

**Before the
SURFACE TRANSPORTATION BOARD
STB Docket No. FD 36418**

**ALABAMA & GULF COAST RAILWAY LLC
- TEMPORARY TRACKAGE RIGHTS EXEMPTION –
THE KANSAS CITY SOUTHERN RAILWAY COMPANY**

**PETITION FOR WAIVER AND
FOR IMMEDIATE EFFECTIVE DATE**

EXPEDITED CONSIDERATION REQUESTED

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Dated: July 1, 2020

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Alabama & Gulf Coast Railway LLC (“AGR”) hereby petitions the Board to waive the 30-day effectiveness period specified by 49 C.F.R. §1180.4(g) to permit the temporary trackage rights notice of exemption (the “Notice”) filed concurrently with this Petition in this docket to become effective immediately. The Notice filed under 49 C.F.R. §1180.2(d)(8) seeks to permit AGR to operate over the line of The Kansas City Southern Railway Company (“KCS”) between Meridian, MS and Columbus, MS (the “KCS Line”) on a temporary basis while emergency repairs are made to AGR’s main line and a bridge is replaced near Aliceville, AL damaged by a recent derailment. The requested waiver would accommodate AGR’s immediate need to operate over portions of KCS’s lines in order to create an accessible route for AGR’s traffic while service is being restored over AGR’s bridge and main line near Aliceville. Expedited consideration of this Petition is requested.

As explained in the Notice, AGR’s bridge and main line were damaged by a recent derailment, making the main line unusable for through traffic. The repairs are expected to take a few weeks to complete before AGR service can be restored. AGR has cobbled together detours for its traffic through a series of haulage arrangements with cooperating carriers; however, this

arrangement is inefficient and taxes the crews of the cooperating carriers, and the arrangements are causing significant impacts on the service that AGR can provide to its customers. Temporary trackage rights are required to minimize as much as possible, the impacts to AGR's customers.

AGR has now reached agreement with KCS on a temporary trackage rights arrangement that will allow AGR's crews to handle its own trains over the KCS Line while the repairs are being made. Under 49 C.F.R. §1180.4(g), the temporary trackage rights exemption would not become effective until 30 days after the filing of the Notice. Waiver of that period in the limited, emergency circumstances present here is necessary to improve service during the repair period and reduce the adverse impacts to AGR's customers. If the waiver were not granted, the temporary trackage rights exemption might not be effective until after AGR's line is repaired and the trackage rights would no longer be necessary. Allowing the exemption to become effective immediately is reasonable in this situation to accommodate AGR's emergency need to meet its customers' transportation needs.

The Board has granted waivers to allow the immediate effectiveness of temporary trackage rights in similar emergency situations. *See Norfolk Southern Railway Company – Temporary Trackage Rights Exemption - The Kansas City Southern Railway Company*, FD 36359 (served October 11, 2019) (waiver granted two days after the petition and notice were filed); *Norfolk Southern Railway Company – Temporary Trackage Rights Exemption - The Kansas City Southern Railway Company*, FD 36315 (served June 13, 2019); *Terminal Railway Alabama State Docks – Temporary Trackage Rights Exemption – Norfolk Southern Railway Company*, FD 36190 (served May 11, 2018). A similar waiver is justified in this proceeding.

Based on the foregoing, AGR respectfully requests that the Board waive the 30-day effectiveness requirement of 49 C.F.R. §1180.2(d)(8) and permit the temporary trackage rights exemption in this proceeding to become effective immediately.

Respectfully submitted,



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