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October 28, 2022
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October 28, 2022

Via E-Filing

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

RE: Docket No. FD-36644 – Notice of Exemption – Mid-Atlantic Gateway LLC – Acquisition and Operation Exemption – Certain Rail Line Assets of J.P. Rail, Inc. d/b/a Southern RR Company of New Jersey

Dear Ms. Brown:

Enclosed for filing please find the original Verified Notice of Exemption filed pursuant to 49 CFR 1150.31 for Mid-Atlantic Gateway LLC, a Delaware Limited Liability Company, to lease and operate on a portion of the Pleasantville Branch Rail Line owned by J.P. Rail, Inc. d/b/a Southern RR Company of New Jersey.

The \$2,200 filing fee was prepaid on Pay.gov (confirmation # 2726CLBN / 76309499814)

Please time and date stamp this filing and return a copy via email to bob@magateway.com .

Thank you for your time and consideration of this request.

Sincerely,

/s/ Robert P. McGurk /s/

Robert McGurk
Mid-Atlantic Gateway

Cc: Michael Foglietta, SRNJ (w/enc.)

FILED
October 28, 2022
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
October 28, 2022
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO:

FD-36644

MID-ATLANTIC GATEWAY LLC

ACQUISITION AND OPERATION EXEMPTION

CERTAIN RAIL LINE ASSETS OF J.P. RAIL, INC. D/B/A SOUTHERN RR COMPANY OF NEW JERSEY

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 CFR 1150.31

Dated: October 28, 2022

Information Required by 49 CFR 1150.33

Name and address of the applicant **49 CFR 1150.33 (a)**

Mid-Atlantic Gateway LLC

34 Millrace Lane

Rockland, DE 19732

Applicant's Representative **49 CFR 1150.33 (b)**

Robert McGurk, CEO

Mid-Atlantic Gateway LLC

34 Millrace Lane

Rockland, DE 19732

302-893-0258

bob@magateway.com

Statement of Agreement **49 CFR 1150.33 (c)**

Mid-Atlantic Gateway LLC ("MAG"), a Delaware Limited Liability Company and non-carrier, reached an agreement in principle on October 20, 2022 with J.P. Rail, Inc. d/b/a Southern RR Company of New Jersey where Mid-Atlantic Gateway LLC was granted the rights to acquire by lease and operate over approximately 0.12 miles of rail (634 linear feet) between mileposts 56.99 and 56.87 on the Pleasantville Branch Line in Atlantic County, New Jersey. Consummation of this agreement is expected to occur within the next 21 days.

Operator of the Property **49 CFR 1150.33 (d)**

Mid-Atlantic Gateway LLC will hold itself out to provide common carrier rail freight service pursuant to its acquisition and operating agreement with J.P. Rail, Inc. d/b/a Southern RR Company of New Jersey.

Brief Summary of Transaction **49 CFR 1150.33 (e)**

J.P. Rail, Inc., a Class III carrier, located at 144 West Broadway, Salem, NJ 08079, is entering into an acquisition and operating agreement with Mid-Atlantic Gateway LLC, a non-carrier, to allow Mid-Atlantic Gateway LLC to operate on the Pleasantville Branch Line between milepost 56.99 and 56.87 in Pleasantville, Atlantic County, New Jersey.

Service is expected to commence on the effective date of this Notice of Exemption, on or about November 29, 2022.

This transaction involves J.P. Rail, Inc.'s Pleasantville Branch Line between milepost 56.99 and 56.87 in Pleasantville, Atlantic County, New Jersey. Milepost 56.87 is located on the rail road approximately at the northwesterly right-of-way line of the Garden State Parkway. Milepost 56.99 is approximately 634 linear feet to the east-southeast.

The total route miles to be operated is approximately 0.12 miles or 634 linear feet.

Map **49 CFR 1150.33 (f)**

A map of the line is attached hereto as Exhibit "A".

Certificate of Carrier Classification **49 CFR 1150.33 (g)**

Mid-Atlantic Gateway LLC certifies that its projected revenues will not exceed \$5,000,000 and that it will not exceed the revenue threshold for a Class III carrier. This transaction will not result in the creation of a Class I or Class II carrier.

Transactions Imposing Interchange Commitments **49 CFR 1150.33 (h)**

This operation agreement does not involve a provision or agreement which may limit future interchange with a third part connecting carrier.

Labor Protective Conditions

Pursuant to 49 USC 10902 and 49 CFR 1150.32(e), labor protective conditions do not apply and will not be imposed.

Caption Summary **49 CFR 1150.34**

A caption summary in the prescribed form is attached as Exhibit "B" to this Notice.

Environmental and Historic Preservation Matters

Pursuant to 49 CFR 1105.6 (c)(1)(i), the proposed transaction is exempt from environmental review under 49 CFR 1105.6 (b)(4)(i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 CFR 1105.7(e)(4) or (5).

In addition, this transaction is exempt from historic review under 49 CFR 1105.8(b)(1). Under this section a sale, lease, or transfer of a rail line is exempt since rail operations will continue. Mid-Atlantic Gateway LLC has no plans to alter or to dispose of any properties subject to STB jurisdiction that are fifty years old or older, thus the transaction does not require an historic report.

Respectfully Submitted,

/s/ Robert P. McGurk /s/

Robert McGurk, CEO

Mid-Atlantic Gateway LLC

34 Millrace Lane

Rockland, DE 19732

302-893-0258

bob@magateway.com

VERIFICATION

I, Robert McGurk, Chief Executive Officer of the petitioner hereby certifies that I have read the foregoing Notice of Exemption and am knowledgeable of facts stated therein, and that the same are true as stated to the best of my knowledge. I am aware that if any of the foregoing statements are willfully false, that I am subject to punishment.

Dated October 28, 2022

____/s/ Robert P. McGurk /s/_____

Robert McGurk

Exhibit "A"

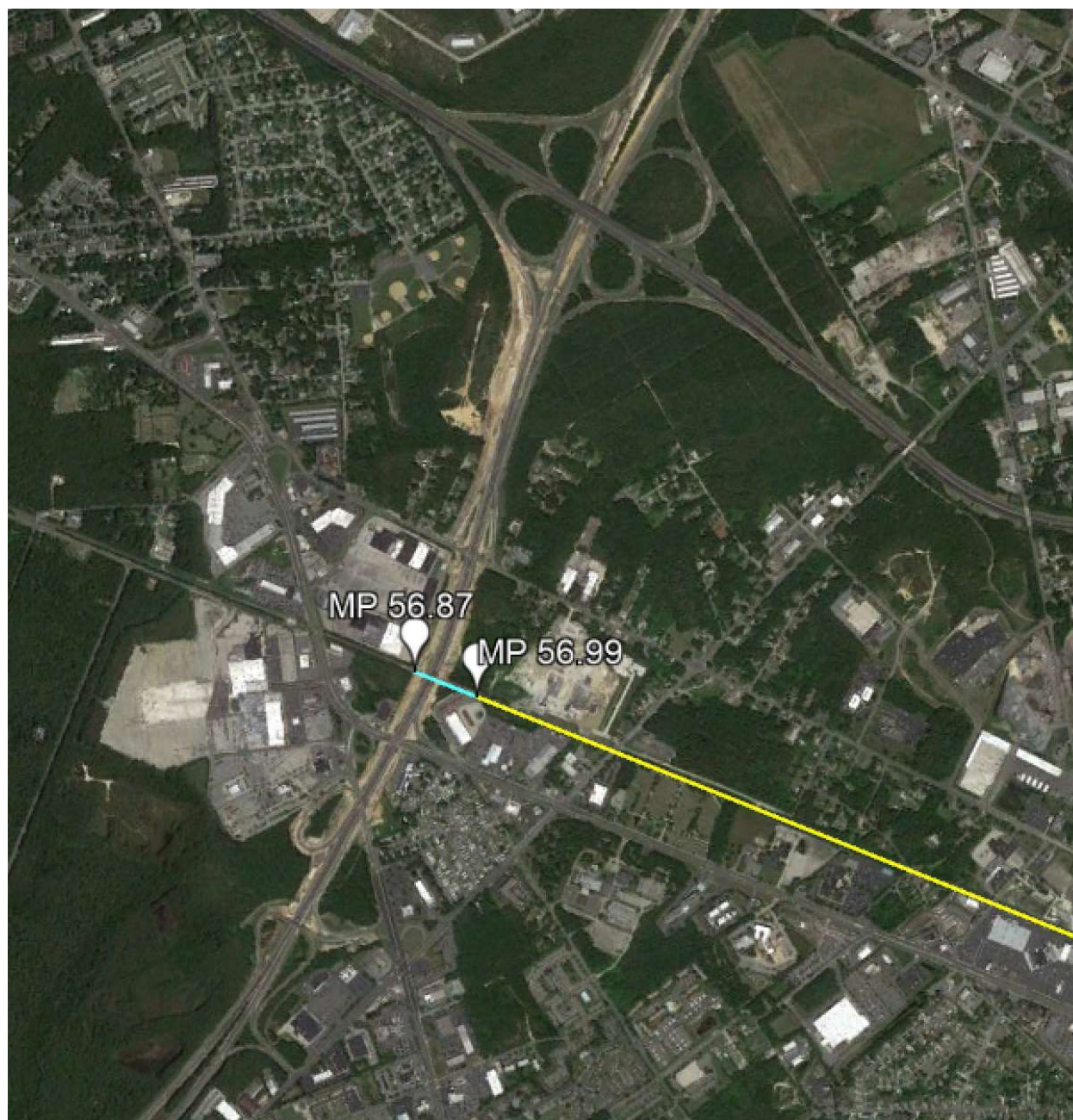


Exhibit "B"
BEFORE THE
SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO:

FD-36644

MID-ATLANTIC GATEWAY LLC

ACQUISITION AND OPERATION EXEMPTION

CERTAIN RAIL LINE ASSETS OF J.P. RAIL, INC. D/B/A SOUTHERN RR COMPANY OF NEW JERSEY

CAPTION SUMMARY

Mid-Atlantic Gateway LLC, a Delaware Limited Liability Company and non-carrier, has filed a verified notice of exemption to lease and operate as a common carrier 0.12 miles of railroad and appurtenant property owned by J.P. Rail, Inc. d/b/a Southern RR of New Jersey, a Class III carrier, in Atlantic County, New Jersey on the Pleasantville Branch Line between MP 56.87 and MP 56.99. This line extends from MP 56.87 at the northwesterly right-of-way line of the Garden State Parkway in Pleasantville, NJ east-southeast towards MP 56.99.

Any comments must be filed with the Surface Transportation Board and served on Petitioner's Representative, Robert McGurk, Mid-Atlantic Gateway LLC, 34 Millrace Lane, Rockland, DE 19732. Mr. McGurk's telephone is (302)-893-0258 and his email address is bob@magateway.com.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 USC 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.