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Office of Proceedings
June 14, 2023
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Public Record

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June 14, 2023

VIA ELECTRONIC FILING

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

Re: STB Docket No. FD 36709 – Naugatuck Railroad Company – Lease and
Operation Exemption – Boston & Maine Corporation and Springfield
Terminal Railway Company

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding is a Verified Notice of Exemption (the “Notice”) filed on behalf of Naugatuck railroad Company, a Class III rail carrier, pursuant to 49 CFR §1150.41, *et seq.* Applicant has paid the \$2,200.00 filing fee on Pay.gov.

If you have any questions regarding this filing, please contact me by telephone at (860) 212-5150 or by email to jgamm@jrgammlc.com.

Thank you for your assistance with this matter.

Respectfully submitted.

/s/ John R. Gamm

FILED
June 14, 2023
SURFACE
TRANSPORTATION BOARD

John R. Gamm
Attorney for Naugatuck
Railroad Company

Attachment

FEE RECEIVED
June 14, 2023
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 36709

**NAUGATUCK RAILROAD COMPANY – LEASE AND OPERATION EXEMPTION –
BOSTON & MAINE CORPORATION AND SPRINGFIELD TERMINAL RAILWAY
COMPANY**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §1150.41, *ET SEQ.***

**John R. Gamm
John R Gamm LLC
32 Dutton Place Way
Glastonbury, CT 06033
Phone: 860-212-5150
Email: jgamm@jrgammlc.com**

**Attorney for:
Naugatuck Railroad Company**

Dated: June 14, 2023

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 36709

**NAUGATUCK RAILROAD COMPANY – LEASE AND OPERATION EXEMPTION –
BOSTON & MAINE CORPORATION AND SPRINGFIELD TERMINAL RAILWAY
COMPANY**

VERIFIED NOTICE OF EXEMPTION UNDER 49 U.S.C. §1150.41, *ET SEQ.*

Naugatuck Railroad Company (“NAUG”), a Class III railroad, hereby files this Verified Notice of Exemption under 49 U.S.C. §10902 and 49 C.F.R §1150.41, *et seq.*, to exempt from regulation NAUG’s entry into a Land and Rail Assets Lease Agreement with CSX Transportation, Inc., on behalf of Boston & Maine Corporation (“B&M”) and Springfield Terminal Railway Company (“STR”),¹ to lease from B&M and acquire the right to operate from STR as a common carrier over approximately 1,330 feet of rail line owned by B&M and operated by STR between a connection to the Torrington Branch at engineering station 0+00 and engineering station 13+30 all in New Haven County, CT (the “Rail Line”).

NAUG operates over the Torrington Branch an approximately 19.6-mile rail line between the connection with Pan Am Southern LLC at NAUG milepost 0.0 in Waterbury, CT, and NAUG milepost 19.6 in Torrington, CT.²

¹ B&M and STR are controlled by CSXT pursuant to Docket No. FD 36472, *CSX Corporation and CSX Transportation, Inc.—Control and Merger—Pan Am Systems, Inc., Pan Am Railways, Inc., Boston and Maine Corporation, Maine Central Railroad Company, Northern Railroad, Pan Am Southern LLC, Portland Terminal Company, Springfield Terminal Railway Company, Stony Brook Railroad Company, and Vermont & Massachusetts Railroad Company* (served April 14, 2022).

² Finance Docket No. 32793, *Naugatuck Railroad Company, Inc.-Operation Exemption-The State of Connecticut* (served January 25, 1996).

The projected annual revenue of the rail lines to be leased by NAUG, together with NAUG's projected annual revenue, will not exceed \$5 million.

REQUIRED INFORMATION

NAUG submits the following information required by 49 C.F.R. §1150.43.

The full name and address of the Class III rail carrier applicant – C.F.R. §1150.43(a):

Naugatuck Railroad Company
790 Waterbury Road
Thomaston, CT 06787

Applicant's representative who should receive correspondence: – C.F.R. §1150.43(b):

The name, address, and telephone number of the representative of the Applicant who should receive correspondence with respect to this Verified Notice of Exemption:

John R. Gamm
John R Gamm LLC
32 Dutton Place Way
Glastonbury, CT 06033
Phone: (860) 212-5150
Email: jgamm@jrgammlc.com

A statement that an agreement has been reached– C.F.R. §1150.43(c):

NAUG and CSXT have agreed to enter into a Land and Rail Assets Lease Agreement for NAUG to lease from CSXT and operate the Rail Line. Under the terms of the Land and Rail Assets Lease Agreement, it will be effective upon the effective date of this notice of exemption.

The operator of the property– C.F.R. §1150.43(d):

Currently, B&M owns the Rail Line, and STR operates the Rail Line. Upon consummation of the Land and Rail Assets Lease Agreement, NAUG will lease and operate the Rail Line.

A brief summary of the proposed transaction– C.F.R. §1150.43(e):

NAUG has entered into the Land and Rail Assets Lease Agreement with CSXT, acting on behalf of its subsidiaries, the B&M and STR, to lease and operate the Rail Line.

(1) The name and address of the railroad transferring the subject property to the

Class III carrier applicant:

B&M, a wholly owned subsidiary of CSXT
500 Water Street
Jacksonville, FL 32202

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

NAUG and CSXT expect to consummate the lease of the Rail Line as soon as practicable after the effective date of this Notice of Exemption.

(3) The mileposts of the subject property, including any branch lines:

The Rail Line is between approximately CSXT engineering station 0+00 and CSXT engineering station 13+30. There are no branch lines.

(4) The total route miles being acquired:

The Rail Line consists of approximately 1,330 feet.

A map of the area to be served– C.F.R. §1150.43(f):

A map of the Rail Line is attached to this Notice of Exemption as Exhibit A.

Certification of revenues– C.F.R. §1150.43(g):

NAUG certifies that its projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under §1150.45.

Interchange Commitments– C.F.R. §1150.43(h):

The Land and Rail Assets Lease Agreement does not involve 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”).

Caption Summary – C.F.R. §1150.44:

A caption summary, as required by 49 C.F.R. §1150.44, is attached to this Notice of Exemption as Exhibit B.

Environmental and Historic Preservation Reports – C.F.R. §1105:

The transaction is for continued rail operations that will not result in operational changes that will exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (5).

In addition, the proposed transaction is exempt from historic review under 49 C.F.R. §1105.8(b)(1), because the action proposed herein is for the purpose of continued rail operations.

Labor Protection:

NAUG being a Class III carrier; therefore, pursuant to 49 U.S.C. §10902(d), approval of the transaction may not be subjected to labor protection conditions.

Respectfully submitted,

/s/ John R. Gamm

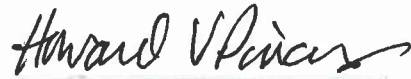
John R. Gamm
John R Gamm LLC
32 Dutton Place Way
Glastonbury, CT 06033
(860) 212-5150
Email: jgamm@jrgammlc.com

Dated: June 14, 2023

VERIFICATION AND CERTIFICATION

I, Howard V. Pincus, hereby declare under penalty of perjury that (i) I am qualified and authorized to make this verification and certification on behalf of Naugatuck Railroad Company, a Class III rail carrier; (ii) the transaction that is the subject of this Verified Notice of Exemption will not result in the creation of a Class II or Class I rail carrier; and (iii) the statements made herein are true and correct to the best of my knowledge, information and belief.

June 14, 2023

A handwritten signature in dark ink, appearing to read "Howard V. Pincus", written over a horizontal line.

Howard V. Pincus
President

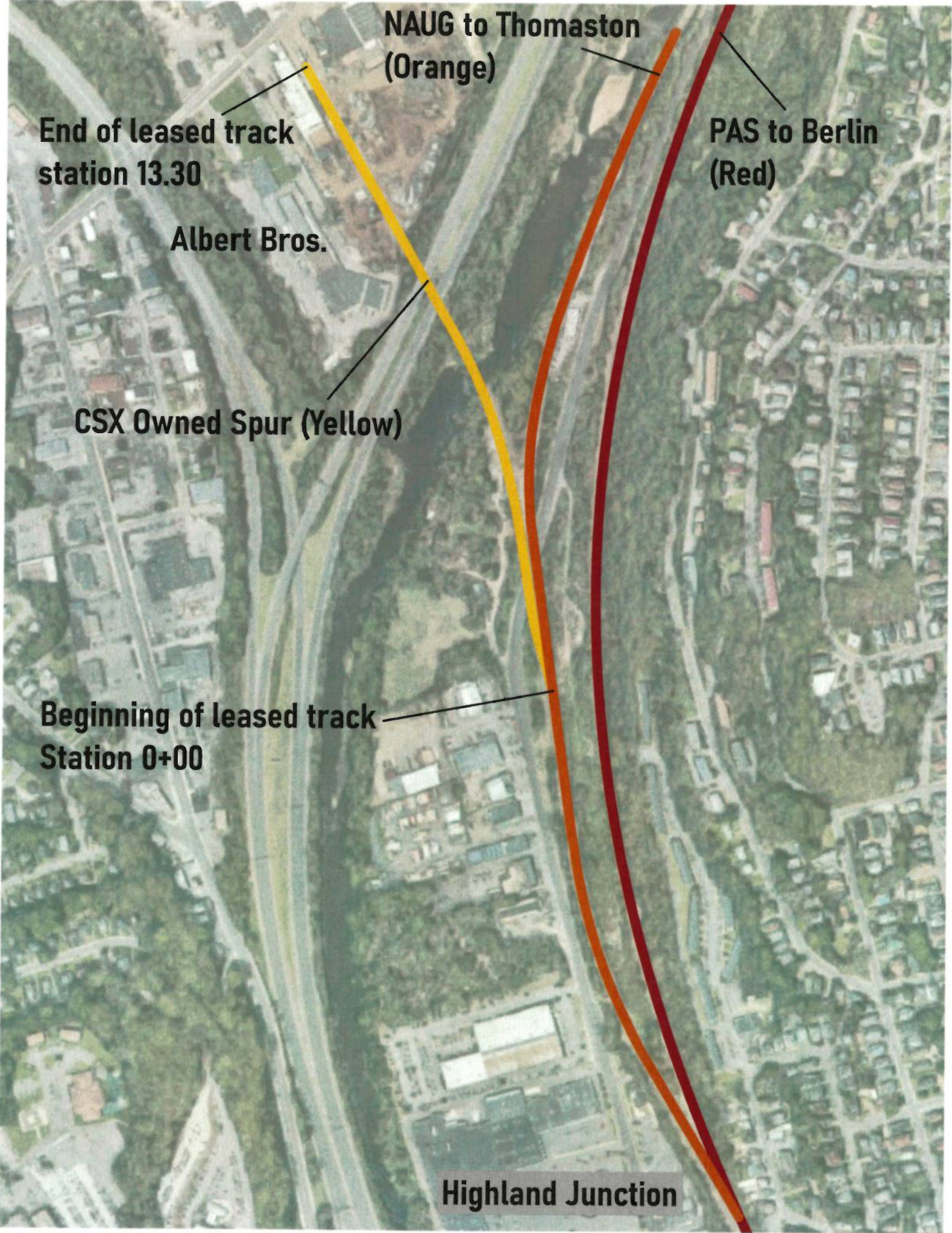
SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

STB DOCKET NO. FD 36709

**NAUGATUCK RAILROAD COMPANY – LEASE AND OPERATION EXEMPTION –
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EXHIBIT A – MAP



**NAUG to Thomaston
(Orange)**

**End of leased track
station 13.30**

**PAS to Berlin
(Red)**

Albert Bros.

CSX Owned Spur (Yellow)

**Beginning of leased track
Station 0+00**

Highland Junction

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EXHIBIT B – CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

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Comments must be filed with the Board and served on NAUG’s representative, John R. Gamm, John R Gamm LLC, 32 Dutton Place Way, Glastonbury, CT 06033, (860) 212-5150, Email: jgamm@jrgammlc.com.

The 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.

Decided: June 14, 2023

By the Board

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