



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office Environmental Analysis

September 26, 2023

Brandon J. Smith
 Fletcher & Sippel LLC
 29 North Wacker Drive
 Suite 800
 Chicago, IL 60606-3208

Re: Docket No. FD 36723, Savannah Industrial Logistics, LLC – Construction
 Exemption – Effingham County, GA; Docket No. FD 36723 (Sub-No. 1), Savannah
 Industrial Transportation, LLC – Operation Exemption – Effingham County, GA;
 Waiver Requests of Six-Month Prefiling Notice Requirement.

Dear Mr. Smith:

Pursuant to 49 C.F.R. § 1105.10(c)(2), the Surface Transportation Board’s Office of Environmental Analysis (OEA) is granting your September 12, 2023 request for waiver of the six-month prefiling notice generally required for rail construction projects under 49 C.F.R. § 1105.10(a)(1). On May 11, 2021, Savannah Industrial Transportation, LLC (SIT)¹, a noncarrier, filed a petition under 49 U.S.C. § 10502 for an exemption from the prior approval requirements of 49 U.S.C. § 10901 to operate as a common carrier on railroad track (the Track) that it leases from noncarrier Savannah Industrial Logistics, LLC (SIL).²

The Track, which has no mileposts, is located at or near Rincon, Effingham County, Georgia, and extends from a connection with Norfolk Southern Railway Company (NSR) near NSR milepost 16.6 to a connection with CSX Transportation, Inc. (CSXT), near CSXT milepost S484.0, approximately 11,404 feet. The Track was constructed in the latter half of 2020, as an element of a larger project to construct a new industrial park (the Facility). The Facility is approximately 11 miles northwest of the Port of Savannah, Georgia. SIL, SIT and the developer of the Facility expect to be able to attract numerous railroad service-dependent customers to the Facility.³

¹ Currently controlled by OmniTRAX Holdings Combined, Inc., a company that controls other carrier and noncarrier subsidiaries. See Notice 2, May 11, 2021, OmniTRAX Holdings Combined, Inc.—Control Exemption—Savannah Indus. Transp., LLC, FD 36490.

² See Petition, May 11, 2021, Savannah Industrial Transportation, LLC—Operation Exemption—In Effingham County, Georgia, FD 36489.

³ Id., at 2-3.

In a decision served on August 1, 2023, the Board concluded, based on the record before it, that SIT and OmniTRAX Holdings Combined, Inc. (OmniTRAX) intended to operate the Track as jurisdictional track for which Board authority should have been obtained under 49 U.S.C. § 10901 before construction commenced. See Savannah Indus. Transp., LLC—Oper. Exemption—in Effingham Cnty., Ga. (Aug. Decision), FD 36489 (STB served Aug. 1, 2023). Therefore, the Board ordered: 1) SIL to file for construction authority after the fact and 2) SIT to file for acquisition authority after the fact within 60 days of the service date, August 1, 2023, of the Aug. Decision. The Aug. Decision directed SIL and SIT to consult with OEA concerning the Board’s environmental and historic review requirements prior to filing.⁴

On August 22, 2023, via videoconference, OEA met with representatives from OmniTRAX and outside legal counsel to discuss the Track and the Facility. OmniTrax provided a brief overview of the Track, plans for the Facility, and a list of construction permits and approvals and environmental studies that were completed prior to construction of the Track. OEA provided a brief overview of the Board’s environmental review process, OEA’s role in the process, and the use of third-party consultants.

After meeting with OmniTrax on August 22nd, OEA believes that it has adequate information, and that OmniTRAX is sufficiently aware of the Board’s environmental review process, to grant this request. If you have any questions, please feel free to contact me at 202-245-0300 or Karen Stevens of my staff at 202-245-0304

Sincerely,

A handwritten signature in black ink, appearing to read "Dannielle Gosselin". The signature is fluid and cursive, with the first name being more prominent.

Dannielle Gosselin
Director
Office of Environmental Analysis

⁴ Aug. Decision, FD 36489, slip op. at 7.