

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

December 18, 2017

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

244873

ENTERED
Office of Proceedings
December 18, 2017
Part of
Public Record

Re: **Docket No. FD 36149**
New Orleans Public Belt Railroad Corporation --
Acquisition and Operation Exemption -- Public Belt
Railroad Commission of the City of New Orleans

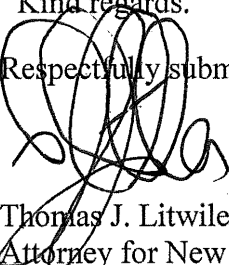
Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is the **Supplement to Verified Notice of Exemption of New Orleans Public Belt Railroad Corporation**, dated December 18, 2017. Please note that expedited consideration of this pleading is requested.

A separate file containing a revised *Federal Register* caption summary in MS Word format is provided as well.

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

Respectfully submitted,


Thomas J. Litwiler
Attorney for New Orleans Public Belt
Railroad Corporation

TJL:tl

Attachment

cc: Jeffrey A. Bartos, Esq.
Erika A. Diehl-Gibbons, Esq

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36149

NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION
-- ACQUISITION AND OPERATION EXEMPTION --
PUBLIC BELT RAILROAD COMMISSION
OF THE CITY OF NEW ORLEANS

**SUPPLEMENT TO
VERIFIED NOTICE OF EXEMPTION OF
NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION**

EXPEDITED CONSIDERATION REQUESTED

Thomas J. Litwiler
Robert A. Wimbish
Fletcher & Sippel
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEYS FOR NEW ORLEANS
PUBLIC BELT RAILROAD CORPORATION**

Dated: December 18, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36149

NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION
-- ACQUISITION AND OPERATION EXEMPTION --
PUBLIC BELT RAILROAD COMMISSION
OF THE CITY OF NEW ORLEANS

**SUPPLEMENT TO
VERIFIED NOTICE OF EXEMPTION OF
NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION**

Pursuant to the Board's decision served December 11, 2017, New Orleans Public Belt Railroad Corporation ("NOPB Corp.") files this supplement to its previous notice of exemption under 49 C.F.R. § 1150.31, *et seq.* to acquire and operate the railroad operating assets of the Public Belt Railroad Commission of the City of New Orleans ("Public Belt"), including all of Public Belt's owned and/or operated rail lines, trackage rights and ancillary tracks. This supplement clarifies the respective ownership or trackage rights interests that NOPB Corp. will obtain in certain rail line segments and the interrelationship of those interests. NOPB Corp. is attaching revised map exhibits that include an overview map and four inset maps depicting the trackage rights to be assigned to NOPB Corp. by Public Belt. NOPB Corp. also is providing a revised *Federal Register* notice to be substituted as Exhibit D to its notice of exemption. Unless clarified herein, all other information provide in NOPB's notice of exemption remains accurate.

NOPB Corp. clarifies that it proposes to acquire from Public Belt approximately 25.9 miles of rail line and approximately 10.25 miles of assigned trackage rights as follows:

1. The Public Belt main line from the connection with BNSF Railway Company ("BNSF") and Union Pacific Railroad Company ("UP") at Milepost J8.3 at West Bridge Junction in Avondale, Louisiana to Milepost J1.1 at Southport Junction in

Jefferson, Louisiana and from Milepost J0.3 at Lampert Junction in Jefferson to Milepost J0.0 at the Jefferson/Orleans Parish, Louisiana border, a total distance of approximately 7.5 miles in two sections connected by the overhead trackage rights described in Segment #6 below. The West Belt Junction-Southport Junction section of this Segment #1 includes the Huey P. Long Bridge.

2. The Public Belt main line from a milepost equation at the Jefferson/Orleans Parish border where Milepost J0.0 = Milepost 0.26 to the connection with CSX Transportation, Inc. ("CSXT") at Milepost 14.2 at Almonaster in New Orleans, a distance of approximately 13.94 miles.
3. The Burma West Lead in New Orleans from Milepost 14.2 at Almonaster to the end of track at Milepost 15.3, a distance of approximately 1.1 miles.
4. The Burma East Lead in New Orleans from the connection with CSXT at Milepost 14.4 east of the Industrial Canal to the end of track at Milepost 16.3, a distance of approximately 1.9 miles.
5. The Bulk Terminal Lead in New Orleans from the connection with CSXT at Milepost G0.0 east of the Industrial Canal to Milepost G1.5, a distance of approximately 1.5 miles.
6. Overhead trackage rights on Illinois Central Railroad Company ("IC") from IC Milepost 449.9 at East Bridge Junction in Shrewsbury, Louisiana through Southport Junction (Public Belt Milepost J1.1) to IC Milepost 921.14 at Lampert Junction (Public Belt Milepost J0.3), a distance of approximately 2.6 miles.¹ There is a milepost equation at Southport Junction, where IC Milepost 451.7 = IC Milepost 921.9.
7. Overhead trackage rights on IC from IC Station 120 + 0.00 (Public Belt Milepost 3.4) at Nashville Avenue to IC Station 175 + 68.09 (Public Belt Milepost 4.4) at Valence Street in New Orleans, including the connection to the NOPB locomotive maintenance facility lead track at IC Station 163+80.0 (Public Belt Milepost 4.2) near Upperline Street, a distance of approximately 1.05 miles.²

¹ See *New Orleans Public Belt Railroad – Trackage Rights Exemption – Illinois Central Railroad Company*, Docket No. FD 33182 (STB served October 30, 1996). The eastern segment of these trackage rights, from Southport Junction to Lampert Junction, connects the two sections of Public Belt's main line described in Segment #1 above. The western segment of the trackage rights, from East Bridge Junction to Southport Junction, is adjacent to and north of Public Belt's main line between those points.

² See *Illinois Central Railroad Company and New Orleans Public Belt Railroad – Joint Relocation Project Exemption – In New Orleans, LA*, Docket No. FD 33533 (STB served January 16, 1998); *Illinois Central Railroad Company and New Orleans Public Belt Railroad – Joint Relocation Project Exemption – In New Orleans, LA*, Docket No. FD 32598 (ICC served November 16, 1994). These trackage rights are parallel to Public Belt's main line described in Segment #2 above and serve as a bypass around Cotton Warehouse Yard.

8. Overhead trackage rights on CSXT from the connection with Segment #2 at CSXT Milepost 801.5 at Almonaster in New Orleans across the Port-owned Industrial Canal bridge to the connections with Segments #4 and #5 at CSXT Milepost 801.2 in New Orleans, a distance of approximately 0.3 miles.
9. Temporary overhead trackage rights on IC from IC Milepost 906.4 at East Bridge Junction in Shrewsbury to IC Milepost 900.8 at Orleans Junction in New Orleans and from IC Milepost 444.2 at Orleans Junction to IC Milepost 443.5 at Frellsen Junction in New Orleans, a distance of approximately 6.3 miles.³

As the Board noted in its December 11, 2017 decision, NOPB Corp.'s notice of exemption could be read to double-count the single track between Southport Junction and Lampert Junction as a line that NOPB Corp. would both acquire as part of Segment #1 and be assigned trackage rights over as part of Segment #6. NOPB Corp. clarifies that the Southport Junction-Lampert Junction track is owned by IC and subject to Public Belt trackage rights that will be assigned to NOPB Corp. That 0.8-mile section of IC-owned track connects the two sections of Public Belt-owned track comprising Segment #1 that will be acquired by NOPB Corp.

Between East Bridge Junction and Southport Junction there are two separate, parallel lines of railroad – one owned by IC and the other owned by Public Belt. Public Belt holds trackage rights on the parallel IC line. NOPB Corp. will acquire both Public Belt's own rail line between East Bridge Junction and Southport Junction (included in Segment #1) and Public Belt's trackage rights on the parallel IC line (included in Segment #6). A detailed

³ See *New Orleans Public Belt Railroad – Temporary Trackage Rights Exemption – Illinois Central Railroad Company*, Docket No. FD 36067 (STB served October 14, 2016 and January 30, 2017). Extension of these temporary trackage rights is currently under consideration. Any extension would be the subject of a Public Belt notice of exemption to be filed in Docket No. FD 36067 (Sub-No. 1), and such authority as extended would be assumed by NOPB Corp. upon consummation of the transaction proposed herein. NOPB Corp. acknowledges that it will be subject to the employee protective conditions imposed in the October 14, 2016 notice and any subsequent notice with respect to the discontinuance of the temporary trackage rights.

depiction of the East Bridge Junction-Southport Junction-Lampert Junction area is attached hereto as map Inset A-1.

Further south, Public Belt's Cotton Warehouse Yard is skirted by both Public Belt's own main line and an isolated IC-owned piece of trackage on which Public Belt holds trackage rights.⁴ NOPB Corp. will acquire the Public Belt main line as part of Segment #2, and will be assigned Public Belt's trackage rights on the parallel IC-owned track as described in Segment #7. Map Inset A-2 attached hereto depicts the Cotton Warehouse Yard area.

The trackage rights to be acquired by NOPB Corp. as Segments #8 and #9 are depicted on the maps attached as Inset A-3 and Exhibit A-4, respectively.

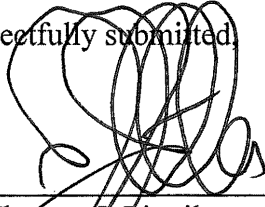
NOPB Corp. seeks an effective date for its exemption by January 11, 2018, when the New Orleans City Council is expected to consider final approval of the proposed transaction. NOPB Corp. thus requests that the Board expedite the issuance of the *Federal Register* notice of the proposed transaction, as clarified in this Supplement. A revised draft *Federal Register* notice is attached.

WHEREFORE, NOPB Corp. respectfully requests that the Board accept this Supplement and promptly publish notice of the proposed transaction in the *Federal Register*.

⁴ Public Belt and IC once had parallel main lines running the length of what is known as the Tchoupitoulas Street Corridor. A series of joint relocation projects in the 1990s combined and rationalized those lines, resulting in today's somewhat complex arrangement of trackage ownership and rights. See *Illinois Central Railroad Company and New Orleans Public Belt Railroad – Joint Relocation Project Exemption – In New Orleans, LA*, Docket No. FD 33533 (STB served January 16, 1998); *Illinois Central Railroad Company and New Orleans Public Belt Railroad – Joint Relocation Project Exemption – In New Orleans, LA*, Docket No. FD 32598 (ICC served November 16, 1994).

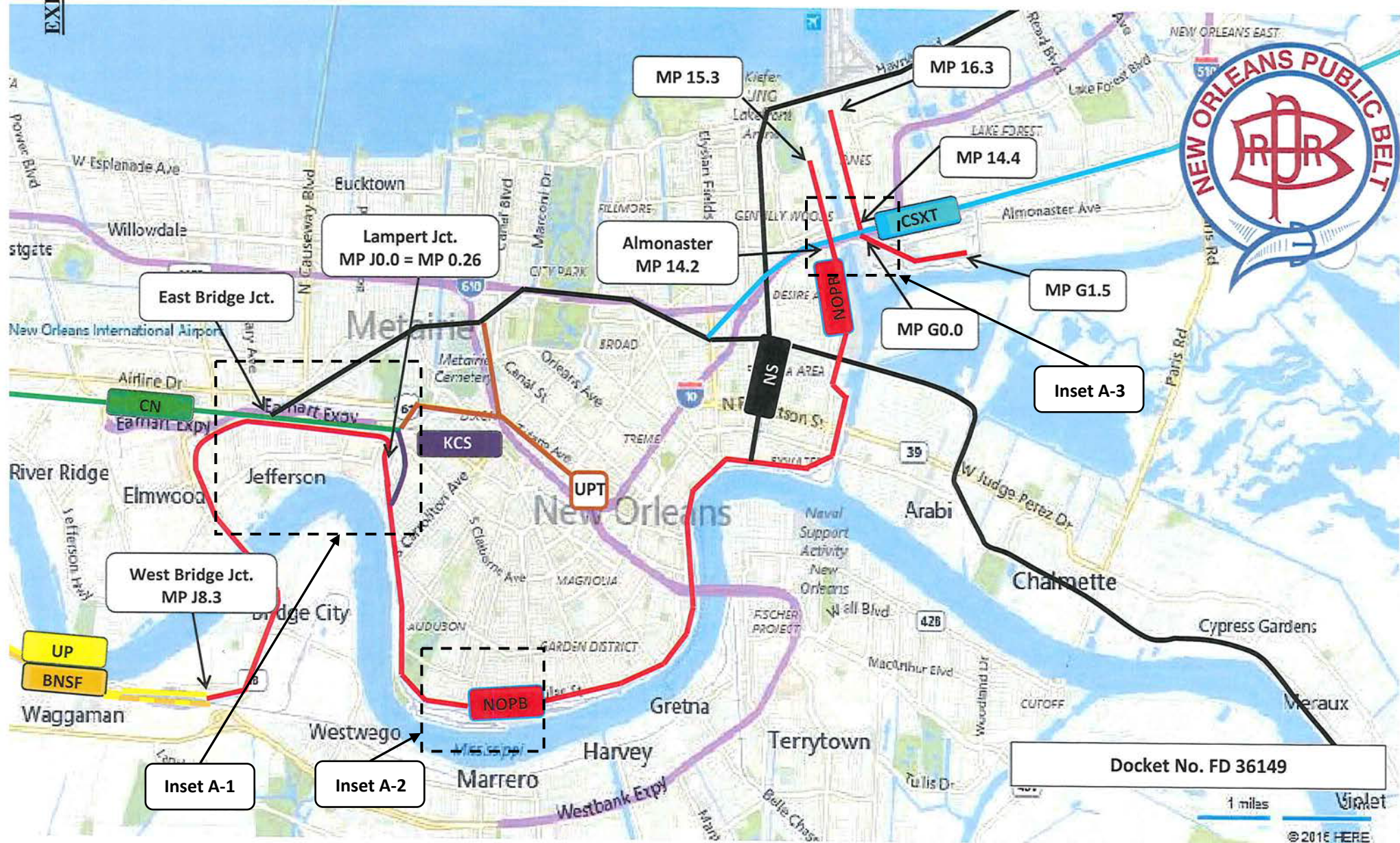
Respectfully submitted,

By: _____


Thomas J. Litwiler
Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEYS FOR NEW ORLEANS
PUBLIC BELT RAILROAD CORPORATION**

Dated: December 18, 2017



INSET A-1

East Bridge Jct - Lampert Jct

Legend

- IC Geranium
- NOPB
- NOPB on IC

East Bridge Jct. =
IC MP 449.9
NOPB MP J3.0

Southport Jct. =
IC MP 451.7
IC MP 921.9
NOPB MP J1.1

Lampert Jct. =
IC MP 921.14
NOPB MP J0.3

NOPB MP J0.0 =
NOPB MP 0.26

INSET A-2

Nashville Avenue to Valence St.

Legend

-  NOPB
-  NOPB on IC

Nashville Ave.
Crossing

Locomotive
Repair Facility

NOPB MP 3.4
IC 120 + 0.00

Cotton
Warehouse
Yard

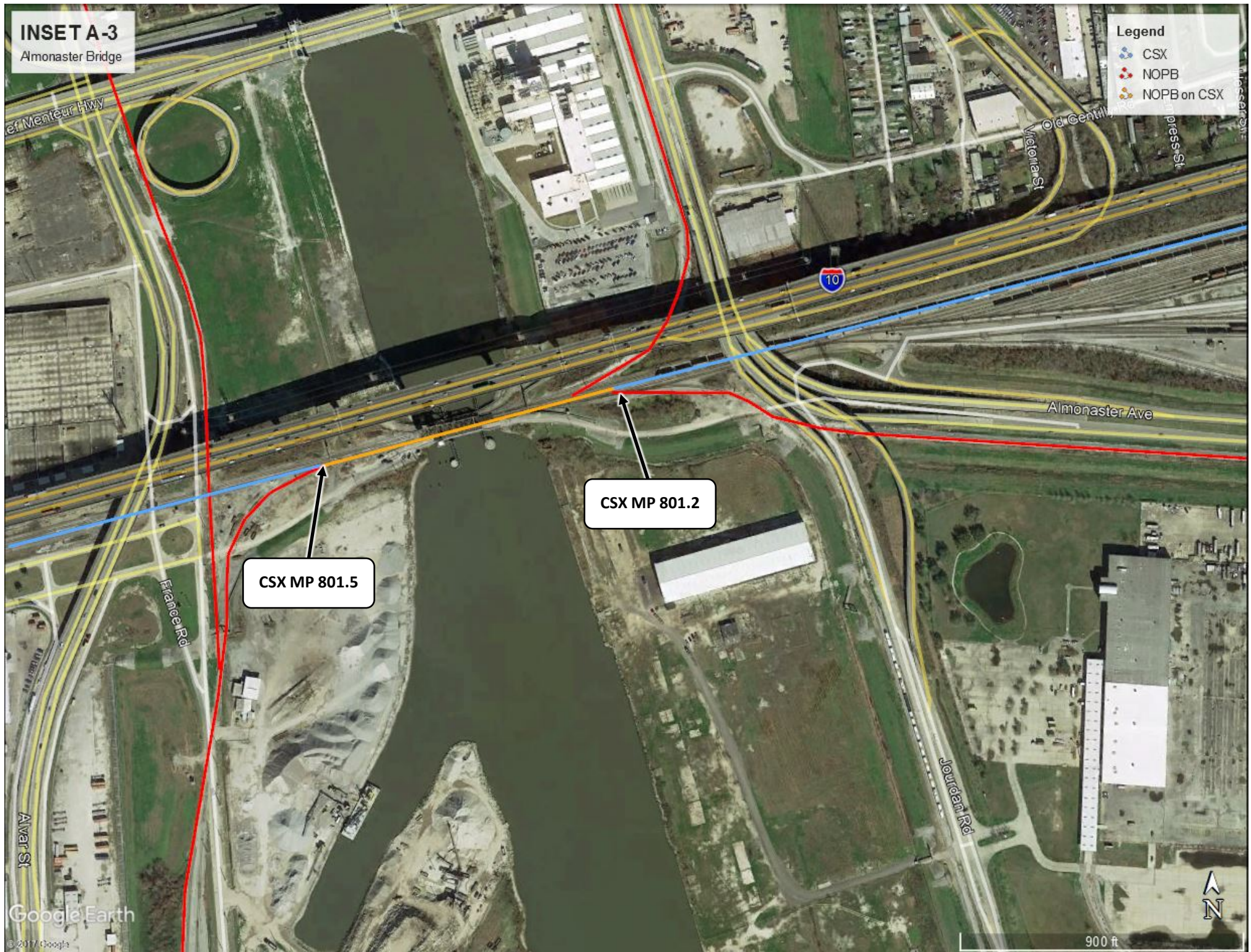
NOPB MP 4.4
IC 175 +68.09

INSET A-3

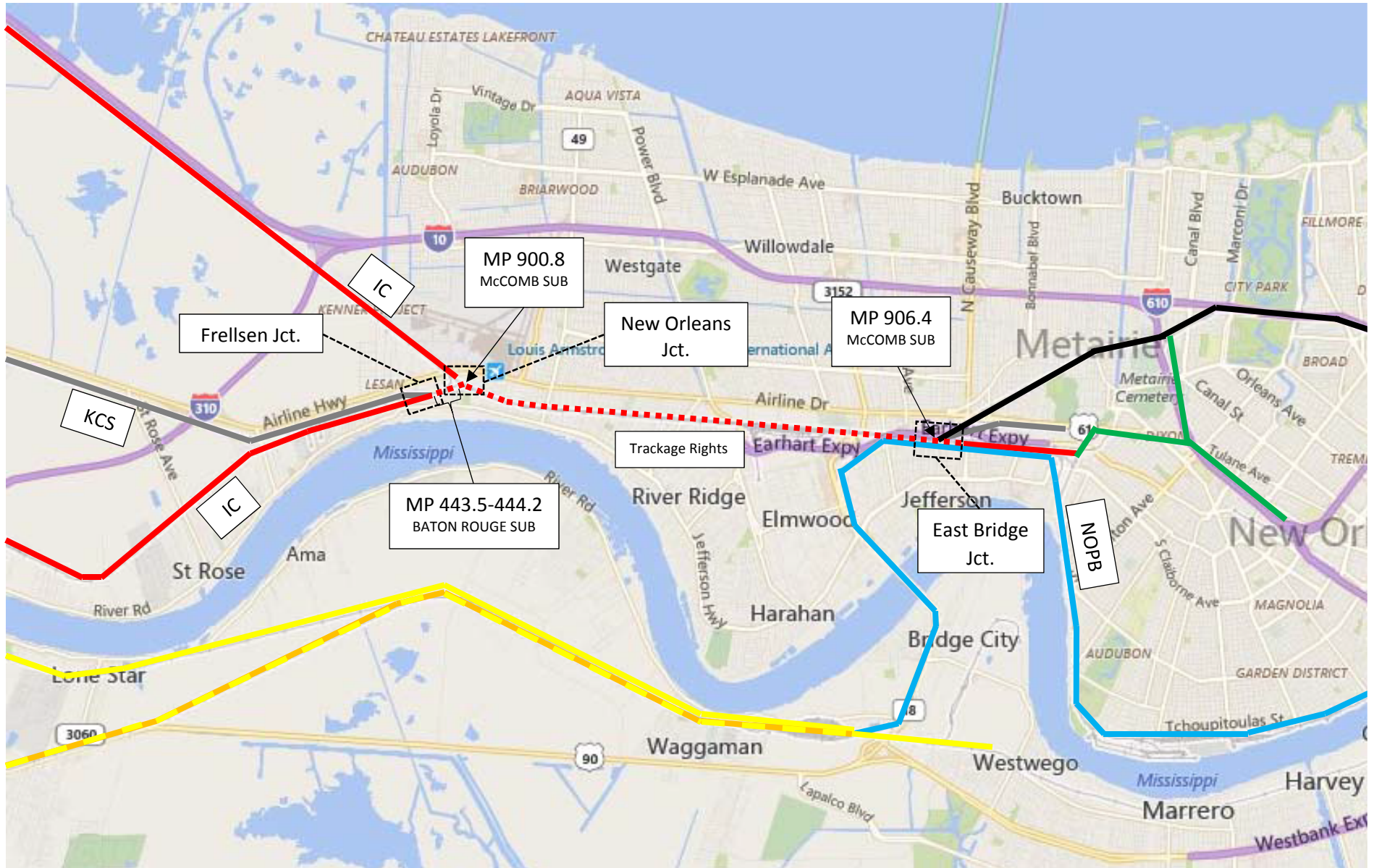
Amonaster Bridge

Legend

- CSX
- NOPB
- NOPB on CSX



..... NOPB Temporary Trackage Rights over IC



NEW ORLEANS GATEWAY
EXHIBIT A-4

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

DOCKET NO. FD 36149

**NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION
-- ACQUISITION AND OPERATION EXEMPTION --
PUBLIC BELT RAILROAD COMMISSION
OF THE CITY OF NEW ORLEANS**

New Orleans Public Belt Railroad Corporation ("NOPB Corp."), a non-carrier and a subsidiary of the Board of Commissioners of the Port of New Orleans, has filed a Verified Notice of Exemption under 49 C.F.R. § 1150.31, et seq., as supplemented, to acquire from the Public Belt Railroad Commission of the City of New Orleans ("Public Belt") and operate approximately 25.9 miles of rail line and approximately 10.25 miles of assigned trackage rights, as follows:

10. The Public Belt main line from the connection with BNSF Railway Company ("BNSF") and Union Pacific Railroad Company ("UP") at Milepost J8.3 at West Bridge Junction in Avondale, Louisiana to Milepost J1.1 at Southport Junction in Jefferson, Louisiana and from Milepost J0.3 at Lampert Junction in Jefferson to Milepost J0.0 at the Jefferson/Orleans Parish, Louisiana border, a total distance of approximately 7.5 miles in two sections connected by the overhead trackage rights described in Segment #6 below. The West Belt Junction-Southport Junction section of this Segment #1 includes the Huey P. Long Bridge.
11. The Public Belt main line from a milepost equation at the Jefferson/Orleans Parish border where Milepost J0.0 = Milepost 0.26 to the connection with CSX Transportation, Inc. ("CSXT") at Milepost 14.2 at Almonaster in New Orleans, a distance of approximately 13.94 miles.
12. The Burma West Lead in New Orleans from Milepost 14.2 at Almonaster to the end of track at Milepost 15.3, a distance of approximately 1.1 miles.

13. The Burma East Lead in New Orleans from the connection with CSXT at Milepost 14.4 east of the Industrial Canal to the end of track at Milepost 16.3, a distance of approximately 1.9 miles.
14. The Bulk Terminal Lead in New Orleans from the connection with CSXT at Milepost G0.0 east of the Industrial Canal to Milepost G1.5, a distance of approximately 1.5 miles.
15. Overhead trackage rights on Illinois Central Railroad Company ("IC") from IC Milepost 449.9 at East Bridge Junction in Shreveport, Louisiana through Southport Junction (Public Belt Milepost J1.1) to IC Milepost 921.14 at Lampert Junction (Public Belt Milepost J0.3), a distance of approximately 2.6 miles.¹ There is a milepost equation at Southport Junction, where IC Milepost 451.7 = IC Milepost 921.9.
16. Overhead trackage rights on IC from IC Station 120 + 0.00 (Public Belt Milepost 3.4) at Nashville Avenue to IC Station 175 + 68.09 (Public Belt Milepost 4.4) at Valence Street in New Orleans, including the connection to the NOPB locomotive maintenance facility lead track at IC Station 163+80.0 (Public Belt Milepost 4.2) near Upperline Street, a distance of approximately 1.05 miles.²
17. Overhead trackage rights on CSXT from the connection with Segment #2 at CSXT Milepost 801.5 at Almonaster in New Orleans across the Port-owned Industrial Canal bridge to the connections with Segments #4 and #5 at CSXT Milepost 801.2 in New Orleans, a distance of approximately 0.3 miles.
18. Temporary overhead trackage rights on IC from IC Milepost 906.4 at East Bridge Junction in Shreveport to IC Milepost 900.8 at Orleans Junction in New Orleans and from IC Milepost 444.2 at Orleans Junction to IC Milepost 443.5 at Frelsen Junction in New Orleans, a distance of approximately 6.3 miles.³

¹ See *New Orleans Public Belt Railroad – Trackage Rights Exemption – Illinois Central Railroad Company*, Docket No. FD 33182 (STB served October 30, 1996). The eastern segment of these trackage rights, from Southport Junction to Lampert Junction, connects the two sections of Public Belt's main line described in Segment #1 above. The western segment of the trackage rights, from East Bridge Junction to Southport Junction, is adjacent to and north of Public Belt's main line between those points.

² See *Illinois Central Railroad Company and New Orleans Public Belt Railroad – Joint Relocation Project Exemption – In New Orleans, LA*, Docket No. FD 33533 (STB served January 16, 1998); *Illinois Central Railroad Company and New Orleans Public Belt Railroad – Joint Relocation Project Exemption – In New Orleans, LA*, Docket No. FD 32598 (ICC served November 16, 1994). These trackage rights are parallel to Public Belt's main line described in Segment #2 above and serve as a bypass around Cotton Warehouse Yard.

³ See *New Orleans Public Belt Railroad – Temporary Trackage Rights Exemption – Illinois Central Railroad Company*, Docket No. FD 36067 (STB served October 14, 2016 and January 30, 2017).

NOPB Corp. also will acquire Public Belt's ownership or operating interests in all yard, industry, wharf and lead tracks associated with the above line segments, including the Southern Recycling Lead, East Bridge Yard, Pacific Fruit Express Yard, Cotton Warehouse Yard, Race Yard, French Market Station, Pauline Yard, Claiborne Yard, France Yard, North Bulk Terminal Yard and South Bulk Terminal Yard.

NOPB Corp. expects to consummate its acquisition of Public Belt's rail operating assets on or shortly after January __, 2018, the effective date of the exemption.

Comments must be filed with the Board and served on:

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

This Notice is filed under 49 C.F.R. § 1150.31. If this 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.

Dated: December __, 2017

By the Board

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

DOCKET NO. FD 36149

NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION
-- ACQUISITION AND OPERATION EXEMPTION --
PUBLIC BELT RAILROAD COMMISSION
OF THE CITY OF NEW ORLEANS

New Orleans Public Belt Railroad Corporation ("NOPB Corp."), a non-carrier and a subsidiary of the Board of Commissioners of the Port of New Orleans, has filed a Verified Notice of Exemption under 49 C.F.R. § 1150.31, et seq., as supplemented, to acquire from the Public Belt Railroad Commission of the City of New Orleans ("Public Belt") and operate approximately 25.9 miles of rail line and approximately 10.25 miles of assigned trackage rights, as follows:

1. The Public Belt main line from the connection with BNSF Railway Company ("BNSF") and Union Pacific Railroad Company ("UP") at Milepost J8.3 at West Bridge Junction in Avondale, Louisiana to Milepost J1.1 at Southport Junction in Jefferson, Louisiana and from Milepost J0.3 at Lampert Junction in Jefferson to Milepost J0.0 at the Jefferson/Orleans Parish, Louisiana border, a total distance of approximately 7.5 miles in two sections connected by the overhead trackage rights described in Segment #6 below. The West Belt Junction-Southport Junction section of this Segment #1 includes the Huey P. Long Bridge.
2. The Public Belt main line from a milepost equation at the Jefferson/Orleans Parish border where Milepost J0.0 = Milepost 0.26 to the connection with CSX Transportation, Inc. ("CSXT") at Milepost 14.2 at Almonaster in New Orleans, a distance of approximately 13.94 miles.
3. The Burma West Lead in New Orleans from Milepost 14.2 at Almonaster to the end of track at Milepost 15.3, a distance of approximately 1.1 miles.
4. The Burma East Lead in New Orleans from the connection with CSXT at Milepost 14.4 east of the Industrial Canal to the end of track at Milepost 16.3, a distance of approximately 1.9 miles.

5. The Bulk Terminal Lead in New Orleans from the connection with CSXT at Milepost G0.0 east of the Industrial Canal to Milepost G1.5, a distance of approximately 1.5 miles.
6. Overhead trackage rights on Illinois Central Railroad Company ("IC") from IC Milepost 449.9 at East Bridge Junction in Shreveport, Louisiana through Southport Junction (Public Belt Milepost J1.1) to IC Milepost 921.14 at Lampert Junction (Public Belt Milepost J0.3), a distance of approximately 2.6 miles.¹ There is a milepost equation at Southport Junction, where IC Milepost 451.7 = IC Milepost 921.9.
7. Overhead trackage rights on IC from IC Station 120 + 0.00 (Public Belt Milepost 3.4) at Nashville Avenue to IC Station 175 + 68.09 (Public Belt Milepost 4.4) at Valence Street in New Orleans, including the connection to the NOPB locomotive maintenance facility lead track at IC Station 163+80.0 (Public Belt Milepost 4.2) near Upperline Street, a distance of approximately 1.05 miles.²
8. Overhead trackage rights on CSXT from the connection with Segment #2 at CSXT Milepost 801.5 at Almonaster in New Orleans across the Port-owned Industrial Canal bridge to the connections with Segments #4 and #5 at CSXT Milepost 801.2 in New Orleans, a distance of approximately 0.3 miles.
9. Temporary overhead trackage rights on IC from IC Milepost 906.4 at East Bridge Junction in Shreveport to IC Milepost 900.8 at Orleans Junction in New Orleans and from IC Milepost 444.2 at Orleans Junction to IC Milepost 443.5 at Frellsen Junction in New Orleans, a distance of approximately 6.3 miles.³

NOPB Corp. also will acquire Public Belt's ownership or operating interests in all yard, industry, wharf and lead tracks associated with the above line segments, including the

¹ See *New Orleans Public Belt Railroad – Trackage Rights Exemption – Illinois Central Railroad Company*, Docket No. FD 33182 (STB served October 30, 1996). The eastern segment of these trackage rights, from Southport Junction to Lampert Junction, connects the two sections of Public Belt's main line described in Segment #1 above. The western segment of the trackage rights, from East Bridge Junction to Southport Junction, is adjacent to and north of Public Belt's main line between those points.

² See *Illinois Central Railroad Company and New Orleans Public Belt Railroad – Joint Relocation Project Exemption – In New Orleans, LA*, Docket No. FD 33533 (STB served January 16, 1998); *Illinois Central Railroad Company and New Orleans Public Belt Railroad – Joint Relocation Project Exemption – In New Orleans, LA*, Docket No. FD 32598 (ICC served November 16, 1994). These trackage rights are parallel to Public Belt's main line described in Segment #2 above and serve as a bypass around Cotton Warehouse Yard.

³ See *New Orleans Public Belt Railroad – Temporary Trackage Rights Exemption – Illinois Central Railroad Company*, Docket No. FD 36067 (STB served October 14, 2016 and January 30, 2017).

Southern Recycling Lead, East Bridge Yard, Pacific Fruit Express Yard, Cotton Warehouse Yard, Race Yard, French Market Station, Pauline Yard, Claiborne Yard, France Yard, North Bulk Terminal Yard and South Bulk Terminal Yard.

NOPB Corp. expects to consummate its acquisition of Public Belt's rail operating assets on or shortly after January __, 2018, the effective date of the exemption.

Comments must be filed with the Board and served on:

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

This Notice is filed under 49 C.F.R. § 1150.31. If this 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.

Dated: December __, 2017

By the Board