

Before the Surface Transportation Board
Washington, D.C. 20423

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March 24, 2015
Part of
Public Record

Finance Docket No. 35914

Fort Transfer Company—Verified Petition for Expedited
Relief for Service Emergencies—Tazewell County, IL

Verified Supplemental Rebuttal Statement
And Request For Immediate, Expedited Relief

Fort Transfer Company (“Fort Transfer”), by and through its counsel of record, pursuant to the provisions of 49 C.F.R. § 1146.1(b)(3) and 49 U.S.C. 11123(a), respectfully requests the Surface Transportation Board to take immediate action and grant expedited relief that will allow Keokuk Junction Railway Company (“KJRY”) to provide rail service to it by March 27, 2015. As events over this past weekend have demonstrated, there is nothing to prevent the immediate resumption of rail service over the line. Moreover, in order to be able to transport hazardous materials over the line, only one (1) stick of rail must be replaced.

On Friday, March 20, 2015, Fort Transfer filed its Rebuttal to the Reply filed by Toledo, Peoria & Western Railway Corp. (“TP&W”). In its Verified Rebuttal, Fort Transfer noted that three tank cars needed by its customer had been stranded on the line of railroad adjacent to its facility that had been placed “out of service” by TP&W on February 21, 2015. As reflected by the attached photographs, on Sunday, March 22, 2015, TP&W was able to traverse

the line and retrieve the stranded cars. The five photographs reflect the “stranded cars” moving in a northbound direction starting at the point where the tanks cars were attached to the locomotive just south of the Jefferson Street crossing, that is just north of Fort Transfer’s facility, and then over the Jefferson Street crossing and the crossing further to the north at Harding Road that was cited by the Federal Railroad Administration (“FRA”) inspector as the location of a broken rail head. The photographs were taken mid-morning on March 22, 2015.

Most importantly TP&W was able to traverse the line and remove the stranded cars without repairing the broken rail at the Harding Road crossing. As this demonstrates, the line is unquestionably operable despite being placed out of service. In any event, KJRY has stated that it is ready, willing and able to replace the single piece of rail that was cited by FRA. That replacement, which can be taken care of in a matter of hours, will allow the movement of hazardous materials over the line and immediately relieve the emergency situation that has developed following TP&W’s decision to place the line out of service and embargo further rail operations as of March 16, 2015.

Furthermore, the consequences of TP&W’s actions in arbitrarily removing the line from service are having acute, immediate negative consequences. On Monday, March 23, 2015, Fort Transfer spoke with its customer whose shipments have been diverted by TP&W to the storage facility maintained by Fort Transfer’s competitor in Farmer City, IL. During the course of the conversation, the customer advised Fort Transfer that it wants Fort Transfer

immediately to begin transloading its commodities that have been diverted to Farmer City by TP&W and move them to Fort Transfer's facility in Morton. This would involve moving the product at substantial expense a distance of almost 60 miles. This requirement is based on the customer's expressed fears that the storage facilities in Farmer City may be inadequate to handle the anticipated volume of product that must be delivered to the farmers in the upcoming days and weeks. As Fort Transfer has previously testified, transloading from East Peoria, which is less than nine (9) miles away, is virtually impossible.

The current emergency can only be blamed on TP&W's stated feeling that it was not making enough money operating the Morton Branch line. Given the attached photographs that show TP&W's locomotive, which reflects the name of its previous owner, removing empty rail cars a day ago, it is plainly evident, as KYRY has explained in its Verified Rebuttal filed March 20, 2015, that the line is operable despite being placed out of service over a month ago. Plainly, had TP&W made any effort to replace the one stick of track between February 21 when it placed the line out of service and the current date, there would have been no safety-related reason to create an emergency situation by shutting down all rail operations over the line.

In order to resolve the immediate crisis, the Board is requested to expedite its decision so that KJRY can make the one repair that is required and restore service by the end of the week. Without question, the instant situation plainly fits well within the confines of 40 C.F.R. Part 1146—Expedited Relief for Service Emergencies.

Respectfully submitted,

/s/ Richard H. Streeter

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Dated: March 24, 2015

VERIFICATION

I, Bard Kahler, President of Fort Transfer, hereby declare under penalty of perjury that the foregoing is true and correct. Executed on March 24, 2015.

/s/ Brad Kahler

Brad Kahler
President, Fort Transfer Company

Certificate of Service

I hereby certify that on this date a copy of the foregoing document was served on the parties, and by the method show below:

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Dated: March 24, 2015





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