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SERVICE DATE – LATE RELEASE NOVEMBER 15, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35425

TENNESSEE SOUTHERN RAILROAD COMPANY, PATRIOT RAIL, LLC, PATRIOT RAIL HOLDINGS LLC, AND PATRIOT RAIL CORP.—CONTINUANCE IN CONTROL EXEMPTION—COLUMBIA & COWLITZ RAILWAY, LLC, DEQUEEN AND EASTERN RAILROAD, LLC, GOLDEN TRIANGLE RAILROAD, LLC, MISSISSIPPI & SKUNA VALLEY RAILROAD, LLC, PATRIOT WOODS RAILROAD, LLC, AND TEXAS, OKLAHOMA & EASTERN RAILROAD, LLC

REQUEST FOR WAIVER

Decided: November 15, 2010

On October 21, 2010, Patriot Rail, LLC, and Patriot Rail Holdings LLC, and their wholly owned subsidiaries Patriot Rail Corp. and Tennessee Southern Railroad Company (collectively, Patriot), filed a verified notice of exemption to continue in control of Columbia & Cowlitz Railway, LLC (CLC), DeQueen and Eastern Railroad, LLC (DQE), Golden Triangle Railroad, LLC (GTRA), Mississippi & Skuna Valley Railroad, LLC (MSV), Patriot Woods Railroad, LLC, and Texas, Oklahoma & Eastern Railroad, LLC (TOE), upon their becoming Class III rail carriers.

In a petition filed on November 4, 2010, Patriot requests waiver of the requirements of 49 C.F.R. § 1104.3(a) that it file an original, plus 10 copies, of the Asset Purchase Agreement (Agreement) between Patriot and Weyerhaeuser NR Company and its subsidiaries Columbia & Cowlitz Railway Company, DeQueen and Eastern Railroad Company, Golden Triangle Railroad Company, Mississippi & Skuna Valley Railroad Company, and Texas, Oklahoma & Eastern Railroad Company.¹ Patriot states that the Agreement is 816 pages long, and that the filing of over 8,000 pages of paper would be unduly burdensome. In lieu of the 10 paper copies, on October 28, 2010, Patriot filed under seal in this proceeding 5 compact discs, each containing an electronic copy of the Agreement. Given the contents of the Agreement and the nature of this proceeding, the filing of 5 copies of the Agreement electronically is sufficient in this case. Accordingly, the requested waiver of the requirements of 49 C.F.R. § 1104.3(a) will be granted.

¹ In the same filing, Patriot sought to amend its motion for protective order, which initially was filed on October 27, 2010. The motion for protective order is being addressed in a separate decision.

It is ordered:

1. Patriot's request for waiver is granted.
2. This decision is effective on its service date.

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