

308544

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2001 L Street NW, Suite 720
Washington, DC 20036

William A. Mullins
wmullins@mullinslawgroup.net
mullinslawgroup.net

Telephone: (202) 663-7850
Direct: (202) 663-7823
Facsimile: (202) 459-2115

ENTERED
Office of Proceedings
August 12, 2024
Part of
Public Record

August 12, 2024

VIA E-FILING

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

Re: Waterloo Railroad, LLC – Change of Operator Exemption with
Interchange Commitment – Union Pacific Railroad Company, FD 36798

Dear Ms. Brown:

On August 7, 2024, Iowa Northern Railway Company (“IANR”) filed a “Discontinuance of Service Exemption” (“IANR’s Petition”) seeking discontinuance of lease operations over a 6.9-mile rail line owned by Union Pacific Railroad Company (“UPRR”) and located in Blackhawk County, Iowa (the “Waterloo Industrial Lead”). In IANR’s Petition, it attests that (1) “UPRR has provided IANR with a notice of UPRR’s intent to terminate IANR’s lease of the Waterloo Industrial Lead;” (2) that “Waterloo Railroad, LLC (“WTRL”) has reached a lease agreement in principle with UPRR;” and (3) that “the proposed discontinuance of service will allow IANR to effectuate an orderly transfer of rail operations from IANR to WTRL.”¹

IANR’s Petition clearly indicates that IANR consents to discontinuing their operations over the Waterloo Industrial Lead and coordinating with WTRL. While IANR’s consent, as the incumbent carrier, is not required per the regulations at 49 C.F.R. § 1150.33, as WTRL has previously argued, IANR’s Petition shows unequivocally that consent is given.

Based on IANR’s Petition, which not only seeks discontinuance of its lease operations but also acknowledges WTRL as the new lessee/operator, IANR clearly only takes issue with the procedural process chosen by WTRL, notably that the change of operator exemption is an

¹ See IANR’s Petition, AB 284 (Sub-No. 5x) at 1-2.

MULLINS LAW GROUP PLLC

August 12, 2024

Page 2

expedited process as compared to the normal discontinuance timeline.² Given that IANR does consent to the change of operators, a dispute over the proper STB filing process should not prevent the previously filed change of operators notice being published in the Federal Register or delay the timing of the effective date of the previously filed notice of exemption.

Thus, based on IANR's consent to change of operators in its Petition and for the foregoing reasons stated in WTRL's "Change of Operator Notice of Exemption" ("Notice") and subsequent filings, WTRL respectfully requests that the Board publish WTRL's Notice and allow it to take effect.

Sincerely,

/s/ William A. Mullins

Attorney for Waterloo Railroad, LLC

cc: Parties of Record

² See IANR's July 31, 2024 Letter, FD 36798 at 2.