

noncarriers, have filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Central Gulf Acquisition Company (CGAC) upon CGAC's becoming a Class III rail carrier.¹

This transaction is related to (1) a concurrently filed verified notice of exemption in *Central Gulf Acquisition Co.—Acquisition & Operation Exemption—CG Railway, Inc.*, Docket No. FD 36007, wherein CGAC seeks Board approval to acquire CG Railway, Inc., a Class III rail carrier, from International Shipholding Corporation, and provide an intermodal rail/water service between Mobile, Ala., and Coatzacoalcos, Veracruz, Mexico, utilizing charters of railroad car ferries equipped with tracks.²

The transaction in this proceeding may be consummated on or after May 4, 2016, the effective date of the exemption (30 days after the verified notice of exemption was filed).

West Branch and Continental certify that: (1) The rail lines to be operated by CGAC do not connect with any other railroads in the corporate family; (2) the transaction is not part of a series of anticipated transactions that would connect these rail lines with each other or any 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

¹ The parties state that: (1) West Branch is a limited liability company, formed for the purpose of acquiring shortline railroads; (2) Continental is a limited liability company, formed for the purpose of managing and operating shortline railroads; and (3) West Branch's wholly owned subsidiary, Delta Southern Railroad, Inc. (DSR), is an existing Class III rail carrier. West Branch states that it acquired the stock of DSR from its former owners in a transaction outside of the Board's jurisdiction.

² In Docket No. FD 36007, CGAC also filed a petition to waive the 60-day labor notice requirements of 49 CFR 1150.32(e) in order for the acquisition and operation transaction to be consummated on or before the scheduled consummation date. The notice and petition for waiver in FD 36007 will be addressed in a separate decision.

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. Stay petitions must be filed no later than April 27, 2016 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36006, 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, Strasburger & Price, LLP, 1025 Connecticut Ave. NW., Suite 717, Washington, DC 20036.

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Decided: April 15, 2016.

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

Kenyatta Clay,
Clearance Clerk.

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SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 758X)]

CSX Transportation, Inc.— Discontinuance of Service Exemption—in Dickenson County, Va.

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over an approximately 2.2-mile rail line on CSXT's Southern Region, Huntington Division, Kingsport Subdivision, Engineering Appalachian Division, also known as the Nora Branch, between milepost ZN 0.0 and milepost ZN 2.2 in Nora, Dickenson County, Va. (the Line). The Line traverses United States Postal Service Zip Code 24272 and is served by the station at Nora at milepost Z 26 (FSAC 50026/OPSL 24600).¹

CSXT has certified that: (1) No local traffic has moved over the Line for at least two years; (2) because the Line is not a through route, no overhead traffic has operated, and, therefore, none needs to be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Surface Transportation Board (Board) or

¹ CSXT states that the station is located on the main line at milepost Z 26 where the Nora Branch connects to the main line at milepost ZN 0.0.

with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will be effective on May 20, 2016, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)² must be filed by April 29, 2016.³ Petitions to reopen must be filed by May 10, 2016, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available on our Web site at "WWW.STB.DOT.GOV."

Decided: April 15, 2016.

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

Kenyatta Clay,
Clearance Clerk.

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² Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 CFR 1002.2(f)(25).

³ Because this is a discontinue proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require an environmental review.