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BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36241

COOS BAY RAIL LINE, INC.
– CHANGE IN OPERATORS EXEMPTION –
COOS BAY RAILROAD OPERATING COMPANY, LLC
D/B/A COOS BAY RAIL LINK

DOCKET NO. FD 36242

OREGON INTERNATIONAL PORT OF COOS BAY
– CONTINUANCE IN CONTROL EXEMPTION –
COOS BAY RAIL LINE, INC.

**PETITION FOR WAIVERS OF
49 C.F.R. § 1150.32(b) AND 49 C.F.R. § 1180.4(g)(1)**

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**ATTORNEYS FOR COOS BAY RAIL
LINE, INC., AND OREGON
INTERNATIONAL PORT OF COOS BAY**

Dated: October 31, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36241

COOS BAY RAIL LINE, INC.
– CHANGE IN OPERATORS EXEMPTION –
COOS BAY RAILROAD OPERATING COMPANY, LLC
D/B/A COOS BAY RAIL LINK

DOCKET NO. FD 36242

OREGON INTERNATIONAL PORT OF COOS BAY
– CONTINUANCE IN CONTROL EXEMPTION –
COOS BAY RAIL LINE, INC.

**PETITION FOR PARTIAL WAIVER OF
49 C.F.R. § 1150.32(b) AND 49 C.F.R. § 1180.4(g)(1)**

In connection with Verified Notices of Exemption (the “Notices”) filed on October 29, 2018 in the above-referenced dockets – (1) Coos Bay Rail Line, Inc. (“Coos Rail”), a non-carrier, seeks to assume common carrier operations over certain rail lines (the “Lines”)¹ in Oregon; and (2) the owner of those Lines, Oregon International Port of Coos Bay (the “Port”), seeks authority to continue in control of Coos Rail once Coos Rail becomes a carrier. Coos Rail and the Port hereby request that the otherwise applicable 30-day time period under which the subject Notices would take effect² be waived to permit the exemptions to become effective by no later than November 19, 2018, or sooner. Coos Bay Railroad Operating Company, LLC d/b/a

¹ The lines are described in the recently-filed Notices.

² Due to the annual revenue projections for Coos Rail (below \$5 million annually), the present Notices would each become effective thirty (30) days from the date of filing, barring a stay. See 49 C.F.R. § 1150.32(b) and 49 C.F.R. § 1180.4(g).

Coos Bay Rail Link (“CBR”), the incumbent rail operator who will be replaced by Coos Rail (as set forth in the notice of exemption filed in Docket No. FD 36242), joins in requesting these waivers so that the subject class exemptions may take effect as soon as possible.

As the Board is aware, this is not the first attempt by Coos Rail and the Port to accomplish the change of operators on the Line from CBR to Coos Rail. The two had proposed to effectuate a change in common carrier service providers (and a corresponding authorization for the Port to continue in control of Coos Rail) pursuant to class exemptions filed in Dockets FD 36228 and 36199, respectively, as set forth in the supplemental joint filing by the Port, Coos Rail and CBR on September 28, 2018 (the “September 28 Supplement”). The September 28 Supplement, among other things, clarified that CBR did not object to the proposed change in operators. That filing also indicated that the Port, Coos Rail, and CBR anticipated that the FD 36228 and 36199 exemptions would be permitted to take effect on or before October 29, 2018, so that Coos Rail would commence operations as a rail common carrier on the Line and CBR could terminate its operations by or before November 1, 2018.

The Board’s Acting Director, however, rejected the FD 36228 and 36199 notices in an order served on October 26, 2018 (the “October 26 Order”), but, in so doing, he provided instructions to Coos Rail and the Port concerning how they should secure Board authorization to undertake the transactions now encompassed by the present FD 36241 and 36242 Notices. Having been issued when it was, the October 26 Order dealt a blow to the orderly transition from CBR to Coos Rail, which the parties had agreed would happen by or before November 1, and for which each party to the subject waiver petition had planned accordingly, thus raising challenges for the continuation of common carrier service pending corrective action by Coos Rail and the Port. To minimize the risk of disruption to interstate commerce that could result from the

unanticipated adverse Board decision, and to hasten the date upon which a Board-authorized change in operators may be accomplished, Coos Rail and the Port filed new class exemption notices the very next business day after the October 26 Order was served. This is the same motivation driving the subject waiver petition.

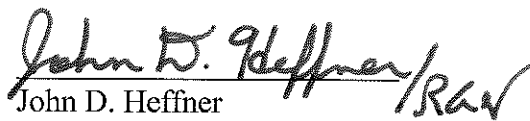
In light of the Acting Director's recent order and the notice previously given to shippers of the anticipated change in operators in FD 36228 pursuant to 49 C.F.R. § 1150.32(b) (which notice was re-issued in the pending FD 36241 proceeding), Coos Rail, the Port, and CBR respectfully submit that those with an immediate interest in the rail service transition are well aware of the planned service provider change, and have been for over a month.

WHEREFORE, Coos Rail, the Port and CBR respectfully request the Board to exercise its well-recognized discretionary authority and waive the otherwise applicable 30-day notice periods, and permit the Notices to become effective by no later than November 19, 2018, or sooner if possible.

Respectfully submitted,



Robert A. Wimbish
Attorney for Coos Bay Rail
Line, Inc., and Oregon
International Port of Coos Bay



John D. Heffner
Coos Bay Railroad Operating
Company, LLC d/b/a Coos Bay Rail Link

Dated: October 31, 2018