

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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

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

ROBERT A. WIMBISH
(312) 252-1504
rwimbish@fletcher-sippel.com

December 4, 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

 GRANTED Office of Proceedings	DECISION ID NO.: <u>46190</u>
	DECIDED DATE: <u>12-8-17</u>
	SERVICE DATE: <u>12-11-17</u>
	APPROVED: <u>[Signature]</u> Acting Director
☒ <u>Proceeding closed</u>	

Re: **Docket No. FD 35187 (Sub-No. 1),
*Grand Elk Railroad, Inc. – Acquisition of Incidental Trackage
Rights Exemption -- Norfolk Southern Railway Company***

**Includes attachment filed under seal pursuant to a simultaneously-filed motion for
issuance of a protective order pursuant to 49 C.F.R. § 1104.14**

Dear Ms. Brown:

Grand Elk Railroad, Inc. (“GDLK”) and CSX Transportation, Inc. (“CSXT”) advise the Surface Transportation Board (the “Board”) that they have entered a Settlement and Release Agreement effective as of December 1, 2017 (the “Agreement”), pursuant to which GDLK will resume operations over the CSXT Line¹ as of today, in compliance with Grand Elk Railroad, Inc. – Acquisition of Incidental Trackage Rights Exemption – Norfolk Southern Railway Company, Docket No. FD 35187 (Sub-No. 1) (served November 20, 2017).

The Agreement amends the trackage rights agreements dated as of February 6, 1980 (and a supplement thereto dated as of July 6, 1993) and January 24, 1984 (the “Trackage Rights Agreements”). In order to clarify the terms pursuant to which GDLK’s STB-authorized, incidental trackage rights operations will be carried out, attached as Exhibit A are copies of the Trackage Rights Agreements and the Agreement to be included in the docket in FD 30187 (Sub-No. 1). GDLK and CSXT agree that the Trackage Rights Agreements and Agreement govern GDLK’s trackage rights operations over the CSXT Line. The Agreement is offered in both “public” (redacted) and “confidential” (unredacted) form. GDLK and CSXT offer the

¹ The “CSXT Line” consists of contiguous CSXT-owned lines in or near Grand Rapids extending from the connection with the Hughart Running Track at approximately CSXT milepost CH 151.3± at Pleasant Street through milepost CH 151.6/CGE 0.0 to milepost CGE 3.0± north of Ann Street, a distance of approximately 3.3 route miles.

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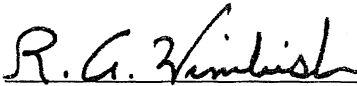
confidential version of the Agreement under seal pursuant to a Motion for Protective Order in Docket Number FD 35187 (Sub-No. 1) appended hereto.

In light of the resolution of the dispute, GDLK and CSXT will shortly make the appropriate filing to request termination of the proceedings pending before the 17th Judicial Circuit Court for Kent County, Michigan, in Case No. 2016-07855-CZB in accordance with Section 4 of the Settlement and Release Agreement.

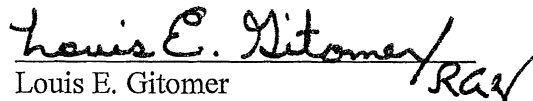
Upon the Board's receipt of the Agreements and their inclusion in the record in FD 35187 (Sub-No. 1), GDLK and CSXT jointly request that the above-referenced Board proceeding be deemed closed.

GDLK and CSXT stand ready to provide additional information concerning the arrangements pursuant to which GDLK's trackage rights operations will resume, should the Board so request.

Respectfully submitted,



Robert A. Wimbish
Fletcher & Sippel LLC
29 N. Wacker Dr., Ste. 920
Chicago, IL 60606-2832
(312) 252-1500
(312) 252-2400 (fax)
rwimbish@fletcher-sippel.com
Attorney for Grand Elk Railroad, Inc.



Louis E. Gitomer
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Ave., Suite 301
Towson, MD 21204-4022
(410) 296-2250 / (202) 466-6532
(410) 332-0885 (fax)
Lou@lgraillaw.com
Attorney for CSX Transportation, Inc.

Attachments

cc: All Parties of Record