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Crystal M. Zorbaugh

ENTERED
Office of Proceedings
August 3, 2021
Part of
Public Record

Direct Dial: (202) 663-7831
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August 3, 2021

VIA E-FILING

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Decatur Junction Railway Co. – Amended Lease and Operation Exemption – Lines in Illinois, FD 32365 (Sub-No. 1)

Dear Ms. Brown:

Decatur Junction Railway Co. (“DJR”) hereby files, via e-filing, a Verified Notice of Exemption pursuant to 49 C.F.R. Part 1150, Subpart E for Renewal of An Existing Lease. If there are any questions concerning this e-filing, please contact me by telephone at (202) 663-7831 or by e-mail at czorbaugh@bakerandmiller.com. A \$2,200.00 filing fee has been paid via Pay.gov. If I am unavailable, you may contact William A. Mullins, by telephone at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

Sincerely,

/s/ Crystal M. Zorbaugh

Crystal M. Zorbaugh

Enclosures

FILED
August 3, 2021
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
August 3, 2021
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 32365 (Sub-No. 1)

**DECATUR JUNCTION RAILWAY CO. – AMENDED LEASE AND OPERATION
EXEMPTION – LINES IN ILLINOIS**

**VERIFIED NOTICE OF EXEMPTION OF
DECATUR JUNCTION RAILWAY CO.
PURSUANT TO 49 C.F.R. PART 1150, SUBPART E**

**Kristin Bevil
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DECATUR JUNCTION RAILWAY CO.
5619 DTC Parkway
Suite 650
Greenwood Village, CO 80111**

**William A. Mullins
Crystal M. Zorbaugh
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Facsimile: (202) 663-7849**

Attorneys for Decatur Junction Railway Co.

August 3, 2021

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 32365 (Sub-No. 1)

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**VERIFIED NOTICE OF EXEMPTION OF
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PURSUANT TO 49 C.F.R. PART 1150, SUBPART E**

Pursuant to 49 CFR Part 1150, Subpart E, Decatur Junction Railway Co. (“DJR”), a Class III rail carrier, hereby files this Verified Notice of Exemption (the “Notice”) to renew its lease and continue to operate an approximately 17-mile line of railroad owned by Central Illinois Shippers, Inc. (“CISI”), which extends from milepost 728.00 (at Assumption, IL) to milepost 745.54 (near Elwin, IL) (the “Subject Line”).¹

¹ DJR has leased the Subject Line since 1993. See Decatur Junction Ry. Co. – Lease and Operation Exemption – Lines in Ill., FD 32365 (I.C.C. served Oct. 18, 1993, as corrected Oct. 26, 1993) (“1993 Lease”). Pursuant to the 1993 Lease, DJR also acquired operating authority over approximately 13 miles of rail line between milepost 14.22 (at Cisco, IL) and milepost 27.63 (at Green's Switch, IL) (“Cisco Line”) owned Cisco Cooperative Grain Company and incidental trackage rights over lines of the Illinois Central Railroad (“IC”) between Decatur, IL and Elwin, IL, and between Decatur, IL and Green's Switch, IL, which connect the Subject Line and the Cisco Line. In 2017, pursuant to a change in operator’s notice of exemption, operating authority for the Cisco Line transferred from DJR to Decatur Central Railroad, L.L.C. See Decatur Cent. R.R., L.L.C.—Change in Operator Exemption—Decatur Junction Ry. Co., FD 36080 (S.T.B. served Jan. 6, 2017).

In 2012, DJR acquired a portion of the IC rail line over which it acquired incidental trackage rights in 1993. See Decatur Junction Ry. Co. – Acquisition and Operation Exemption – Lines of Ill. Cent. R.R. Co. – In Macon County, Ill., FD 35682 (S.T.B. served Dec. 11, 2012) (“DJ/IC Acquisition”) (exempting DJR’s acquisition and operation of approximately 4.4 miles of IC rail line between milepost 745.54 near Elwin and milepost 749.94 near Decatur, in Macon County, Ill and see underlying notice of exemption (filed October 11, 2012) noting that DJR’s incidental trackage rights over the rail line, and over the IC trackage north of Milepost 749.94, for purposes of interchange with IC at Decatur, Illinois, and transit of DJR equipment to DJR’s line between Decatur, Illinois and Cisco, Illinois would continue).

Pursuant to a recently signed Lease & Operating Agreement (“Agreement”), the parties agreed to extend DJR’s existing lease operations over the Subject Line through December 31, 2025. In accords with 49 C.F.R. § 1150.43, DJR submits the following information:

Name and Address of Applicant: 49 C.F.R. § 1150.43(a)

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

Name and Address of Applicant: 49 C.F.R. § 1150.43(a)

Decatur Junction Railway Co.
5619 DTC Parkway, Suite 650
Greenwood Village, CO 80111

Applicant’s Representatives: 49 C.F.R. § 1150.43(b)

DJR’s representatives to whom correspondence should be sent is as follows:

William A. Mullins
Crystal M. Zorbaugh
Baker & Miller PLLC
2401 Pennsylvania Ave. N.W., Suite 300
Washington, D.C. 20037
(202) 663-7820

Statement Concerning Agreement: 49 C.F.R. § 1150.43(c)

DJR and CISI have negotiated and executed the Agreement extending the term of the lease governing the Subject Line through December 31, 2025. The Agreement will take effect upon the effective date of any decision or notice of exemption served by the Board.

Operator of the Property: 49 C.F.R. § 1150.43(d)

DJR will continue to operate and provide common carrier service to any shippers needing service on the Subject Line.

The rail line DJR acquired in the DJ/IC Acquisition was transferred to an affiliate, Pioneer Railroad Services, Inc., as part of a corporate family transaction in 2017. See Pioneer Railcorp, Pioneer R.R. Services, Inc., and Decatur Junction Ry. Co.—Exemption for Transaction Within a Corp. Family, FD 35887 (S.T.B. served Dec. 24, 2017)

Background and Summary of the Transaction: 49 C.F.R. § 1150.43(e)

As noted previously, since 1993, DJR has been authorized to provide common carrier service over the approximately 17-mile Subject Line owned CISI, extending from milepost 728.00 (at Assumption, IL) to milepost 745.54 (near Elwin, IL). Recently, DJR and CISI agreed to extend DJR's lease operations over the Subject Line through December 31, 2025. DJR intends to consummate the Agreement upon receipt of all requisite regulatory approvals.

- 1) The name and address of the entity leasing the Subject Line to DJR is:

Central Illinois Shippers, Inc.
Attention: President
104 West North Street
Assumption, IL 62510

- 2) DJR intends to consummate the Agreement upon receipt of all requisite regulatory approvals.
- 3) The Subject Line extends from milepost 728.00 (at Assumption, IL) to milepost 745.54 (near Elwin, IL).
- 4) Total route miles: approximately 17 miles.

Map: 49 C.F.R. § 1150.43(f)

A Map showing the Subject Line is attached as Exhibit A.

Certificate of Compliance: 49 C.F.R. § 1150.43(g)

Attached as Exhibit B is a certificate affirming that DJR's projected revenues as a consequence of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require the processing of this notice under 49 C.F.R. § 1150.45. As a result of this transaction, DJR will remain a Class III rail carrier. Additionally, DJR's combined annual revenues do not now exceed \$5 million and are not projected to exceed \$5 million following the consummation of the

subject transaction. Therefore, DJR need not comply with the 60-day advance notice and posting requirements set forth at 49 C.F.R. § 1150.42(e).

Interchange Commitments: 49 C.F.R. § 1150.43(h)

The Agreement does not contain any interchange commitments.

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

Under 49 C.F.R. § 1105.6(c)(2), the proposed Agreement 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), the lease of the Subject Line also is exempt from historic preservation reporting requirements. The proposed transaction is for the purpose of continued rail operations. Further Board approval is required to discontinue any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that is fifty years old or older.

Caption Summary: 49 C.F.R. § 1150.42(a)

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

Respectfully submitted,

/s/ Crystal M. Zorbaugh

Kristin Bevil
General Counsel
DECATUR JUNCTION RAILWAY CO.
5619 DTC Parkway
Suite 650
Greenwood Village, CO 80111

August 3, 2021

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Attorneys for Decatur Junction Railway Co.

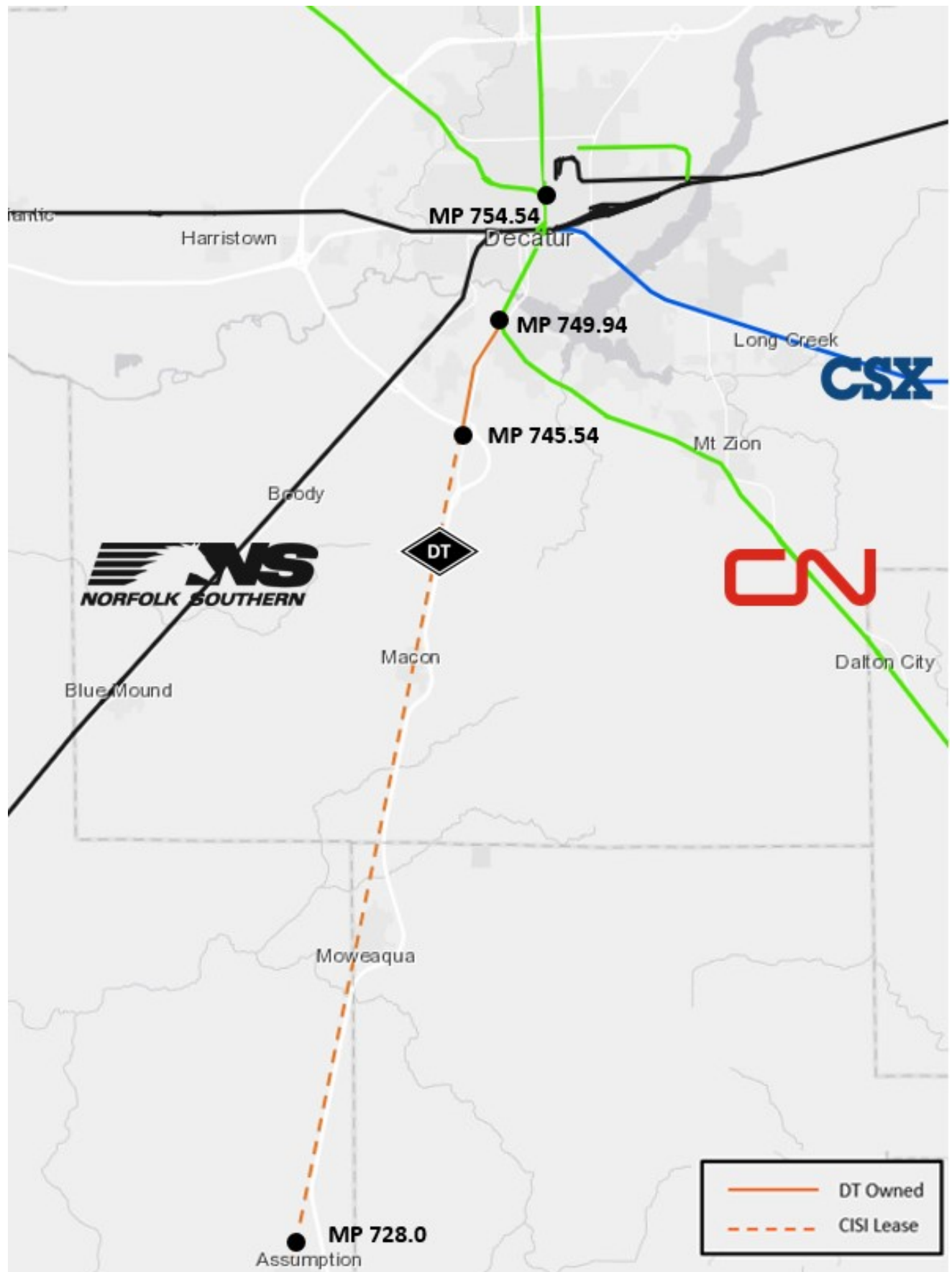
**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 32365 (Sub-No. 1)

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PURSUANT TO 49 C.F.R. PART 1150, SUBPART E**

Exhibit A – Map



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Exhibit B – Combined Certification and Verification

COMBINED CERTIFICATION & VERIFICATION

I, Ross Grantham, Chief Operating Officer for Decatur Junction Railway Co. ("DJR"), hereby certify that DJR's projected annual revenues will not result in DJR becoming a Class I or Class II carrier so as to require processing the foregoing notice of exemption under 49 C.F.R. § 1150.45. I further certify that DJR's combined annual revenues do not now exceed \$5 million and are not projected to exceed \$5 million following consummation of the subject transaction.

Pursuant to 28 U.S.C. 1746, I, Ross Grantham for Decatur Junction Railway Co. ("DJR"), declare under the penalty of perjury under the laws of the United States that I am authorized to make this verification on behalf of DJR, a Class III rail carrier, and that the foregoing notice of exemption is true and correct to the best of my knowledge and belief.

July 28, 2021



Ross Grantham
Chief Operating Officer

-

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SURFACE TRANSPORTATION BOARD**

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Exhibit C – Caption Summary

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FD 32365 (Sub-No. 1)

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Comments must be filed with the Board and served on:

William A. Mullins
Crystal M. Zorbaugh
Baker & Miller PLLC
2401 Pennsylvania Ave. N.W., Suite 300
Washington, D.C. 20037
(202) 663-7820

The notice is filed under 49 C.F.R. § 1150.41. If the 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.