SURFACE TRANSPORTATION BOARD
[Docket No. FD 36071]

Delmarva Central Railroad Company—Lease and Operation Exemption With Interchange Commitment—Norfolk Southern Railway Company

Delmarva Central Railroad Company (DCR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate approximately 161.59 miles of track (the Line) currently owned and operated by Norfolk Southern Railway Company (NSR) consisting of (1) a line of railroad extending between Porter, Del., at milepost DM 14.4 and Pocomoke, Md., at milepost DM 128.19; (2) a line of railroad extending between Harrington, Del., at milepost IR 0.0 and Frankford, Del., at milepost IR 39.0; and (3) various industrial tracks.1

This transaction is related to a concurrently filed verified notice of exemption in Carload Express, Inc.—Continuance in Control Exemption—Delmarva Central Railroad, Docket No. FD 36072, in which Carload Express, Inc., seeks to continue in control of DCR upon DCR’s becoming a Class III rail carrier.

DCR states that it has reached an agreement in principle with NSR to lease and operate the Line upon the effective date established by the Board and that a final version of the agreement is expected to be executed shortly. As required by 49 CFR 1150.33(h), DCR has disclosed in its verified notice that the agreement contains interchange commitments, including lease credits, and that the agreement affects interchange at Tasker, Del. (near New Castle, Del.) and Clay, Del. (near Clayton, Del.). In addition, DCR has provided additional information regarding the interchange commitments as required by § 1150.33(h).2

DCR certifies that its projected annual revenues resulting from the transaction will not exceed those that would qualify it as a Class III rail carrier. DCR notes, however, that its annual operating revenues will exceed $5 million. Accordingly, in compliance with 49 CFR 1150.32(e), DCR/NSR posted the required 60-day labor notice of this transaction at the workplaces of NSR employees on the Line on October 18, 2016, and has served that notice on the national offices of the labor unions for those employees’ unions as of that same date. On October 18, 2016, DCR also filed a letter with the Board certifying its compliance with the advance notice requirements. The transaction may be consummated on or after December 17, 2016, the effective date of the exemption (30 days after the verified notice of exemption was filed).

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 December 9, 2016 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36071, 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 Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604.

According to DCR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c). Board decisions and notices are available on our website at WWW.STB.GOV.

Decided: November 28, 2016.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyyata Clay,
Clearance Clerk.

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SURFACE TRANSPORTATION BOARD
[Docket No. FD 36070]

Kokomo Rail, LLC—Acquisition and Operation Exemption—Rail Line of Indian Creek Railroad Company

Kokomo Rail, LLC (KR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 4.55 miles of rail line (the Line), from Indian Creek Railroad Company (ICRK).1

According to KR’s notice, the Line extends between a point of connection to Norfolk Southern Railway Company at or near Florida Station and the end of track northwest of Anderson, Ind., a distance of 4.55 miles in Madison County, Ind. The Line does not have milepost designations.

KR states that in Kokomo Rail Co., Inc.—Acquisition and Operation Exemption—Rail Line of Indian Creek Railroad Company, FD 36054 (STB served Aug. 18, 2016), Kokomo Rail Co., Inc. (KRC) was authorized to acquire and operate ICRK’s rail line. However, according to KR, KRC’s corporate identity had been dissolved before that notice was filed. KR further states that KRC’s authority to acquire and operate ICRK’s rail was not consummated.

KR certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier, that its projected annual revenue will not exceed $5 million, and that the transaction does not involve any interchange commitments.

The earliest this transaction may be consummated is December 17, 2016, the effective date of the exemption (30 days after the amended verified notice of exemption was filed).

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. Petitions for stay must be filed no later than December 9, 2016 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36070, 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 Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604.

According to KR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at WWW.STB.GOV.


1 KR filed the verified notice of exemption on October 27, 2016, a letter supplementing the record on November 7, 2016, and an amended verified notice on November 17, 2016.