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September 12, 2023

VIA ELECTRONIC MAIL

Ms. Danielle Gosselin, Esq.
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
Danielle.gosselin@stb.gov

Re: **FD 36723**
Savannah Industrial Logistics, LLC — Construction Exemption — Effingham County, GA

FD 36723 (Sub-No. 1)
Savannah Industrial Transportation, LLC — Operation Exemption — Effingham County, GA

Requests for Waiver of 49 C.F.R. § 1105.10(a)(1)

Dear Ms. Gosselin:

With the Board's order served August 1, 2023 (Order) requiring: (1) Savannah Industrial Logistics, LLC (SIL) to ask for after-the-fact line construction authority for, and Savannah Industrial Transportation, LLC (SIT) ¹ to ask for acquisition authority of, certain track no later than September 30, 2023² and (2) Omni-Savannah consult the Office of Environmental Analysis (the Office) before doing so—and your intervening instruction—Omni-Savannah requests a waiver of 49 C.F.R. § 1005.10(a)(1) for the captioned matters.

¹ Collectively, "Omni-Savannah."

² Or, as the Order says "within 60 days" of service. *Savannah Industrial Transportation, LLC — Operation Exemption — In Effingham County, Ga.*, FD 36589 (STB served Aug. 1, 2023), ¶¶2–3.

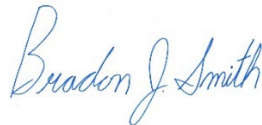
FLETCHER & SIPPEL LLC

Ms. Danielle Gosselin, Esq.
September 12, 2023
Page 2

Waiver is necessary for Omni-Savannah to obey the Order, meaning the waiver is “appropriate.”³ The rule requires applicants to give pre-filing written notice to the Office no fewer than 6 months before proposing actions the Board supervises—like line construction and acquisition⁴—where an Environmental Impact Statement is “required or contemplated” for the authorization.⁵ But the Order requires SIL and SIT to request after-the-fact authority for their respective construction and acquisition actions within 60 days of its service—shorter than the 6 months the rule requires. Omni-Savannah cannot provide the required 6-month notification when the Order requires filing within 60 days. This makes a waiver of the 6 month “lead period” “appropriate.”⁶

As for the rule’s requirement a request for waiver describe “as completely as possible the anticipated environmental effects of the proposed action,” we appreciate your continued engagement with the materials and information supplied for the Track under the Board-ordered preliminary consultation. We remain available and to provide further information and answer any questions related to the Track, namely, those environmental concerns that were anticipated, and how they have been addressed.

Sincerely,



Bradon J. Smith
Attorney for Savannah Industrial Logistics, LLC
and Savannah Industrial Transportation, LLC

BJS/bjs

cc: All parties of record

³ 49 C.F.R. § 1105.10(c).

⁴ Here, Omni-Savannah will ask the Board for after-the-fact authorization for Omni-Savannah’s actions to construct, acquire, and operate a 11,404-foot rail line between Norfolk Southern Railway Company (NSR) near NSR milepost 16.6 to a connection with CSX Transportation, Inc. (CSXT) near CSXT milepost S484.0 (“Track”) and related ancillary track. *Id.* at 1; *Id.* at ¶¶2–3. Generally, no Environmental Impact Statement is required for line acquisition. 49 C.F.R. § 1105.6(b).

⁵ Admittedly, it is not clear the Board “required or contemplated” an Environmental Impact Statement here. Its order served August 1, 2023 allotted no time for the pre-filing notification as part of the environmental review process—meaning this request may well be moot.

⁶ *Id.*