

Temple & Central Texas Railway, Inc.; Piedmont & Northern Railway, Inc.; Columbia & Cowlitz Railway, LLC; DeQueen and Eastern Railroad, LLC; Golden Triangle Railroad, LLC; Patriot Woods Railroad, LLC; Texas, Oklahoma & Eastern Railroad, LLC; and Mississippi & Skuna Valley Railroad, LLC.

The parties represent that: (1) The rail line to be operated by KTRR will not connect with any of the subsidiary railroads of TSRR, PRL, PRH, and Patriot; (2) the continuance in control of KTRR is not intended to connect with any railroads in the corporate family of TSRR, PRL, PRH, and Patriot; (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

The parties state that the purpose of the proposed transaction is to enable PRL, PRH, and Patriot to use their management's experience and expertise in operating short line railroads and their financial resources to provide efficient and effective rail freight service to the Kingman Airport & Industrial Park and to create a financially viable railroad in KTRR.

Under 49 U.S.C. 10502(g), the 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 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified 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 effectiveness of the exemption. Petitions to stay must be filed no later than May 18, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35619, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Law Offices of Louis E. Gitomer LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: May 8, 2012.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Raina S. White,**  
*Clearance Clerk.*

[FR Doc. 2012-11443 Filed 5-10-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35620]

#### **Columbus & Chattahoochee Railroad, Inc.—Lease and Operation Exemption—Norfolk Southern Railway Company**

Columbus & Chattahoochee Railroad, Inc. (CCR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from Norfolk Southern Railway Company (NSR) and operate 25.50 miles of rail line consisting of two segments: (1) Between milepost S 292.8 near Girard, Ala., and milepost S 303.9 near Nuckols, Ala., a distance of 11.10 miles; and (2) between milepost NU 0 near Nuckols and milepost NU 14.4 near Mahrt, Ala., a distance of 14.40 miles (collectively, the line). This transaction is related to a concurrently filed petition for exemption in *Genesee & Wyoming Inc.—Continuance in Control Exemption—Columbus & Chattahoochee Railroad, Inc.*, Docket No. FD 35621, in which Genesee & Wyoming Inc. (GWI), a noncarrier, seeks Board approval to continue in control of CCR upon CCR's becoming a Class III carrier.

As a result of this transaction, and pursuant to a lease agreement dated April 26, 2012, CCR will provide freight rail service over the line, connecting with and interchanging traffic with NSR at NSR's Columbus Yard in Columbus, Ga. The line will connect indirectly with Georgia Southwestern Railroad, Inc. (GSWR), a Class III carrier also controlled by GWI, at Columbus Yard. CCR states that there are no interchange commitments to NSR as part of this transaction.

CCR states that it plans to commence operations on July 1, 2012, more than 30 days after the filing of the notice of exemption.

CCR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier. Because CCR's projected annual revenues after the transaction will exceed \$5 million, CCR certified to the Board on April 30, 2012, that it had complied with the requirements of 49 CFR 1150.32(e) by providing notice to employees and their

labor unions on the affected 25.50 miles of rail line. Under 49 CFR 1150.32(e), this exemption cannot become effective until 60 days after the date notice was provided, which would be June 29, 2012.

If the verified 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 effectiveness of the exemption. Petitions for stay must be filed no later than June 22, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35620, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: May 8, 2012.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Derrick A. Gardner,**  
*Clearance Clerk.*

[FR Doc. 2012-11411 Filed 5-10-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35618]

#### **Kingman Terminal Railroad, LLC—Operation Exemption—Kingman Airport Authority, Inc.**

Kingman Terminal Railroad, LLC (KTRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate over approximately 3 miles of track<sup>1</sup> within the Kingman Airport & Industrial Park, in Mohave County, Ariz. (the Line).<sup>2</sup> According to KTRR, the Line has been operated as excepted track by BNSF Railway Company (BNSF). KTRR states that BNSF is voluntarily terminating its switching operation on the Line. KTRR

<sup>1</sup> KTRR states that there are no mileposts on the Line.

<sup>2</sup> KTRR has filed a copy of the Railroad Lease and Operating Agreement that KTRR has entered into with the Kingman Airport Authority, Inc., a noncarrier. See *Anthony Macrie—Continuance in Control Exemption—N.J. Seashore Lines, Inc.*, FD 35296, slip op. at 3-4 (STB served Aug. 31, 2010).