

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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ROBERT A. WIMBISH
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August 10, 2017

244090

VIA FEDEX

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20006

ENTERED
Office of Proceedings
August 10, 2017
Part of
Public Record

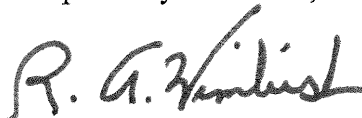
Re: **Docket No. FD 36143**
Goose Lake Railway, LLC -- Change in
Operator Exemption – LRY, LLC d.b.a Lake Railway

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Verified Notice of Exemption of Goose Lake Railway, LLC, Pursuant to 49 C.F.R. § 1150.31(a)(3)**, dated August 10, 2017. A check in the amount of \$1,900.00, representing the appropriate fee for this filing, and a compact disc containing the text of the Notice and the *Federal Register* caption summary in MS Word format are attached.

If you have any questions regarding this filing, please feel free to contact me.
Thank you for your assistance on this matter.

Respectfully submitted,



Robert A. Wimbish
Attorney for Goose Lake Railway, LLC

RAW/ekf

Enclosures

FILED
August 10, 2017
SURFACE TRANSPORTATION BOARD

FEE RECEIVED
August 10, 2017
SURFACE TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36143

GOOSE LAKE RAILWAY, LLC
-- CHANGE IN OPERATOR EXEMPTION --
LLC D.B.A LAKE RAILWAY

**VERIFIED NOTICE OF EXEMPTION OF
GOOSE LAKE RAILWAY, LLC
PURSUANT TO 49 C.F.R. § 1150.31(a)(3)**

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEY FOR GOOSE LAKE
RAILWAY, LLC**

Dated: August 10, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36143

GOOSE LAKE RAILWAY, LLC
-- CHANGE IN OPERATOR EXEMPTION --
LRY, LLC D.B.A LAKE RAILWAY

**VERIFIED NOTICE OF EXEMPTION OF
GOOSE LAKE RAILWAY LLC
PURSUANT TO 49 C.F.R. § 1150.31(a)(3)**

Pursuant to 49 C.F.R. § 1150.31, et seq., Goose Lake Railway, LLC (“GLRY”) a non-carrier, hereby files this Verified Notice of Exemption to assume operation of approximately 54.45 miles of rail line (the “Lakeview Branch”) between Alturas, CA, and Lakeview, OR, owned by Lake County, OR (“Lake County”) and currently operated by LRY, LLC d.b.a Lake Railway (“LRY”). Based on projected revenues for the Lakeview Branch, GLRY expects to be a Class III rail carrier upon consummation of the proposed transaction.

In accordance with the requirements of 49 C.F.R. § 1150.33, GLRY submits the following information:

Name and Address of Applicant: 49 C.F.R. § 1150.33(a)

The full name and address of the rail carrier applicant herein is as follows:

Goose Lake Railway, LLC
P.O. Box 6720
Aloha, OR 97007-0720
531-912-1261

Applicant's Representative: 49 C.F.R. § 1150.33(b)

GLRY's representative to whom correspondence regarding this transaction should be sent is as follows:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

GLRY and Lake County recently negotiated an Operating Agreement providing for GLRY's operation of and provision of rail common carrier service on the Lakeview Branch in place of LRY. Under the new Operating Agreement, GLRY would replace LRY as common carrier operator of the Lakeview Branch.

Operator of the Property: 49 C.F.R. § 1150.33(d)

GLRY will operate and provide all rail common carrier service to shippers on the Lakeview Branch pursuant to the transaction proposed herein. GLRY's operations will replace those of LRY, which, upon consummation of the subject transaction, will have no further common carrier obligation with respect to the Lakeview Branch.

Summary of the Transaction: 49 C.F.R. § 1150.33(e)

Lake County acquired the Lakeview Branch after it was authorized for abandonment in 1985 by Southern Pacific Transportation Company in Southern Pacific Transportation Company – Abandonment – in Modoc County, CA and Lake County, OR, Docket No. AB-12 (Sub-No. 84) (ICC served Oct. 20, 1985). Lake County possesses common carrier authority over the line as a modified certificate operator pursuant to Lake County Railroad – Modified Certificate, Docket No. FD 33581 (STB served Apr. 24, 1998). LRY has

operated the Lakeview Branch since 2010. See LRY, LLC D.B.A. Lake Railway – Lease and Operation Exemption – Rail Line in Lake County, OR, Docket No. FD 35250 (Sub-No. 1) (STB served Dec. 18, 2015).

GLRY is a newly-formed non-carrier. Pursuant to a recently-negotiated Operating Agreement between Lake County and GLRY, GLRY will operate the Lakeview Branch extending from milepost 458.60 at Alturas, CA, to milepost 513.05 at Lakeview, OR, a total distance of approximately 54.45 route miles.

The complete name and address of the current operator of the Lakeview Branch to be replaced by GLRY pursuant to this change in operators class exemption notice is as follows:

LRY, LLC d.b.a Lake Railway
425 SE 3rd Ave., Suite 206
Portland, OR 97214

LRY has agreed to terminate its operation of the Lakeview Branch upon the consummation of the transaction between GLRY and Lake County; LRY does not object to the proposed change in operators.

The complete name and address of the non-carrier owner of the Lakeview Branch is as follows:

Lake County, Oregon
513 Center Street
Lakeview, OR 97630

GLRY intends to consummate its proposed operation of the Lakeview Branch on or about September 9, 2017.

Map: 49 C.F.R. § 1150.33(f)

A map showing the Lakeview Branch and the surrounding area is attached as Exhibit A to this Notice.

Certificate of Compliance: 49 C.F.R. § 1150.33(g)

A Certificate of Compliance with the provisions of 49 C.F.R. § 1150.33(g) (and Verification of the contents of the subject notice) is attached as Exhibit B to this Notice.

Interchange Commitments: 49 C.F.R. § 1150.33(h)

The proposed change of operators on the Lakeview Branch does not involve, and the Operating Agreement between Lake County and GLRY does not include, any provision or agreement that would limit future interchange with a third-party connecting carrier.

Shipper Notice: 49 C.F.R. § 1150.32(b)

GLRY has provided notice of the proposed change in operators to the two shippers on the Lakeview Branch. A copy of the notice letter sent to each shipper is attached as Exhibit C to this Notice, and a list of the shippers served is attached as Exhibit C -1.

Advance Notice: 49 C.F.R. § 1150.32(e)

The projected annual revenue of GLRY is not expected to exceed \$5 million, and accordingly the advance notice requirements of 49 C.F.R. § 1150.32(e) are not applicable to this transaction. See Exhibit B hereto.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

Under 49 C.F.R. § 1105.6(c)(2), GLRY's proposed operation of the Lakeview Branch 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).

Under 49 C.F.R. § 1105.8(b)(1), GLRY's assumption of operations on the Lakeview Branch also is exempt from historic preservation reporting requirements. The proposed transaction is for the purpose of continued rail operations. Further Surface

Transportation Board approval is required to discontinue any service and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Caption Summary: 49 C.F.R. § 1150.34

A caption summary in appropriate form is attached as Exhibit D to this Notice.

Respectfully submitted,

By: 
Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEY FOR GOOSE LAKE
RAILWAY, LLC**

Dated: August 10, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

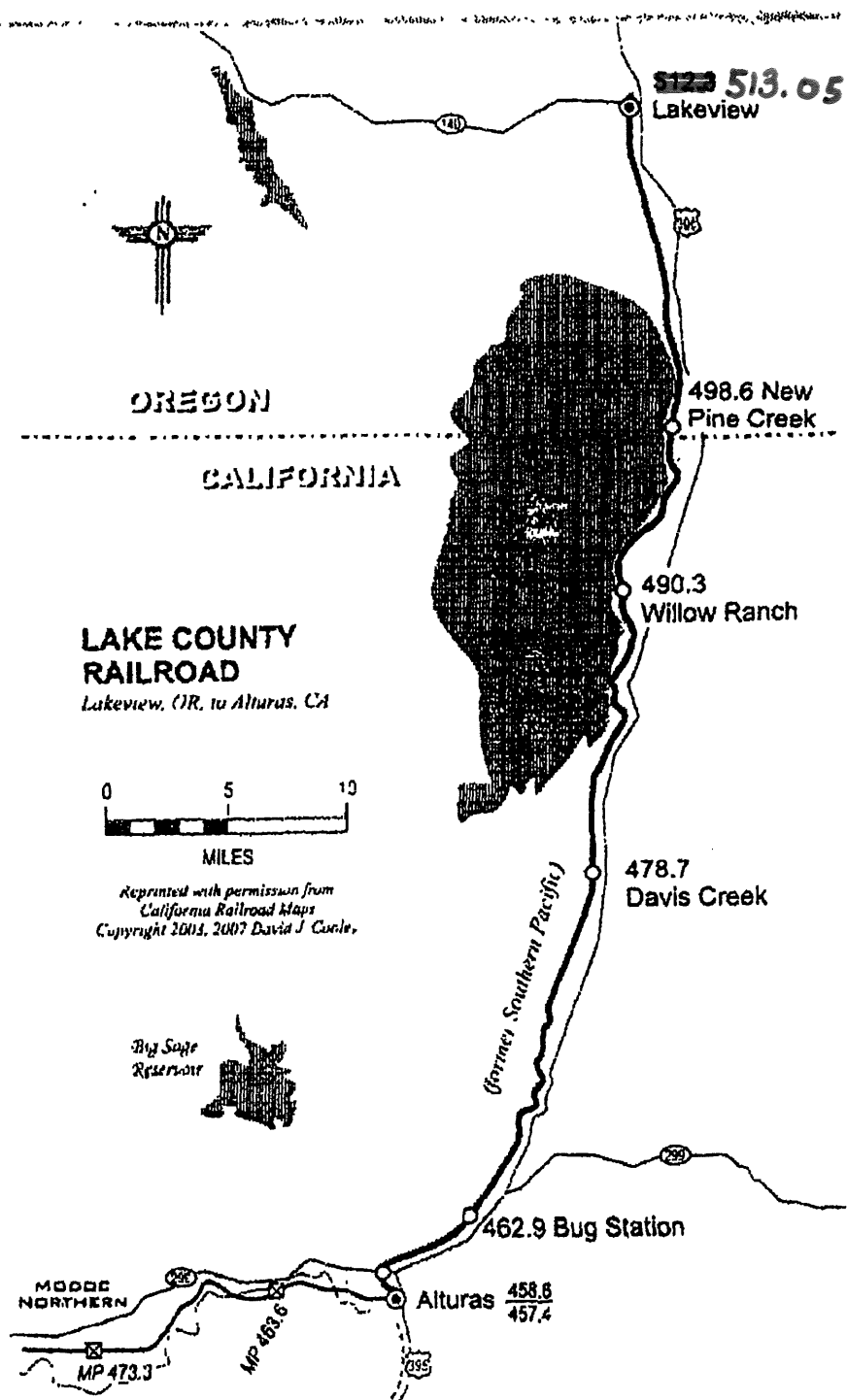
DOCKET NO. FD 36143

GOOSE LAKE RAILWAY, LLC
-- CHANGE IN OPERATOR EXEMPTION --
LRY, LLC D.B.A LAKE RAILWAY

**VERIFIED NOTICE OF EXEMPTION OF
GOOSE LAKE RAILWAY LLC
PURSUANT TO 49 C.F.R. § 1150.31(a)(3)**

**EXHIBIT 1
MAP**

EXHIBIT A
MAP OF LEASED PREMISES



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36143

GOOSE LAKE RAILWAY, LLC
-- CHANGE IN OPERATOR EXEMPTION --
LRY, LLC D.B.A LAKE RAILWAY

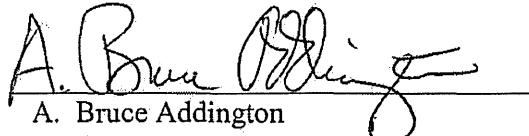
VERIFIED NOTICE OF EXEMPTION OF
GOOSE LAKE RAILWAY LLC
PURSUANT TO 49 C.F.R. § 1150.31(a)(3)

EXHIBIT B
CERTIFICATION AND VERIFICATION

CERTIFICATION AND VERIFICATION

I, A. Bruce Addington, President of Goose Lake Railway, LLC ("GLRY"), hereby certify that the projected annual rail revenue of GLRY would not exceed \$5 million and will not result in the creation of a Class II or Class I rail carrier under the provisions of 49 C.F.R. § 1201 (1-1).

Also, I hereby verify that the foregoing Change of Operator Notice of Exemption is true and correct to the best of my knowledge and belief.


A. Bruce Addington
President, Goose Lake Railway

Dated: BA

~~9-8~~ - 8-9-2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36143

GOOSE LAKE RAILWAY, LLC
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LRY, LLC D.B.A LAKE RAILWAY

**VERIFIED NOTICE OF EXEMPTION OF
GOOSE LAKE RAILWAY LLC
PURSUANT TO 49 C.F.R. § 1150.31(a)(3)**

**EXHIBIT C
COPY OF SHIPPER NOTICE LETTER**

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

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ROBERT A. WIMBISH
(312) 252-1504
rwimbish@fletcher-sippel.com

August 10, 2017

Cornerstone Industrial Minerals Corporation
P.O. Box 1287
Lakeview, OR 97630

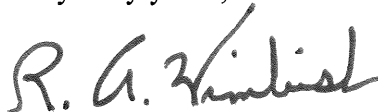
Re: **Change in Operator on Lakeview Branch**

To Whom It May Concern:

Goose Lake Railway, LLC ("GLRY") is filing a notice of exemption at the Surface Transportation Board for a "change in operator" on the Lakeview Branch extending from milepost 458.60 at Alturas, CA, to milepost 513.05 at Lakeview, OR, a total distance of approximately 54.45 route miles. Effective on or about September 9, 2017, GLRY will assume operation of the Lakeview Branch from LRY, LLC d.b.a. Lake Railway, and will be responsible for providing rail service to your facility.

The STB proceeding is Docket No. FD 36143. If you have any questions regarding this matter, or wish to have a copy of the above-referenced notice of exemption as filed with the STB, please feel free to contact me.

Very truly yours,



Robert A. Wimbish
Attorney for Goose Lake Railway, LLC

RAW/ekf

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ROBERT A. WIMBISH
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rwimbish@fletcher-sippel.com

August 10, 2017

Collins Pine Company
1600 Missouri Ave.
Lakeview, OR 97630

Re: **Change in Operator on Lakeview Branch**

To Whom It May Concern:

Goose Lake Railway, LLC ("GLRY") is filing a notice of exemption at the Surface Transportation Board for a "change in operator" on the Lakeview Branch extending from milepost 458.60 at Alturas, CA, to milepost 513.05 at Lakeview, OR, a total distance of approximately 54.45 route miles. Effective on or about September 9, 2017, GLRY will assume operation of the Lakeview Branch from LRY, LLC d.b.a. Lake Railway, and will be responsible for providing rail service to your facility.

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Very truly yours,



Robert A. Wimbish
Attorney for Goose Lake Railway, LLC

RAW/ekf

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36143

GOOSE LAKE RAILWAY, LLC
-- CHANGE IN OPERATOR EXEMPTION --
LRY, LLC D.B.A LAKE RAILWAY

VERIFIED NOTICE OF EXEMPTION OF
GOOSE LAKE RAILWAY LLC
PURSUANT TO 49 C.F.R. § 1150.31(a)(3)

**EXHIBIT C-1
LIST OF SHIPPERS
ON LAKEVIEW BRANCH**

SHIPPERS ON LAKEVIEW BRANCH

Cornerstone Industrial Minerals Corporation
P.O. Box 1287
Lakeview, OR 97630

Collins Pine Company
1600 Missouri Ave
Lakeview, OR 97630

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36143

GOOSE LAKE RAILWAY, LLC
-- CHANGE IN OPERATOR EXEMPTION --
LRY, LLC D.B.A LAKE RAILWAY

**VERIFIED NOTICE OF EXEMPTION OF
GOOSE LAKE RAILWAY LLC
PURSUANT TO 49 C.F.R. § 1150.31(a)(3)**

**EXHIBIT D
CAPTION SUMMARY**

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

DOCKET NO. FD 36143

GOOSE LAKE RAILWAY LLC
-- CHANGE IN OPERATOR EXEMPTION --
LRY, LLC D.B.A LAKE RAILWAY

Goose Lake Railway, LLC (“GLRY”), a non-carrier, has filed a Verified Notice of Exemption to assume operation of approximately 54.45 miles of rail line (the “Lakeview Branch”) in California and Oregon owned by Lake County, OR, extending from milepost 458.60 at Alturas, CA, to milepost 513.05 at Lakeview, OR. GLRY’s operation of the Lakeview Branch will replace the operations currently conducted by LRY, LLC d.b.a Lake Railway (“LRY”), which will have no further common carrier obligation with respect to the Lakeview Branch.

GLRY expects to consummate the change in operator transaction and commence operation of the Lakeview Branch in place of LRY on or about September 9, 2017.

Comments must be filed with the Board and served on:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

This Notice is filed under 49 C.F.R. § 1150.31(a)(3). 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.

Dated: August __, 2017

By the Board

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings