

May 9, 2016

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BY E-FILING

240629

Ms. Cynthia T. Brown
Chief of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
May 9, 2016
Part of
Public Record

RE: FD 36007, Central Gulf Acquisition Company – Acquisition and Operation Exemption -CG Railway, Inc.

Dear Ms. Brown:

I am writing on behalf of Central Gulf Acquisition Company (“CGAC”) in connection with the decision that the Board served May 3 in the above-captioned matter. The Board’s decision is holding this matter in abeyance pending the submission by CGAC of responses to three questions that it has posed. The requested supplemental information is due by May 13, 2016.

CGAC’s answers to the Board’s questions are as follows:

1. CGAC confirms that it only seeks authority for the 2,850 feet of track identified in its acquisition and operation notice of exemption, more specifically North Yard tracks 14 and 15.
2. I am attaching a copy of the three decisions whereby CGR obtained Board operating authority. Only the 2007 decision covers the subject tracks 14 and 15 in Mobile.

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3. The map which CGAC filed with its notice of exemption is the very same map that CGR submitted to the Board as an attachment to its 2007 notice of exemption. This is the only map that CGAC has of the subject track.

CGAC respectfully requests that the Board not delay issuance of a decision in this matter. CGAC further notes that no party has submitted any comments, adverse or otherwise, in the one month since CGAC sought operating authority or in the two weeks since the Board published its notice of exemption in the continuance in control proceeding, FD 36006.

Sincerely yours,



John D. Heffner

Enclosures

cc: Robert Schellig, Esq.
Karl Morell, Esq.

SURFACE TRANSPORTATION BOARD DECISION DOCUMENT

Decision Information

Docket Number: **FD_33891_0**

Case Title: **CENTRAL GULF RAILWAY, INC.--LEASE AND OPERATION EXEMPTION--TERMINAL RAILWAY ALABAMA STATE DOCKS**

Decision Type: **Notice**

Deciding Body: **Director Of Proceedings**

Decision Summary

Decision Notes: **NOTICE THAT CGR HAS FILED A VERIFIED NOTICE OF EXEMPTION UNDER 49 CFR 1150.31 TO LEASE CERTAIN LINES FROM THE TERMINAL RAILWAY ALABAMA STATE DOCKS, AN AGENCY OF THE STATE OF ALABAMA, AND OPERATE EITHER DIRECTLY OR THROUGH THE USE OF A CONTRACT AGENT APPROXIMATELY 0.46 MILES OF RAIL LINE.**

Decision Attachments

[31136.pdf](#)

19 KB

Approximate download time at 28.8 kb: **12** Seconds

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Full Text of Decision

31136

SERVICE DATE - JULY 6, 2000

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33891]

Central Gulf Railway, Inc.--Lease and Operation Exemption--Terminal Railway Alabama State Docks

Central Gulf Railway, Inc. (CGR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease certain rail lines from the Terminal Railway Alabama State Docks (TASD), an agency of the State of Alabama, and operate either directly or through the use of a contract agent approximately 0.46 miles of rail line. The rail lines to be leased are located in TASD's Frascati Yard in Mobile, AL. CGR will be leasing Track Nos. 1, 2, and 4, beginning at a point of interchange with TASD 90 feet east of Ezra Trice Boulevard and extending east 590 feet for Track Nos. 1 and 2 and, 1271 feet for Track No. 4. CGR certifies that its projected revenues will not exceed those that would qualify it as a Class III carrier.

The transaction is scheduled to be consummated on or after June 30, 2000.

If the notice 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33891, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Karl Morell, Esq., BALL JANI, LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 27, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary

SURFACE TRANSPORTATION BOARD DECISION DOCUMENT

Decision Information

Docket Number: **FD_34710_0**

Case Title: **CG RAILWAY, INC.--LEASE AND OPERATION EXEMPTION--PORT OF NEW ORLEANS, LA**

Decision Type: **Decision**

Deciding Body: **Director Of Proceedings**

Decision Summary

Decision Notes: **PROVIDED NOTICE THAT CG RAILWAY, INC. FILED A VERIFIED NOTICE OF EXEMPTION UNDER 49 CFR 1150.41 TO LEASE FROM THE PORT OF NEW ORLEANS (PORT), AN AGENCY OF THE STATE OF LOUISIANA, AND OPERATE APPROXIMATELY 3.4 MILES OF RAIL LINE CONSISTING OF THE PORT'S NORTH YARD, INCLUDING TRACK NOS. 1, 2, 3, 4, 5, 6, AND 7, AND THE ELAINE STREET LEAD BETWEEN MILEPOST G1.2 AND MILEPOST G2.4, WHICH WILL ENABLE IT TO INTERCHANGE TRAFFIC DIRECTLY WITH CSX TRANSPORTATION, INC., IN NEW ORLEANS.**

Decision Attachments

[35920.pdf](#)

11 KB

Approximate download time at 28.8 kb: **18** Seconds

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Full Text of Decision

35920 SERVICE DATE – JULY 1, 2005

DO

FR-49015-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34710]

CG Railway, Inc.—Lease and Operation Exemption—Port of New Orleans, LA

CG Railway, Inc. (CGR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from the Port of New Orleans (Port), an agency of the State of Louisiana, and operate approximately 3.4 miles of rail line consisting of the Port's North Yard, including Track Nos. 1, 2, 3, 4, 5, 6, and 7, and the Elaine Street Lead between milepost G1.2 and milepost G2.4, which will enable it to interchange traffic directly with CSX Transportation, Inc., in New Orleans. ^[1]

CGR certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier, and further certifies that its projected annual revenues will not exceed \$5 million. The transaction was scheduled to be consummated on or shortly after June 8, 2005.

If the notice 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34710, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 27, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary

^[1] CGR states that operations on the line will be performed by it either directly or through the use of a contract agent.

**SURFACE TRANSPORTATION BOARD DECISION DOCUMENT
Decision Information**

Docket Number: **FD_35009_0**

Case Title: **C G RAILWAY, INC.--LEASE AND OPERATION EXEMPTION--
TERMINAL RAILWAY ALABAMA STATE DOCKS**

Decision Type: **Notice Of Exemption**

Deciding Body: **Director Of Proceedings**

Decision Summary

Decision Notes: **PROVIDED NOTICE THAT CG RAILWAY, INC. FILED A NOTICE OF
EXEMPTION TO ACQUIRE BY LEASE AND OPERATE 0.583 MILES
OF RAIL LINE FROM TERMINAL RAILWAY ALABAMA STATE
DOCKS IN MOBILE, AL.**

Decision Attachments

[37867.pdf](#)

9 KB

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**Full Text of
Decision**

37867

SERVICE DATE – APRIL 12, 2007

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35009]

CG Railway, Inc.—Lease and Operation Exemption—Terminal Railway Alabama State

Docks

CG Railway, Inc. (CGR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire by lease from Terminal Railway Alabama State Docks (TASD), an agency of the State of Alabama, and to operate approximately 0.583 miles of rail line consisting of track numbers North 14 and North 15 in TASD's North Yard in Mobile, AL.^[1] There are no mileposts associated with the two lines.

CGR certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier, and further certifies that its projected annual revenues from operation of the leased lines and current operations will not exceed \$5 million.

The transaction is expected to be consummated on or shortly after April 26, 2007.

If the verified notice 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 transaction. Petitions to stay must be filed no later than April 19, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35009, 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 Karl Morell, Of Counsel, Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.

Decided: April 2, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary

^[1] CGR states that it will shortly enter into an agreement with TASD for the lease of the rails.