

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36301]

Oakland Global Rail Enterprise, LLC—Acquisition Exemption—Rail Line in Alameda County, Cal.

Oakland Global Rail Enterprise, LLC (OGRE), has filed a verified notice of exemption under 49 C.F.R. § 1150.31 for authority after-the-fact to acquire by sublease from Oakland Bulk & Oversized Terminal, LLC (OBOT), approximately 15,000 lineal feet of rail line (located within approximately 11.5 acres of rail right of way) at the former Oakland Army Base (OAB) in Alameda County, Cal. (the Line).¹ OGRE states that the length of the Line includes parallel tracks running within the rail right-of-way, and that the Line does not have milepost designations.

According to OGRE, the City of Oakland leased to OBOT, an affiliate of OGRE, an existing railroad right-of-way located at the OAB, a portion of which includes the Line. OGRE subleased the railroad right-of-way from OBOT on June 26, 2018, with the intent to rehabilitate the rail line within that right-of-way in order to provide rail service

¹ As explained more fully in previous decisions in this docket, OGRE filed its verified notice in response to the Board's decision in Oakland Global Rail Enterprise—Petition for Declaratory Order, FD 36168 (STB served Mar. 15, 2019), and thereafter, the effective date of the exemption was postponed pending further order of the Board. Concurrent with the publication of this notice, the Board is serving a decision denying a petition by the City of Oakland to reject or revoke OGRE's verified notice and making the exemption effective on November 11, 2019. See Oakland Glob. Rail Enter.—Acquis. Exemption—Rail Line in Alameda Cty., Cal., FD 36301 et al. (STB served October 28, 2019).

to the rail-to-ship bulk commodity marine terminal OBOT plans to build at the OAB.

OGRE states that it is not seeking authority to operate the Line at this time but that in the near future it plans to seek operating authority for what will be its entire rail line, which will encompass track in addition to the Line.

OGRE certifies that the projected annual revenues as a result of this transaction will not exceed the amount that would qualify OGRE as a Class III railroad, and that the projected annual revenue for the Line will not exceed \$5 million. OGRE also states that its agreement with OBOT does not contain any provision that would prohibit, restrict, or otherwise limit future interchange with any third-party carrier.

This exemption will become effective on November 11, 2019.

If the verified 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 effectiveness of the exemption. Petitions to stay must be filed no later than November 4, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36301, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on OGRE's representative, Kathryn Kusske Floyd, Venable LLP, 600 Massachusetts Avenue, N.W., Washington, DC 20001.

According to OGRE, this action is categorically excluded from environmental review under 49 C.F.R. § 1105.6(c) and from historic reporting requirements under 49 C.F.R. § 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: October 22, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.