

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

248302

ENTERED
Office of Proceedings
August 9, 2019
Part of
Public Record

THOMAS F. McFARLAND

August 9, 2019

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: Docket No. AB-1270, *Port of Benton County, WA -- Adverse Discontinuance of
Rail Service -- Tri-City Railroad Company, LLC*

Dear Ms. Brown:

Hereby transmitted is a Petition for Leave to Supplement the Record for filing with the
Board in the above referenced matter.

Very truly yours,



Thomas F. McFarland
*Attorney for Tri-City Railroad
Company, LLC*

TMcF:mg:1818efSTB7

BEFORE THE
SURFACE TRANSPORTATION BOARD

PORT OF BENTON COUNTY, WA --	)	
ADVERSE DISCONTINUANCE OF RAIL	)	DOCKET NO.
SERVICE -- TRI-CITY RAILROAD	)	AB-1270
COMPANY, LLC	)	

PETITION FOR LEAVE TO SUPPLEMENT THE RECORD

TRI-CITY RAILROAD COMPANY, LLC
10 North Washington Street
Kennewick, WA 99336

Protestant

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 Protestant

DATE FILED: August 9, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

PORT OF BENTON COUNTY, WA --	)	
ADVERSE DISCONTINUANCE OF RAIL	)	DOCKET NO.
SERVICE -- TRI-CITY RAILROAD	)	AB-1270
COMPANY, LLC	)	

PETITION FOR LEAVE TO SUPPLEMENT THE RECORD

Pursuant to 49 C.F.R. § 1117.1, Protestant TRI-CITY RAILROAD COMPANY, LLC (TCRY) hereby petitions for leave to supplement the record with the following that updates the traffic and maintenance evidence in TCRY's Reply in Opposition to Application for Adverse Discontinuance, filed on April 15, 2019:

1. During the first seven months of 2019, TCRY transported 95 cars over the rail line (annualized - 163 cars), compared to 119 cars in all of 2018. That 37 percent increase in current traffic is the exact opposite of declining traffic to be expected of a candidate for forced abandonment or discontinuance. Moreover, TCRY is continually adding new shippers and traffic. One such instance involves a large international agricultural company who will begin to receive inbound shipments of corn oil that will amount to an additional 70 cars per year, and has the realistic potential to grow to several hundred cars per year. Additional opportunities for new traffic include dried foodstuffs in super sacks arriving via boxcar (from an affiliate of the receiver of corn oil), and cottonseed from Louisiana in 20-car units once every month. Thus, the evidence supports a finding that TCRY will

continue to attract significant new traffic that will benefit both TCRY and the entire community.

2. During the first seven months of 2019, BNSF and UP transported 11,544 cars over the subject rail line, including 24 unit trains. The track experienced record volume in July, 2019 compared to any July since TCRY began to lease the rail line in 2002. That heavy and increasing traffic volume could not have taken place if the rail line were not adequately maintained or if maintenance had been abandoned, as claimed by the Port. As required by longtime custom and practice in the railroad industry, BNSF and UP should be paying their fair share of maintenance costs commensurate with their relative use of the rail line, but until they begin to abide by that rail industry requirement, TCRY has shouldered its disproportionate share of maintenance costs in an admirable manner.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, leave should be granted to supplement the record as stated above.

Respectfully submitted,

TRI-CITY RAILROAD COMPANY, LLC
10 North Washington Street
Kennewick, WA 99336

Protestant

Tom McFarland

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 Protestant

DATE FILED: August 9, 2019

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2019, I served the foregoing Petition For Leave To Supplement The Record by e-mail on Sloane S. Carlough, Esq. at *scarlough@clarkhill.com*, by e-mail on Eric M. Hocky, Esq. at *ehocky@clarkhill.com*, and by first-class, U.S. mail, postage prepaid on Peter Denton, Esq. at 1330 Connecticut Avenue, NW, Washington, DC 20036.

Thomas F. McFarland

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