

LAW OFFICE
THOMAS F. McFARLAND, P.C.
2230 MARSTON LANE
FLOSSMOOR, ILLINOIS 60422-1336
TELEPHONE (708) 704-7679
mcfarland@aol.com

May 17, 2021

302368

ENTERED
Office of Proceedings
May 17, 2021
Part of
Public Record

By e-filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Finance Docket No. 36520, *Chicago, Rock Island & Pacific Railroad LLC --
Continuance in Control Exemption -- Gulf & Ship Island Railroad LLC*

Dear Ms. Brown:

Hereby transmitted is a Notice Of Exemption Under 49 C.F.R. § 1180.2(d)(2) for filing
with the Board in the above referenced matter.

The filing fee of \$1700 is being paid electronically via *pay.gov*.

Respectfully submitted,

/s/ Thomas F. McFarland
Thomas F. McFarland
*Attorney for Chicago, Rock Island &
Pacific Railroad LLC*

TMcF:mg:1900\efSTB2

FILED
May 17, 2021
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
May 17, 2021
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

CHICAGO, ROCK ISLAND & PACIFIC)
RAILROAD LLC -- CONTINUANCE IN) FINANCE DOCKET
CONTROL EXEMPTION -- GULF &) NO. 36520
SHIP ISLAND RAILROAD LLC)

**NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1180.2(d)(2)**

CHICAGO, ROCK ISLAND & PACIFIC
RAILROAD LLC
P.O. Box 601
Hernando, MS 38632

Applicant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
2230 Marston Lane
Flossmoor, IL 60422-1336
(708) 704-7679
mcfarland@aol.com

Attorney for Applicant

Date Filed: May 17, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

CHICAGO, ROCK ISLAND & PACIFIC	)	
RAILROAD LLC -- CONTINUANCE IN	)	FINANCE DOCKET
CONTROL EXEMPTION -- GULF &	)	NO. 36520
SHIP ISLAND RAILROAD LLC	)	

**NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1180.2(d)(2)**

Pursuant to 49 U.S.C. § 10502(a) and 49 C.F.R. § 1180.2(d)(2), Chicago, Rock Island & Pacific Railroad LLC (CRIP), a Class III rail carrier, hereby provides notice of its class exemption from 49 U.S.C. §§ 11323-11325 for its continuance in control of Gulf & Ship Island Railroad LLC (GSIR) when GSIR becomes a rail carrier.

This Notice of Exemption is related to Finance Docket No. 36519 in which GSIR is concurrently providing notice of its class exemption from 49 U.S.C. § 10901 for its lease from Harrison County Development Commission (the County) and operation of industrial lead tracks that the County recently acquired from The Kansas City Southern Railroad Company (KCS) that extend between a point approximately 800 feet east of US Highway 49 on the Seaway Lead track and the end of the Seaway Lead Track at Bernard Bayou Industrial Park at or near Gulfport, MS, a distance of approximately 5 miles.

INFORMATION REQUIRED BY 49 C.F.R. § 1180.4(g)(1)(i)

(a) 1180.6(a)(1)(i). A brief summary of the proposed transaction, the name of the applicants, their business address, telephone number, and the name of the counsel to whom questions regarding the transaction can be addressed.

The transaction is continuance in control of GSIR when GSIR becomes a rail carrier by virtue of a related proceeding, i.e. Finance Docket No. 36519.

Applicant is CRIP, P.O. Box 601, Hernando, MS 38632, (662) 209-1549. Applicant's counsel is Thomas F. McFarland, Thomas F. McFarland, P.C., 2230 Marston Lane, Flossmoor, IL 60422-1336, ph (708) 704-7679, mcfarland@aol.com.

CRIP currently owns and operates Mississippi Delta Railroad LLC (MSDR), a Class III rail carrier, whose rail line extends a distance of approximately 85 miles between Swan Lake, MS and Jonestown, MS. CRIP does not currently own any other rail carriers. GSIR does not connect to MSDR. Continuance in control of GSIR when GSIR becomes a rail carrier is not part of a series of anticipated transactions that would connect GSIR to MSDR. No Class I rail carrier is involved in the proposed continuance of control. Those facts establish that the proposed continuance in control qualifies for the class exemption provided for in 49 C.F.R. § 1180.2(d)(2).

b) 1180.6(a)(1)(ii). The proposed time schedule for consummation of the proposed transaction;

The proposed continuance in control is proposed to be consummated no earlier than 30 days after the filing of this Notice of Exemption.

(c) 1180.6(a)(1)(iii). The purpose sought to be accomplished by the proposed transaction, e.g., operating economies, eliminating excess facilities, improving service, or improving the financial viability of the applicants;

The proposed transaction is intended to promote Applicant's investment objectives and to improve its efficiency, financial strength, and ability to meet the needs of shippers.

Because GSIR does not connect to any rail carrier controlled by CRIP, the proposed transaction will not result in any lessening of competition in the areas served by GSIR, nor will it make possible any abuse of market power.

(d) 1180.6(a)(5). A list of the State(s) in which any part of the property of each applicant carrier is situated;

GSIR and MSDR both operate solely in the State of Mississippi.

(e) 1180.6(a)(6). Map. Submit a general or key map indicating clearly, in separate colors or otherwise, the line(s) of applicant carriers in their true relations to each other, short line connections, other rail lines in the territory, and the principal geographic points in the region traversed. If a geographically limited transaction is proposed, a map detailing the transaction should also be included. In addition to the map accompanying each application, 20 unbound copies of the map shall be filed with the Board:

Attached are a map of GSIR (Appendix 1), and a map of MSDR (Appendix 2).

(f) 1180.6(a)(7)(ii). Agreement (Exhibit A). Submit a copy of any contract or other written instrument entered into, or proposed to be entered into, pertaining to the proposed transaction;

There is no written agreement concerning Applicant's continuance in control of GSIR when GSIR becomes a rail carrier.

(g) 1180.6(g)(4). Interchange Commitments.

No interchange commitment is involved in the proposed continuance in control of GSIR when GSIR becomes a rail carrier.

(h) Labor Protection.

Inasmuch as all rail carriers involved in the proposed transaction are Class III rail carriers, labor protective conditions are not to be imposed. *See* 49 U.S.C. § 11326(c).

(i) Environmental and Historical documentation.

This transaction qualifies for classification under 49 C.F.R. § 1105.6(c)(1) and 1105.8(b)(3); thus, neither an Environmental Report nor a Historic Report is required to be filed.

Respectfully submitted,

CHICAGO, ROCK ISLAND & PACIFIC
RAILROAD LLC
P.O. Box 601
Hernando, MS 38632

Applicant

/s/ Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
2230 Marston Lane
Flossmoor, IL 60422-1336
(708) 704-7679
mcfarland@aol.com

Attorney for Applicant

Date Filed: May 17, 2021

