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SERVICE DATE – NOVEMBER 8, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35755

BNSF RAILWAY COMPANY, CBEC RAILWAY INC., IOWA INTERSTATE RAILROAD,  
LTD., AND UNION PACIFIC RAILROAD COMPANY—JOINT RELOCATION PROJECT  
EXEMPTION—IN COUNCIL BLUFFS, IOWA

Decided: November 8, 2013

This decision imposes a housekeeping stay, postponing the effective date of the exemption sought in this proceeding.

On September 30, 2013, BNSF Railway Company (BNSF), CBEC Railway Inc. (CBEC), Iowa Interstate Railroad, Ltd. (IAIS), and Union Pacific Railroad Company (UP) (collectively, applicants) jointly filed a verified notice of exemption under 49 C.F.R. § 1180.2(d)(5) to participate in a joint relocation project in Council Bluffs, Iowa (the City). The purpose of the joint relocation project is to facilitate the Council Bluffs Interstate System (CBIS) Improvements Project, a public works project involving the reconstruction of Interstates 80 and 29. Notice of the exemption was served and published in the Federal Register, 78 Fed. Reg. 65,040-41, on October 30, 2013. The exemption is scheduled to become effective on November 13, 2013.

On November 6, 2013, Kansas City Southern Railway Company (KCS) filed a request for a housekeeping stay.<sup>1</sup> On the same day, Bartlett Grain Company, L.P. (Bartlett Grain), the primary shipper on BNSF's Council Bluffs Subdivision main line, filed a letter in support of KCS's request for a housekeeping stay. KCS argues that service to shippers may be disrupted and that IAIS should make certain assurances regarding its switching charges. KCS states that these issues should be resolved before the exemption becomes effective.

A brief housekeeping stay will be imposed to provide sufficient time for replies to be filed and for the Board to fully consider the arguments presented. Any replies must be filed by November 15, 2013. The effective date of the exemption will be postponed until further order of the Board.

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<sup>1</sup> In the same filing, KCS also responded to IAIS's supplement to its petition for exemption in a related proceeding, Iowa Interstate R.R.—Acquis. Exemption—Line of BNSF Railway, Docket No. FD 35751.

It is ordered:

1. The effective date of the exemption is postponed until further order of the Board.
2. Replies must be filed by November 15, 2013.
3. This decision is effective on its date of service.

By the Board, Daniel R. Elliott III, Chairman.