

(Catalog of Federal Domestic Assistance Number 59008)

**Francisco Sánchez, Jr.,**

*Associate Administrator, Office of Disaster Recovery & Resilience.*

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BILLING CODE 8026–09–P

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #18069 and #18070; Mississippi Disaster Number MS–00156]**

### Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Mississippi

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi (FEMA–4727–DR), dated 08/12/2023.

*Incident:* Severe Storms, Straight-line Winds, and Tornadoes.

*Incident Period:* 06/14/2023 through 06/19/2023.

**DATES:** Issued on 09/07/2023.

*Physical Loan Application Deadline Date:* 10/11/2023.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/13/2024.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Mississippi, dated 08/12/2023, is hereby amended to include the following areas as adversely affected by the disaster.

*Primary Counties:* Adams, Amite, Attala, Franklin, Greene, Holmes, Humphreys, Itawamba, Jones, Perry, Warren, Yazoo.

All other information in the original declaration remains unchanged.

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## SURFACE TRANSPORTATION BOARD

**[Docket No. FD 36694]**

### Colorado Pacific Rio Grande Railroad, LLC—Petition for Exemption—Acquisition and Operation of Line of Railroad in Costilla County, Colorado

The Colorado Pacific Rio Grande Railroad, LLC (CP Rio Grande), a Class III carrier, filed a petition for exemption on June 20, 2023, seeking after-the-fact authority to acquire in bankruptcy and operate 1.53 miles of track extending from milepost 0.0 in Blanca, Colo., to milepost 1.53 in McClintock, Colo. (the Blanca Spur).<sup>1</sup> This petition follows CP Rio Grande's recent acquisition of substantially all assets of the San Luis & Rio Grande Railroad, Inc. (SLRG), in *Colorado Pacific Rio Grande Railroad—Acquisition & Operation Exemption Containing Interchange Commitment—San Luis & Rio Grande Railroad*, FD 36656 (STB served Jan. 5, 2023).

#### Background

According to CP Rio Grande, the Blanca Spur was originally part of a 31-mile line completed in 1910 by the San Luis Valley Southern Railroad that ran from Blanca, Colo., to Jaroso, Colo., and connected to the tracks of the Denver & Rio Grande Railroad. (Pet. 3.) This line was acquired by the Southern San Luis Valley Railroad (the old SSLV) in 1953, at the direction of the Interstate Commerce Commission, the Board's predecessor agency. (*Id.*) Over time, the old SSLV abandoned and sold off sections of the line, leaving only the Blanca Spur remaining, which the old SSLV ceased operating by the mid-1990s. (*Id.*) However, the old SSLV never sought abandonment authority for the Blanca Spur. (*Id.*) Instead, it sold the Blanca Spur and the underlying right-of-way in 2000 to Richard Vondrak of Conejos County, Colo., before dissolving as an entity shortly thereafter. (*Id.*)

According to CP Rio Grande, Mr. Vondrak never sought or received Board approval to acquire or operate the Blanca Spur. (*Id.*) In 2007, he sold his interests in the Blanca Spur and the underlying right-of-way to Iowa Pacific Holdings, LLC (IPH), a railroad holding company and the parent of Permian Basin Railways (PBR), which in turn owned SLRG. (*Id.*) IPH did not seek authority for that transaction. Instead, in 2012, a newly formed Southern San Luis Valley Railroad, LLC (the new SSLV), filed a verified notice of exemption to acquire and operate the

Blanca Spur from IPH, asking the Board to exempt IPH's 2007 transaction, arguing that there was no need for the Board to require IPH to "unscramble" it. *See S. San Luis Valley R.R.—*

*Acquisition & Operation Exemption—Iowa Pac. Holdings, LLC*, FD 35586, slip op. at 2 (STB served Feb. 10, 2012). In a related transaction, PBR sought an exemption to continue in control of the new SSLV upon SSLV's becoming a Class III carrier. *See Iowa Pac. Holdings, LLC—Continuance in Control—S. San Luis Valley R.R.*, FD 35585 (STB served Feb. 10, 2012). The Board, considering the two proceedings together, rejected the new SSLV's request and denied PBR's request as moot due to the insufficiency of the record. *S. San Luis Valley*, slip op. at 3. The Board stated that should IPH wish to proceed with the contemplated transactions, it should trace the history of the Blanca Spur as well as it could, with supporting evidence, and request specific authority from the Board for this prior transaction, *id.*, but IPH did not do so, (Pet. 4).

CP Rio Grande further states that SLRG was placed into involuntary Chapter 11 bankruptcy in October 2019, with the order granting relief for the petition being entered on November 7, 2019. (Pet. 5.) In March 2021, IPH filed for Chapter 7 bankruptcy, but it was dismissed on January 6, 2022. (*Id.*) As part of a litigation settlement agreement entered during those proceedings, the ownership of the Blanca Spur was transferred from IPH to SLRG's bankruptcy trustee, which the bankruptcy court approved on July 14, 2022. (*Id.*) SLRG's bankruptcy trustee conveyed the Blanca Spur to CP Rio Grande under a purchase and sale agreement in January 2023. (*Id.*) CP Rio Grande filed a notice of exemption in *Colorado Pacific Rio Grande Railroad*, Docket No. FD 36656, for the acquisition of most of SLRG's assets on December 20, 2022, and later filed this petition for exemption on June 20, 2023. (Pet. 5.)

#### Discussion and Conclusions

The Board finds that CP Rio Grande has supplied information sufficient to grant this petition.<sup>2</sup> The petition and supporting documents trace the ownership history of the Blanca Spur and do not reveal any extant dispute over CP Rio Grande's ownership of the Blanca Spur. The documents show that SSLV sold the Blanca Spur to Mr. Vondrak on July 14, 2000, (*id.*, Ex. B), before he then sold it to IPH on May 24, 2007, (*id.*, Ex. B). During the bankruptcy

<sup>1</sup> Despite the name, the Blanca Spur is not excepted spur track but track over which the Board has licensing authority.

<sup>2</sup> In situations requiring after-the-fact acquisition authority, the Board strongly encourages parties to file for such authority as soon as possible.