

# FLETCHER & SIPPEL LLC

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December 9, 2020

301351

## VIA ELECTRONIC FILING

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Room 1034  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings  
December 9, 2020  
Part of  
Public Record

Re: **Docket No. FD 36456**  
**Dutchtown Southern Railroad, L.L.C — Lease and Operation**  
**Exemption — Illinois Central Railroad Company**

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is a **Verified Notice of Dutchtown Southern Railroad, L.L.C., pursuant to 49 C.F.R. § 1150.32**, dated December 9, 2020. The sum of \$2,200, representing the appropriate fee for this filing, has been tendered electronically via Pay.gov.

If you have any questions regarding this filing, please feel free to contact me.  
Thank you for your assistance on this matter.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish  
Attorney for Dutchtown Southern Railroad, L.L.C.

RAW:ah

Attachment

FILED  
December 9, 2020  
SURFACE  
TRANSPORTATION BOARD

FEE RECEIVED  
December 9, 2020  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FD 36456

DUTCHTOWN SOUTHERN RAILROAD, L.L.C.  
— LEASE AND OPERATION EXEMPTION —  
ILLINOIS CENTRAL RAILROAD COMPANY

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**VERIFIED NOTICE OF EXEMPTION OF  
DUTCHTOWN SOUTHERN RAILROAD, L.L.C.  
PURSUANT TO 49 C.F.R. § 1150.32**

Robert A. Wimbish  
Fletcher & Sippel  
29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208  
(312) 252-1500

**ATTORNEY FOR DUTCHTOWN  
SOUTHERN RAILROAD, L.L.C.**

Dated: December 9, 2020

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FD 36456

DUTCHTOWN SOUTHERN RAILROAD, L.L.C.  
— LEASE AND OPERATION EXEMPTION —  
ILLINOIS CENTRAL RAILROAD COMPANY

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**VERIFIED NOTICE OF EXEMPTION OF  
DUTCHTOWN SOUTHERN RAILROAD, L.L.C.  
PURSUANT TO 49 C.F.R. § 1150.32**

Dutchtown Southern Railroad, L.L.C. (“DUSR”), a non-carrier, hereby files this notice of exemption under 49 C.F.R. Part 1150.31 *et seq.* to lease, and to commence common carrier operations over, roughly 9,285 feet of track in Louisiana owned by Illinois Central Railroad Company (“ICRR”) known as the “Rubber Lead Track” (hereinafter, the “Line”). Based on projected revenues, DUSR would become a Class III rail carrier.

This Notice is related to FD 36457, *Watco Holdings, Inc. – Continuance in Control Exemption – Dutchtown Southern Railroad, L.L.C.*, in which Watco Holdings, Inc. (“Watco”) is concurrently filing a notice of exemption pursuant to 49 C.F.R. § 1180.2(d)(2) to continue in control of DUSR once DUSR consummates the subject lease transaction and becomes a rail carrier.

In accordance with the requirements of 49 C.F.R. § 1150.33, DUSR submits the following information:

**Name and Address of Applicant: 49 C.F.R. § 1150.33(a)**

The full name and address of the applicant herein is as follows:

Dutchtown Southern Railroad, L.L.C.  
315 West 3<sup>rd</sup> Street  
Pittsburg, Kansas 66762

**Applicant's Representative: 49 C.F.R. § 1150.33(b)**

The DUSR representative to whom correspondence regarding this transaction should be sent is as follows:

Robert A. Wimbish  
Fletcher & Sippel LLC  
29 North Wacker Drive, Suite 800  
Chicago, Illinois 60606-3208  
(312) 252-1500

**Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)**

DUSR and ICRR shortly will execute agreements pursuant to which DUSR will lease the Line and commence common carrier service over it.

**Operation of the Property: 49 C.F.R. § 1150.33(d)**

DUSR will provide common carrier service on the Line upon consummation of the proposed lease transaction. The service will constitute the entirety of DUSR's rail common carrier operations. Hence, advance Board authorization is appropriate in accordance with *Effingham Railroad Company – Petition for Declaratory Order – Construction at Effingham, Ill.*, FD 41986, 2 STB 606, 607 (1997) and *Effingham Railroad Company – Operation Exemption – Line Owned by Agracel*, FD 33468 (STB served Sep. 24, 1997), 1 *aff'd United Transp. Union v. United States*, 183 F.3d 606, 614 (7<sup>th</sup> Cir. 1999).

**Summary of the Transaction: 49 C.F.R. § 1150.33(e)**

DUSR is a newly-formed, non-carrier subsidiary of Watco. Pursuant to agreements to be executed by DUSR and ICRR, DUSR will lease and operate ICRR's track extending from a point on the Line roughly adjacent to milepost 386 + 1636.15' on ICRR's parallel main line, extending southeastward to a point proximate to milepost 388 + 357' on the aforementioned, parallel-running ICRR main line, a distance of approximately 9,285 feet, all within Geismar, Ascension Parish, Louisiana.<sup>1</sup>

The full name and address of the entity leasing the Line to DUSR is as follows:

Illinois Central Railroad Company  
17641 South Ashland Avenue  
Homewood, Illinois 60430

ICRR is a wholly-owned, indirect common carrier subsidiary of Canadian National Railway Company. *See Canadian National Railway Co. – Control – Wisconsin Central Transportation Corp.*, 5 S.T.B. 890 (2001).

DUSR intends to consummate its lease of the Line and to commence operations on or after January 16, 2020.

**Map: 49 C.F.R. § 1150.33(f)**

A map showing the Line and indicating the area served is attached as Exhibit A to this notice.

**Certificate of Compliance: 49 C.F.R. § 1150.33(g)**

A Certificate in compliance with the provisions of 49 C.F.R. § 1150.33(g) is attached as Exhibit B.

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<sup>1</sup> DUSR will also secure rights to operate into ICRR's Geismar storage yard for the purposes of interchanging rail cars there with ICRR.

**Interchange Commitments: 49 C.F.R. § 1150.33(h)**

The Subject agreements between DUSR and ICRR do not include any provision limiting DUSR's future interchange of traffic on the Line with a third-party connecting carrier.

**Advance Notice: 49 C.F.R. § 1150.32(e)**

DUSR's projected annual revenues are not expected to exceed \$5 million. *See* Exhibit B. Accordingly, the advance notice requirements of 49 C.F.R. § 1150.32(e) are not applicable.

**Environmental and Historic Preservation Data: 49 C.F.R. § 1105**

Under 49 C.F.R. § 1105.6(c)(2), DUSR's proposed lease of the Line is exempt from environmental reporting requirements. The proposed transaction will not result in significant changes in carrier operations, *i.e.*, changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

Under 49 C.F.R. § 1105.8(b)(1), DUSR's proposed lease of the Line is exempt from historic preservation reporting requirements, also. DUSR's lease is for the purpose of continuing rail operations.

**Caption Summary: 49 C.F.R. § 1150.34**

A caption summary in the appropriate form is attached as Exhibit C to this notice.

Respectfully submitted,

By: /s/ *R. A. Wimbish*

Robert A. Wimbish  
Fletcher & Sippel LLC  
29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208  
(312) 252-1500

**ATTORNEY FOR DUTCHTOWN  
SOUTHERN RAILROAD, L.L.C.**

Dated: December 9, 2020

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FD 36456

DUTCHTOWN SOUTHERN RAILROAD, L.L.C.  
— LEASE AND OPERATION EXEMPTION —  
ILLINOIS CENTRAL RAILROAD COMPANY

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**EXHIBIT A**  
**MAP**

## Exhibit A

Approximately Adjacent to  
ICRR Milepost 386 + 1636.15'

Leased Line shown in red.

Approximately Adjacent to  
ICRR Milepost 388 + 357'

© 2020 Google

Google Earth

Imagery Date: 1/23/2019 30°11'57.98" N 91°00'33.58" W elev 29 ft eye alt 13801 ft

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— LEASE AND OPERATION EXEMPTION —  
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---

**EXHIBIT B**  
**CERTIFICATE OF COMPLIANCE**

**CERTIFICATION**

State of Kansas                     )  
                                                      ) ss:  
County of Crawford                )

Rick D. Baden, being duly sworn, hereby certifies that the projected annual rail revenue of Dutchtown Southern Railroad, L.L.C. is not expected to exceed \$5 million, and will not result in the creation of a Class II or Class I rail carrier under 49 C.F.R. § 1201 (1-1).



Rick D. Baden

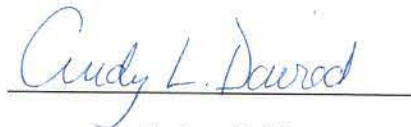
Executive Vice President and

Chief Financial Officer

SUBSCRIBED AND SWORN TO

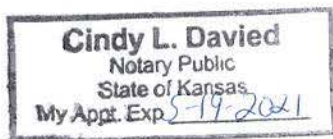
before me this 1st day

of December, 2020.



Notary Public

My Commission expires: 5-19-2021



BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FD 36456

DUTCHTOWN SOUTHERN RAILROAD, L.L.C.  
— LEASE AND OPERATION EXEMPTION —  
ILLINOIS CENTRAL RAILROAD COMPANY

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**EXHIBIT C**  
**CAPTION SUMMARY**

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

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FD 36456

DUTCHTOWN SOUTHERN RAILROAD, L.L.C.  
— LEASE AND OPERATION EXEMPTION —  
ILLINOIS CENTRAL RAILROAD COMPANY

---

Dutchtown Southern Railroad, L.L.C. (“DUSR”), a non-carrier, has filed a Verified Notice of Exemption under 49 C.F.R. § 1150.31, *et seq.* to lease from Illinois Central Railroad Company (“ICRR”) a line of railroad known as the “Rubber Lead Track” (hereinafter, the “Line”) extending from a point on the Line roughly adjacent to milepost 386 + 1636.15’ on ICRR’s parallel main line, extending southeastward to a point proximate to milepost 388 + 357’ on the aforementioned, parallel-running ICRR main line, a distance of approximately 9,285 feet, all within Geismar, Ascension Parish, Louisiana.<sup>2</sup> DUSR expects to consummate its lease of the Line and to commence operations on or after January 16, 2020.

Comments must be filed with the Board and served on:

Robert A. Wimbish  
Fletcher & Sippel LLC  
29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208  
(312) 252-1500

This proceeding is related to FD 36457, *Watco Holdings, Inc. – Continuance in Control Exemption – Dutchtown Southern Railroad, L.L.C.*, in which Watco Holdings, Inc. has

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<sup>2</sup> DUSR will also secure rights to operate into ICRR’s Geismar storage yard for the purposes of interchanging rail cars there with ICRR.

concurrently filed a notice of exemption pursuant to 49 C.F.R. § 1180.2(d)(2) to continue in control of DUSR once DUSR consummates its lease the Line and becomes a carrier.

This Notice is filed under 49 C.F.R. § 1150.31. If this 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.

Dated: December \_\_, 2020

By the Board

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FD 36456

DUTCHTOWN SOUTHERN RAILROAD, L.L.C.  
— LEASE AND OPERATION EXEMPTION —  
ILLINOIS CENTRAL RAILROAD COMPANY

---

**VERIFICATION**

VERIFICATION

State of Kansas                    )  
                                              ) ss:  
County of Crawford                )

Rick D. Baden, being duly sworn, deposes and says that he is Executive Vice President and Chief Financial Officer of Dutchtown Southern Railroad, L.L.C., that he has read the foregoing Notice of Exemption and knows the facts asserted therein, and that the same are true as stated.



Rick D. Baden

SUBSCRIBED AND SWORN TO

before me this 1st day

of December, 2020.



Notary Public

My Commission expires: 5-19-2021

