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# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

ENTERED  
Office of Proceedings  
April 19, 2021  
Part of  
Public Record

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**BRADON J. SMITH**  
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April 19, 2021

## **VIA ELECTRONIC FILING**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Room 1034  
Washington, DC 20423-0001

Re: **FD 36510**  
**Bogalusa Bayou Railroad, L.L.C. d/b/a Geaux Geaux Railroad -**  
**Acquisition and Operation Exemption - Geaux Geaux Railroad, LLC**

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is the **Verified Notice of Exemption of Bogalusa Bayou Railroad, L.L.C. pursuant to 49 C.F.R. Part 1150 Subpart E** dated April 19, 2021. Payment of the requisite filing fee has been tendered electronically with this notice via Pay.gov.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,



Bradon J. Smith  
Attorney for Bogalusa Bayou Railroad, L.L.C.

BJS:bs

Enclosure

FEE RECEIVED  
April 19, 2021  
SURFACE  
TRANSPORTATION BOARD

FILED  
April 19, 2021  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

FD 36510

BOGALUSA BAYOU RAILROAD, L.L.C. D/B/A GEAUX GEAUX RAILROAD  
- ACQUISITION AND OPERATION EXEMPTION -  
GEAUX GEAUX RAILROAD, LLC

**VERIFIED NOTICE OF EXEMPTION OF  
BOGALUSA BAYOU RAILROAD, L.L.C.  
PURSUANT TO 49 C.E.R. PART 1150 SUBPART E**

Bradon J. Smith  
Robert A. Wimbish  
Fletcher & Sippel LLC  
29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606  
(312) 252-1500

**ATTORNEYS FOR BOGALUSA BAYOU  
RAILROAD, L.L.C.**

Dated: April 19, 2021

BEFORE THE  
SURFACE TRANSPORTATION BOARD

FD 36510

BOGALUSA BAYOU RAILROAD, L.L.C. D/B/A GEAUX GEAUX RAILROAD  
- ACQUISITION AND OPERATION EXEMPTION -  
GEAUX GEAUX RAILROAD, LLC

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

Pursuant to 49 CFR Part 1150 Subpart E, Bogalusa Bayou Railroad, L.L.C. ("BBR"), a Class III rail carrier, hereby files this Verified Notice of Exemption (the "Notice") to acquire title from Geaux Geaux Railroad, LLC, and to conduct common carrier operations over, two contiguous railroad line segments extending between (1) milepost 0.0 at Slaughter, Louisiana, and a point lying westerly thereof at milepost 11.0 at Zee, Louisiana (the "Zee Segment"); and (2) milepost 345.84 (immediately north of Slaughter and the point of connection with the Zee Segment) and a point lying southerly thereof at milepost 358.1 at Maryland, Louisiana (the "Maryland Segment") (the two Segments will be referred to, collectively, as the "Zee Line"). In accordance with the requirements of 49 C.F.R. § 1150.43, BBR 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:

Bogalusa Bayou Railroad, L.L.C.  
315 W. Third Street  
Pittsburg, KS 66782

**Applicant's Representative: 49 C.F.R. § 1150.43(b)**

BBR's representative to whom correspondence regarding this transaction should be sent is as follows:

Bradon J. Smith  
Fletcher & Sippel LLC  
29 North Wacker Drive  
Suite 800  
Chicago, Ill. 60606  
[bsmith@fletcher-sippel.com](mailto:bsmith@fletcher-sippel.com)

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

GGR (which is not, and has never been, affiliated with BBR despite the common business name) and BBR have negotiated and executed a Purchase and Sale Agreement ("PSA") for BBR to acquire-amongst other things-the Zee Line.<sup>1</sup> The PSA will take effect upon the receipt of all necessary regulatory approvals.

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

BBR will continue to operate and provide all rail common carrier service to shippers on the Zee Line.

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<sup>1</sup> The PSA includes associated industry track and real estate, and extends to BBR the continued right to operate the Zee Line under the "Geaux Geaux Railroad" trade name and associated trade and service marks. To be clear, GGR and BBR are separate and independent corporate entities (and BBR is a holding of Watco Holdings, Inc.) - *see Watco Holdings, Inc. – Continuance in Control Exemption – Dutchtown Southern Railroad, L.L.C.*, FD 36457 (December 9, 2020 exemption notice, Appendix) ("Watco-Dutchtown Control Filing"). But neither "Geaux Geaux Railroad" nor "Geaux Geaux River" exist as a separate, Watco-controlled rail carrier, an issue of some confusion in the past that has since been addressed and now appears to have been resolved. *See Watco Holdings, Inc.-Continuance in Control Exemption-Elwood Joliet & Southern Railroad, L.L.C.*, FD 36438 (STB served Oct. 14, 2020), 2, n. 1.

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

GGR acquired the Zee Line in 2014 from the Illinois Central Railroad Company. *Geaux Geaux Railroad, LLC - Acquisition and Operation Exemption - Illinois Central Railroad Company*, FD 35826 (STB served May 23, 2014) ("*2014 Exemption*"). BBR has operated the Lines since 2015. *Bogalusa Bayou Railroad, L.L.C. v. Geaux Geaux Railroad - Operation Exemption - Geaux Geaux Railroad, LLC*, FD 35904 (STB served Feb. 13, 2015) ("*2015 Exemption*").

The Zee Line constitutes approximately 23.26 miles of rail line; 11 miles on the Zee Segment, and approximately 12.26 miles on the Maryland Segment. As evident in the prior proceedings, common carrier service was previously only offered to milepost 9.69 on the Zee Segment, with the balance of that segment consisting of unregulated ancillary track. *See, e.g.*, May 8, 2014 GGR notice of exemption, Exhibit A in *2014 Exemption*. BBR continued to provide common carrier service up to milepost 9.69 on the Zee Segment. *2015 Operation Exemption*. However, with its acquisition of the Zee Line and associated industry trackage, BBR has chosen to invoke the Board's processes to extend its common carrier service obligations to the end-of-track at what would be milepost 11.0<sup>2</sup> on the Zee Segment, as indicated on Exhibit A.

The name and address of the railroad conveying the lines to BBR is:

Geaux Geaux Railroad, LLC  
980 N Federal Hwy.  
Suite 315  
Boca Raton, Fla.

**Map: 49 C.F.R. § 1150.43(f)**

Maps showing the Segments are attached as Exhibit A.

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<sup>2</sup> There are not currently physical mileposts in place beyond milepost 9.69 on the Zee Segment.

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

The projected revenues will not result in the creation of a Class II or Class I rail carrier. A certification to this effect is made with the verification of this Notice.

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

The acquisition does not involve an interchange commitment. A certification to this effect is made with the verification of this Notice.

**Advance Notice: 49 C.F.R. § 1150.42(e)**

BBR's annual revenue is not anticipated to exceed \$5 million. A certification to this effect also is made with the verification of this Notice.

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

Under 49 C.F.R. § 1105.6(c)(2), the proposed transaction 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.S(b)(1), the proposed transaction 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 are fifty years old or older.

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

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

Respectfully submitted,

By: 

Bradon

J. Smith

Robert A. Wimbish

Fletcher & Sippel LLC

29 North Wacker Drive

Suite 800

Chicago, Illinois 60606-3208

(312) 252-1500

**ATTORNEYS FOR BOGALUSA BAYOU  
RAILROAD, L.L.C.**

Dated: April 19, 2021

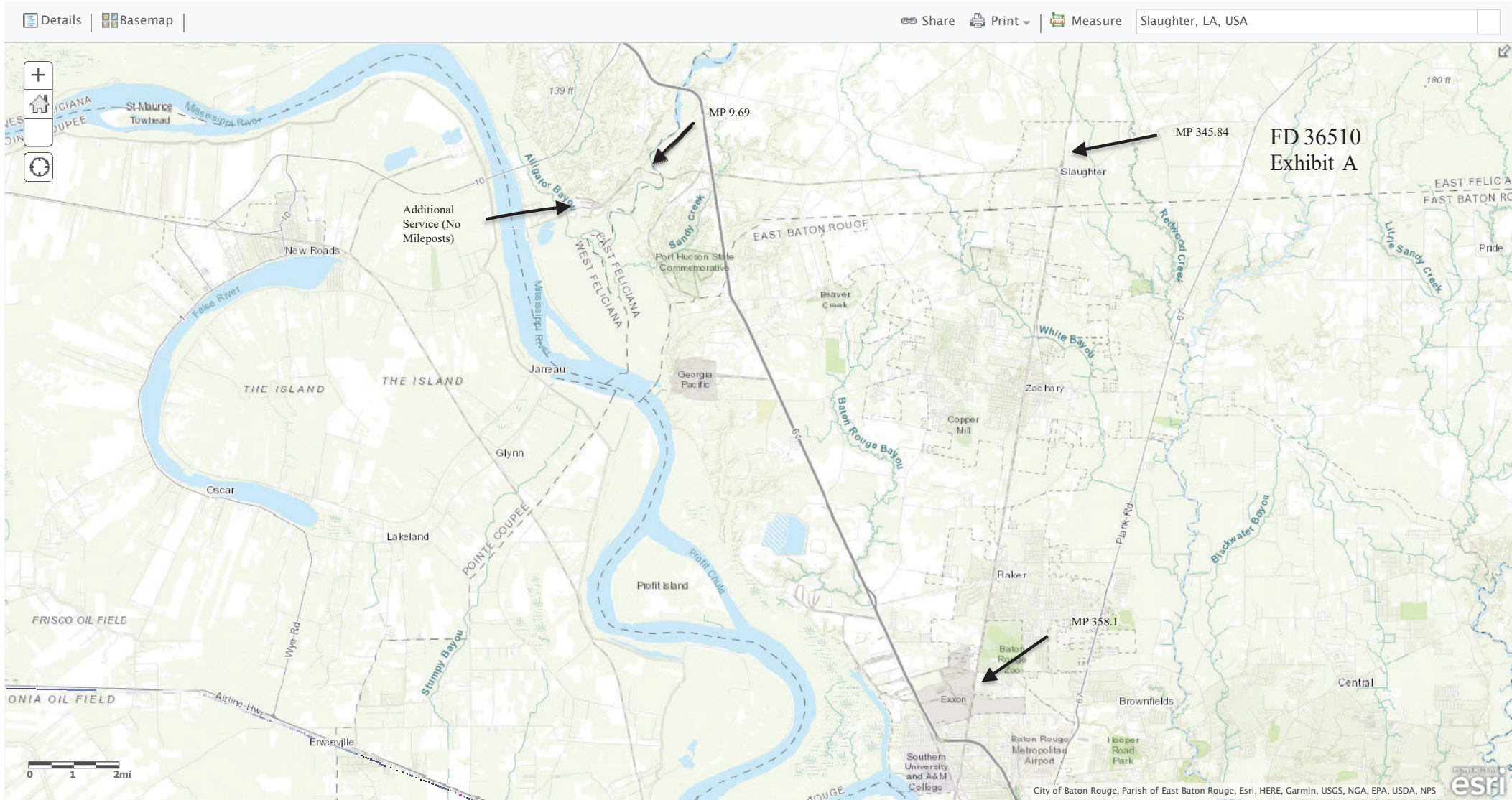
**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FD 36510**

**BOGALUSA BAYOU RAILROAD, L.L.C. D/B/A GEAUX GEAUX RAILROAD  
- ACQUISITION AND OPERATION EXEMPTION -  
GEAUX GEAUX RAILROAD, LLC**

**EXHIBIT A**

**MAP**



**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FD 36510**

**BOGALUSA BAYOU RAILROAD, L.L.C. D/B/A/ GEAUX GEAUX RAILROAD  
- ACQUISITION AND OPERATION EXEMPTION -  
GEAUX GEAUX RAILROAD, LLC**

**EXHIBIT B**

**FEDERAL REGISTER NOTICE**

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

BOGALUSA BAYOU RAILROAD, L.L.C. D/B/A/ GEAUX GEAUX RAILROAD  
- ACQUISITION AND OPERATION EXEMPTION -  
GEAUX GEAUX RAILROAD, LLC

Bogalusa Bayou Railroad, L.L.C., ("BBR") a carrier, has filed a notice of exemption (the "Notice") to acquire from the Geaux Geaux Railroad, LLC ("GGR"), and to operate in common carriage, two lines of railroad extending between (1) milepost 0.0 at Slaughter, Louisiana, and a point lying westerly thereof at milepost 11.0 at Zee, Louisiana (the "Zee Segment"); and (2) milepost 345.84 (immediately north of Slaughter and the point of connection with the Zee Segment) and a point lying southerly thereof at milepost 358.1 at Maryland, Louisiana.

Comments must be filed with the Board and served on:

Bradon J. Smith  
Fletcher & Sippel LLC  
29 North Wacker Drive  
Suite 800  
Chicago, Ill. 60606  
(312) 252-1500

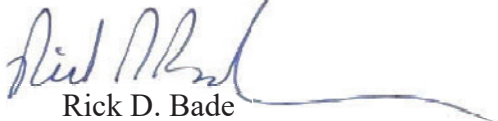
The notice is filed under 49 C.F.R. § 1150.41. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

### **CERTIFICATION AND VERIFICATION**

Rick D. Baden hereby certifies and verifies under penalty of perjury as follows:

1. I am the Executive Vice President and Chief Financial Officer of the Bogalusa Bayou Railroad, L.L.C. ("BBR").
2. The annual rail revenues of BBR are expected to be below \$5 million, and, hence, will not result in BBR becoming Class I or II rail carrier under the thresholds set forth at 49 C.F.R. § 1201 (1-1).
3. The acquisition is not made subject to an interchange commitment.
4. I have read the foregoing Notice of Exemption and know that the facts stated herein are true.

Dated: April 19, 2021

  
Rick D. Bade