

Glenn T. Dyer
gdyer@dyerpeterperson.com
Direct: 973-928-8219

Gregory E. Peterson
gpeterperson@dyerpeterperson.com
Direct: 973-218-1053
NJ, NY, PA, and DC



John K. Fiorilla
jfiorilla@dyerpeterperson.com
Direct: 973-419-6124

Matilda A. Carvajal
mcarvajal@dyerpeterperson.com
Direct: 973-928-8208 x15

973-928-8208

(phone & fax)

www.DyerPeterson.com

Offices

Main Office (all mail)
322 US Highway 46
Suite 220E
Parsippany, NJ 07054

South Jersey Office
605 Main Street
Suite 104
Riverton, NJ 08077

Associates

Jaime R. Ackerman
jackerman@dyerpeterperson.com
Direct: 973-928-8615
NJ, NY, PA, and ME

Nathan C. Orr
norr@dyerpeterperson.com
Direct: 973-841-5688

July 26, 2024

Via Electronic Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Room 1034
Washington, DC 20423-0001

308502
ENTERED
Office of Proceedings
July 26, 2024
Part of
Public Record

RE: Docket FD 36796
Nathan Evans Continuation of Control
Notice of Exemption

Dear Ms. Brown:

This firm represents the applicant Nathan Evans in the above captioned matter.

This filing is a Notice of Exemption for a Continuation of Control Order pursuant to 49 CFR § 1180.2 (d)(2).

Please note that the filing fee of \$1600.00 has been paid through pay.gov for this filing.

If you have any questions regarding this filing you can reach me at 609-792-6851 or at jfiorilla@dyerpeterperson.com

Thank you for your time and attention.

Sincerely

John K. Fiorilla

A handwritten signature in blue ink, appearing to read 'John K. Fiorilla', is written over the printed name.

FILED
July 26, 2024

SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
July 26, 2024

SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO

FD 36796

**NATHAN EVANS
CONTINUATION OF CONTROL EXEMPTION
COLUMBIA & READING RAILWAY CO. LLC**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1180.2 (d)(2).**

**Nathan Evans
169 East 99th Street Apt 7
New York, New York 10029**

Submitted By

**John K. Fiorilla, Esq.
Dyer & Peterson, PC.
605 Main Street, Suite 104
Riverton, N.J. 08077-1440
(609) 792-6851
email - jfiorilla@Dyerpetererson.com**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET

FD 36796

NATHAN EVANS

**CONTINUATION OF CONTROL EXEMPTION
COLUMBIA & READING RAILWAY CO. LLC**

VERIFIED NOTICE OF EXEMPTION

Pursuant to 49 C.F.R. 1180.4(g) (1) Nathan Evans, a non-carrier hereby files this notice of exemption under 49 C.F.R. §1180.2(d) (2) for an exemption from the prior approval requirements of 49 U.S.C. § 11323 for his continuance in control of NATHAN EVANS the Columbia & Reading Railway Co. LLC (hereinafter CORY) a carrier for which he has an agreement to purchase 51% of the LLC membership interest. Mr. Evans, the applicant has an office at 169 East 99th Street Apt 7, New York, NY 10029 (646) 423-5795, Email nate@ezrailroad.com . Mr. Evans submits the following information required by Board Regulations.

1. 49 C.F.R. § 1180.6(a)(1)(i)

The person to whom correspondence with respect to the Notice of Exemption should be addressed is John K. Fiorilla, Dyer & Peterson, PC, 605 Main Street, Suite 104 Riverton, N.J. 08077. Telephone 609-792-6851. Email jfiorilla@Dyerpeterson.com. The transaction is a class exemption from 49 U.S.C. 11323(a)(4) for Mr. Evans to continue in control of CORY which is a

Class III carrier and which he is acquiring a controlling interest of its LLC membership Interest as a result of the control of the Elizabethtown Industrial Railroad LLC (hereinafter EZR) another Class III rail carrier, which Mr. Evans controls through the 100% LLC membership interest.

Acquisition of control of a carrier required Board approval under 49 U.S.C. § 11323 (a)(4). An application for such approval is required by 49 U.S.C. § 11324(a). However pursuant to 49 C.F.R. § 1180.2(d)(2) acquisition of such control is exempted from the prior approval requirements if:

- (1) The railroads would not connect with each other or any railroads in the EZR corporate family.
- (2) The acquisition is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in the EZR corporate family.

Mr. Evans certifies that:

- 1) The rail properties operated by EZR and those to be operated by CORY do not connect with each other or any railroads in the EZR corporate family; and
- 2) The continuance in control is not part of a series of anticipated transactions that would connect the rail lines EZR and CORY with each other or any railroads in the corporate family; and
- 3) The transaction does not involve a Class I or Class II rail carrier.

As such, the continuance in control qualifies for the class exemption under 49 C.F.R. 1180.2(d) (2).

The purpose sought to be accomplished by the proposed acquisition of control is to improve service and for the applicant to improve financial viability of the operation.

4. 49 C.F.R. § 1180.6 (a)(5)

The railroads which are controlled by the applicant operate in the following States: CORY operates wholly in the Commonwealth of Pennsylvania in the Borough of Columbia, County of Lancaster for 2.5 miles. The EZR operates within the Borough of Elizabethtown in Lancaster County Pennsylvania.

5. 49 C.F.R. 1180.6 (6)

Attached to this notice are Exhibits A and B -which are maps showing the rail lines to be operated by CORY and EZR. Though the rail lines are both in the Commonwealth of Pennsylvania they will not operate in relation to each other.

6. 49 C.F.R. 1180.6 (7) (ii)

There is no document regarding purchase or the operation of CORY. Mr. Evans is only purchasing a controlling LLC interest to CORY but is not acquiring track or equipment nor are the operations of the CORY changing in any way.

Labor Protective Conditions

Pursuant to 49 U.S.C. S 10902, labor protective conditions do not apply and will not be imposed.

Environmental and Historic Preservation Matters

Pursuant to 49 CFR 1105.6 (c) (2), the proposed transaction is exempt from environmental review under 49 CFR 1105.6 (c) (2) (i), because the actions proposed herein will

Environmental and Historic Preservation Matters

Pursuant to 49 CFR 1105.6 (c) (2), the proposed transaction is exempt from environmental review under 49 CFR 1105.6 (c) (2) (i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 CFR 1105.7@) (4) or (5).

Verification

A verification of the facts in this notice is attached as Exhibit C.

Dated: July 25, 2024

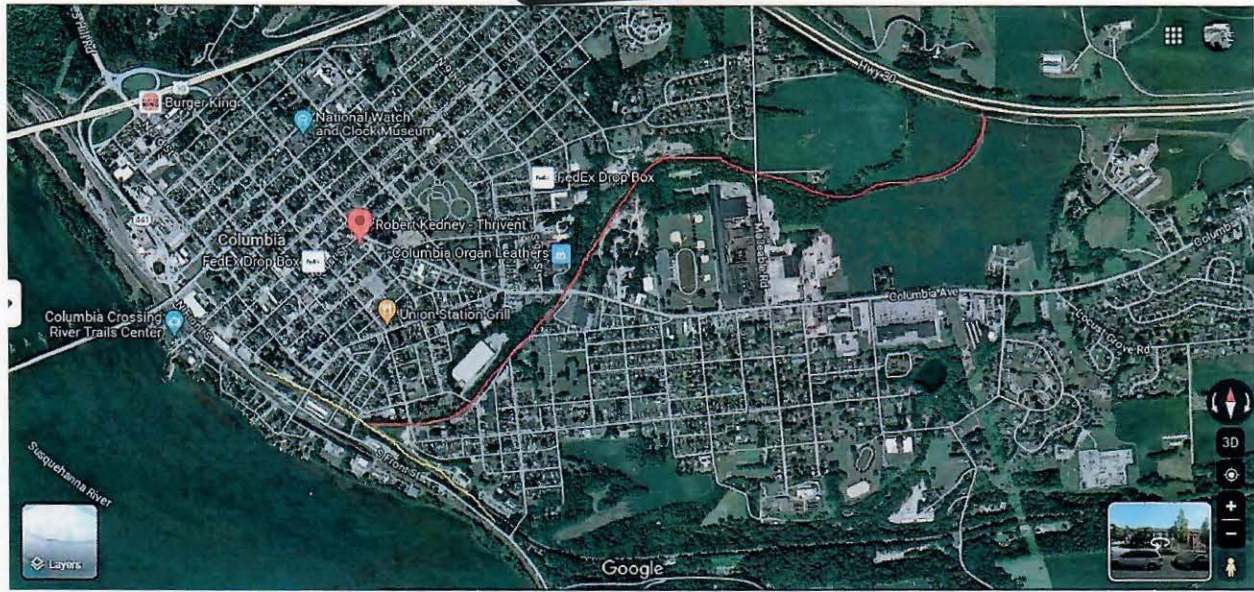
Respectfully Submitted,

Nathan Evans

Nathan Evans
169 East 99th Street, Apt. 7
New York, NY 10029
Applicant

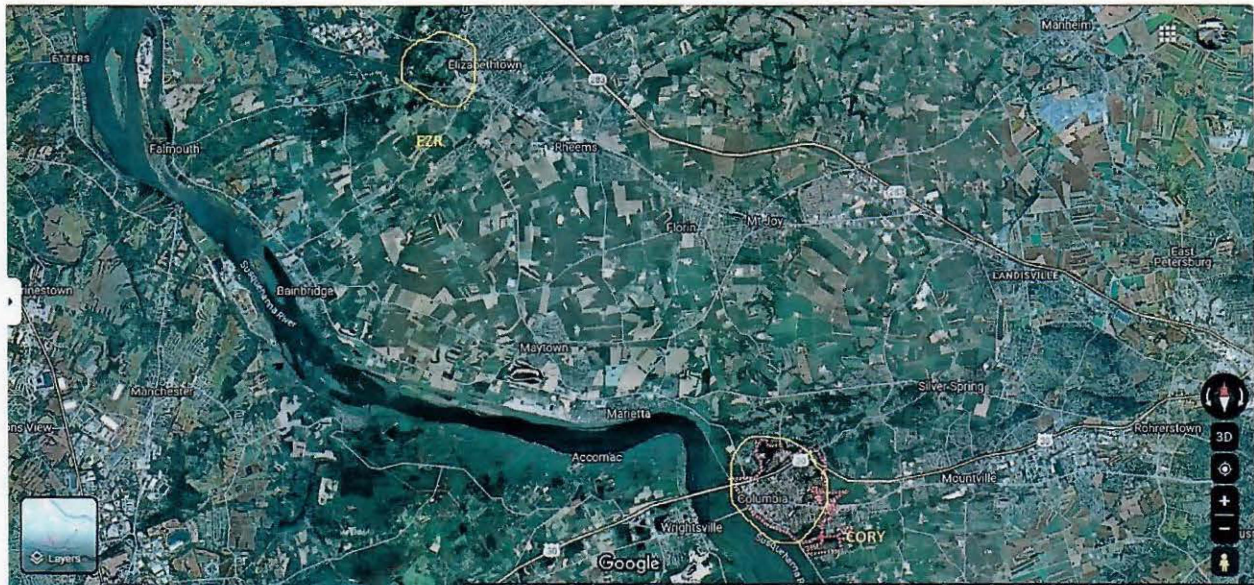
John K. Fiorilla
Dyer & Peterson, PC
605 Main Street, Suite 104
Riverton, N.J. 08077-1440
609-792-6851
Jfiorilla@dyerpetererson.com
Attorney for Applicant

Blumberg No. 5119
EXHIBIT
A

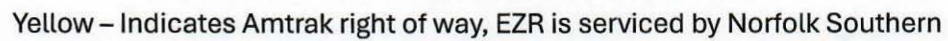


RED - Indicates CORY right of way.

Yellow - Indicates Norfolk Southern right of way



Circles indicate the location of the Columbia and Reading Railway in relation to the Elizabethtown Industrial Railroad.





VERIFICATION

I, Nathan Evans, the Applicant, 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.

Nathan Evans

July 25, 2024

Nathan Evans