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SERVICE DATE – LATE RELEASE JANUARY 19, 2016

SURFACE TRANSPORTATION BOARD

Docket No. FD 35986

CONNEX RAILROAD LLC—LEASE AND OPERATION EXEMPTION—LINE OF BUZZI
UNICEM USA IN COLLEGE PARK, GA.

Decided: January 19, 2016

On December 22, 2015, Connex Railroad LLC (Connex) filed a verified notice of exemption under 49 C.F.R. § 1150.31 to lease from noncarrier Buzzi Unicem USA (Buzzi), operate, and maintain approximately 1,500 feet of railroad track located in College Park, Ga. (the Line). The notice of exemption was served and published in the Federal Register on January 7, 2016 (81 Fed. Reg. 850). The exemption is scheduled to become effective on January 21, 2016.

On January 14, 2016, CSX Transportation, Inc. (CSXT), filed a petition to reject or, in the alternative, stay the notice of exemption to lease and operate the Line. CSXT argues that the Board should reject the notice as void ab initio because it contains false and misleading information. Specifically, CSXT asserts that Connex failed to state in the notice that CSXT owns a portion of the Line, that CSXT's portion of the Line is located on CSXT property, and that CSXT has not agreed to grant Connex access to CSXT's portion of the Line. CSXT further states that it has a Private Side Track Agreement dated June 19, 2006 (the Agreement) with Buzzi, which grants CSXT exclusive use of the Line and prevents Buzzi from assigning the Agreement without CSXT's written consent. CSXT fears that dual operations on the Line potentially would result in loss of business, liabilities (including environmental liability), and confusion. In the alternative, CSXT requests that the Board stay the effectiveness of the exemption if the Board determines that it needs additional information before rejecting the notice.

To provide sufficient time for the Board to fully consider the arguments presented, the effective date of the exemption will be postponed until further order of the Board. Connex and CSXT will be directed to serve their filings in this proceeding on Buzzi and certify to the Board that they have done so by January 22, 2016. Connex will be further directed to respond to CSXT's petition to stay or reject the notice of exemption by January 26, 2016.

It is ordered:

1. The effective date of the exemption is postponed until further order of the Board.
2. The parties are directed to serve their filings in this proceeding on Buzzi and certify to the Board that they have done so by January 22, 2016, and Connex is directed to file a reply to CSXT's petition by January 26, 2016.

3. This decision is effective on its service date.

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