

As a condition to this exemption, any employees affected by the acquisition of the 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).

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 effectiveness of the exemption. Petitions for stay must be filed by November 19, 2021.

All pleadings, referring to Docket No. FD 36557, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on UP's representative, Jeremy Berman, 1400 Douglas Street, Union Pacific Railroad Company, STOP 1580, Omaha, NE 68179.

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

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

Decided: November 8, 2021.

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

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

[FR Doc. 2021-24694 Filed 11-10-21; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36556]**

### **Union Pacific Railroad Company— Trackage Rights Exemption—BNSF Railway Company**

Union Pacific Railway Company (UP), a Class I rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) for renewal of trackage rights on a rail line owned by BNSF Railway Company (BNSF) between milepost 9 plus 1487.0 feet and milepost 10 plus 3570.0 feet, a total distance of approximately 1.39 miles, in or near Riverside, Cal. (the Line).

According to the verified notice, UP originally acquired trackage rights pursuant to an agreement dated July 10, 1984.<sup>1</sup> UP and BNSF have agreed to a

written amendment dated June 25, 2021, extending the term of the 1984 agreement.<sup>2</sup> UP states that operations will continue as they have since 1984 without material change.

The transaction may be consummated on or after November 28, 2021, the effective date of the exemption (30 days after the verified notice was filed).

As a condition to this exemption, any employees affected by the acquisition of the 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).

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 effectiveness of the exemption. Petitions for stay must be filed no later than November 19, 2021.

All pleadings, referring to Docket No. FD 36556, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on UP's representative, Jeremy Berman, 1400 Douglas St., Union Pacific Railroad Company, STOP 1580, Omaha, NE 68179.

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

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

Decided: November 8, 2021.

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

**Tammy Lowery,**  
*Clearance Clerk.*

[FR Doc. 2021-24703 Filed 11-10-21; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36552]**

### **Port Manatee Railroad LLC—Operation Exemption—Manatee County Port Authority**

Port Manatee Railroad LLC (PMR), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.31 to operate on behalf of the Manatee

County Port Authority (the Port) approximately seven miles of rail line<sup>1</sup> within the Port of Manatee, in Manatee County, Fla. (the Line).

This transaction is related to a concurrently filed verified notice of exemption in 3i RR Holdings GP LLC—Continuance in Control Exemption—Port Manatee Railroad, Docket No. FD 36553, in which 3i RR Holdings GP LLC, 3i Holdings Partnership L.P., 3i RR Intermediate Holdings LLC, 3i RR LLC, Regional Rail Holdings, LLC, and Regional Rail, LLC<sup>2</sup> seek to continue in control of PMR upon PMR's becoming a Class III rail carrier.

According to the verified notice, the Port currently owns and operates the property as a Class III railroad. PMR states that it has entered into an agreement with the Port to replace the Port as the operator of the Line on December 1, 2021.

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

The earliest this transaction may be consummated is November 28, 2021, 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 November 19, 2021.

All pleadings, referring to Docket No. FD 36552, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on PMR's representative, Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

According to PMR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) 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: November 5, 2021.

<sup>1</sup> PMR states that there are no mileposts on the Line and that the Line begins where it meets the CSXT Transportation, Inc., line and includes all rail lines within the Port of Manatee.

<sup>2</sup> The verified notice states that PMR is a newly created railroad subsidiary of Regional Rail, LLC.

<sup>1</sup> See *Union Pac. R.R. & Los Angeles & Salt Lake R.R.—Aban. & Acquis. of Trackage Rts. over ATSF Ry.*, FD 30015 (ICC served Sept. 10, 1982).

<sup>2</sup> An unredacted copy of the amendment is attached to the verified notice.

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

**Tammy Lowery,**  
*Clearance Clerk.*

[FR Doc. 2021-24695 Filed 11-10-21; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36553]

### **3i RR Holdings GP LLC, 3i Holdings Partnership L.P., 3i RR Intermediate Holdings LLC, 3i RR LLC, Regional Rail Holdings, LLC, and Regional Rail, LLC—Continuance in Control Exemption—Port Manatee Railroad LLC**

3i RR Holdings GP LLC, 3i Holdings Partnership L.P., 3i RR Intermediate Holdings LLC, and Regional Rail Holdings, LLC, (collectively 3i RR) and Regional Rail, LLC (Regional Rail), all noncarriers, have filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Port Manatee Railroad, LLC (PMR), a noncarrier controlled by Regional Rail, upon PMR's becoming a Class III rail carrier.<sup>1</sup> According to the verified notice, the proposed transaction will allow Regional Rail to acquire direct control, and 3i RR to acquire indirect control, of PMR.

This transaction is related to a verified notice of exemption filed concurrently in *Port Manatee Railroad—Operation Exemption—Manatee County Port Authority*, Docket No. FD 36552, in which PMR seeks to operate approximately seven miles of rail line within the Port of Manatee, in Manatee County, Fla.

According to the verified notice, 3i RR Holdings GP LLC controls 3i Holdings Partnership L.P., which in turn controls 3i RR Intermediate Holdings LLC, which in turn controls 3i RR LLC, which in turn controls Regional Rail Holdings, LLC, which controls Regional Rail. The verified notice states that Regional Rail is a non-carrier holding company that directly controls the following seven Class III railroads: (1) East Penn Railroad, LLC, which operates in Delaware and Pennsylvania; (2) Middletown & New Jersey Railroad, LLC, which operates in New York; (3) Tyburn Railroad LLC, which operates in Pennsylvania; (4) the Florida Central Railroad Company, Inc., which operates in Florida; (5) Florida Midland Railroad Company, Inc., which operates in

Florida; (6) Florida Northern Railroad Company, Inc., which operates in Florida; and (7) Carolina Coastal Railway, Inc., which operates in North Carolina and South Carolina (collectively, the Subsidiary Railroads).<sup>2</sup> 3i RR and Regional Rail certify that the proposed transaction will not create a provision or agreement that may limit future interchange with a third-party connecting carrier.

3i RR and Regional Rail represent that: (1) The rail line to be operated by PMR does not connect with the Subsidiary Railroads; (2) the acquisition of control of PMR is not intended to connect with any railroads in the corporate family of 3i RR or Regional Rail; 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).

This transaction may be consummated on or after November 28, 2021, the effective date of the exemption (30 days after the verified notice was filed).

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.

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 November 19, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36553, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, one copy of each pleading must be served on 3i RR and Regional Rail's representative, Louis E. Gitomer,

Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

According to 3i RR and Regional Rail, 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: November 5, 2021.

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

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

[FR Doc. 2021-24699 Filed 11-10-21; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36500]

**Canadian Pacific Railway Limited; Canadian Pacific Railway Company; Soo Line Railroad Company; Central Maine & Quebec Railway US Inc.; Dakota, Minnesota & Eastern Railroad Corporation; and Delaware & Hudson Railway Company, Inc.—Control—Kansas City Southern; The Kansas City Southern Railway Company; Gateway Eastern Railway Company; and The Texas Mexican Railway Company**

**AGENCY:** Surface Transportation Board.

**ACTION:** On October 29, 2021, the Canadian Pacific Railway Limited, Canadian Pacific Railway Company, and their US rail carrier subsidiaries Soo Line Railroad Company; Central Maine & Quebec Railway U.S. Inc.; Dakota, Minnesota & Eastern Railroad Corporation; and Delaware & Hudson Railway Company, Inc. (collectively, CP) and Kansas City Southern, The Kansas City Southern Railway Company, Gateway Eastern Railway Company, and The Texas Mexican Railway Company (collectively, KCS) filed an application with the Surface Transportation Board (Board) seeking the Board's approval of the acquisition of control by CP of KCS. The proposed acquisition has the potential to result in significant environmental impacts; therefore, the Board's Office of Environmental Analysis (OEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate pursuant to the National Environmental Policy Act (NEPA). The purpose of this Notice is to inform stakeholders—including members of the public; tribes; federal, state, and local agencies; and environmental groups—interested in or potentially affected by

<sup>1</sup> On November 3, 2021, 3i RR and Regional Rail filed a motion for protective order under 49 CFR 1104.14(b), which will be addressed in a separate decision.

<sup>2</sup> See *Reg'l Rail Holdings, LLC—Acquis. of Control Exemption—Reg'l Rail, LLC*, FD 35945 (STB served Aug. 7, 2015); *3i RR Holdings GP LLC—Control Exemption—Reg'l Rail Holdings, LLC*, FD 36289 (STB served Apr. 19, 2019); *3i RR Holdings GP LLC—Control Exemption—Fla. Cent. R.R.*, FD 36365 (STB served Nov. 22, 2019); *3i RR Holdings GP LLC—Control Exemption—Carolina Coastal Ry.*, FD 36383 (STB served Feb. 14, 2020).