

that WTRL provided notice of the transaction and interchange commitment to shippers on the Line.

The earliest this transaction may be consummated is September 6, 2024, the effective date of the exemption.

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 August 30, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36798, 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 WTRL's representative, William A. Mullins, Mullins Law Group PLLC, 2001 L Street NW, Suite 720, Washington, DC 20036.

According to WTRL, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirement under 49 CFR 1105.8(b).

Decisions of the Board are available at [www.stb.gov](http://www.stb.gov).

*IANR's Petition for Exemption, Docket No. AB 284 (Sub-No. 5X)*

IANR filed its petition under 49 U.S.C. 10502 for exemption from the prior approval requirements of 49 U.S.C. 10903 to discontinue its lease operations over the Line. IANR states that the proposed discontinuance of service would allow IANR "to effectuate an orderly transfer of rail operations from IANR to WTRL." (IANR Pet. 2, Aug. 7, 2024, AB 284 (Sub-No. 5X).) IANR requests expedited consideration of its petition. (*Id.* at 6.)

Because the change of operator exemption issued here in Docket No. FD 36798 effectively discontinues IANR's common carrier obligation on the Line, IANR's petition to discontinue its operations on the Line will be denied as moot, effective concurrently with effectiveness of the change in operator exemption.

*It is ordered:*

1. The delegation of authority to the Director under 49 CFR 1011.7(a)(2)(x)(A) to determine whether to issue a notice of exemption in this proceeding is revoked.

2. WTRL's notice of exemption is issued and is effective September 6, 2024.

3. IANR's petition for exemption is denied as moot, effective on September 6, 2024.

4. This decision will be published in the **Federal Register**.

5. This decision is effective on its service date.

*Decided:* August 22, 2024.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz. Board Member Fuchs concurred with a separate expression.

BOARD MEMBER FUCHS, concurring:

While I agree with the today's decision and find sufficient indication that IANR consents to exiting the Line,<sup>1</sup> I write separately to suggest that the Board consider revising its change-in-operator exemption regulations to explicitly require a verified notice to indicate that the exiting carrier consents to the transaction. The notice of exemption process is built for speed and typically involves little to no opposition or controversy,<sup>2</sup> and the process allows simultaneous entry and exit licensing to facilitate efficient changes in operators. Consistent with this purpose, the Board—in case law—has rightly required an indication that the exiting carrier consents to the change-in-operator notice. *See SMS Rail Serv., Inc.—Change in Operator Exemption Including Acquisition by Lease—Salem Branch Line in Salem and Gloucester Counties, N.J.*, FD 36529, slip op. at 2, 2 n.4 (STB served July 15, 2022) (notice of change-in-operator exemption under 49 CFR 1150.41 discontinuing operating authority for a carrier that consented, but not for a second carrier that was unreachable and thus had not consented). However, the Board's regulations contain no explicit requirement. Here, when IANR contested the transaction, the case soon generated an atypical amount of litigation for a notice of exemption proceeding, and the controversy showed the potential for further complications if a carrier were to never consent to exiting. Forcing a carrier off a line is no simple, permissive matter, and—in stand-alone exit licensing proceedings brought by a third party where the subject carrier does not consent (*i.e.*, a

<sup>1</sup> I also agree that IANR has not demonstrated that the standard 14-day period before the change-in-operator exemption becomes effective is insufficient to permit the "orderly transfer of operations from IANR to WTRL." (IANR Pet. 2, Aug. 7, 2024, AB 284 (Sub-No. 5X).)

<sup>2</sup> *Class Exemption for the Acquisition and Operation of Rail Lines under 49 U.S.C. 10901*, EP 392 (Sub-No. 1), slip op. at 3 (STB served Jan. 15, 1986) (stating that the exemption process "is designed to meet the need for expeditious handling of a large number of requests that are rarely opposed," and "to reduce regulatory delay and costs").

typical "adverse" discontinuance or abandonment case)—the Board has rightly rejected the use of exemptions. *Wisconsin Dept. of Transp.—Aban. Exemption*, FD 31303, slip op. at 4 (ICC served Dec. 5, 1988) (holding that the exemption authority could not be used to force abandonment or discontinuance where the carrier opposes this action).<sup>3</sup> Revising the change-in-operator regulations<sup>4</sup> to explicitly include a consent requirement would promote the purpose of the regulations, provide needed clarity for parties, and mitigate potential inconsistencies across exit licensing proceedings.

**Eden Besera,**

*Clearance Clerk.*

[FR Doc. 2024-19341 Filed 8-27-24; 8:45 am]

**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36797]

### OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC—Continuance in Control Exemption—Waterloo Railroad, LLC

OPSEU Pension Plan Trust Fund (OPTrust), Jaguar Transport Holdings, LLC (JTH), and Jaguar Rail Holdings, LLC (JRH), and collectively with OPTrust and JTH, Jaguar, each a noncarrier, have filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Waterloo Railroad, LLC (WTRL), upon WTRL's becoming a Class III rail carrier. WTRL is a directly controlled holding of JRH. OPTrust indirectly controls JTH, which directly controls JRH. Jaguar collectively controls nine Class III rail carriers. (*See* Notice 4.)

This transaction is related to a concurrently filed verified notice of exemption in *Waterloo Railroad, LLC—Change of Operator Exemption with Interchange Commitment—Union Pacific Railroad Company*, Docket No. FD 36798, in which WTRL seeks Board approval to lease and operate

<sup>3</sup> If, in a future proceeding, the Board were to conclude that it does not have adverse discontinuance or abandonment authority, the agency would have an independent reason to require consent in this type of proceeding.

<sup>4</sup> I note that the agency's decision promulgating the applicable regulations appears to focus on the agency's entry licensing statute, and not the exit licensing statute for discontinuances and abandonments, even though a change in operator involves an exit. *See Class Exemption*, EP 392 (Sub-No. 1), slip op. at 10 (adopting final rule by citing to 49 U.S.C. 10901 [acquisition and operation] but not § 10903 [abandonments]). The Board should address this apparent omission in any future rulemaking.

approximately 6.9 miles of rail line owned by Union Pacific Railroad Company, extending between milepost 325.1 and milepost 332.0, in Black Hawk County, Iowa (the Line), replacing the Line's current operator, Iowa Northern Railway Company.

Jaguar represents that: (1) WTRL does not connect with any railroads in Jaguar's corporate family; (2) the transaction is not part of a series of anticipated transactions that would connect WTRL with the rail lines of any other carrier in Jaguar's corporate family; and (3) the transaction does not involve a Class I 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. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Accordingly, because this transaction involves Class III rail carriers only, the Board may not impose labor protective conditions here.

The earliest this transaction may be consummated is September 6, 2024, the effective date of the exemption. 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(g) 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 by August 30, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36797, 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 Jaguar's representative, William A. Mullins, Mullins Law Group PLLC, 2001 L Street NW, Suite 720, Washington, DC 20036.

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

Decided: August 23, 2024.

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

**Eden Besera,**  
Clearance Clerk.

[FR Doc. 2024-19364 Filed 8-27-24; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent of Waiver With Respect to Land; Youngstown Regional Airport, Youngstown, Ohio

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

**ACTION:** Notice.

**SUMMARY:** The FAA is considering a proposal to change approximately 36.1875 acres of airport land from aeronautical use to non-aeronautical use and to authorize the sale of airport property located at Youngstown Regional Airport, Youngstown, Ohio. The property is located in the northwest corner of the airport, outside the airfield fence and is separated from the airport by Ridge Road. The aforementioned land is proposed to be sold for warehousing/storage facilities and is not needed for aeronautical use.

**DATES:** Comments must be received on or before September 27, 2024.

**ADDRESSES:** All requisite and supporting documentation will be made available for review by appointment at the FAA Detroit Airports District Office, Marlon Pena, Program Manager, 11677 S Wayne Rd., Romulus, MI 48174. Telephone: (734) 229-2900/Fax: (734) 229-2950.

Written comments on the Sponsor's request may be submitted using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>, and follow the instructions for sending your comments electronically.
- *Mail:* Marlon Pena, Program Manager, Federal Aviation Administration, Detroit Airports District Office, 11677 S Wayne Rd., Romulus, MI 48174-1412.
- *Hand Delivery:* Deliver to mail address above between 8 a.m. and 5 p.m. Monday through Friday, excluding Federal holidays.
- *FAX:* (734) 229-2950.

**FOR FURTHER INFORMATION CONTACT:** Marlon Pena, Program Manager, Federal Aviation Administration, Detroit Airports District Office, 11677 S Wayne Rd., Romulus, MI 48174. Telephone Number: (734) 229-2900/Fax: (734) 229-2950.

**SUPPLEMENTARY INFORMATION:** In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

The subject property is mostly wooded undeveloped land that was

federally conveyed as part of a larger parcel under the Federal Property and Administrative Services Act of 1949, as amended, and the Surplus Property Act of 1944, as amended. The airport sponsor proposes to sell the land, at fair market value, to a private party to be developed as warehousing/storage facilities.

The disposition of proceeds from the sale of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

This notice announces that the FAA is considering the release of the subject airport property at the Youngstown Regional Airport, Youngstown, Ohio, from federal land covenants, subject to a reservation for continuing right of flight as well as restrictions on the released property as required in FAA Order 5190.6B section 22.16. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

#### Legal Description

Vienna Township, Trumbull County, State of Ohio

Known as being part of Section No. 44 in said Vienna Township (Township 4, Range 2) and being further bounded and described as follows:

Beginning at a 5/8-inch iron pin found on the westerly Right-of-Way line of Ridge Road (County Road 159/Right-of-Way varies/Plat Volume 47, Page 92) said point being a northeasterly corner of lands of Antique Tractor Club of Trumbull County, Inc. (Instrument No. 200807220018111);

Thence South 89°18'00" West along the northerly line of said lands of Antique Tractor Club of Trumbull County, Inc. a distance of 1633.23 feet to a 5/8-inch iron pin found at the southeasterly corner of lands of A&N Land Company, LLC (Instrument No. 201901070000302);

Thence North 01°28'55" West along the easterly line of said lands of A&N Land Company, LLC a distance of 1157.30 feet to a 5/8-inch iron pin set;

Thence North 89°17'40" East through the lands of the Grantor and passing over a southerly corner of lands of the United States of America (Deed Volume 1051, Pages 80 and 95) a distance of 756.12 feet to a 5/8-inch iron pin set on the said westerly Right-of-Way line of Ridge Road;

Thence South 54°32'04" East along said westerly line of Ridge Road a