

306585

Karl Morell & Associates
440 1st Street, NW, Suite 440
Washington, DC 20001
(202) 595-9045
karlm@karlmorell.com

ENTERED
Office of Proceedings
May 10, 2023
Part of
Public Record

May 10, 2023

E-FILED

Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: Finance Docket No. 36687, Rio Grande Pacific Corporation –
Continuance In Control Exemption – Bogalusa and Northern Railway,
LLC

Attached for filing is a Verified Notice of Exemption under 49 C.F.R. § 1180.2(d)(2).
The filing fee of \$1,600 has been tendered electronically via Pay.gov.

If you have any questions, please call me.

Sincerely,



Karl Morell

Enclosures

FEE RECEIVED
May 10, 2023
Surface
Transportation Board

FILED
May 10, 2023
Surface
Transportation Board

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36687

RIO GRANDE PACIFIC CORPORATION
--CONTINUANCE IN CONTROL EXEMPTION--
BOGALUSA AND NORTHERN RAILWAY, LLC

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1180.2(d)(2)

Karl Morell
Karl Morell and Associates
Suite 440
440 1st Street, N.W.
Washington, D.C. 20001
(202) 595-9045

Attorney for Applicants

Dated: May 10, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36687

RIO GRANDE PACIFIC CORPORATION
--CONTINUANCE IN CONTROL EXEMPTION--
BOGALUSA AND NORTHERN RAILWAY, LLC

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1180.2(d)(2)

Rio Grande Pacific Corporation (“RGPC”), a non-carrier holding company, files this Notice of Exemption, pursuant to 49 C.F.R. § 1180.2(d)(2), for RGPC to continue in control of Bogalusa and Northern Railway, LLC (“BNR”), a non-carrier, upon BNR becoming a Class III railroad. In support of this Notice of Exemption, the following information as required by 49 C.F.R. § 1180.4(g) is submitted:

Section 1180.6 Supporting Information

(a)(1)(i) Description of Proposed Transaction

RGPC, a non-carrier, currently controls 4 Class III railroads, as follows:

Nebraska Central Railroad Company

New Orleans & Gulf Coast Railway Company

Wichita, Tillman and Jackson Railway Company

Idaho Northern and Pacific Railroad Company

RGPC also owns 100 percent of the issued and outstanding stock of BNR, a non-carrier that was formed for the purpose of operating a rail line. Concurrently with the filing of this Notice of Exemption, BNR is filing a Notice of Exemption in Finance Docket No. 36686, *Bogalusa and Northern Railway, LLC – Change in Operator Exemption*, under 49 C.F.R. § 1150.31, to operate a rail line owned by Illinois Central Railroad Company (“IC”). Upon consummation of the transaction in Finance Docket No. 36686, BNR will become a Class III carrier. The rail line to be operated by BNR is located between Milepost 68.85, at Leescreek, LA and Milepost 69.85 at Bogalusa, LA.

The rail lines operated by the RGPC carriers do not connect with the rail line to be operated by BNR. Also, the involved transaction is not part of a series of anticipated transactions that would connect the rail line to be operated by BNR with any railroad in the RGPC corporate family. Finally, neither RGPC nor any of the carriers controlled by RGPC are Class I rail carriers. Accordingly, this transaction falls within the class of transactions described at 49 C.F.R. § 1180.2(d)(2), and exempt from prior approval by the Board.

Applicants are:

Rio Grande Pacific Corporation
6100 Southwest Blvd. Suite 320
Fort Worth, Texas 76109

Nebraska Central Railroad Company
304 N. 5th Street
Norfolk, NE 68701

New Orleans & Gulf Coast Railway Company
9387 Highway 27
Belle Chasse, LA 70037

Wichita, Tillman & Jackson Railway Company
700 Jefferson Street
Wichita Falls, TX 76304

Idaho Northern & Pacific Railroad Company
119 North Commercial Avenue
Emmett, Idaho 83617

Bogalusa and Northern Railway, LLC
9387 Highway 27
Belle Chasse, LA 70037

Applicants' representative:
Karl Morell
Karl Morell & Associates
440 1st Street, N.W.
Suite 440
Washington, D.C. 20001
(202) 595-9045

(a)(1)(ii) Consummation Date

The proposed transaction will be consummated on or shortly after the effective date of this Notice of Exemption and the Notice of Exemption in Finance Docket No. 36686.

(a)(1)(iii) Purpose Sought to be Accomplished

RGPC intends to reduce overhead expenses, coordinate billing, maintenance, mechanical and personnel policies and practices of its rail carrier subsidiaries and thereby improve the overall efficiency of rail service provided by the railroads in the RGPC corporate family.

(a)(5) List of States

The properties of the rail carriers controlled RGPC are located in the following states: Nebraska, Louisiana, Texas, Oklahoma, Idaho and Oregon. The rail line to be operated by BNR is located in Louisiana.

(a)(6) Map

Maps of the rail lines operated by the Class III carriers controlled by RGPC and the rail line to be operated by BNR are attached as Exhibit 1.

(a)(7)(ii) Agreement

No agreement is necessary for RGPC to control BNR.

LABOR PROTECTION

Under 49 U.S.C. § 10502(g), the Surface Transportation Board (“Board”) may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326 (c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

ENVIRONMENTAL AND HISTORIC IMPACTS

RGPC is obtaining control of BNR for the purpose of continued rail operations where further Board approval is required to abandon or discontinue any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are 50 years old or older. Hence, this Notice of Exemption does not require an historic report under 49 C.F.R. § 1105.8(b)(1).

The control by RGPC of BNR is exempt from environmental reporting pursuant to 49 C.F.R. § 1105.6(c)(2)(i) and (ii).

This action will not significantly affect the quality of the human environment or energy conservation.

Respectfully submitted,

A handwritten signature in dark ink that reads "Karl Morell". The signature is written in a cursive, slightly slanted style.

KARL MORELL

Karl Morell and Associates
Suite 440

440 1st Street, N.W.

Washington, DC 20001

(202) 595-9045

Attorney for Applicants

Dated: May 10, 2023

VERIFICATION

I, Robert L. Bach, President of Rio Grande Pacific Corporation, hereby verify under penalty of perjury that the foregoing Notice of Exemption is true and correct as stated to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to file the foregoing Notice of Exemption.

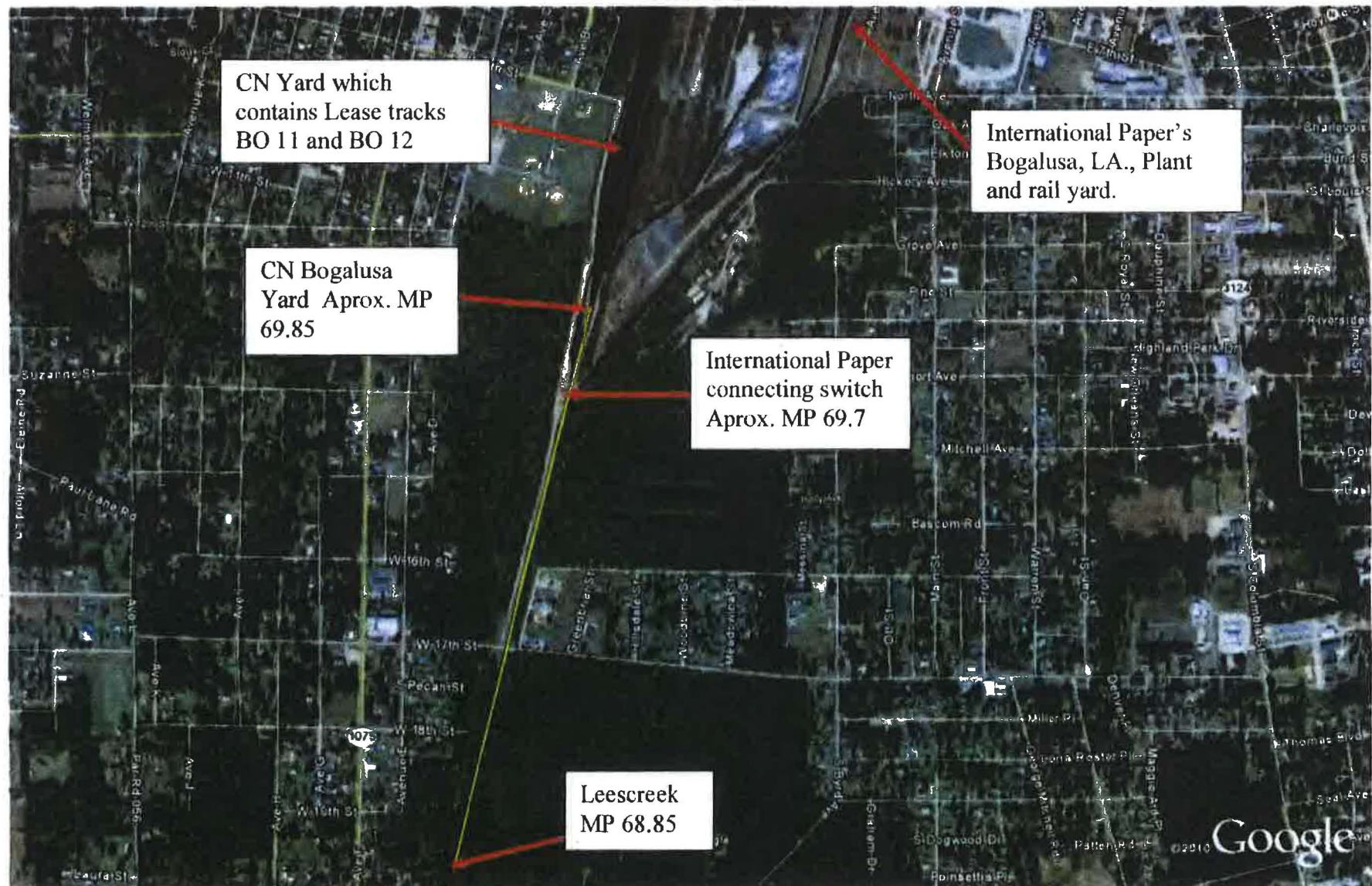
Executed on

May 2, 2023 Robert L. Bach

EXHIBIT 1

MAPS

EXHIBIT A

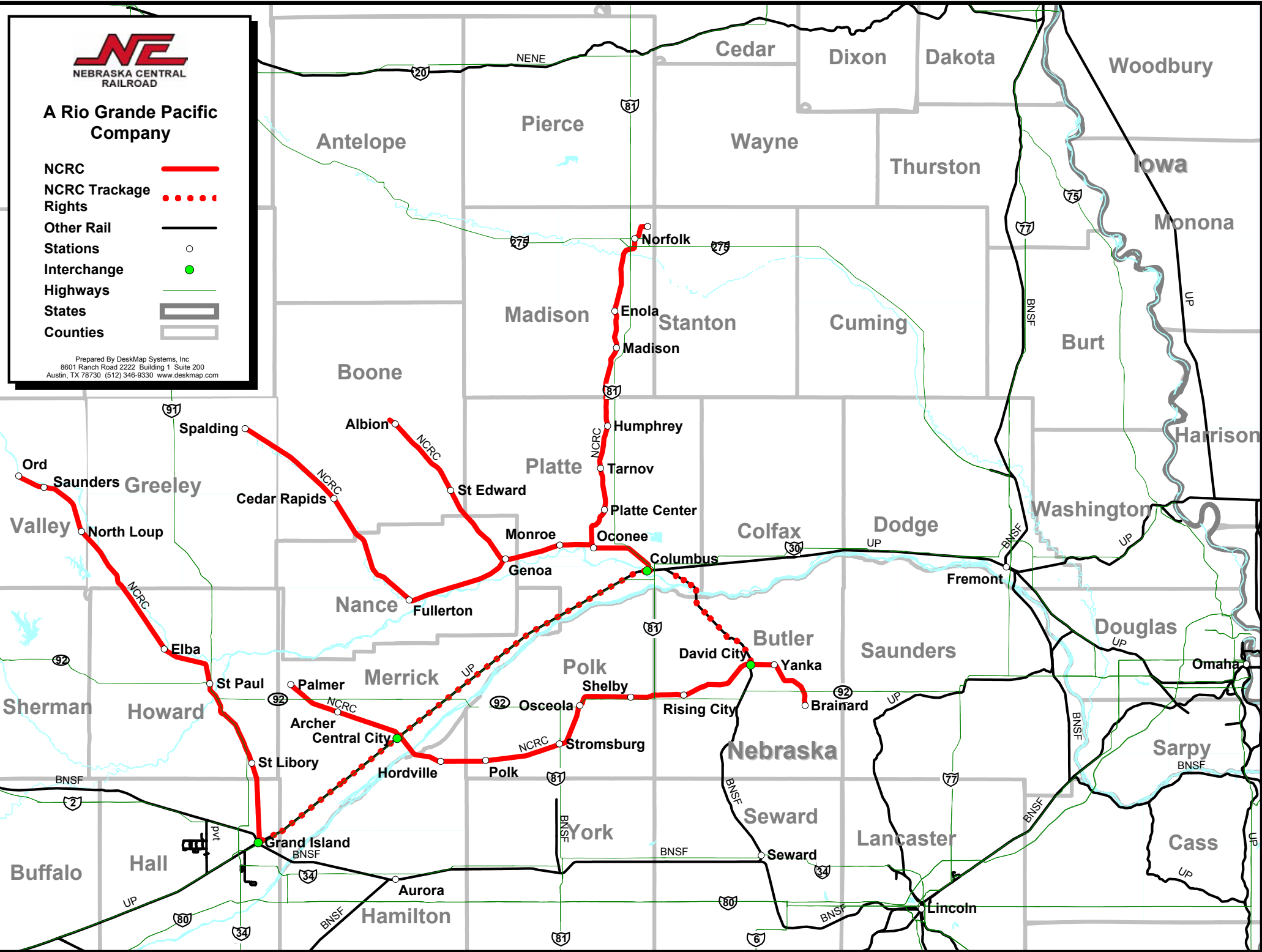


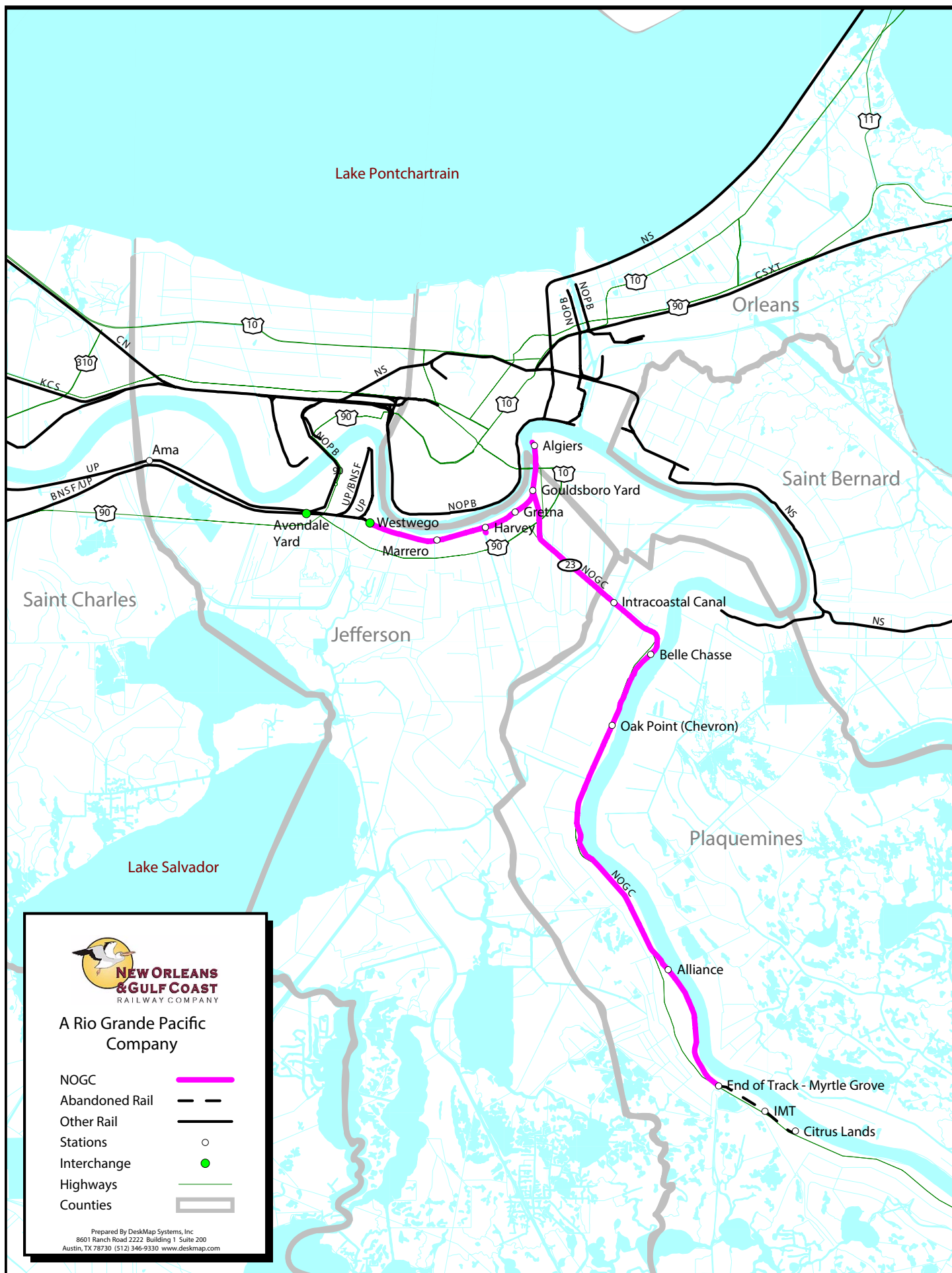


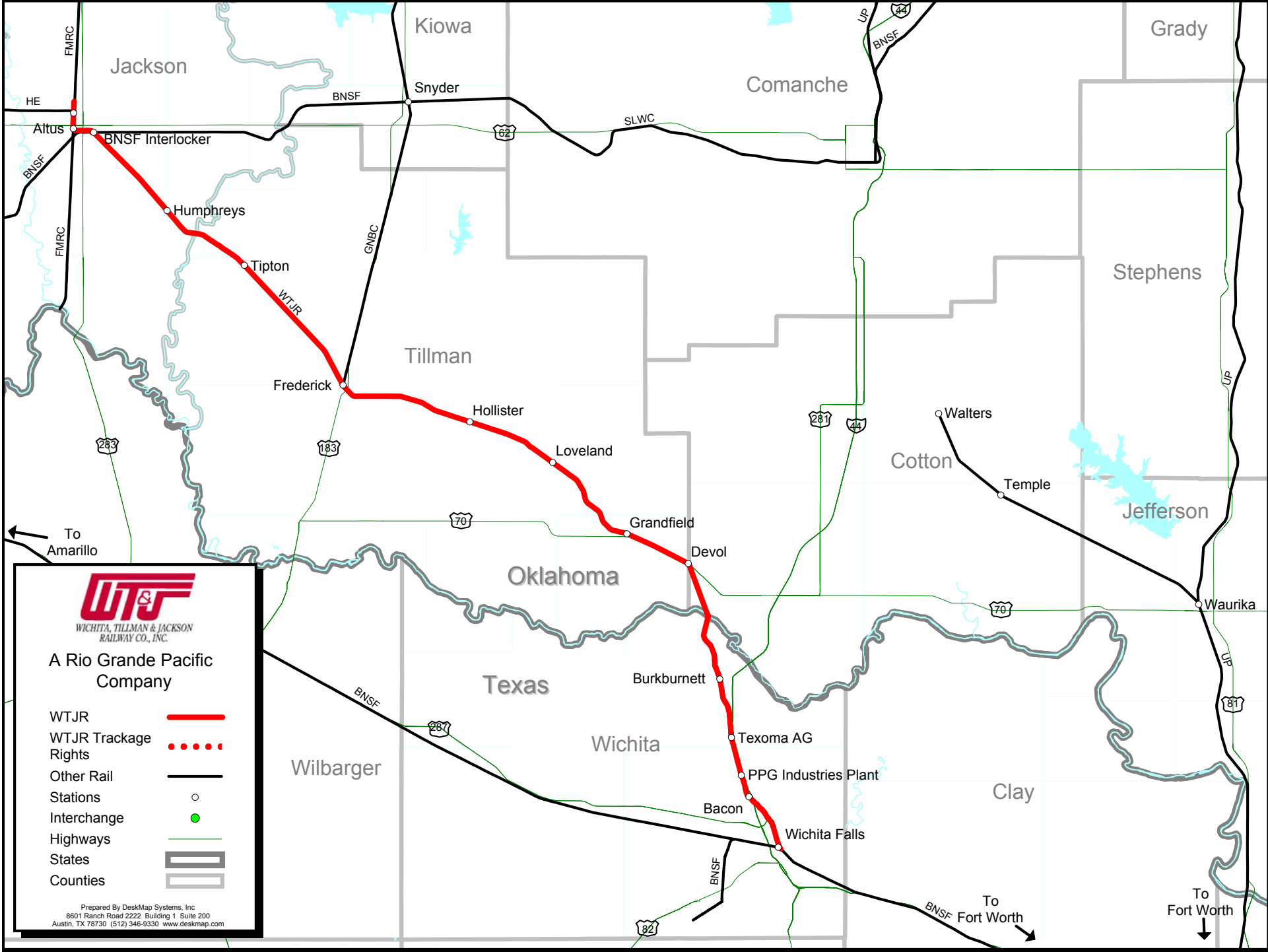
**A Rio Grande Pacific
Company**

- NCRC
- NCRC Trackage Rights
- Other Rail
- Stations
- Interchange
- Highways
- States
- Counties

Prepared By DeskMap Systems, Inc.
8601 Ranch Road 2222 Building 1 Suite 200
Austin, TX 78730 (512) 346-9330 www.deskmap.com







WICHITA, TILLMAN & JACKSON
RAILWAY CO., INC.

A Rio Grande Pacific
Company

- WTJR —
- WTJR Trackage Rights
- Other Rail —
- Stations ○
- Interchange ●
- Highways —
- States ▬
- Counties ▬

Prepared By DeskMap Systems, Inc.
8601 Ranch Road 2222 Building 1 Suite 200
Austin, TX 78730 (512) 346-9330 www.deskmap.com

