

**Congress of the United States**  
**Washington, DC 20515**

September 8, 2016

Daniel R. Elliott III  
Chairman  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20034

Deb Miller  
Vice Chairman  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20034      241456

Ann D. Begeman  
Commissioner  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20034

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Office of Proceedings  
September 8, 2016  
Part of  
Public Record

Dear Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman:

We write to you regarding the recently filed Petition to Partially Revoke Class Exemption and the Petition for Waiver recently filed by Grand Elk Railroad (Docket No. FD 35187 (Sub-No.1)).

West Michigan businesses rely on the railroad transportation services provided by Grand Elk in Grand Rapids, Michigan. Grand Elk has served as a shortline provider for Norfolk Southern from Elkhart, Indiana to Grand Rapids, Michigan since 2009. Over the last seven years, numerous businesses in our districts have invested in infrastructure to take advantage of this rail service and connect to their customers.

The original trackage rights agreement between Norfolk Southern and CSX expired 2014. Recently, CSX has prevented Grand Elk from operating on the roughly 3.1 miles of disputed trackage rights in Grand Rapids. As a result, businesses in our districts lost their connection to competitive rail service.

We understand that Grand Elk has filed with the Surface Transportation Board a Petition to Partially Revoke Class Exemption and a Petition for Waiver. Given the importance of access to competitive rail service for businesses in our districts, we urge the Board to promptly attend to this matter. In the interim, we also request the Board take action to prevent service disruptions for shippers that depend upon access to rail service by ensuring common carrier obligations are continued until the Board rules on a final judgement.

We appreciate your consideration of our request to ensure competitive rail service in Grand Rapids, Michigan.

Sincerely,



Fred Upton  
Member of Congress



Bill Huizenga  
Member of Congress