

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[Docket No. FD 35682]

**Decatur Junction Railway Co.—
Acquisition and Operation
Exemption—Line of Illinois Central
Railroad Company**

Decatur Junction Railway Co. (DJR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Illinois Central Railroad Company (IC), and to operate, approximately 4.4 miles of rail line between milepost 745.54 near Elwin and milepost 749.94 near Decatur, in Macon County, Ill. (the Line).

DJR currently leases from IC, and operates, 17 miles of rail line between milepost 745.54 near Elwin and milepost 728.0 near Assumption, Ill.¹ DJR also has incidental trackage rights over the Line and over IC's trackage north of milepost 749.94 for purposes of interchange with IC at Decatur, Ill., and for transit of DJR's equipment to DJR's line between Decatur and Cisco, Ill.

DJR states that, pursuant to an agreement between the parties, DJR intends to purchase, operate, maintain, and perform all rail common carrier service on the Line. DJR also states that the agreement contains no restrictions on interchange, and that it will operate the Line as part of its existing rail line between Elwin and Assumption.

The transaction is expected to be consummated on or about November 12, 2012. The earliest this transaction can be consummated is November 10, 2012, the effective date of the exemption.

DJR certifies that its projected annual revenues as a result of this transaction will not result in DJR's becoming a Class II or Class I rail carrier. DJR further certifies that its projected annual revenues will not exceed \$5 million.

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 November 2, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35682, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In

¹ See *Decatur Terminal Ry.—Lease and Operation Exemption—Lines in Illinois*, FD 32365 (ICC served Oct. 18, 1993, as corrected Oct. 26, 1993).

addition, a copy of each pleading must be served on Daniel A. LaKemper, General Counsel, Decatur Junction Railway Co., 1318 S. Johanson Road, Peoria, IL 61607.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: October 23, 2012.

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

Derrick A. Gardner,
Clearance Clerk.

[FR Doc. 2012-26373 Filed 10-25-12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[Docket No. FD 35678]

**Turtle Creek Industrial Railroad, Inc.—
Acquisition and Operation
Exemption—Consolidated Rail
Corporation**

Turtle Creek Industrial Railroad, Inc. (TCKR), a noncarrier and a wholly owned corporate subsidiary of Dura-Bond Industries, Inc. (Dura-Bond), has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Consolidated Rail Corporation (Conrail) and to operate approximately 9.8 miles of rail line between milepost 0.9 at or near Trafford, and milepost 10.7 at or near Export, in Westmoreland County, Pa.¹

The transaction may not be consummated prior to November 9, 2012 (30 days after the notice of exemption was filed).

TCKR 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 and will not exceed \$5 million.

¹ TCKR states that it acquired the involved line from Conrail in 1982. Applicant indicates that it obtained a certificate of public convenience and necessity from the Pennsylvania Public Utility Commission "under the misconception that the Commonwealth of Pennsylvania had authority to regulate intrastate rail transportation," apparently thinking it needed no additional authority. According to TCKR, it has operated as a Class III common carrier providing interstate rail service, primarily for Dura-Bond, without first obtaining authority from the Board's predecessor, the Interstate Commerce Commission (ICC). TCKR states that a significant portion of its track was washed out in 2009 and that no rail service has been provided since that time. TCKR further states that it now wishes to abandon the line and convey the right-of-way to Westmoreland County for recreational trail purposes. In order to proceed with its objectives, TCKR has filed this notice to correct its failure to obtain authority from the ICC. While the verified notice indicates that TCKR is seeking an exemption to authorize the acquisition "*nunc pro tunc*" (retroactively), TCKR's authority will be effective prospectively from November 9, 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 to stay must be filed no later than November 2, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35678, 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 Richard R. Wilson, 518 N. Center St., Ste. 100, Ebensburg, PA 15931.

Board decisions and notices are available on our Web site at "www.stb.dot.gov."

Decided: October 23, 2012.

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

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2012-26420 Filed 10-25-12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[Docket No. FD 35684]

**Iowa Pacific Holdings, LLC and
Permian Basin Railways—Control
Exemption—Cape Rail, Inc. and
Massachusetts Coastal Railroad, LLC**

Iowa Pacific Holdings, LLC (Iowa Pacific) and its wholly owned subsidiary, Permian Basin Railways (Permian), Cape Rail, Inc. (Cape), P. Christopher Podgurski (Podgurski), Andrew Reardon (Reardon), and Massachusetts Coastal Railroad, LLC (Mass Coastal) (collectively, applicants) have filed a verified notice of exemption for Iowa Pacific and Permian to acquire indirect control of Mass Coastal, a Class III rail carrier, through Permian's acquisition of an 80% stock interest in Cape, the parent company of Mass Coastal, from the two existing Cape shareholders, Podgurski and Reardon.¹ As a result of the proposed transaction, Iowa Pacific and Permian will indirectly control Mass Coastal. Podgurski and Reardon will continue to own the remaining 20% of Cape's shares. Iowa

¹ On October 12, 2012, applicants filed a motion for protective order pursuant to 49 CFR 1104.14 to protect the exchange of information by the parties in this proceeding. That motion will be addressed in a separate decision.