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April 25, 2018

Ms. Cynthia T. Brown
Chief of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

RE: FD 36185, Hainesport Industrial Railroad, LLC-Lease and Operation Exemption

Dear Ms. Brown:

I am writing on behalf of Hainesport Industrial Railroad, LLC ("Hainesport Industrial") in connection with the above-captioned lease and operation proceeding. Under that transaction Hainesport Industrial will lease and operate certain property including two rail sidings from Hainesport Secondary Railroad, LLC ("Hainesport Secondary"). The certification submitted in connection with this filing indicates that Hainesport Industrial has annual transportation revenues exceeding \$5,000,000. Accordingly, under the Board's regulations at 49 CFR 1150.42(e), it would be required to provide notice to existing employees of this transaction.

Hainesport Industrial respectfully seeks a waiver of that requirement. As the filing indicates, the subject lease was actually entered into back on January 1, 2016. Moreover, the entity that is actually performing rail operations and employing personnel is Hainesport Secondary. Hainesport Industrial does not have any employees and therefore no employees would be affected by this transaction. The Board has customarily waived the notice requirement in a long line of decisions where it has held

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“that no employees would be adversely affected by a waiver of the requirements here. [Louisiana Southern] employees would continue to provide the same service and maintenance they have provided since 2005, and KCS employees have performed no work on the Lines since then. Because no employees would be adversely affected by the waiver of the 60-day notice period, we will grant the waiver request, thereby allowing the related exemption authority to lease and operate the Lines to become effective on February 19, 2016.” *See, e.g., Louisiana Southern Lease Exemption*, FD 35983 (STB served Feb. 18, 2016).

Hainesport Industrial believes that decision supports a waiver relief for its lease and operation transaction.

Sincerely yours,

CLARK HILL STRASBURGER

A handwritten signature in black ink, appearing to read "J. D. Heffner", with a long horizontal flourish extending to the right.

John D. Heffner
Attorney

JDH:jh