

the temporary trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

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.

All pleadings, referring to Docket No. FD 36359, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on NSR's representative, Garrett D. Urban, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

According to NSR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and historic reporting under 49 CFR 1105.8(b)(3).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: October 11, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.

**Raina Contee,**  
*Clearance Clerk.*

[FR Doc. 2019-22740 Filed 10-17-19; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36350]**

### **Vermilion Valley Railroad Company—Lease and Operation Exemption—CSX Transportation, Inc.**

Vermilion Valley Railroad Company (VVR), a Class III railroad, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from CSX Transportation, Inc. (CSXT), and operate a line of railroad between approximately CSXT milepost QSO 5.2 at or near Valuation Station 11606+40 and CSXT milepost QSO 3.3 at or near the switch to the existing coal loop track, near Pan, Ill., a distance of approximately 1.9

miles (the Line). VVR states that the Line is a part of CSXT's Olin Secondary of the Woodland Subdivision.

VVR is currently the operator of a line of railroad in Indiana that connects to the Line at the Indiana/Illinois state line. See *Vermilion Valley R.R.—Operation Exemption—FNG Logistics Co.*, FD 34340 (STB served May 16, 2019). According to VVR, it currently uses the Line for interchange with CSXT, but VVR and CSXT are now entering into a land and rail assets lease agreement under which VVR will lease and operate over the Line as a common carrier. VVR certifies that its proposed acquisition does not involve an interchange commitment.

VVR certifies that its projected annual revenues as a result of the proposed transaction will not exceed \$5 million and that the transaction will not result in the creation of a Class II or Class I rail carrier.

This transaction may be consummated on or after November 2, 2019 (30 days after the verified notice 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 October 25, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36350, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on VVR's representatives: Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103; and Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004.

According to VVR, this action is categorically excluded from environmental review under 49 CFR 1105.7(e) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: October 10, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.

**Kenyatta Clay,**  
*Clearance Clerk.*

[FR Doc. 2019-22716 Filed 10-17-19; 8:45 am]

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## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36352]**

### **Rio Grande Pacific Corporation—Control Exemption—Big Spring Rail System, Inc.**

Rio Grande Pacific Corporation (RGPC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to acquire control of Big Spring Rail System, Inc. (BSRS), a Class III rail carrier that operates over rail line between milepost 0.0 and milepost 3.3 in Howard County, Tex.<sup>1</sup> In its verified notice, RGPC states that the agreement to effectuate its control of BSRS will be prepared prior to the effective date of the exemption.<sup>2</sup>

The earliest this transaction may be consummated is October 31, 2019, the effective date of the exemption (30 days after the verified notice was filed).

According to the verified notice, RGPC currently controls the following Class III rail carriers: Nebraska Central Railroad Company; New Orleans & Gulf Coast Railway Company; Wichita, Tillman and Jackson Railway Company; and Idaho Northern and Pacific Railroad Company (collectively, the RGPC carriers).<sup>3</sup> The verified notice states that: (1) The rail lines operated by the RGPC carriers do not connect with the rail line operated by BSRS; (2) the transaction is not part of a series of anticipated transactions that would connect the rail line operated by BSRS with any railroad in the RGPC corporate family; and (3) the proposed transaction does not involve a Class I rail carrier. The proposed transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

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. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

<sup>1</sup> RGPC states that the line over which BSRS operates is owned by the City of Big Springs, Tex.

<sup>2</sup> Pursuant to 49 CFR 1180.6(a)(7)(ii), applicants are required to submit "a copy of any contract or other written instrument entered into, or proposed to be entered into, pertaining to the proposed transaction." According to RGPC, an agreement has not yet been prepared. RGPC is directed to file a copy of the agreement as soon as it is available.

<sup>3</sup> RGPC states that the properties of the RGPC carriers are located in Idaho, Louisiana, Nebraska, Oklahoma, Oregon, and Texas.