

and as such, that the Board has jurisdiction over the proposed common carrier service under *Effingham Railroad—Petition for Declaratory Order—Construction at Effingham, Ill.*, 2 S.T.B. 606, 608 (1997) and *Effingham Railroad—Operation Exemption—Line Owned by Agracel*, FD 33468 (STB served Sept. 24, 1997).

TGSC certifies that its projected annual revenue will exceed \$5 million but that the proposed transaction will not result in TGSC becoming a Class I or Class II rail carrier. TGSC states advance notice under 49 CFR 1150.32(e) is not required because there are currently no common carrier operations on the Line. TGSC also states the proposed transaction will not contractually limit its ability to interchange traffic with any third-party connecting carrier.

The transaction may be consummated on or after August 6, 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 July 29, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36627, 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, a copy of each pleading must be served on TGSC's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to TGSC, 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.

Decided: July 18, 2022.

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

Aretha Laws-Byrum,
Clearance Clerk.

[FR Doc. 2022-15668 Filed 7-21-22; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36628]

Trans-Global Solutions, Inc.— Continuance in Control Exemption— TGS Cedar Port Railroad LLC

Trans-Global Solutions Inc. (TGSI), a noncarrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control TGS Cedar Port Railroad LLC (TGSC), a noncarrier controlled by TGSI, upon TGSC's becoming a Class III rail carrier. According to the verified notice, the proposed transaction will allow TGSI to continue to exercise common control of TGSC and one other rail carrier, Austin Area Terminal Railroad, Inc. (AATR).

This transaction is related to a concurrently filed verified notice of exemption in *TGS Cedar Port Railroad LLC—Operation Exemption—in Chambers County, Tex.*, Docket No. FD 36627, in which TGSC seeks to begin common carrier operations over approximately 1.28 miles of presently unregulated track in Chambers County, Tex.

The verified notice states that TGSI controls AATR, a Class III railroad that retains operating authority on certain rail lines in and around Austin, Tex.¹ TGSI certifies the proposed transaction does not include a provision restricting future interchange with a third-party connecting carrier.

TGSI represents that: (1) the rail line to be operated by TGSC would not connect with the tracks over which AATR retains operating authority; (2) the control transaction is not part of a series of anticipated transactions that would result in such a connection; 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).

The transaction may be consummated on or after August 6, 2022, 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

¹ See *Austin W. R.R.—Operation Exemption—Cap. Metro. Transp. Auth.*, FD 35072 (STB served Sept. 14, 2007); *Austin Area Terminal R.R.—Change in Operators Exemption—Trans-Glob. Sols., Inc.*, FD 33972 (STB served Dec. 20, 2002). TGSI asserts that the lines over which AATR used to operate are now exclusively operated by Austin Western Railroad, Inc., and that AATR intends to seek discontinuance authority in the future.

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 July 29, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36628, 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 TGSI's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to TGSI, 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.

Decided: July 18, 2022.

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

Aretha Laws-Byrum,
Clearance Clerk.

[FR Doc. 2022-15671 Filed 7-21-22; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36627]

TGS Cedar Port Railroad LLC— Operation Exemption—in Chambers County, Tex.

TGS Cedar Port Railroad LLC (TGSC), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.31 to operate on track extending approximately 1.28 miles from a connection with the Cedar Bayou Industrial Lead at milepost 5.22 in Chambers County, Tex. (a line owned by Union Pacific Railroad Company (UP) and operated over by UP and BNSF Railway Company (BNSF)) to milepost 6.5 (as measured from the southern end of the Cedar Bayou Industrial Lead) (the Line).

This transaction is related to a concurrently filed verified notice of

exemption in *Trans-Global Solutions, Inc.—Continuance in Control Exemption—TGS Cedar Port Railroad*, Docket No. FD 36628, in which TGS seeks to continue in control of TGSC upon TGSC's becoming a Class III rail carrier.

According to the verified notice, the Line is owned by TGSC's affiliate, TGS Cedar Port Partners LP (TGSLP), also a noncarrier, is currently operated as private industrial track by TGSC's parent company, Trans-Global Solutions, Inc. (TGS), and connects to ancillary track within the TGS Cedar Port Industrial Park (the Park). TGSC states it has reached an agreement with TGSLP pursuant to which TGSC will acquire the right to conduct railroad common carrier service on the Line on or after the effective date of the exemption. TGSC also states that this service, including on the ancillary track within the Park, will constitute the entirety of TGSC's railroad operations, and as such, that the Board has jurisdiction over the proposed common carrier service under *Effingham Railroad—Petition for Declaratory Order—Construction at Effingham, Ill.*, 2 S.T.B. 606, 608 (1997) and *Effingham Railroad—Operation Exemption—Line Owned by Agracel*, FD 33468 (STB served Sept. 24, 1997).

TGSC certifies that its projected annual revenue will exceed \$5 million but that the proposed transaction will not result in TGSC becoming a Class I or Class II rail carrier. TGSC states advance notice under 49 CFR 1150.32(e) is not required because there are currently no common carrier operations on the Line. TGSC also states the proposed transaction will not contractually limit its ability to interchange traffic with any third-party connecting carrier.

The transaction may be consummated on or after August 6, 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 July 29, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36627, 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, a copy of each pleading must

be served on TGSC's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to TGSC, 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.

Decided: July 18, 2022.

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

Aretha Laws-Byrum,
Clearance Clerk.

[FR Doc. 2022-15673 Filed 7-21-22; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36614]

Norfolk Southern Railway Company— Trackage Rights Exemption—Union County Industrial Railroad Company

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) for acquisition of overhead trackage rights over 3.1 miles of rail line leased by Union County Industrial Railroad Company (UCIR) and owned by West Shore Railroad Corporation between NSR milepost BR 246.9, near Milton, Pa., and UCIR milepost 172.62, near New Columbia, Pa. (the Line).

NSR and UCIR have entered into a written trackage rights agreement that grants NSR overhead trackage rights over the Line, allowing NSR to serve the Clemens Food Group Facility, or its successor or assignee.¹

The transaction may be consummated on or after August 5, 2022, the effective date of the exemption.

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

¹ A redacted version of the trackage rights agreement between NSR and UCIR was filed with the verified notice. An unredacted version of the agreement was submitted to the Board under seal concurrently with a motion for protective order, which is addressed in a separate decision.

a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 29, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36614, must be filed with the Surface Transportation Board via e-filing on the Board's website 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, William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue NW, Suite 300, Washington, DC 20037.

According to NSR, 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.

Decided: July 18, 2022.

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

Regena Smith-Bernard,
Clearance Clerk.

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36628]

Trans-Global Solutions, Inc.— Continuance in Control Exemption— TGS Cedar Port Railroad LLC

Trans-Global Solutions Inc. (TGS), a noncarrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control TGS Cedar Port Railroad LLC (TGSC), a noncarrier controlled by TGS, upon TGSC's becoming a Class III rail carrier. According to the verified notice, the proposed transaction will allow TGS to continue to exercise common control of TGSC and one other rail carrier, Austin Area Terminal Railroad, Inc. (AATR).

This transaction is related to a concurrently filed verified notice of exemption in *TGS Cedar Port Railroad LLC—Operation Exemption—in Chambers County, Tex.*, Docket No. FD 36627, in which TGSC seeks to begin common carrier operations over approximately 1.28 miles of presently unregulated track in Chambers County, Tex.

The verified notice states that TGS controls AATR, a Class III railroad that retains operating authority on certain