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Office of Proceedings
July 28, 2022
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July 28, 2022

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: KS Railroad, a division of KINKISHARYO International, LLC
– Operation Exemption –
Line in Piscataway, NJ
Surface Transportation Board Finance Docket 36618

Dear Ms. Brown:

Enclosed for filing in the above referenced docket is a verified notice of exemption filed under 49 U.S.C. § 10901. The filing fee has been paid via pay.gov.

Sincerely,

Justin J. Marks
Counsel to KS Railroad, a division of
KINKISHARYO International, L.L.C

Enclosure

FEE RECEIVED
July 28, 2022
Surface
Transportation Board

FILED
July 28, 2022
Surface
Transportation Board

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36618

KS RAILROAD, A DIVISION OF KINKISHARYO INTERNATIONAL, L.L.C.
- OPERATION EXEMPTION –
LINE IN PISCATAWAY, NJ

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10901

(includes color images)

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Counsel for
KS Railroad, a division of KINKISHARYO
International, L.L.C

Dated: July 28, 2022

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36618

KS RAILROAD, A DIVISION OF KINKISHARYO INTERNATIONAL, L.L.C.
- OPERATION EXEMPTION –
LINE IN PISCATAWAY, NJ

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10901

This Verified Notice is filed pursuant to 49 C.F.R. §1150.31 by KS Railroad, a division of KINKISHARYO International, L.L.C. (“KS”), a non-carrier, to exempt from regulation under 49 U.S.C. §10901, its operation of 1173 feet, 3 inches of existing railroad trackage inside an existing industrial facility (the “Rail Line”). A map of the Rail Line is attached as Exhibit A. After the Notice becomes effective, KS will provide common carrier rail service for customers located or to be located within the facility.

Notice

In accordance with 49 C.F.R. §1150.33, KS hereby provides the following information:

- (a) The full name and address of Applicant: KS Railroad, a division of KINKISHARYO International, L.L.C. Railroad Subsidiary 145 Baekeland Avenue Piscataway, NJ 08854.
- (b) The name, address, and telephone number of the representative of KS who should receive correspondence: Eric M. Hocky, Esq., Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103, (215) 640-8523; or Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916.

(c) The facility is owned by KINKISHARYO International, L.L.C. (“KII”). KII has formed a new division, KS, to operate as a common carrier railroad on the property to perform rail service for KII and other shippers that would locate at the facility. KS will be entering into an operating agreement for the Rail Line and converting the Rail Line from private track to a common carrier line of railroad.¹

(d) Currently there are no common carrier operations on the track that will be the Rail Line; the track is operated as private track by the owner of the facility, KINKISHARYO International, L.L.C. Additional shippers are anticipated to locate to the facility. After the effective date of this Notice and the commencement of the operating agreement, KS will operate the Rail Line as a common carrier freight operator.

(e) Brief Summary of the Proposed Transaction:

Currently, the owner of the facility operates the tracks as part of its industrial facility located in Piscataway, NJ. Incidental contract switching services are provided to other customers located at the facility. The owner of the facility anticipates that additional customers will be locating at the facility, potentially including customers transloading municipal solid waste in original shipping containers.² KS is a newly formed division of KINKISHARY International, L.L.C. that will be entering into an operating agreement that will give it control of the Rail Line and other tracks within in the facility. KS will operate the portion of the tracks designated as the Rail Line as shown on the map attached hereto as Exhibit A, as common carrier tracks, and the other

¹ KS will also be operating the other tracks at the facility as non-jurisdictional yard and industrial tracks, and may construct additional non-jurisdictional yard or industrial tracks at the facility.

² Because the transloading activity will not take place outside of original shipping containers, any such facility will not constitute a “solid waste rail transfer facility” subject to the requirements of 49 C.F.R. Part 1155.

tracks shown on the map as non-jurisdictional yard and industrial tracks. KS will operate as a common carrier switching carrier. KS anticipates entering into an interchange agreement with Conrail.

The conversion of private track to common carrier line of railroad by KS is consistent with Board precedent in cases such as *Effingham Railroad Company – Petition for Declaratory Order - Construction at Effingham, IL*, STB Finance Docket No. NOR 41986, 1997 WL 564155 (served Sept. 12, 1997).

- (1) The name and address of the non-carrier company that currently owns the Rail Line (as private track): KINKISHARYO International, L.L.C. 145 Baekeland Avenue Piscataway, NJ 08854.
- (2) KS expects to commence operations on or after August 28, 2022, more than thirty days after the filing of this Notice of Exemption.
- (3) The Rail Line is located in Piscataway, NJ. There are no mileposts because the Rail Line is located inside a private industrial facility.
- (4) The total mileage to be acquired and operated as the Rail Line is 1173 feet, 3 inches.
- (f) Attached as Exhibit A to this Notice of Exemption is a map of the Rail Line highlighted in yellow. The map also shows associated 49 U.S.C. §10906 non-jurisdictional yard and industrial tracks that are located within the facility.
- (g) KS certifies that its projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier.³

³ KS additionally certifies that its projected revenues after the transaction will not exceed \$5,000,000 per year.

- (h) No interchange commitments are being imposed on KS's operations.

Labor Protection

Pursuant to 49 U.S.C. §10901(c), approval of this transaction may not be subjected to labor protections.

Environmental and Historic Reports

Pursuant to 49 C.F.R. §1105.6(c)(2)(i), no environmental documentation should be required because this proceeding involves operating authority under 49 U.S.C. §10901 for continued operations (albeit common carrier operations instead of private switching) that will not exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (e)(5).

No historic report under 49 C.F.R. §1105.8(b)(1) should be required because this Notice of Exemption merely involves a notice of exemption for operating authority pursuant to which private industrial switching will be converted to common carrier operations, and Board approval will be required to discontinue or abandon any service. KS has no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older.

Caption Summary

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R. §1150.34.

Conclusion

Accordingly, KS requests that the Board issue a notice allowing the common carrier operations of KS to become effective at any time after 30 days from the filing of this Notice of Exemption.

Respectfully submitted,



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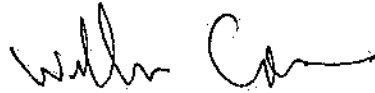
*Counsel for KS Railroad, a division of
KINKISHARYO International, L.L.C.*

Dated: July 28, 2022

VERIFICATION

I, William Covino, Vice President of KS Railroad, a division of KINKISHARYO International, L.L.C. verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file the foregoing document.

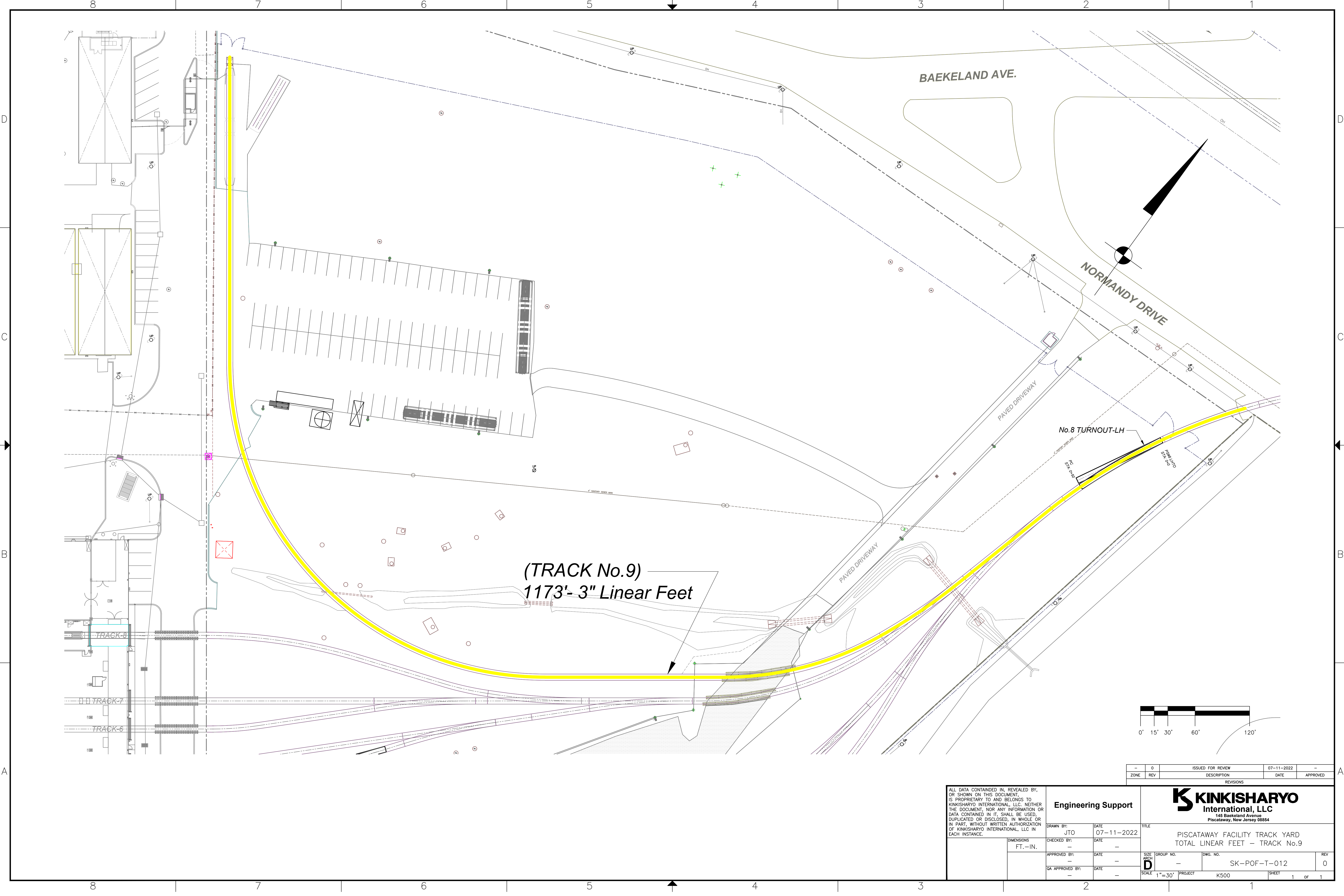
Executed on July 28, 2022

A handwritten signature in black ink, appearing to read 'William Covino', is written above a horizontal line.

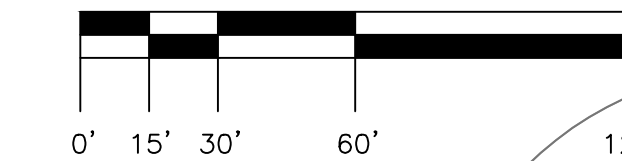
William Covino

EXHIBIT A

MAP



(TRACK No.9)
1173'- 3" Linear Feet



ISSUED FOR REVIEW		07-11-2022	
ZONE	REV	DATE	APPROVED
REVISIONS			

ALL DATA CONTAINED IN, REVEALED BY, OR SHOWN ON THIS DOCUMENT, IS PROPRIETARY TO AND BELONGS TO KINKISHARYO INTERNATIONAL, LLC. NEITHER THE DOCUMENT, NOR ANY INFORMATION OR DATA CONTAINED IN IT, SHALL BE USED, DUPLICATED OR DISCLOSED, IN WHOLE OR IN PART, WITHOUT WRITTEN AUTHORIZATION OF KINKISHARYO INTERNATIONAL, LLC IN EACH INSTANCE.

Engineering Support

DRAWN BY: JTO	DATE: 07-11-2022	TITLE: PISCATAWAY FACILITY TRACK YARD TOTAL LINEAR FEET - TRACK No.9
CHECKED BY: --	DATE: --	
APPROVED BY: --	DATE: --	
QA APPROVED BY: --	DATE: --	

K KINKISHARYO International, LLC
145 Baekeland Avenue
Piscataway, New Jersey 08854

SIZE ARCH: D	GROUP NO.:	DWG. NO. SK-POF-T-012	REV: 0
SCALE: 1"=30'	PROJECT: K500	SHEET: 1 of 1	

EXHIBIT B

CAPTION SUMMARY

**Before the
SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36618

**KS RAILROAD, A DIVISION OF KINKISHARYO INTERNATIONAL, L.L.C.
- OPERATION EXEMPTION –
LINE IN PISCATAWAY, NJ**

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Comments must be filed with the Board and served on KS’s representative, Eric M. Hocky, Esq., Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103; (215) 640-8523.

The Notice is filed under 49 C.F.R. §1150.31. 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.

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

Decided: August __, 2022.

By the Board, Mai Dinh, Director, Office of Proceedings.