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ENTERED
Office of Proceedings
September 5, 2013
Part of Public
Record

THOMAS F. MCFARLAND

September 5, 2013

By e-filing

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

 GRANTED Office of Proceedings	DECISION ID NO.: <u>43371</u>
	DECIDED DATE: <u>9-26-13</u>
	SERVICE DATE: <u>9-27-13</u>
	APPROVED: <u>Richard Anthony</u> Acting Director
<input type="checkbox"/>	

Re: STB Docket No. NOR 42138, *Horry County, South Carolina, et al. v. Baltimore and Annapolis Railroad Company, d.b.a. Carolina Southern Railroad Company*

Dear Ms. Brown:

Hereby transmitted is a Petition for Leave to Intervene for filing with the Board in the above referenced matter.

Very Truly Yours,

Tom McFarland

Thomas F. McFarland

TMF:kl enc: 1608 of STB2.NOR42138

cc: Thomas C. Brittain, Esq., by UPS overnight mail

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. NOR 42138

HORRY COUNTY, SOUTH CAROLINA,
MARION COUNTY, SOUTH CAROLINA,
COLUMBUS COUNTY, NORTH CAROLINA,
CITY OF CONWAY, SOUTH CAROLINA,
TOWN OF FAIR BLUFF, NORTH CAROLINA,
TOWN OF CHADBOURN, NORTH CAROLINA,
TOWN OF TABOR CITY, NORTH CAROLINA,
CITY OF WHITEVILLE, NORTH CAROLINA,

and

METGLASS, INC.

Complainants

v.

THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY,
J.B.A. CAROLINA SOUTHERN RAILROAD COMPANY,

Defendant.

PETITION FOR LEAVE TO INTERVENE

CITY OF LORIS, SOUTH CAROLINA
4101 Walnut Street
Loris, SC 29569-2498

CITY OF MYRTLE BEACH, SOUTH CAROLINA
P.O. Box 2468
Myrtle Beach, SC 29578

Petitioners

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204
(312) 201-9695 (fax)
mcfarland@aol.com

Attorney for Petitioners

Date Filed: September 5, 2013

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. NOR 42138

HORRY COUNTY, SOUTH CAROLINA,
MARION COUNTY, SOUTH CAROLINA,
COLUMBUS COUNTY, NORTH CAROLINA,
CITY OF CONWAY, SOUTH CAROLINA,
TOWN OF FAIR BLUFF, NORTH CAROLINA,
TOWN OF CHADBURN, NORTH CAROLINA,
TOWN OF TABOR CITY, NORTH CAROLINA
CITY OF WHITEVILLE, NORTH CAROLINA,

and

METGLASS, INC.

Complainants,

v.

THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY,
d.b.a. CAROLINA SOUTHERN RAILROAD COMPANY,

Defendant.

PETITION FOR LEAVE TO INTERVENE

Pursuant to 49 C.F.R. § 1112.4(a), the CITY OF LORIS, SOUTH CAROLINA and the CITY OF MYRTLE BEACH, SOUTH CAROLINA (the Cities) hereby petition for leave to intervene in the captioned proceeding in support of the Complainants.

IDENTITY OF PETITIONERS

THE CITY OF LORIS, SC is a municipality in Horry County, SC. The rail line of Defendant, the Baltimore and Annapolis Railroad Company, d.b.a. Carolina Southern Railroad Company (CALA), extends through Loris.

THE CITY OF MYRTLE BEACH, SC is a municipality in Horry County, SC. The rail line of CALA affiliate Waccamaw Coast Line Railroad (WCLR), extends through Myrtle Beach. Rail shipments that originate or terminate on WCLR at Myrtle Beach must be transported over

CALA's rail line in order to reach the national rail system by means of interchange with CSX Transportation, Inc. at Mullins, SC.

INFORMATION REQUIRED BY 49 C.F.R. § 1112.4

1. The proposed intervention would not unduly disrupt the schedule for filing verified statements in the proceeding. (*See* 49 C.F.R. § 1112.4(a)(1)). No such schedule has been adopted as of yet.
2. The proposed intervention would not unduly broaden the issues raised in the proceeding. (*See* 49 C.F.R. § 1112.4(a)(2)). Petitioners have not raised any issues beyond those raised in the Complaint.
3. Petitioners have the same interest as Complainants in the subject matter of the Complaint, i.e., the Cities are harmed by the absence of rail service in attempting to attract industries to locate within the Cities, and in attempting to retain existing rail-using industries. (*See* 49 C.F.R. § 1112.4(b)(1)).
4. Petitioners strongly support the relief sought in the Complaint. (*See* 49 C.F.R. § 1112.4(b)(2)).
5. Petitioners seek the same relief that is sought in the Complaint. (*See* 49 C.F.R. § 1112.4(b)(3)).

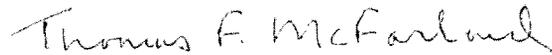
WHEREFORE, Petitioners should be permitted to intervene in support of Complainants.

Respectfully submitted,

CITY OF LORIS, SOUTH CAROLINA
4101 Walnut Street
Loris, SC 29569-2498

CITY OF MYRTLE BEACH, SOUTH CAROLINA
P.O. Box 2468
Myrtle Beach, SC 29578

Petitioners



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Attorney for Petitioners

Date Filed: September 5, 2013

CERTIFICATE OF SERVICE

This is to certify that on September 5, 2013, a true copy of this Petition For Leave To Intervene, was served on Thomas C. Brittain, Esq., The Brittain Law Firm, P.A., 4614 Oleander Drive, Myrtle Beach, SC 29577, by UPS overnight mail.

Thomas F. McFarland

Thomas F. McFarland