

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35972

WEST BELT RAILWAY, LLC—LEASE AND OPERATION EXEMPTION INCLUDING
INTERCHANGE COMMITMENT—TERMINAL RAILROAD ASSOCIATION
OF ST. LOUIS

Decided: December 1, 2015

On October 22, 2015, West Belt Railway LLC (WBRY), a noncarrier, filed a verified notice of exemption under 49 C.F.R. § 1150.31 to lease from Terminal Railroad Association of St. Louis (TRRA) and to operate, pursuant to a Lease Agreement dated October 14, 2015, approximately 9.66 miles of rail line consisting of the following two segments: (1) the West Belt Industry Lead (WBIL) from approximately milepost 1.07 at Adelaide Avenue to the end of track at approximately milepost 9.54; and (2) the Central Belt Industrial Lead from its point of connection to the WBIL at approximately milepost 9.54 to the end of track, all located in the City of St. Louis, St. Louis County, Mo. WBRY stated that the Lease Agreement may limit future interchange with a third party connecting carrier. This is an interchange commitment. The notice of exemption was published in the Federal Register on November 6, 2015, with an effective date of November 21, 2015. 80 Fed. Reg. 68,900.

On November 13, 2015, Ameren Missouri (Ameren), one of the shippers on the line, filed two motions: (1) a Motion for Access to Confidential Documents under 49 C.F.R. § 1150.33(h)(2) and (2) a Motion for Housekeeping Stay, to allow more time for the procedures set out in 49 C.F.R. § 1150.33(h)(2). On November 20, 2015, the Board granted Ameren access to the confidential documents and postponed the effective date of the exemption until December 11, 2015.

On November 30, 2015, WBRY notified the Board that Ameren, TRRA, and WBRY have agreed on a First Amendment to Lease Agreement (Amendment) that fully satisfies Ameren's interests in the subject matter of the lease and operation. Pursuant to 49 C.F.R. § 1150.33(h)(1)(ii), WBRY entered the Amendment into the record by attaching a copy of the Amendment to its correspondence. WBRY requested that the Board permit the now-unopposed lease and operation to go forward on December 1, 2015. Also on November 30, 2015, Ameren filed a motion noting that its concerns regarding the transaction have been addressed and asking that the exemption become effective as expeditiously as possible.

Accordingly, the order postponing the effective date of the exemption is modified to permit the exemption to become effective on December 1, 2015.

It is ordered:

1. The exemption is effective on December 1, 2015.
2. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.