

LAW OFFICE
THOMAS F. MCFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1666
CHICAGO, ILLINOIS 60604-1228
TELEPHONE (312) 236-0204
mcfarland@aol.com

247243

THOMAS F. MCFARLAND

March 5, 2019

ENTERED
Office of Proceedings
March 5, 2019
Part of
Public Record

By e-filing

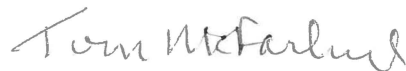
Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Finance Docket No. 36273, *Chicago, Rock Island & Pacific Railroad, LLC --
Change of Operators Exemption -- Rail Line of Coahoma County, Mississippi*

Dear Ms. Brown:

Hereby transmitted is a Motion For Leave To Voluntarily Withdraw A Verified Notice Of
Exemption Without Prejudice for filing with the Board in the above referenced matter

Very truly yours,



Thomas F. McFarland
Attorney for Applicant

TMcF:mg:1832\efSTB3

cc: Mr. Robert Riley, *robert.riley@rockislandrail.com*

BEFORE THE
SURFACE TRANSPORTATION BOARD

CHICAGO, ROCK ISLAND & PACIFIC)
RAILROAD, LLC -- CHANGE OF) FINANCE DOCKET
OPERATORS EXEMPTION -- RAIL) NO. 36273
LINE OF COAHOMA COUNTY,)
MISSISSIPPI)

**MOTION FOR LEAVE TO VOLUNTARILY WITHDRAW
A VERIFIED NOTICE OF EXEMPTION WITHOUT PREJUDICE**

CHICAGO, ROCK ISLAND & PACIFIC
RAILROAD, LLC
165 West South Street, Suite 210
P.O. Box 601
Hernando, MS 38632

Applicant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204 (office)
mcfarland@aol.com

Attorney for Applicant

DATE FILED: March 5, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

CHICAGO, ROCK ISLAND & PACIFIC	)	
RAILROAD, LLC -- CHANGE OF	)	FINANCE DOCKET
OPERATORS EXEMPTION -- RAIL	)	NO. 36273
LINE OF COAHOMA COUNTY,	)	
MISSISSIPPI	)	

**MOTION FOR LEAVE TO VOLUNTARILY WITHDRAW
A VERIFIED NOTICE OF EXEMPTION WITHOUT PREJUDICE**

Pursuant to 49 C.F.R. § 1117.1, CHICAGO, ROCK ISLAND & PACIFIC RAILROAD, LLC (ROCK), hereby seeks leave to voluntarily withdraw a Verified Notice of Exemption under 49 C.F.R. § 1150.31 that it filed on February 14, 2019, and supplemented on February 27, 2019. The withdrawal is sought without prejudice to re-filing following further investigation of the history of the rail line, its current ownership, property rights, contractual rights, and Board authority.

As supplemented, the Verified Notice of Exemption sought an exemption from 49 U.S.C. § 10901 for ROCK's lease and operation of a rail line between Lula and Swan Lake, Mississippi, a distance of 61.3 miles.

Comments in opposition or partial opposition to the Verified Notice were filed on behalf of C&J Railroad Company on February 28, 2019, and on behalf of Illinois Central Railroad Company on March 1, 2019.

The comments in opposition raise issues that require additional investigation of the history of the rail line and its current ownership, property rights, contractual rights, and Board authority.

According leave should be granted for ROCK to voluntarily withdraw the Verified Notice of Exemption without prejudice to potential re-filing following completion of the investigation.

Respectfully submitted,

CHICAGO, ROCK ISLAND & PACIFIC
RAILROAD, LLC
165 West South Street, Suite 210
P.O. Box 601
Hernando, MS 38632

Applicant


THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1112
(312) 236-0204 (ph)
mcfarland@aol.com

Attorney for Applicant

DATE FILED: March 5, 2019

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2019, I served the foregoing Motion For Leave To Voluntarily Withdraw A Verified Notice Of Exemption Without Prejudice by e-mail on Mr. Reggie Howell, President, C&J Railroad Company at *cjrr565@aol.com* and on Thomas J. Litwiler, Esq. at *tlitwiler@fletcher-sippel.com* attorney for Illinois Central Railroad Company.



Thomas F. McFarland