

Information Relay Service (FIRS) at: (800) 877-8339.]

SUPPLEMENTARY INFORMATION: This notice is related to a concurrently filed notice of exemption also served and published on October 15, 2010 in *Gulf & Ohio Railways Holding Co., Inc., H. Peter Claussen and Linda C. Claussen—Continuance in Control Exemption—Lancaster & Chester Railroad, LLC*, Docket No. FD 35414, wherein the above parties seek to continue in control of L&C Railroad, upon L&C Railroad's becoming a Class III rail carrier.

Decided: October 28, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Andrea Pope-Matheson,
Clearance Clerk.

[FR Doc. 2010-27975 Filed 11-4-10; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35426]

Columbia & Cowlitz Railway, LLC—Acquisition and Operation Exemption—Columbia & Cowlitz Railway Company

Columbia & Cowlitz Railway, LLC (CLC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Columbia & Cowlitz Railway Company and to operate approximately 8.5 miles of rail line between milepost 0.0 (Longview) and milepost 8.5 (Ostrander Junction), including auxiliary and spur tracks, in Cowlitz County, Wash.¹

This transaction is related to a transaction in which Patriot Rail, LLC and its subsidiaries entered into an asset purchase agreement on July 21, 2010, to acquire from Weyerhaeuser NR Company certain rail assets and the rail assets of five of its subsidiaries.

This transaction is also related to six other transactions for which notices of exemption have been concurrently filed: Docket No. FD 35425, *Tennessee Southern Railroad Company, Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp.—Continuance in Control Exemption—Columbia & Cowlitz Railway, LLC, DeQueen and Eastern Railroad, LLC, Golden Triangle Railroad, LLC, Mississippi & Skuna Valley Railroad, LLC, Patriot Woods Railroad, LLC, and Texas, Oklahoma &*

¹ CLC states that it intends to interchange traffic at Rocky Point, Wash., with BNSF Railway Company and Union Pacific Railroad Company, and at Ostrander Junction, with its affiliate, Patriot Woods Railroad, LLC.

Eastern Railroad, LLC, in which Patriot Rail, LLC and its subsidiaries seek to continue in control of CLC in this proceeding and five other newly created noncarrier subsidiaries, upon the latter becoming Class III rail carriers in the following proceedings: (1) Docket No. FD 35427, *DeQueen and Eastern Railroad, LLC—Acquisition and Operation Exemption—DeQueen and Eastern Railroad Company*; (2) Docket No. FD 35428, *Golden Triangle Railroad, LLC—Acquisition and Operation Exemption—Golden Triangle Railroad Company*; (3) Docket No. FD 35429, *Mississippi & Skuna Valley Railroad, LLC—Acquisition and Operation Exemption—Mississippi & Skuna Valley Railroad Company*; (4) Docket No. FD 35430, *Texas, Oklahoma & Eastern Railroad, LLC—Acquisition and Operation Exemption—Texas, Oklahoma & Eastern Railroad Company*; and (5) Docket No. FD 35431, *Patriot Woods Railroad, LLC—Acquisition and Operation Exemption—Weyerhaeuser NR Company, Weyerhaeuser Woods Railroad Operating Division*.

The parties intend to consummate the transaction on or after December 21, 2010.

CLC certified that its projected annual revenues as a result of the transaction will not exceed those that would qualify it as a Class III rail carrier.

Because CLC's projected annual revenues will exceed \$5 million, CLC certified to the Board on October 20, 2010, that it had complied on October 20, 2010, with the requirements of 49 CFR 1150.32(e) providing for notice to employees and their labor unions on the affected line. Under 49 CFR 1150.32(e), this exemption cannot become effective until 60 days after the date notice was provided.

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 December 10, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35426 must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy must be served on Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: November 1, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2010-27978 Filed 11-4-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35438]

Eighteen Thirty Group, LLC—Acquisition Exemption—in Allegany County, MD

Eighteen Thirty Group, LLC (Eighteen Thirty), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire an 8.54-mile line of railroad between milepost BAI 27.0 near Morrison and milepost BAI 18.46 at the end of the track near Carlos, in Allegany County, Md. (the Line). Eighteen Thirty is seeking to acquire the Line as a result of the bankruptcy of James Riffin¹ through an agreement with Mark J. Friedman, Chapter 7 Trustee of the Bankruptcy Estate of James Riffin.²

This transaction is related to two simultaneously filed notices of exemption: (1) Docket No. FD 35437, *Georges Creek Railway, LLC—Operation Exemption—in Allegany County, Md.*, in which Georges Creek Railway, LLC (Georges Creek), seeks an exemption under 49 CFR 1150.31 to operate the Line; and (2) Docket No. FD 35436, *Duncan Smith and Gerald Altizer—Continuance in Control Exemption—Eighteen Thirty Group, LLC and Georges Creek Railway, LLC*, in which Duncan Smith and Gerald Altizer, the owners of Eighteen Thirty and Georges Creek, seek an exemption to continue in control of Eighteen Thirty and Georges Creek upon their becoming Class III rail carriers.

This transaction is also related to a petition simultaneously filed by Eighteen Thirty in Docket No. AB 55 (Sub-No. 659X), *CSX Transportation, Inc.—Abandonment Exemption—in Allegany County, Md.*, seeking an exemption under 49 U.S.C. 10502 from

¹ The Board authorized abandonment of the Line in *CSX Transportation, Inc.—Abandonment Exemption—in Allegany County, Md.*, Docket No. AB 55 (Sub-No. 659X) (STB served Aug. 25, 2005). By decision served December 14, 2005, WMS, LLC (WMS) was authorized to acquire the Line pursuant to the Board's offer of financial assistance (OFA) provisions at 49 U.S.C. 10904 and 49 CFR 1152.27, and by decision served August 18, 2006, James Riffin was substituted as the acquiring entity in lieu of WMS.

² Applicants state that consummation of this transaction is subject to approval by the bankruptcy court. Consummation is also subject to a grant of the petition filed in AB 55 (Sub-No. 659X).

the OFA requirements of 49 U.S.C. 10904(f)(4)(A). The latter provision forbids an entity that has acquired a rail line under the OFA process from transferring that line to any entity other than the abandoning rail carrier from which it was originally purchased prior to the end of the fifth year after consummation of the sale.³

Eighteen Thirty states that it intends to consummate this transaction once the bankruptcy court approves its purchase agreement, but no sooner than November 18, 2010, the effective date of this exemption (30 days after the exemption was filed).⁴

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

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 to stay must be filed no later than November 10, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to FD 35438, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on John D. Heffner, John D. Heffner, PLLC, 1750 K Street, NW., Suite 200, Washington, DC 20006.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: November 1, 2010.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2010-27968 Filed 11-4-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35436]

Duncan Smith and Gerald Altizer— Continuance in Control Exemption— Eighteen Thirty Group, LLC and Georges Creek Railway, LLC

Duncan Smith and Gerald Altizer (collectively applicants), noncarrier individuals, have filed a verified notice of exemption to continue in control of Eighteen Thirty Group, LLC (Eighteen Thirty) and Georges Creek Railway, LLC (Georges Creek), upon Eighteen Thirty and Georges Creek becoming Class III rail carriers. Mr. Smith owns 80% of Eighteen Thirty and 75% of Georges Creek. Mr. Altizer owns a 20% interest in each company and will manage the operations of Georges Creek.¹ Applicants do not currently control any other rail carriers.

This transaction is related to two simultaneously filed notices of exemption: (1) Docket No. FD 35437, *Georges Creek Railway, LLC—Operation Exemption—in Allegany County, Md.*, in which Georges Creek seeks an exemption under 49 CFR 1150.31 to operate an 8.54-mile line of railroad between milepost BAI 27.0 near Morrison and milepost BAI 18.46 at the end of the track near Carlos, in Allegany County, Md., (the Line); and (2) Docket No. FD 35438, *Eighteen Thirty Group, LLC—Acquisition Exemption—in Allegany County, Md.*, in which Eighteen Thirty seeks an exemption under 49 CFR 1150.31 to acquire the Line pursuant to its agreement with Mark J. Friedman, Chapter 7 Trustee of the Bankruptcy Estate of James Riffin.²

This transaction is also related a petition simultaneously filed by Eighteen Thirty in Docket No. AB 55 (Sub-No. 659X), *CSX Transportation, Inc.—Abandonment Exemption—in Allegany County, Md.*, seeking an exemption under 49 U.S.C. 10502 and from the OFA requirements of 49 U.S.C. 10904(f)(4)(A). The latter provision forbids an entity that has acquired a rail line under the OFA process from transferring that line to any entity other

than the abandoning rail carrier from which it was originally purchased prior to the end of the fifth year after consummation of the sale.³

The transaction is scheduled to be consummated no sooner than November 18, 2010, the effective date of the exemption (30 days after the exemption was filed).⁴

Applicants state that: (1) Because Eighteen Thirty will be a non-operating carrier, the railroads will not connect with each other; (2) the continuance in control is not part of a series of anticipated transactions that would connect these railroads with one another or any other railroad in their corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is 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. Section 11326(c), however, does not provide for labor protection for transactions under §§ 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

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 to stay must be filed no later than November 10, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to FD 35436, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on John D. Heffner, PLLC, 1750 K Street, NW., Suite 200, Washington, DC 20006.

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Decided: November 1, 2010.

³ Eighteen Thirty has attached a letter from CSXT stating that it issued the deed for the sale of the Line on July 10, 2006, but that it will not exercise its statutory right to reacquire the Line and that it waives its rights under the statute.

⁴ Applicants state that consummation of this transaction is dependent upon bankruptcy court approval of the acquisition of the Line by Eighteen Thirty, a process likely to take up to 60 days.

³ Eighteen Thirty has attached a letter from CSXT stating that it issued the deed for the sale of the Line of July 10, 2006, but that it will not exercise its statutory right to reacquire the Line and that it waives its rights under the statute.

⁴ Eighteen Thirty states that approval by the bankruptcy court could take up to 60 days.

¹ The remaining 5% interest in Georges Creek is owned by Patrick Stakem.

² The Board authorized abandonment of the Line in *CSX Transportation, Inc.—Abandonment Exemption—in Allegany County, Md.*, AB 55 (Sub-No. 659X) (STB served Aug. 25, 2005). By decision served December 14, 2005, WMS, LLC (WMS) was authorized to acquire the Line pursuant to the Board's offer of financial assistance (OFA) provisions at 49 U.S.C. 10904 and 49 CFR 1152.27, and by decision served August 18, 2006, James Riffin was substituted as the acquiring entity in lieu of WMS.