

ENTERED
Office of Proceedings
September 30, 2016
Part of
Public Record

1312 St. Andrews Drive
Holland, MI 49423
Phone: 678 296 1409
E mail: rhburn3@gmail.com
September 29, 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

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

Re: Docket No. FD 35187 (Sub-No. 1)

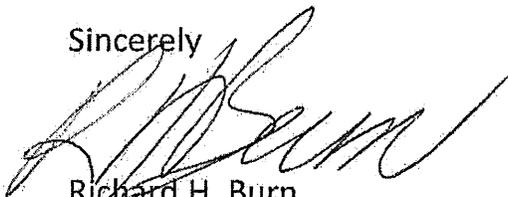
Grand Elk Railroad, Inc. – Acquisition of Incidental Trackage
Rights Exemption -- Norfolk Southern Railway Company

Dear Chairman Elliott, Vice Chairman Miller and Commissioner Begeman:

I have been in Europe (Spain, United Kingdom, and Ireland) from September 2nd to September 25th on business. Returning, I learned that the STB is holding my August 26th letter for certification to other parties in this case.

Given my out of North America travel, I request that testimony be submitted and included in the case.

Sincerely



Richard H. Burn
President
Ri Li Right Rail, Inc

RiLi Right Rail, Inc.
1312 St. Andrews Drive
Holland, MI 49423
Phone: 678 296 1409
E mail: rhburn3@gmail.com

August 26, 2016

VIA U.S. MAIL

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

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

Re: Docket No. FD 35187 (Sub-No. 1)
Grand Elk Railroad, Inc. – Acquisition of Incidental Trackage
Rights Exemption -- Norfolk Southern Railway Company

Dear Chairman Elliott, Vice Chairman Miller and Commissioner Begeman:

I am writing on behalf of clients of RiLi Rail, Inc., an Incorporated Consulting Company specializing in negotiation of freight rates for rail shippers as their agent, in response to the above-referenced proceeding. I urge the Surface Transportation Board to act quickly and decisively to restore recently-disrupted Grand Elk Railroad (“Grand Elk”) operations in Grand Rapids, MI. Clients in Kent and Allegan Counties, Michigan, rely upon Grand Elk’s railroad transportation services, and are harmed by the current railroad service disruption. With reduced business, short line railroads curtail service due to a lack of freight and daily freight pick up goes away.

I understand that Grand Elk is taking necessary legal action to restore its service in Grand Rapids in the face of another railroad’s obstruction. As a Railroad Freight Consultant, I have a vested interest in seeing that happen. Accordingly, your prompt attention to this matter is urgently requested.

Rili Right Rail, Inc., a Michigan Corporation, works with clients to find new rail routes. Closing of this switching service will take away a negotiation advantage for my clients. Federal Acts since the Staggers Act of 1980 have encouraged competitive railroad transportation in the United States. RiLi Right Rail has never had reason to believe that use of Grand Elk service would be disrupted without advance warning, particularly not without the Board permitting Grand Elk's cessation of service in the first place.

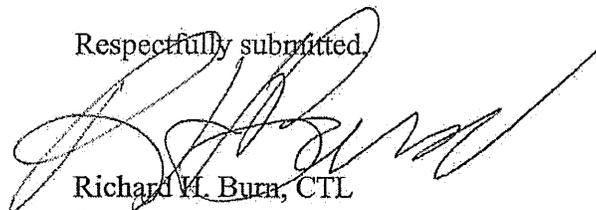
Because Grand Elk has been prohibited from accessing certain lines in Grand Rapids, despite years of operation over those lines, rail competition is being diminished from where it was 5 years ago. Industries I know will have to look to truck transportation looking to reduce rail business and put more traffic on the deteriorating Michigan highways to adjust to Grand Elk's service disruptions. In fact, unless the Board acts soon to restore Grand Elk service will be reduced due to lack of rail volume and more trucks will be on the roads.

That a short line operator such as Grand Elk could be forced for reasons of a contract dispute with another railroad to cease service on lines over which it has operated for several years is baffling.

I do not believe that the Board would sanction such Anti-Competitive actions such service disruptions, or allow shippers that have come to depend upon Grand Elk to be deprived of railroad transportation due to an apparent contract dispute. It appears to me as a Certified Member of the American Society of Transportation and Logistics and a former Interstate Commerce Commission Practitioner that the Board can legally and should direct the restoration of Grand Elk service, and that it should order the railroads in this dispute to negotiate new terms of operation in Grand Rapids, MI.

The rail freight shippers of West Michigan look forward to your prompt action on this issue. We urge your expedited consideration of Grand Elk's filings in this proceeding, and look to the Board to take all necessary action to restore our access to Grand Elk's railroad service as soon as possible.

Respectfully submitted,



Richard M. Bura, CTL
President
RiLi Right Rail, Inc.

CERTIFICATE OF SERVICE

The undersigned states that on September 29, 2016, he caused a copy of the foregoing to be served upon the following parties via deposit in the United States Mail chute located at 29 North Wacker Drive, Chicago, Illinois, 60606, with proper postage prepaid and/or via more expeditious means of delivery.

James E. Byrum
Michigan Agri-Business Association
1501 North Shore Drive, Suite A
East Lansing, MI 48823

Louis E. Gitomer
The Adams Building
600 Baltimore Avenue, Suite 301
Towson, MD 21204

Honorable Peter MacGregor
P.O. Box 30036
Lansing, MI 48909-7536

Honorable Bill Huizenga
Congress of the United States
1217 Lonworth House Office Building
Washington, DC 20515

Honorable Tonya Schuitmaker
26th District Senate for the State of Michigan
P.O. Box 30036
Lansing, MI 48909-0793

Kirk T. Steudle
Michigan Department Of Transportation
PO Box 30050
Lansing, MI 48909

Honorable Fred Upton
US House Of Representatives
Washington, DC 20515

Garrett D. Urban
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

By:


Richard H. Burn