



**AMERICAN SHORT LINE AND  
REGIONAL RAILROAD ASSOCIATION**

*The Voice of America's Independent Railroads*

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February 25, 2013

233848

Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

**ENTERED**  
**Office of Proceedings**  
**February 26, 2013**  
**Part of**  
**Public Record**

RE: FD 35652: Grafton & Upton Railroad Company

Dear Members of the Board:

This action has come to the attention of the American Short Line and Regional Railroad Association because of the importance of transloading movements to rail transportation and to small railroads in particular. Because of the differences inherent in moving commodities, especially bulk commodities, between one mode of transportation and another, it is frequently necessary to repackage materials during transit. Because it is integral to the transportation process but not to the manufacture of the commodity itself, ASLRRA is concerned that for the Board to decide otherwise would both be illogical and an unfounded further restriction on the beneficial role transloading plays in efficient and cost effective freight transportation.

The use of railroad subcontractors under the supervision and control of the railroad does not alter the nature of the process. Small railroads hire subcontractors typically because most have few employees and limited equipment. They use contractors for all kinds of train operations and track maintenance. Transloading operations are just one more example of that practice, not evidence of a non-railroad activity.

The Grafton and Upton Railroad provides a legitimate transloading service beneficial to the shipping public and in conformity with the prescriptions set forth by the Board in previous transloading cases. ASLRRA urges the Board to rule accordingly in this action.

Respectfully,

Keith T. Borman  
Vice President & General Counsel

Certificate of Service

I hereby certify that I have served the foregoing Letter to the Surface Transportation Board as of this 26th day of February, 2013 by causing a copy to be sent electronically to Mark Bobrowski, Blatman, Bobrowski & Mead, LLC, 9 Damonmill Square, Suite 4A4, Concord, Massachusetts 01742, Fritz Kahn, 1919 M Street, 7th Floor, Washington, DC 20036, Eric Hocky, One Commerce Square 2005 Market Street, Suite 1910, Philadelphia, PA 19103 and James Howard, 70 Rancho Road, Carmel Valley, CA 93924.

*Keith T. Borman*

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