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SERVICE DATE – APRIL 29, 2026

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36916

NORTHEAST ATLANTA RAILROAD, LLC—
LEASE AND OPERATION EXEMPTION
WITH INTERCHANGE COMMITMENT—
NORFOLK SOUTHERN RAILWAY COMPANY

Docket No. FD 36915¹

OPSEU PENSION PLAN TRUST FUND; JAGUAR TRANSPORT
HOLDINGS, LLC; AND JAGUAR RAIL HOLDINGS, LLC
—CONTINUANCE IN CONTROL EXEMPTION—
NORTHEAST ATLANTA RAILROAD, LLC

Decided: April 29, 2026

On March 31, 2026, in Docket No. FD 36916, Northeast Atlanta Railroad, LLC (NEAR), a noncarrier, filed a notice of exemption under 49 C.F.R. § 1150.31 to permit NEAR to lease and operate, pursuant to an agreement with Norfolk Southern Railway Company (NSR), approximately 1.15 miles of rail line extending from the Stone Mountain Lead Switch at approximately milepost 620.64 on NSR’s Greenville District, near Doraville, Ga., into the Doraville Industrial Complex (the Line). (NEAR Verified Notice 2, 4,² FD 36916.)³

On the same date, in Docket No. FD 36915, OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC (collectively, Jaguar) filed a notice of

¹ These proceedings are not consolidated but are being addressed in the same decision for administrative convenience.

² Page citations are to the pdf file submitted by NEAR because NEAR’s Verified Notice does not include separate page numbers.

³ NEAR mistakenly describes itself as “a Class III rail carrier” in the first sentence of its Verified Notice. As clarified in later text, NEAR would become a rail carrier when it “commences leasehold operation of the Line.” (NEAR Verified Notice 3, FD 36916; see also OPSEU (Jaguar) Verified Notice 1, Mar. 31, 2026, OPSEU Pension Plan Trust Fund—Continuance in Control Exemption—N.E. Atlanta R.R., FD 36915 (stating that NEAR is “a non-carrier.”))

exemption under 49 C.F.R. § 1180.2(d)(2) to continue in control of NEAR once NEAR commences leasehold operation of the Line and thereby becomes a rail carrier.

Pursuant to 49 C.F.R. § 1150.33(h), NEAR disclosed that the agreement it has reached with NSR contains an interchange commitment that places monetary penalties on traffic interchanged by NEAR with a third-party carrier. (NEAR Verified Notice 5, FD 36916.) The Board's governing regulation requires NEAR to submit, inter alia, "[a] confidential, complete version of the document(s) containing or addressing that provision or agreement." See 49 C.F.R. § 1150.33(h)(1)(ii). With its verified notice of exemption, NEAR filed under seal a partial version of the agreement with NSR that omitted the three exhibits to the agreement. On April 14, 2026, NEAR supplemented that filing by submitting one of the exhibits under seal; however, NEAR did not provide the other two exhibits.

NEAR will be directed to submit the missing exhibits by May 11, 2026, if it wishes to proceed with its verified notice of exemption in this proceeding. See, e.g., AJAK Rail, LLC—Acquis. Exemption—Rail Line of Franklin Storage, LP at Advantage Ave. Transload Facility, Chambersburg, Pa., FD 36894 et al. (STB served Jan. 13, 2026); L. Neill Cartage Co.—Continuance in Control Exemption—Proviso R.R. and Mason R.R., FD 36912 et al. (STB served Mar. 30, 2026). If NEAR does not do so by May 11, 2026, the notice in Docket No. FD 36916 will be rejected without further order of the Board, effective May 12, 2026.

Until this issue is resolved, the related continuance-in-control exemption in Docket No. FD 36915 will not become effective. If NEAR timely submits the missing exhibits in Docket No. FD 36916 by May 11, 2026, both dockets will resume and the effective date in each will be set in any notice that is published. If NEAR does not timely submit a complete verified notice, the continuance-in-control exemption will be rejected as moot without further Board order, effective May 12, 2026, because Jaguar would not need Board authority to control NEAR as NEAR would not become a rail carrier. See Anthony Macrie—Continuance in Control Exemption—N.J. Seashore Lines, Inc., FD 35296 et al., slip op. at 2 (STB served Sept. 25, 2009).

This decision does not preclude NEAR and Jaguar from filing new verified notices of exemption at a future time seeking the same authority.

It is ordered:

1. The exemptions in Docket Nos. FD 36916 and FD 36915 will not become effective until further order of the Board.
2. NEAR is directed to file the information specified above by May 11, 2026.
3. If NEAR does not file the specified information by May 11, 2026, the notices in Docket Nos. FD 36916 and FD 36915 will be rejected without further order of the Board, effective May 12, 2026.

4. This decision is effective on its date of service.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.