

SERVICE DATE – APRIL 29, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36439

FLINT HILL RESOURCES RAILROAD, LLC—CONSTRUCTION & OPERATION
EXEMPTION—HARDIN COUNTY, IOWA

Decided: April 29, 2021

By petition filed February 1, 2021, Flint Hill Resources Railroad, LLC (FHRR), a noncarrier, seeks an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 for authorization to construct and operate an approximately 2.3-mile rail line (the Line) in Hardin County, Iowa. FHRR states that it is a newly organized rail corporation and a subsidiary of FHR B&I Holdings, LP (FHR), and that FHR also is the parent company of Flint Hill Resources Iowa Falls, LLC, an ethanol producer with a facility (the Plant) that is currently exclusively served by Union Pacific Railroad Company (UP).¹ According to FHRR, the proposed Line will provide the Plant with a new, permanent, direct connection to Canadian National Railway Company's nearby mainline while preserving the Plant's connection with UP. (Pet. 2.)

FHRR states that the "substantial majority" of the proposed Line will be constructed on or next to existing railroad rights-of-way or on land already owned by the Plant. (*Id.* at 3.) According to FHRR, the final alignment of the proposed Line has not been decided but will involve crossing UP's line at some point.² (*Id.* at 2 n.3.)

FHRR seeks expedited consideration of its petition and requests that the Board issue a preliminary decision addressing the transportation merits of the proposed construction, subject to issuance of a final decision after completion of the environmental review. (*See id.* at 3, 10.)

By this decision, a proceeding is instituted under 49 U.S.C. § 10502(b). The request for a preliminary decision will be addressed in a subsequent decision.

¹ According to FHRR, FHR is a wholly owned subsidiary of Koch Industries, Inc. (Pet. 2 n.1.)

² FHRR states that it intends to negotiate the terms and exact crossing location with UP, but, absent an agreement with UP, it will file a separate petition to cross UP's line. (Pet. 2 n.3.)

It is ordered:

1. Under 49 U.S.C. § 10502(b), a proceeding is instituted.
2. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.