

Railroad Corporation (OMID), a Class III rail carrier.

The verified notice states that LAL will acquire control of OMID by purchasing 55% of OMID stock pursuant to a Stock Acquisition Agreement. An agreement is expected to be executed on or about August 13, 2022. The verified notice states that LAL currently controls two Class III rail carriers, Western New York & Pennsylvania Railroad, LLC (WNYP) and B&H Rail Corporation (B&H)<sup>1</sup> (collectively, LAL Class III Affiliates).

LAL represents that: (1) the rail lines on which OMID will operate will not connect with the rail lines operated by LAL or the LAL Class III Affiliates; (2) the transaction is not part of a series of anticipated transactions that would result in a connection between lines operated or to be operated by OMID, LAL, or the LAL Class III Affiliates; and (3) the 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 pursuant to 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.

The transaction may be consummated on or after August 12, 2022, the effective date of the exemption (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 August 5, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36631, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on LAL's representative, Kevin M. Sheys, Hogan Lovells US LLP,

<sup>1</sup> The verified notice states that LAL, B&H, and OMID operate in New York, and WNYP operates in New York and Pennsylvania.

555 13th Street NW, Washington, DC 20004.

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

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

Decided: July 25, 2022.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

**Regena Smith-Bernard,**  
*Clearance Clerk.*

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**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36626]

**OmniTRAX Holdings Combined, Inc., and HGS Railway Holdings, Inc.—Continuance in Control Exemption—Omni River Ridge, LLC d/b/a River Ridge Railroad**

**AGENCY:** Surface Transportation Board.

**ACTION:** Correction to notice of exemption.

OmniTRAX Holdings Combined, Inc. (OmniTRAX), and HGS Railway Holdings, Inc. (HGS) (collectively, Omni-HGS), both noncarriers, filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Omni River Ridge, LLC d/b/a River Ridge Railroad (RRR), a noncarrier controlled by OmniTRAX, upon RRR's becoming a Class III rail carrier.<sup>1</sup> On July 15, 2022, notice of the exemption was served and published in the **Federal Register** (87 FR 42,537). The exemption is scheduled to become effective on July 29, 2022.

The served notice inadvertently omitted the effective date of the exemption. The notice should have stated that the transaction may be consummated on or after July 29, 2022, the effective date of the exemption (30 days after the verified notice was filed). This notice corrects that error.

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.

All pleadings, referring to Docket No. FD 36626, must be filed with the Surface Transportation Board either via

<sup>1</sup> This transaction is related to a verified notice of exemption filed concurrently in *Omni River Ridge, LLC d/b/a River Ridge Railroad—Operation Exemption—in Clark County, Ind.*, Docket No. FD 36625, in which Omni River Ridge, LLC, seeks to operate approximately 0.943 miles of track in Clark County, Ind.

e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Omni-HGS's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

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

Decided: July 29, 2022.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

**Eden Besera,**  
*Clearance Clerk.*

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**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36632]

**Hood River Railroad LLC—Acquisition and Operation Exemption—Mt. Hood Railroad Company**

Hood River Railroad LLC (HRR), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.31 to acquire from Mt. Hood Railroad Company (MHR) and operate an approximately 21.14-mile rail line extending between milepost 0.0 at Hood River, Or., (at a point of connection with a line of the Union Pacific Railroad Company), and milepost 21.14 at Parkdale, Or. (the Line), which constitutes MHR's entire rail system.

According to the verified notice, HRR and MHR are corporate affiliates indirectly controlled by L. Scott Webster (Mr. Webster). HRR further states that, upon consummation of the transaction, MHR will cease to be a railroad common carrier, and HRR will become one in MHR's place under the indirect control of Mr. Webster. HRR also states that the proposed transaction would facilitate Mr. Webster's longer-term plans to dissolve MHR after resolving MHR's corporate and tax affairs.

According to HRR, the proposed transaction does not include an interchange commitment. HRR certifies that its projected annual revenue will not exceed \$5 million and that the proposed transaction will not result in HRR's becoming a Class I or II rail carrier.

The earliest this transaction may be consummated is August 13, 2022, the effective date of the exemption (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)