

milepost 763.13 at Cordes, Or.; and from milepost 763.13 at Cordes to milepost 785.5 at Coquille, Or., a total distance of approximately 133 miles. The Line is currently operated by Coos Bay Railroad Operating Company, LLC d/b/a Coos Bay Rail Link (CBR). The verified notice states that the Port formed Coos Rail to operate the Line on its behalf.<sup>1</sup> Upon consummation of the subject transaction, Coos Rail will succeed and replace CBR as rail common carrier on the Line. Coos Rail states that CBR has advised Coos Rail that it does not object to the proposed change in operators and that it will cooperate in the transition.

The transaction is related to a concurrently filed verified notice of exemption in *Oregon International Port of Coos Bay—Continuance in Control Exemption—Coos Bay Rail Line, Inc.*, Docket No. FD 36242, in which the Port seeks to continue in control of Coos Rail upon Coos Rail's becoming a Class III rail carrier.

Coos Rail certifies that the proposed change in operators transaction and Coos Rail's anticipated operation of the Line do not involve any provision or agreement that would limit future interchange with a third-party connecting carrier. Further, Coos Rail certifies that its projected annual rail revenues as a result of the transaction will not exceed \$5 million and will not result in Coos Rail's becoming a Class II or Class I rail carrier. Under 49 CFR 1150.32(b), a change in operator requires that notice be given to shippers. Coos Rail states that it provided notice of the proposed change in operators to the shippers on the Line.

The earliest this transaction may be consummated is November 28, 2018, the effective date of exemption (30 days after the verified notice was filed).<sup>2</sup>

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 21, 2018.<sup>3</sup>

<sup>1</sup> According to the verified notice, Coos Rail is a public, nonprofit corporation formed and controlled by the Port.

<sup>2</sup> On October 31, 2018, Coos Rail filed a petition for partial waiver of 49 CFR 1150.32(b) to permit the exemption to become effective by no later than November 19, 2018, instead of the standard 30 days after the verified notice was filed. The waiver request will be addressed in a separate Board decision.

<sup>3</sup> Should the Board grant Coos Rail's waiver request and accelerate the effective date of the exemption, the due date for stay petitions may be revised accordingly.

An original and 10 copies of all pleadings, referring to Docket FD 36241, 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 Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

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

Decided: November 8, 2018.

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

**Jeffrey Herzig,**  
Clearance Clerk.

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## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36242]

### Oregon International Port of Coos Bay—Continuance in Control Exemption—Coos Bay Rail Line, Inc.

Oregon International Port of Coos Bay (the Port) filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Coos Bay Rail Line, Inc. (Coos Rail), a nonprofit corporate entity under the control of the Port, upon Coos Rail's becoming a Class III rail carrier.

The transaction is related to a concurrently filed verified notice of exemption in *Coos Bay Rail Line, Inc.—Change in Operators Exemption—Coos Bay Railroad Operating Company, LLC d/b/a Coos Bay Rail Link*, Docket No. FD 36241. In that proceeding, Coos Rail seeks an exemption under 49 CFR 1150.31 to replace Coos Bay Railroad Operating Company, LLC d/b/a Coos Bay Rail Link as the operator of two interconnected railroad lines owned by the Port, extending from milepost 652.114 at Danebo, Or., to milepost 763.13 at Cordes, Or.; and from milepost 763.13 at Cordes to milepost 785.5 at Coquille, Or., a total of approximately 133 miles (collectively, the Line).

The earliest this transaction may be consummated is November 28, 2018, the effective date of the exemption (30 days after the verified notice was filed).<sup>1</sup> The Port states that it intends to consummate the transaction no later than November 28, 2018.

The Port is a Class III rail carrier and will continue in control of Coos Rail

<sup>1</sup> On October 31, 2018, the Port filed a petition for partial waiver of 49 CFR 1180.4(g)(1) to permit the exemption to become effective by no later than November 19, 2018, instead of the standard 30 days after the verified notice was filed. The waiver request will be addressed in a separate Board decision.

upon Coos Rail's becoming a Class III rail carrier. The Line is the only rail line owned or operated by the corporate family, and therefore: It does not connect with any other railroads in the corporate family; and the continuance in control is not part of series of anticipated transactions that would connect the Line with any other railroad in the corporate family. Furthermore, 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. 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 sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all the carriers involved are Class III carriers.

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. Stay petitions must be filed no later than November 21, 2018.<sup>2</sup>

An original and 10 copies of all pleadings, referring to Docket No. FD 36242, 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 Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

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Decided: November 8, 2018.

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

**Jeffrey Herzig,**  
Clearance Clerk.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee; Meeting

**AGENCY:** Federal Aviation Administration (FAA), DOT.

<sup>2</sup> Should the Board grant Coos Rail's waiver request and accelerate the effective date of the exemption, the due date for stay petitions may be revised accordingly.