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300973

ENTERED

Office of Proceedings
August 11, 2020
Part of
Public Record

Phone: (312) 252-1500
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August 11, 2020

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 20024

Re: **Docket No. FD 36419**

***New Orleans Public Belt Railroad Commission for the Port of New Orleans
– Acquisition and Operation Exemption – New Orleans Public Belt
Railroad Corporation***

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Verified Notice of Exemption of New Orleans Public Belt Railroad Commission for the Port of New Orleans Pursuant to 49 C.F.R. § 1150.32**, dated August 11, 2020. Payment of the applicable filing fee has been tendered electronically via Pay.gov.

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,

/s/ *R. A. Wimbish*

Robert A. Wimbish
Attorney for New Orleans Public Belt
Railroad Commission for the Port of New Orleans

RAW:ah

Enclosure

cc: Brandy D. Christian
M.D. (Mike) Stolzman
J.P. Escudier, Esq.
Michelle W. Scelson, Esq.

FEE RECEIVED
August 11, 2020
SURFACE
TRANSPORTATION BOARD

FILED
August 11, 2020
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36419

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

**VERIFIED NOTICE OF EXEMPTION OF
NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS
PURSUANT TO 49 C.F.R. § 1150.32**

Robert A. Wimbish
Bradon J. Smith
Fletcher & Sippel
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEYS FOR NEW ORLEANS
PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS**

Dated: August 11, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36419

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

**VERIFIED NOTICE OF EXEMPTION
OF
NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS
PURSUANT TO 49 C.F.R. § 1150.32**

New Orleans Public Belt Railroad Commission for the Port of New Orleans (“Railroad Commission”), a non-carrier political subdivision of the State of Louisiana pursuant to Article VI, Section 19 and Article VI, Section 44(2) of the Louisiana Constitution of 1974 and La. Rev. Stat. 33:4530, *et seq.*, hereby files this notice of exemption under 49 C.F.R. Part 1150, subpart D, to acquire and operate the railroad operating assets of the New Orleans Public Belt Railroad Corporation (“NOPB”), including all of NOPB’s owned and/or operated rail lines, trackage rights and ancillary tracks. The total distance of the rail lines to be acquired by Railroad Commission is approximately 29.3 route miles, and the total distance of the incidental trackage rights to be assigned to Railroad Commission is approximately 3.95 route miles.

Upon completion of the transaction, Railroad Commission will be a Class III switching and terminal railroad, providing neutral local and intermediate switching service to shippers and six connecting Class I railroads in the New Orleans area in place of NOPB.

In accordance with the requirements of 49 C.F.R. § 1150.33, Railroad Commission submits the following information:

Name and Address of Applicant: 49 C.F.R. § 1150.33(a)

The full name and address of the applicant herein is as follows:

New Orleans Public Belt Railroad Commission
for the Port of New Orleans
4822 Tchoupitoulas Street
New Orleans, Louisiana 70115

Applicant's Representative: 49 C.F.R. § 1150.33(b)

The Railroad Commission's representative to whom correspondence regarding this transaction should be sent is as follows:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

Pursuant to state legislation directing the proposed transaction, Railroad Commission will acquire NOPB's railroad and related assets, including rail lines, trackage rights, ancillary trackage and the Huey P. Long Bridge.

Operation of the Property: 49 C.F.R. § 1150.33(d)

Railroad Commission will be the operator of the rail lines, trackage rights, and ancillary trackage to be acquired from NOPB.

Summary of the Transaction: 49 C.F.R. § 1150.33(e)

Railroad Commission is a newly-formed political subdivision of the State of Louisiana pursuant to Article VI, Section 19 and Article VI, Section 44(2) of the Louisiana Constitution of 1974, and La. Rev. Stat. 33:4530, *et seq.* NOPB, a corporate subsidiary of the

Board of Commissioners of the Port of New Orleans (“Port”), is a Class III switching and terminal carrier whose municipally-owned predecessor – Public Belt Railroad Commission of the City of New Orleans¹ – began operations in 1908. Like its municipally-owned predecessor, NOPB provides interline and intermediate switching services to numerous local shippers and the six Class I railroads that operate in the New Orleans area. NOPB owns the Huey P. Long Bridge, a rail/highway bridge over the Mississippi River that opened in 1935 and is one of the longest railroad structures in the country.²

Pursuant to the aforementioned state legislation, Railroad Commission will acquire all of the railroad operating assets of NOPB, including approximately 29.3 route miles of rail line and approximately 3.95 route miles of assigned trackage rights as follows:

1. The NOPB 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 Bridge Junction-Southport Junction section of this Segment 1 includes the Huey P. Long Bridge.
2. The NOPB 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 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.

¹ *New Orleans Public Belt R.R. Corporation – Acquisition and Operation Exemption – Public Belt Railroad Commission of the City of New Orleans*, FD 36149 (STB served Dec. 27, 2017).

² *New Orleans Public Belt R. Construction*, 166 I.C.C. 761 (1930).

6. Parallel line segments owned by Illinois Central Railroad Company (“IC”) and leased to NOPB extending between approximately IC milepost 906.1 at Central Avenue near East Bridge Junction in Shrewsbury, Louisiana, and the end of the track at approximately IC milepost 908.8 in Jefferson Parish, Louisiana; and (2) between approximately IC milepost 921.8 at Iris Avenue (approximately IC milepost 908.5 on the first segment) and approximately IC milepost 921.14 at Dakin Street near Lampert Junction in Jefferson Parish, a total distance of approximately 3.36 miles. (Between East Bridge Junction and Iris Avenue the leased lines consist of parallel tracks known as the Main Track and the A1 and A2 Track.)³ See Map Inset A-4.
7. Overhead trackage rights on IC from IC Milepost 449.9 at East Bridge Junction in Shrewsbury, Louisiana, through Southport Junction (NOPB Milepost J1.1) to IC Milepost 921.14 at Dakin Street near Lampert Junction (NOPB Milepost J0.3), a distance of approximately 2.6 miles.⁴ There is a milepost equation at Southport Junction, where IC Milepost 451.7 = IC Milepost 921.9.⁵ See Map Inset A-1.
8. Overhead trackage rights on IC from IC Station 120 + 0.00 (NOPB post 3.4) at Nashville Avenue to IC Station 175 + 68.09 (NOPB 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 (NOPB Milepost 4.2) near Upperline Street, a distance of approximately 1.05 miles.⁶ See Map Inset A-2.

³ *New Orleans Public Belt Railroad Corporation – Lease and Operation Exemption – Line of Illinois Central Railroad Company*, FD 36362 (STB served Dec. 13, 2019).

⁴ *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 NOPB’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 NOPB’s main line between those points.

⁵ As the maps appended hereto as Inset A-1 and Inset A-4 show, the overhead trackage rights described in Item 7 overlap with some of the line segments that NOPB currently leases (and in which the Railroad Commission will assume a leasehold interest) as described in Item 6, particularly with respect to the IC lines extending between East Bridge Junction and Dakin Street near Lampert Junction. Despite the overlap and in the interest of operational continuity, NOPB has retained, and Railroad Commission in turn will retain, the subject overhead trackage rights interests, which Railroad Commission would exercise in the event that IC and Railroad Commission were to agree to terminate the lease for the Item 7 lines.

⁶ *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 NOPB’s main line described in Segment 2 above and serve as a bypass around Cotton Warehouse Yard.

9. 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. See Map Inset A-3.

Railroad Commission will also acquire NOPB'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, South Bulk Terminal Yard, and Kingfish Yard.

Railroad Commission will assume, *inter alia*, NOPB's interests, rights, and obligations in various agreements under which other rail carriers and the National Railroad Passenger Corporation (Amtrak) hold trackage rights over portions of NOPB's rail lines. This includes the Joint Maintenance Agreement between NOPB and the State of Louisiana, Department of Transportation and Development regarding the Huey P. Long Bridge and the related bridge use agreements with BNSF and UP regarding that facility.

The full name and address of the entity transferring the subject rail assets to Railroad Commission is as follows:

New Orleans Public Belt Railroad Corporation
4822 Tchoupitoulas Street
New Orleans, LA 70115

Railroad Commission intends to consummate its acquisition of NOPB's rail operating assets on October 1, 2020, and has filed its exemption notice in time to permit consummation as of that date. However, it is important for the Board to bear in mind that the applicable state statute governing the proposed transaction permits Railroad Commission to consummate the acquisition of NOPB's assets on Octoberr 1, 2020, *only if the Railroad Commission has obtained an exemption by or before September 15, 2020*. By statute, an

exemption effective date after September 15, 2020, will force a postponement of consummation until November 1, 2020.

Map: 49 C.F.R. § 1150.33(f)

Maps showing the subject rail lines and indicating the area served by those lines, including origins, termini, stations, and cities, are attached as Exhibit A to this notice. The maps supplied are essentially in keeping with those accepted by the Board in FD 36149 (filed on December 18, 2017), and in FD 36362 on (filed on November 29, 2019).

Certificate of Compliance: 49 C.F.R. § 1150.33(g)

A Certificate of Compliance with the provisions of 49 C.F.R. § 1150.33(g) is attached as Exhibit B to this notice. Railroad Commission's anticipated rail revenues do not exceed those that would qualify it as a Class III rail carrier. Railroad Commission will operate as a switching and terminal railroad, as NOPB does today, and thus presumptively would be classified as a Class III rail carrier in any event. 49 C.F.R. § 1201(1-1)(d).

Interchange Commitments: 49 C.F.R. § 1150.33(h)

Neither the legislation governing this transaction, nor any of the agreements to which Railroad Commission would succeed in place of NOPB, include any provision limiting Railroad Commission's future interchange of traffic with any connecting carrier.

Advance Notice: 49 C.F.R. § 1150.32(e)

Railroad Commission posted the 60-day notice of this transaction required by 49 C.F.R. § 1150.32(e) at the workplaces of current NOPB employees, served the notice on the national offices of the labor unions for those employees, and certified those actions to the Board

on July 2, 2020. A copy of the 60-day notice and certification as filed with the Board is attached as Exhibit C to this Notice.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

Under 49 C.F.R. § 1105.6(c)(2), the proposed acquisition of NOPB's railroad operating assets by Railroad Commission is exempt from environmental reporting requirements. Railroad Commission's acquisition and operation of the NOPB rail system will not result in significant changes in carrier operations, *i.e.*, changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

Under 49 C.F.R. § 1105.8(b)(1), the proposed acquisition of NOPB's railroad operating assets by Railroad Commission also is exempt from historic preservation reporting requirements. Railroad Commission's acquisition of NOPB's rail lines and trackage rights is for the purpose of continued rail operations. Further Surface Transportation Board approval is required to discontinue or abandon any such service and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Caption Summary: 49 C.F.R. § 1150.34

A caption summary in appropriate form is attached as Exhibit D to this notice.

Respectfully submitted,

By: /s/ *R. A. Wimbish*

Robert A. Wimbish
Bradon J. Smith
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, IL 60606-3208
(312) 252-1500

**ATTORNEYS FOR NEW ORLEANS
PUBLIC BELT RAILROAD COMMISSION FOR
THE PORT OF NEW ORLEANS**

Dated: August 11, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36419

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

**VERIFIED NOTICE OF EXEMPTION
OF
NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS
PURSUANT TO 49 C.F.R. § 1150.32**

**EXHIBIT A
MAPS**

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

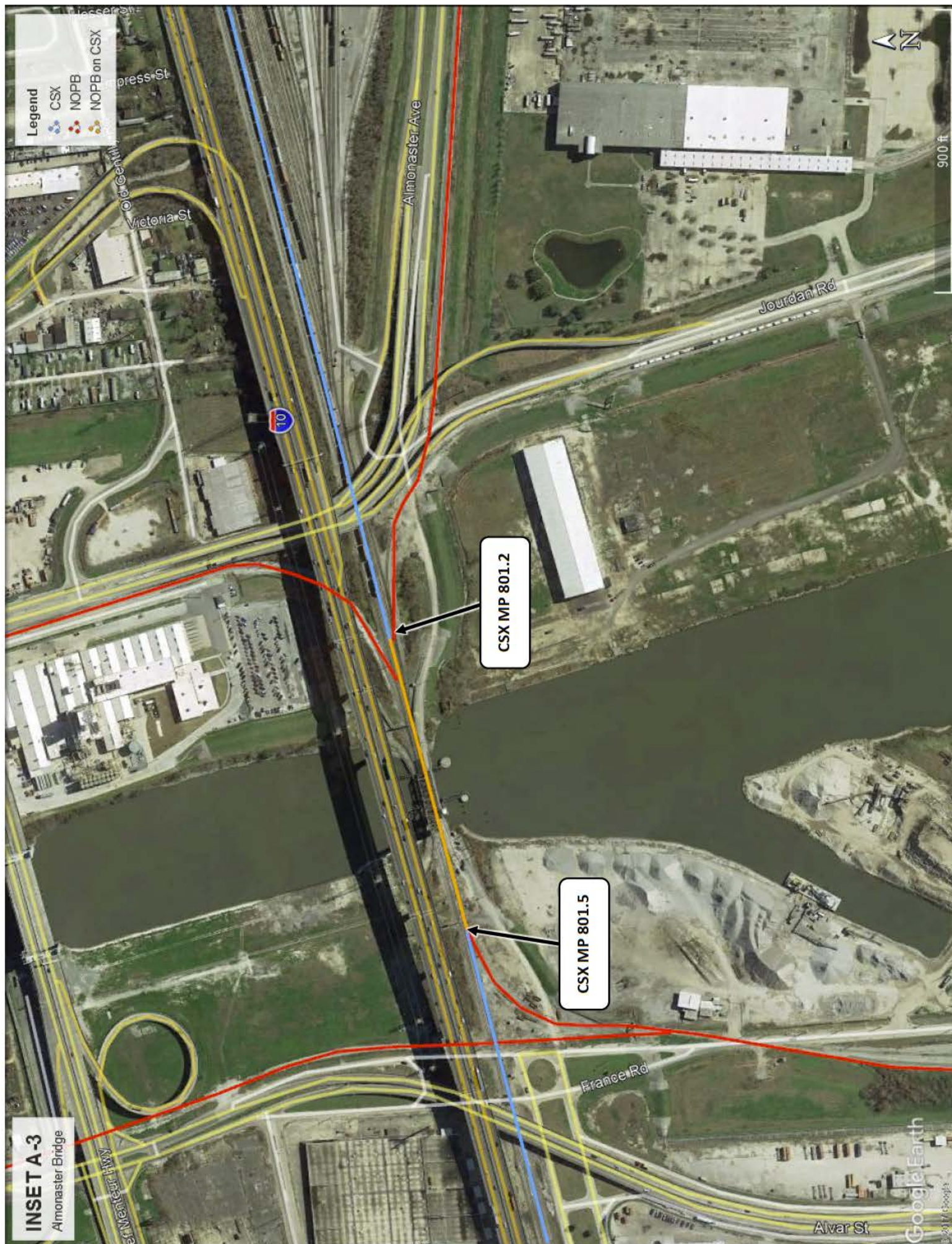
Locomotive
Repair Facility

NOPB MP 3.4
IC 120 + 0.00

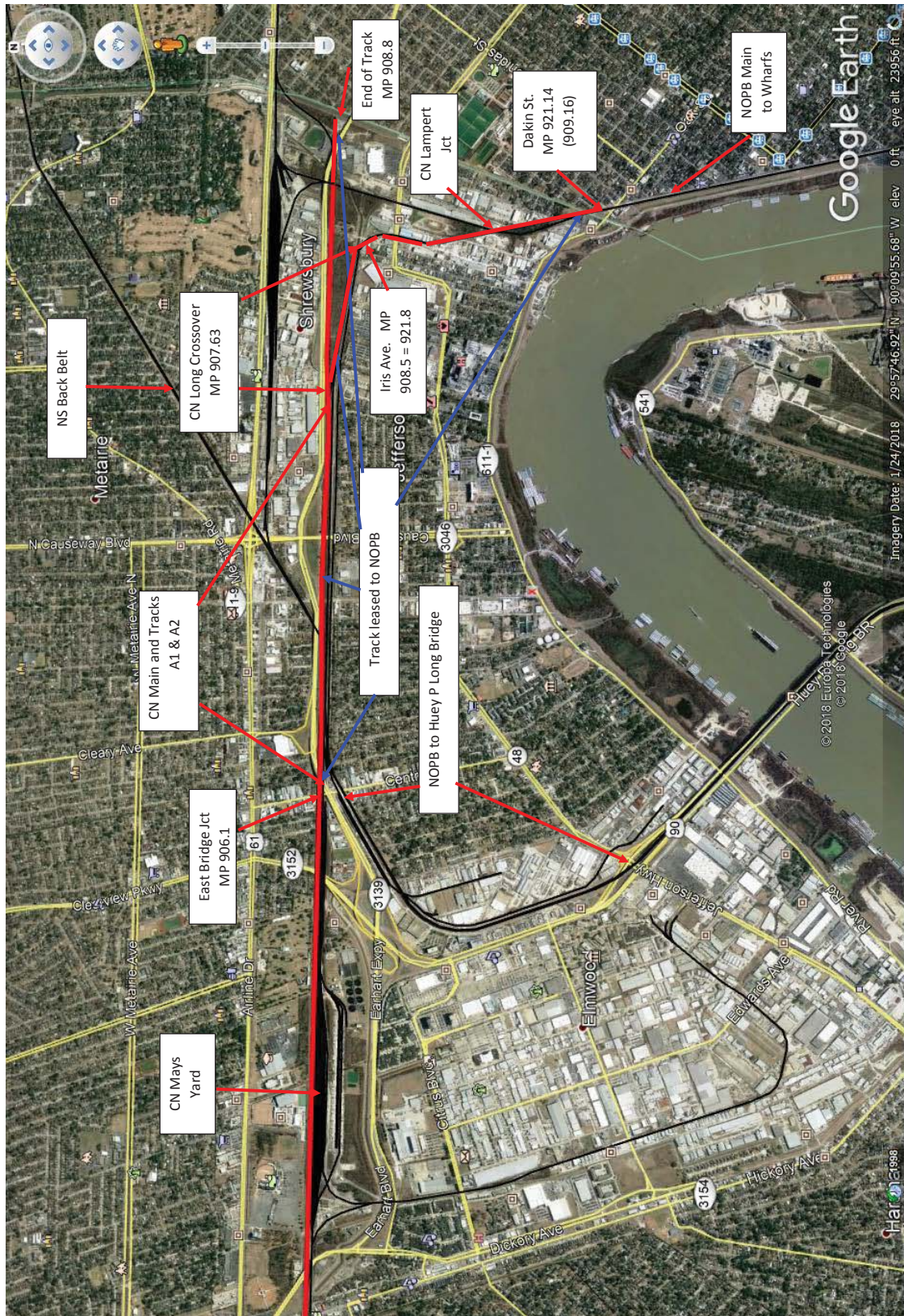
Cotton
Warehouse
Yard

NOPB MP 4.4
IC 175 +68.09





Inset A-4



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36419

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

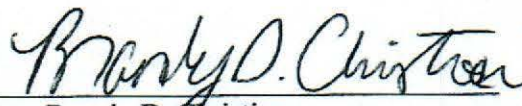
**VERIFIED NOTICE OF EXEMPTION
OF
NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS
PURSUANT TO 49 C.F.R. § 1150.32**

**EXHIBIT B
CERTIFICATION OF BRANDY D. CHRISTIAN**

CERTIFICATION

State of Louisiana)
) ss:
Parish of Orleans)

Brandy D. Christian, being duly sworn, hereby certifies that the projected annual rail revenue of New Orleans Public Belt Railroad Commission for the Port of New Orleans will not result in the creation of a Class II or Class I rail carrier under the provisions of 49 C.F.R. § 1201 (1-1).



Brandy D. Christian
Chief Executive Officer

SUBSCRIBED AND SWORN TO
before me this 11 day
of August, 2020.



Notary Public

Jean-Paul Escudier, Esq.
La. Bar Roll No. 29177
My Commission is for life.

JEAN-PAUL A. ESCUDIER
NOTARY PUBLIC
State of Louisiana
My Commission Is Issued For Life
La. Bar Roll No. 29177



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36419

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

VERIFIED NOTICE OF EXEMPTION
OF
NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS
PURSUANT TO 49 C.F.R. § 1150.32

EXHIBIT C
60-DAY ADVANCE NOTICE TO LABOR

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

ROBERT A. WIMBISH

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

ENTERED
Office of Proceedings
July 2, 2020
Part of
Public Record

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July 2, 2020

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

Re: **Docket No. FD 36419**
New Orleans Public Belt Railroad Commission for the
Port of New Orleans -- Acquisition and Operation Exemption --
New Orleans Public Belt Railroad Corporation

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1150.32(e), New Orleans Public Belt Railroad Commission for the Port of New Orleans ("Railroad Commission") hereby certifies that on July 2, 2020, the attached Notice was posted at the following workplaces of employees of the New Orleans Public Belt Railroad Corporation ("NOPB"):

4822 Tchoupitoulas Street
New Orleans, LA 70115

940 Central Avenue
Jefferson, LA 70121

5403 Coffee Drive
New Orleans, LA 70115

4545 North Claiborne Avenue
New Orleans, LA 70117

The Railroad Commission also certifies that on July 2, 2020, the attached Notice was served by first class mail, postage prepaid, on the national offices of the labor unions representing NOPB employees, at the following addresses:

FLETCHER & SIPPEL LLC

Ms. Cynthia T. Brown
July 2, 2020
Page 2

Mr. Jeremy R. Ferguson
President, Transportation Division
International Association of Sheet Metal, Air, Rail &
Transportation Workers
24950 Country Club Road, Suite 340
North Olmsted, OH 44070-5333

Mr. Robert A. Scardelletti
National President
Transportation • Communications Union/IAM
3 Research Place
Rockville, MD 20850-3279

Mr. Freddie N. Simpson
President
Brotherhood of Maintenance of Way Employees Division, IBT
41475 Gardenbrook Road
Novi, MI 48375-1328

Mr. Robert G. Martinez, Jr.
International President
International Association of Machinists & Aerospace Workers
9000 Machinists Place
Upper Marlboro, MD 20772

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

Respectfully submitted,

R. A. Wimbish

Robert A. Wimbish
Attorney for New Orleans Public Belt
Railroad Commission of the Port of New Orleans

RAW:ah

Attachment

**NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION FOR
THE PORT OF NEW ORLEANS
4822 Tchoupitoulas Street
New Orleans, LA 70115**

NOTICE

New Orleans Public Belt Railroad Commission for the Port of New Orleans (“Railroad Commission”), a political subdivision of the State of Louisiana pursuant to Article VI, Section 19 and Article VI, Section 44(2) of the Louisiana Constitution of 1974, and La. Rev. Stat. 33:4530, *et seq.*, hereby provides notice to the employees of the New Orleans Public Belt Railroad Corporation (“NOPB”) that the Railroad Commission intends to acquire and operate the railroad operating assets of NOPB, including all of its owned and/or operated rail lines, trackage rights, and ancillary tracks. Upon consummation of the transaction, the Railroad Commission will be a Class III switching and terminal railroad and will continue to provide neutral local and intermediate switching service to shippers and six connecting Class I railroads in the New Orleans area in place of NOPB. This notice is provided pursuant to the regulations of the Surface Transportation Board (“STB”) at 49 C.F.R. § 1150.32(e).

The transaction that is the subject of this notice involves the transfer of all of the assets and contractual rights and obligations of NOPB – a corporate subsidiary of the Board of Commissioners of the Port of New Orleans (the “Port”) – to the Railroad Commission, a state political subdivision that will operate in conjunction with the Port. NOPB employees will be unaffected by the transaction, as all employees automatically will be extended the same positions under the same terms and conditions as their current employment, consistent with current collective bargaining agreements. No employment application is required. The Railroad

Commission will not discriminate in hiring or employment based on race, color, religion, sex (including pregnancy), sexual orientation, national origin, age, disability or genetic information.

All responsibilities and job functions currently performed by or under the direction of NOPB will remain with the Railroad Commission. No current positions at NOPB will be eliminated because of the proposed transaction. Future employment levels at the Railroad Commission may be affected by traffic, market and other conditions. All responsibilities and job functions currently performed by or under the direction of the Port will remain with the Port and will not be assumed or performed by the Railroad Commission.

The Railroad Commission's acquisition of the railroad assets of NOPB will be undertaken in accordance with Louisiana state law, including La. R.S. 33:4536 and the requirement to "recognize and maintain the rights of these employees under existing labor contracts and applicable law." A notice of exemption to authorize the proposed acquisition and operation transaction will be filed with the STB on or after July 23, 2020 in Docket No. FD 36419.

Any NOPB employee seeking more information about the transaction, or wishing to opt out of employment with the Railroad Commission, may contact:

Human Resources
4822 Tchoupitoulas Street
New Orleans, LA 70115
(504) 896-7416

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36419

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

**VERIFIED NOTICE OF EXEMPTION
OF
NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS
PURSUANT TO 49 C.F.R. § 1150.32**

**EXHIBIT D
CAPTION SUMMARY**

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

DOCKET NO. FD 36419

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

New Orleans Public Belt Railroad Commission for the Port of New Orleans (“Railroad Commission”), a newly-formed, non-carrier political subdivision of the State of Louisiana pursuant to Article VI, Section 19 and Article VI, Section 44(2) of the Louisiana Constitution of 1974, and La. Rev. Stat. 33:4530, et seq., under the control of the Board of Commissioners of the Port of New Orleans (“Port”), has filed a Verified Notice of Exemption under 49 C.F.R. § 1150.31, et seq. to acquire from the New Orleans Public Belt Railroad Corporation (“NOPB”) and operate approximately 29.3 miles of rail line and approximately 3.95 miles of assigned trackage rights, as follows:

1. The NOPB 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 NOPB 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. Two parallel line segments owned by Illinois Central Railroad Company (“IC”) and leased to NOPB extending between approximately IC milepost 906.1 at Central Avenue near East Bridge Junction in Shreveport, Louisiana, and the end of the track at approximately IC milepost 908.8 in Jefferson Parish, Louisiana; and (2) between approximately IC milepost 921.8 at Iris Avenue (approximately IC milepost 908.5 on the first segment) and approximately IC milepost 921.14 at Dakin Street near Lampert Junction in Jefferson Parish, a total distance of approximately 3.36 miles. (Between East Bridge Junction and Iris Avenue the leased lines consist of parallel tracks known as the Main Track and the A1 and A2 Track.)¹
7. 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 (NOPB Milepost J0.3), a distance of approximately 2.6 miles.² There is a milepost equation at Southport Junction, where IC Milepost 451.7 = IC Milepost 921.9.³
8. Overhead trackage rights on IC from IC Station 120 + 0.00 (NOPB Milepost 3.4) at Nashville Avenue to IC Station 175 + 68.09 (NOPB Milepost 4.4) at Valence Street in

¹ *New Orleans Public Belt Railroad Corporation – Lease and Operation Exemption – Line of Illinois Central Railroad Company*, FD 36362 (STB served Dec. 13, 2019).

² *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 NOPB’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 NOPB’s main line between those points.

³ As the involved mileposts indicate, the overhead trackage rights described in Item 7 overlap with some of the line segments that NOPB currently leases (and in which the Railroad Commission will assume a leasehold interest) as described in Item 6, particularly with respect to the IC lines extending between East Bridge Junction and Dakin Street near Lampert Junction. Despite the overlap and in the interest of operational continuity, NOPB has retained, and Railroad Commission in turn will retain, the subject overhead trackage rights interests, which Railroad Commission would exercise in the event that IC and Railroad Commission were to agree to terminate the lease for the Item 7 lines.

New Orleans, including the connection to the NOPB locomotive maintenance facility lead track at IC Station 163+80.0 (NOPB Milepost 4.2) near Upperline Street, a distance of approximately 1.05 miles.⁴

9. 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.

Railroad Commission also will acquire NOPB'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, South Bulk Terminal Yard and Kingfish Yard.

Pursuant to applicable state law, Railroad Commission expects to consummate its acquisition of NOPB's rail operating assets on or about October 1, 2020, provided that the effective date of the exemption is at least 15 days prior to the targeted consummation date.

Comments must be filed with the Board and served on:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, IL 60606-3208
(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

⁴ *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 NOPB's main line described in Segment 2 above and serve as a bypass around Cotton Warehouse Yard.

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: August __, 2020

By the Board

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36419

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

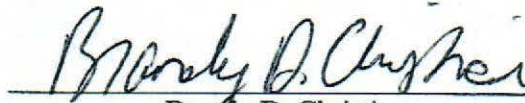
**VERIFIED NOTICE OF EXEMPTION
OF
NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS
PURSUANT TO 49 C.F.R. § 1150.32**

VERIFICATION OF BRANDY D. CHRISTIAN

VERIFICATION

State of Louisiana)
) ss:
Parish of Orleans)

Brandy D. Christian, being duly sworn, deposes and says that she is the Chief Executive Officer of the New Orleans Public Belt Railroad Commission for the Port of New Orleans, that she has read the foregoing Notice of Exemption and knows the facts asserted therein, and that the same are true as stated.



Brandy D. Christian

SUBSCRIBED AND SWORN TO
before me this 11th day
of August, 2020.



Notary Public

Jean-Paul Escudier, Esq.
La. Bar Roll No. 29177
My Commission is for life.

JEAN-PAUL A. ESCUDIER
NOTARY PUBLIC
State of Louisiana
My Commission Is Issued For Life
La. Bar Roll No. 29177

