comments must be filed with the Board and served on Nicholas J. DiMichael, Esq., Thompson Hine LLP, 1920 N Street, N.W., Suite 800, Washington, D.C. 20036 (tel. 202-331-8800). The Verified Notice of Exemption is filed pursuant to 49 C.F.R. 1150.31(a)(3). If the Notice contains false or misleading information, then the exemption is void *ab initio*. Petitions to revoke the exemption, pursuant to 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.