



**American Short Line and
Regional Railroad Association**

The Voice of America's Independent Railroads

November 6, 2013

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

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ENTERED
Office of Proceedings
November 6, 2013
Part of
Public Record

Re: Grafton & Upton Railroad Co.--Petition for Declaratory Order
Finance Docket No. 35779

Dear Ms. Brown:

The American Short Line and Regional Railroad Association submits this letter in support of the petition for a declaratory order and request for preliminary relief filed by Grafton & Upton Railroad in the above captioned proceeding.

As explained in the petition, Grafton & Upton is attempting to complete the excavation and site work at a 5 acre property that it owns in order to construct additional yard tracks. The yard tracks are necessary to provide efficient service to existing and future customers and to facilitate the interchange of rail cars between Grafton & Upton and CSX. The construction of additional yard tracks is a common and routine rail transportation activity in the United States. It is in the best interests of rail customers and railroads to undertake such projects in order to maximize car utilization and reduce transit times. Indeed, it is in the best interests of the national rail network, because such projects promote the efficient operation of the entire system.

ASLRRRA believes that the Board should continue to facilitate such projects and thereby encourage rail service improvements by confirming that federal preemption applies to efforts by state and local authorities to restrict or prohibit rail transportation. The construction work undertaken by Grafton & Upton is being done by the railroad on property that it owns, and ASLRRRA is unaware of other facts that would call into question the applicability of the principles of preemption to the situation. Stated differently, this is clearly a situation involving "transportation" by a "rail carrier" to which preemption applies.

ASLRRA also supports the request by Grafton & Upton for the entry of an interim order confirming the railroad's right to continue with the project pending a final decision on the preemption issue. There is an immediate need for these additional tracks, and the approach of winter weather threatens the ability of Grafton & Upton to complete the construction in a timely fashion. An interim order would further the objective of improved rail service and is appropriate in view of the fact that the issues now before the Board are straightforward and hopefully can be resolved promptly.

For the reasons outlined above, therefore, ASLRRA respectfully urges the Board to act promptly and to grant the petition, including the request for an interim order. Thank you very much for your consideration of this letter of support.

Respectfully,

A handwritten signature in cursive script that reads "Keith T. Borman".

Keith T. Borman
Vice Pres. & General Counsel

cc: Parties of record