

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

THOMAS F. MCFARLAND

March 1, 2019

By e-filing

247227

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

ENTERED
Office of Proceedings
March 1, 2019
Part of
Public Record

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

Dear Ms. Brown:

In order to prevent harmful interruption of rail service to shippers on the rail line covered by the captioned proceeding, the Board is respectfully requested to permit the Notice of Exemption in this proceeding to become effective as scheduled in 49 C.F.R. § 1150.32(b), subject to dealing with the partial opposition of C&J Railroad Company (C&J) in due course after the Notice of Exemption becomes effective.

The Notice of Exemption was filed on February 14, 2019, and was supplemented on February 27, 2019 in response to a request by a representative of the Board's Office of Proceedings for additional information regarding the Notice. The Notice of Exemption covers proposed operation of 61.3 miles of rail line between Lula and Swan Lake, MS. Rail shippers accounting for substantial traffic are located on that rail line. The rail line is owned by Coahoma County, Mississippi, and is leased to Chicago, Rock Island & Pacific Railroad, LLC (ROCK) for operation to serve those shippers. ROCK has equipment close by to enable rail operation immediately when the operating authority becomes effective.

In contrast, C&J claims authority to operate only a quarter of a mile (.25-miles) of that rail line at and near the connection of the line to Illinois Central Railroad Company (IC) at Swan Lake, MS. There are no rail shippers located on that short stretch of track. C&J is not authorized by the Board to operate over the line to or from any location at which rail traffic is originated or terminated. Even if C&J had that operating authority, it does not have equipment available to enable rail operations. Coahoma County has lawfully terminated the lease by which C&J formerly operated the rail line, including the short segment over which C&J retains Board operating authority. The connection of the rail line to IC at Swan Lake is the only means by which traffic to or from the rail line can access the national rail system.

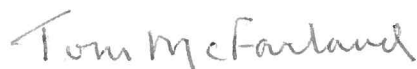
THOMAS F. MCFARLAND

Ms. Cynthia T. Brown, Chief
March 1, 2019
Page 2

It appears that the track authorized to be operated by C&J is designed to block any other rail carrier from providing needed rail service to shippers by means of blocking interchange of all such rail traffic. That would stifle rail traffic to and from the line. That is blatantly contrary to the public interest.

Accordingly, the Board is urged to permit the Notice of Exemption to become effective, as scheduled. C&J's opposition can be dealt with in due course. In that respect, it is noted that C&J did not request that the Board stay the effective date of the Notice of Exemption. The Board should not do so.

Very truly yours,



Thomas F. McFarland
*Attorney for Chicago, Rock Island & Pacific
Railroad, LLC*

TMcf:mg:1832\efSTB2

cc: Mr. Robert Riley, *robert.riley@rockislandrail.com*
Mr. Reggie Howell, *by first-class, U.S. mail*