

Brink Farms, Inc.

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July 3, 2017

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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

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

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 Brink Farms Inc. in reply to the petitions of Grand Elk Railroad, Inc. (“Grand Elk”) filed in the above-referenced proceedings. We urge the Surface Transportation Board to act quickly and decisively to restore Grand Elk’s operations in Grand Rapids, MI. Brink Farms Inc. relies upon Grand Elk’s transportation services, and we are harmed by the current railroad service disruption that we understand was triggered by unilateral – and entirely unnecessary – action by CSX Transportation, Inc. (“CSXT”). Grand Elk has taken various steps to restore the rail service and competition *status quo* in and around Grand Rapids since last summer, and we have supported Grand Elk from the outset, including in a prior proceeding before this agency, which quite obviously has not yet resulted in relief for affected Grand Elk customers such as Brink Farms. Grand Elk tells us that the Board has the authority to order Grand Elk service restored quickly, and we have a vested interest in seeing that happen. Accordingly, your prompt attention to this matter is urgently requested.

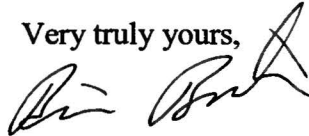
Brink Farms Inc. has a transloading site that we built at Turner Yard north of Grand Rapids. We started looking at this site in 2013, and finally were able to move forward with the construction in 2014 and completed in June of 2015. There is around \$2,000,000 invested at this site. All of the freight that originated at Turner Yard has NS destinations, and Grand Elk was the serving and originating carrier. It is very frustrating that we were given no notice any contract dispute, and CSXT effectively gave us 7 days to cease all operations at the site.

For our business model to succeed, and for our customers to enjoy the usual efficiencies of railroad transportation, Grand Elk must have direct access to Turner Yard, including access to intervening CSXT tracks that link northern and southern ends of Grand Elk’s system. CSX has offered to switch our traffic in lieu of direct Grand Elk access, but the inflated switching charges

make CSXT's offer a hollow one. It is mystifying that Grand Elk could provide us direct service for several years, only very suddenly to have CSXT advise us that we no longer have direct access to our long-time railroad transportation option. There is something very anticompetitive in CSXT's actions, and it amazes us that CSXT has been allowed thus far to subject Grand Rapids businesses to such abuse. Ironically, CSXT has had every opportunity to earn our business, but it never has. How is it that the STB can allow this to happen?

We request prompt and immediate correction to this situation. We urge your expedited consideration of Grand Elk's recent petitions, and look to the Board to take all necessary action to restore our access to Grand Elk's railroad service as soon as possible.

Very truly yours,



Brian Brink
President
Brink Farms Inc.

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:



Brian Brink

July 3, 2017