

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35719]

Grainbelt Corporation—Trackage Rights Exemption—BNSF Railway Company and  
Stillwater Central Railroad Company

Pursuant to written trackage rights agreements dated February 1, 2013, and February 26, 2013, respectively, BNSF Railway Company (BNSF) and Stillwater Central Railroad Company (SLWC) have each agreed to amend their trackage rights agreements with Grainbelt Corporation (GNBC),<sup>1</sup> which together will allow GNBC to provide local service to a grain shuttle facility in Headrick, Okla. Specifically, BNSF is amending its trackage rights with GNBC regarding service over the connecting line between the connection with SLWC east of Long (milepost 668.73) and Altus (milepost 688.00), and SLWC is amending its trackage rights with GNBC regarding service between Snyder

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<sup>1</sup> GNBC already holds overhead trackage rights granted by the predecessor of BNSF between Snyder Yard (milepost 664.00) and Quanah, Tex. (milepost 723.30), under which GNBC has the right to interchange at Quanah with BNSF and Union Pacific Railroad Company. BNSF subsequently sold a portion of the subject trackage to SLWC. The original trackage rights were supplemented in 2009 to allow GNBC to operate between Snyder and Altus, Okla., with the right to perform limited local service at Long, Okla. See Grainbelt Corp.—Trackage Rights Exemption—BNSF Ry. and Stillwater Cent. R.R., FD 35332 (STB served Dec. 17, 2009). The original and supplemental trackage rights will not be affected by the amended trackage rights that are the subject of this proceeding.

Yard (milepost 664.00) and its connection with BNSF east of Long (milepost 668.73).<sup>2</sup>

The transaction may be consummated on or after March 30, 2013, the effective date of the exemption (30 days after the verified notice was filed).

The purpose of this transaction is to allow GNBC to provide local service between the grain shippers located on GNBC and the grain shuttle facility located at Headrick in single line service. The parties' agreements provide that the trackage rights are temporary in nature and are scheduled to expire automatically in 10 years.<sup>3</sup>

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc., 354 I.C.C. 605 (1978), as modified in Mendocino Coast Railway—Lease and Operate—California Western Railroad, 360 I.C.C. 653 (1980) (N&W).

This notice is filed under 49 C.F.R. § 1180.2(d)(7). If it contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions

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<sup>2</sup> Redacted versions of the trackage rights agreements between GNBC/BNSF and GNBC/SLWC were filed with the notice of exemption. The full versions of the agreements, as required by 49 C.F.R. § 1180.6(a)(7)(ii), were concurrently filed under seal along with a motion for protective order. That motion will be addressed in a separate decision.

<sup>3</sup> GNBC states that this filing is related to a simultaneously filed petition in Docket No. 35719 (Sub-No. 1) for partial revocation of the exemption to permit the amended trackage rights to automatically expire in 10 years. The Board will address that petition in a subsequent decision.

must be filed by March 22, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35719, must be filed with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

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“[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).”

Decided: March 12, 2013.

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