

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35247

GRENADA RAILWAY, LLC—ACQUISITION AND OPERATION EXEMPTION—
ILLINOIS CENTRAL RAILROAD COMPANY AND WATERLOO RAILWAY COMPANY

Decided: July 1, 2013

On September 11, 2012, Robert J. Riley filed a petition to revoke a notice of exemption for the acquisition and operation by Grenada Railway, LLC (GRYR) of a rail line approximately 175.4 miles long between milepost 403.0, at Southaven, Miss., and milepost 703.8, near Canton, Miss. (the Line). By decision served on December 10, 2012, the Board instituted a proceeding under 49 U.S.C. § 10502. Today's decision requests additional information relating to certain allegations made by Riley.

According to GRYR, on July 28, 2011, it embargoed a bridge at milepost 656.4, and the embargo remains in place. See GRYR Sept. 24 Reply 8.¹ GRYR asserts that the cost of replacing this bridge would be \$784,000 and that the revenue to be earned does not justify such an expenditure. Id. GRYR also states that certain sections of track it removed from the Line, which it describes as “derails,” are intended to prevent anyone from operating a train over the bridge in question.²

In response, Riley claims that the embargo is not located around the bridge at milepost 656.4. See Riley Sept. 28 Reply 8. Instead, according to Riley, the embargo is in effect from milepost 661 to the southern end of the Line, at milepost 703.8, and there are rail customers located on this embargoed section of track. Id. Riley alleges that, were it not for the embargo, GRYR could provide service to these customers without having to use the bridge at milepost 656.4, by traveling southbound and interchanging with Illinois Central Railroad Company (ICR) at milepost 703.8. See id. at 8-9. Riley also alleges that GRYR's instances of removing track do not involve track located at the bridge. See Riley Sept. 28 Reply 9. Riley asserts that these

¹ The Association of American Railroads embargo number for this embargo is GRYR000111.

² See GRYR Sept. 24 Reply 9 n.5. See also Riley Pet. 25 & Ex. K, L, M.

removed sections of track are at milepost 703.8 and at milepost 625.6, the latter of which is 30.8 miles north of the bridge. Id.

By this decision, GRYR will be directed to file, by July 22, 2013: (A) a map showing the locations of (i) the out-of-service bridge that is listed as the reason for embargo GRYR000111, (ii) the end points of this embargo, (iii) each rail station subject to this embargo, (iv) the point of interchange with ICR near Canton, (v) each shipper and receiver south of this bridge that was served by GRYR prior to the embargo, (vi) each shipper and receiver south of this bridge that could be served were it not for the embargo, and (vii) the sections of removed track; (B) a list of the mileposts corresponding to (i) the end points of embargo GRYR000111, (ii) each rail station subject to this embargo, (iii) the point of interchange with ICR near Canton, (iv) the location of each shipper and receiver south of the above-referenced bridge that was served by GRYR prior to the embargo, (v) the location of each shipper and receiver south of this bridge that could be served were it not for the embargo, and (vi) the sections of removed track; (C) the name and address of each shipper and receiver south of the above-referenced bridge that was served by GRYR prior to the embargo; (D) the name and address of each shipper and receiver south of the above-referenced bridge that could be served were it not for the embargo; (E) a statement as to whether or not it is possible to serve shippers south of the above-referenced bridge temporarily across the Canton interchange until repairs to the bridge are completed, with an explanation of the reasons for this answer; and (F) if any portion of the embargo and/or sections of removed track is greater than one mile from the above-referenced bridge, an explanation as to why the embargo and/or sections of removed track are not limited to the immediate vicinity of this bridge. GRYR will be directed to file responses to these questions, and it may file additional evidence beyond what is specifically requested here to support these responses. Replies may be filed by Riley and any other interested person by August 1, 2013.³

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. GRYR is directed to file, by July 22, 2013:

(A) a map showing the locations of:

(i) the out-of-service bridge that is listed as the reason for embargo GRYR000111,

(ii) the end points of this embargo,

³ If any of the requested information raises confidentiality concerns, it should be filed under seal along with a motion for an appropriate protective order. See 49 C.F.R. § 1104.14.

- (iii) each rail station subject to this embargo,
- (iv) the point of interchange with ICR near Canton,
- (v) each shipper and receiver south of this bridge that was served by GRYR prior to the embargo,
- (vi) each shipper and receiver south of this bridge that could be served were it not for the embargo, and
- (vii) the sections of removed track;

(B) a list of the mileposts corresponding to:

- (i) the end points of embargo GRYR000111,
- (ii) each rail station subject to this embargo,
- (iii) the point of interchange with ICR near Canton,
- (iv) the location of each shipper and receiver south of the above-referenced bridge that was served by GRYR prior to the embargo,
- (v) the location of each shipper and receiver south of this bridge that could be served were it not for the embargo, and
- (vi) the sections of removed track;

(C) the name and address of each shipper and receiver south of the above-referenced bridge that was served by GRYR prior to the embargo;

(D) the name and address of each shipper and receiver south of the above-referenced bridge that could be served were it not for the embargo;

(E) a statement as to whether or not it is possible to serve shippers south of the above-referenced bridge temporarily across the Canton interchange until repairs to the bridge are completed, with an explanation of the reasons for this answer; and

(F) if any portion of the embargo and/or sections of removed track is greater than one mile from the above-referenced bridge, an explanation as to why the embargo and/or sections of removed track are not limited to the immediate vicinity of this bridge.

GRYR is directed to file responses to these questions, and it may file additional evidence beyond what is specifically requested here to support these responses.

2. Replies may be filed by Riley and any other interested person by August 1, 2013.
3. This decision is effective on its date of service.

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