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208 SOUTH LASALLE STREET - SUITE 1666
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THOMAS F. MCFARLAND

February 13, 2019



247103
ENTERED
Office of Proceedings
February 14, 2019
Part of Public Record

By UPS overnight mail

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

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

Dear Ms. Brown:

Hereby transmitted is the original and 10 copies of a Verified Notice of Exemption Under 49 C.F.R. § 1150.31 for filing with the Board in the above referenced matter.

Also enclosed is a check in the amount of \$2,000 for the filing fee.

Very truly yours,

A handwritten signature in black ink that reads "Tom McFarland".

Thomas F. McFarland
Attorney for Applicant

TMcF:kl:1832\ltrSTB1

FEE RECEIVED
February 14, 2019
SURFACE TRANSPORTATION BOARD

FILED
February 14, 2019
SURFACE TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

CHICAGO, ROCK ISLAND & PACIFIC)
RAILROAD, LLC -- CHANGE OF) FINANCE DOCKET
OPERATORS EXEMPTION -- RAIL) NO. 36273
LINE OF COAHOMA COUNTY,)
MISSISSIPPI)

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31**

CHICAGO, ROCK ISLAND & PACIFIC
RAILROAD, LLC
165 West South Street, Suite 210
P.O. Box 601
Hernando, MS 38632

Applicant

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 Applicant

DATE FILED: February 14, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

CHICAGO, ROCK ISLAND & PACIFIC)
RAILROAD, LLC -- CHANGE OF) FINANCE DOCKET
OPERATORS EXEMPTION -- RAIL) NO. 36273
LINE OF COAHOMA COUNTY,)
MISSISSIPPI)

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31**

Pursuant to 49 C.F.R. § 1150.31, *et seq.*, CHICAGO, ROCK ISLAND & PACIFIC RAILROAD, LLC (ROCK), a noncarrier, hereby provides verified notice of its class exemption from 49 U.S.C. § 10901 for a change of operators wherein ROCK will replace Gulf & Ohio Railways, Inc., d.b.a. Mississippi Delta Railroad (MSD), also known as C&J Railroad (C&J),^{1/} as lessee and operator of a rail line that extends between Milepost 55.40 at or near Lula and Milepost 104.0 at or near Swan Lake, including incidental trackage rights over Illinois Central Railroad Company (IC) between Milepost 104.0 and Milepost 105.39 to permit interchange with IC at or near Swan Lake, a distance of 61.3 miles in Coahoma and Tallahatchie Counties, Mississippi (the Rail Line).

The Rail Line is a combination of three segments, i.e., (1) between Milepost 55.40 at or near Lula, MS and Milepost 74.0 at or near Lyon, MS (10.5 miles); (2) between Milepost 74.0 at or near Lyon, MS and Milepost 79.0 at or near Clarksdale, MS (23 miles); and (3) between

^{1/} C&J appears to have succeeded MSD as operator of the Rail Line, but it does not appear that Board authority or an exemption was obtained for that change of operators. C&J and MSD are thought to be owned in common by Mr. Reggie Howell.

Milepost 76.54 at or near Clarksdale, MS and Milepost 104.0 at or near Swan Lake, MS (27.8 miles).^{2/}

A map of the Rail Line is attached as Appendix 1. A verification of the facts is attached as Appendix 2.

The Rail Line is owned by Coahoma County, Mississippi (the County). The County has stated that it consents to the proposed change of operators.

As required by 49 C.F.R. § 1150.32(b), the ROCK has notified all shippers on the Rail Line of the filing of this Verified Notice of Exemption.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

(a) The full name and address of the applicant;

Applicant is CHICAGO, ROCK ISLAND & PACIFIC RAILROAD, LLC (ROCK), 165 West South Street, P.O. Box 601, Hernando, MS 38632.

(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence;

Applicant's representative is Thomas F. McFarland, Thomas F. McFarland, P.C. 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, ph (312) 236-0204, mcfarland@aol.com.

(c) A statement that an agreement has been reached or details about when an agreement will be reached;

An agreement has been reached between the County, ROCK and MSD for a change of operators on the rail line from MSD to ROCK.

^{2/} Because the Rail Line is composed of several different segments, the Milepost numbers do not add to the total of 61.3 miles of Rail Line.

(d) The operator of the property;

The operator of the property will be ROCK.

(e) A brief summary of the proposed transaction, including:

(1) The name and address of the railroad transferring the subject operating authority,

The entity transferring the rail line to ROCK is Coahoma County, Mississippi, 115 First Street, Clarksdale, MS 38617.

(2) The proposed time schedule for consummation of the transaction,

The transaction will be consummated no sooner than the 30th day after filing of this notice.

(3) The mile-posts of the subject property, including any branch lines, and

The Rail Line extends between Milepost 55.40 at or near Lula and Milepost 104.0 at or near Swan Lake, including incidental trackage rights over Illinois Central Railroad Company (IC) between Milepost 104.0 and Milepost 105.39 to permit interchange with IC at or near Swan Lake, a distance of 61.3 miles in Coahoma and Tallahatchie Counties, Mississippi.

(4) The total route miles being acquired;

A total of approximately 61.3 miles of rail line will be operated.

(f) A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States; and

Attached to this notice as Appendix 1 is a map on which the Rail Line is shown.

(g) A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier.

Attached to this notice as Appendix 2 is a verification that ROCK's projected revenues do not exceed those that would qualify it as a Class III rail carrier.

VERIFICATION

The verification attached to this notice as Appendix 2 includes a verification of all facts contained in this notice.

REVENUES LESS THAN \$5 MILLION PER YEAR

The verification attached as Appendix 2 includes a verification that the projected revenues of ROCK will not exceed \$5 million per year.

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

Pursuant to 49 C.F.R. § 1105.6(c)(2), no environmental documentation or report is required for the proposed transaction. Pursuant to 49 C.F.R. § 1105.8(b)(2), no historic documentation or report is required for the proposed transaction.

LABOR PROTECTION

Pursuant to 49 U.S.C. § 10901(c), no labor protection is required for the proposed transaction.

CAPTION SUMMARY

Attached to this notice as Appendix 3 is a caption summary required by 49 C.F.R. § 1150.34.

LAND GRANT RIGHT-OF-WAY

Applicant is not aware of any land grant right-of-way in the Rail Line.

NO INTERCHANGE COMMITMENTS

The proposed transaction does not involve any interchange commitments.

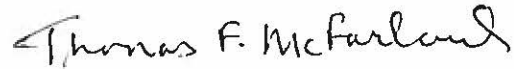
CONCLUSION

WHEREFORE, the Board should publish notice of the exemption in the *Federal Register* within 16 days of its filing.

Respectfully submitted,

CHICAGO, ROCK ISLAND & PACIFIC
RAILROAD, LLC
165 West South Street, Suite 210
P.O. Box 601
Hernando, MS 38632

Applicant

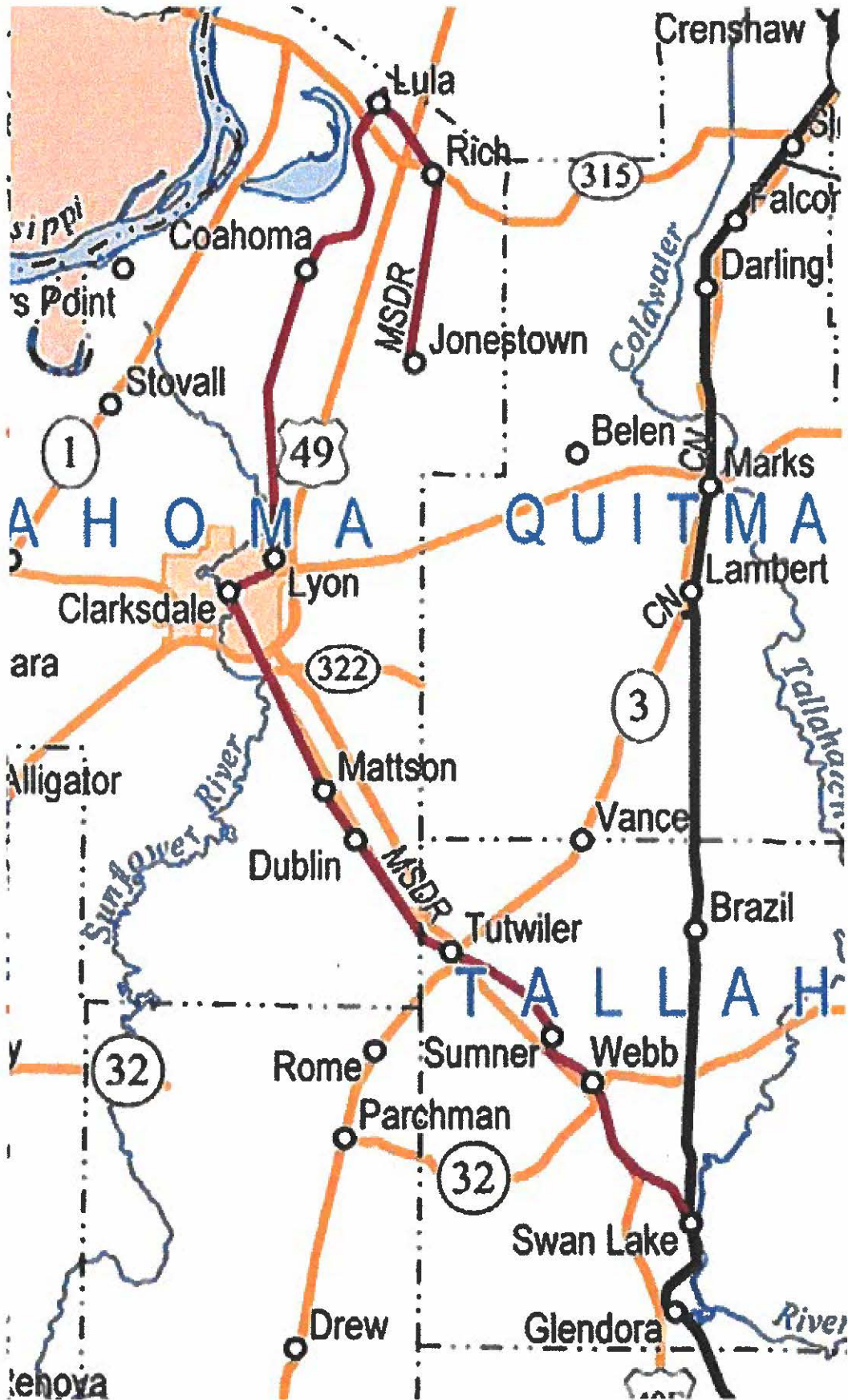


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Attorney for Applicant

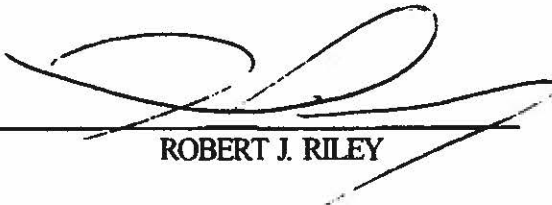
DATE FILED: February 14, 2019

Appendix 1



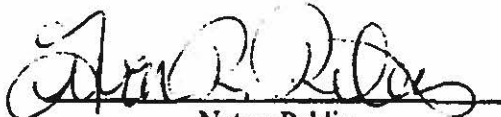
VERIFICATION

ROBERT J. RILEY, being duly sworn, states that he personal knowledge of the facts asserted in the foregoing Verified Notice of Exemption under 49 C.F.R. § 1150.31; that he is an authorized representative of Chicago Rock Island & Pacific Railroad, LLC (ROCK); that the projected annual revenue as a result of the proposed change of operators will not result in the creation of a Class I or Class II rail carrier; that the projected annual revenue of the rail line to be operated by ROCK does not exceed \$5 million; that the proposed operation does not involved any interchange commitment as defined in 49 C.F.R. § 1150.33(h); and that all allegations of fact in this Verified Notice of Exemption are true and correct.

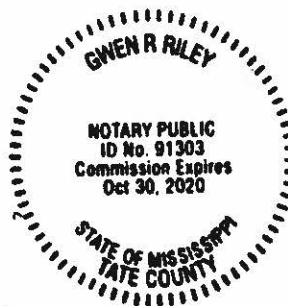

ROBERT J. RILEY

STATE OF MISSISSIPPI)
COUNTY OF TATE } SS:

SUBSCRIBED and SWORN to before me
this 11th day of February, 2019.


Notary Public

My Commission expires: Oct. 30, 2020



CAPTION SUMMARY

**SURFACE TRANSPORTATION BOARD
NOTICE OF EXEMPTION**

(Finance Docket No. 36273)

**CHICAGO, ROCK ISLAND & PACIFIC RAILROAD , LLC -- CHANGE OF
OPERATORS EXEMPTION -- RAIL LINE OF COAHOMA COUNTY, MISSISSIPPI**

Chicago, Rock Island & Pacific Railroad, LLC (ROCK), a noncarrier, hereby provides notice of its exemption from 49 U.S.C. § 10901 for a change of operators wherein it will replace Mississippi Delta Railroad (MSD) as operator of a rail line that extends between Milepost No. 55.40 at or near Lula, and Milepost No. 104.0 at or near Swan Lake including trackage rights over Illinois Central Railroad Company (IC) between Milepost 104.0 and Milepost 105.39 to permit interchange with IC, a total distance of approximately 61.3 miles in Coahoma County, Mississippi.

Any comments must be filed with the Board and must be served on applicant's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, ph (312) 236-0204, mcfarland@aol.com.

This notice of exemption is filed under 49 C.F.R. § 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 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.

(SEAL)

By the Board