



P.O. Box 1209; Muskegon, MI 49443-1209

July 3, 2017

VIA E-FILING

Ms. Cynthia T. Brown
Chief, Section of Administration – Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, D.C. 20024

Re: *Grand Elk Railroad, Inc. – Acquisition Exemption – Norfolk Southern Railway Company*, Docket No. 36127

Grand Elk Railroad, Inc. – Petition for Board Order Pursuant to 49 U.S.C. § 1321, Docket No. FD 36127 (Sub-No. 1)

Dear Ms. Brown

I am writing on behalf of Nugent Sand Company, Inc. (“Nugent”) in support of the petitions filed by Grand Elk Railroad, Inc. (“Grand Elk”) in the proceedings referenced above. Nugent supports Grand Elk in its request that the Surface Transportation Board act quickly and favorably upon Grand Elk’s efforts to be able to resume full operations in and around Grand Rapids, Michigan. Should the STB ^{fail} to act quickly and decisively in support of Grand Elk, Nugent’s business will continue to suffer as a consequence of unacceptable (and completely avoidable) rail service inefficiency in the Grand Rapids market.

In its petitions, Grand Elk has explained how, for several years, it operated in and through Grand Rapids without disruption. Nugent is a regular user of Grand Elk service. In August of last year, we understand that CSX Transportation, Inc. (“CSXT”) prohibited Grand Elk from exercising trackage rights in Grand Rapids that we understand CSXT had permitted for about 30 years. We do not understand why CSXT is acting this way, and are baffled that the STB would let CSXT continue to act this way to the detriment of companies such as Nugent. Because of operating adjustments that Grand Elk has made as a consequence of CSXT’s unilateral actions, Nugent has incurred increased costs for the transportation of its shipments, as was explained in Grand Elk’s Petition for Board Order. We understand that the harms that Grand Elk has shown are occurring and will continue to occur as long as Grand Elk is barred from exercising the disputed trackage rights can be alleviated if the STB will simply take the actions that Grand Elk has requested.

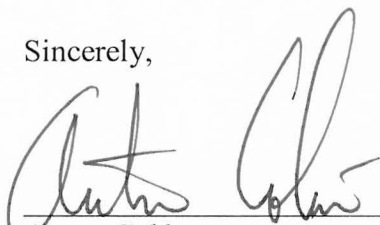
We support Grand Elk; they are doing all they can to restore pre-August 2016 levels of service despite CSXT’s hostility. We urge the STB to act promptly in the interest of rail service and competition in the area and grant Grand Elk’s pending petitions. If the STB should fail to act as Grand Elk has requested, Nugent will continue to face hardship and that it will continue to face increased transportation costs.

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ENTERED
Office of Proceedings
July 03, 2017
Part of
Public Record

Sincerely,

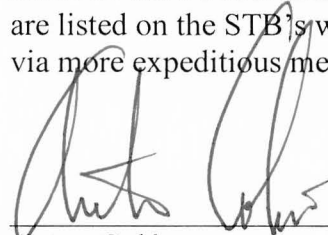


Anton Colón

Vice President and General Manager

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing reply to be served upon all parties of record listed on the Surface Transportation Board's service list in the foregoing dockets (as those parties are listed on the STB's website as of this date) via USPS first-class service, postage prepaid, or via more expeditious means of delivery:



Anton Colón

7/3/17

Date