

between milepost 0.0, a point of connection to CSX Transportation, Inc., at or near Wartrace, and milepost 7.9, the end of track at or near Shelbyville, in Bedford County, Tenn. (the Line). WHRR states that the Line is currently operated by Walking Horse and Eastern Railroad Company, Inc. (WHOE). WHRR states that an agreement has been reached among BCRA, WHRR, and WHOE for a change in operator from WHOE to WHRR.

The transaction is related to a concurrently filed verified notice of exemption in *Gregory B. Cundiff Trust—Continuance in Control Exemption—Tennessee Railroad Holdings, Inc., Sequatchie Valley Switching Co., & Walking Horse Railroad*, Docket No. FD 36272, in which the Gregory B. Cundiff Trust, the Connie Cundiff Trust, CGX, Inc., and Ironhorse Resources, Inc., seek to continue in control of WHRR upon WHRR's becoming a Class III rail carrier.

WHRR certifies that the proposed change in operators transaction and WHRR's anticipated operation of the Line do not involve any provision or agreement that would limit future interchange. Further, WHRR certifies that its projected annual rail revenues as a result of the transaction will not exceed \$5 million and will not result in WHRR'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. WHRR 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 March 27, 2019, the effective date of 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 to stay must be filed no later than March 20, 2019.

An original and 10 copies of all pleadings, referring to Docket No. FD 36271, 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 Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228.

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

Decided: March 8, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2019-04612 Filed 3-12-19; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36272]**

### **The Gregory B. Cundiff Trust, the Connie Cundiff Trust, CGX, Inc., and Ironhorse Resources, Inc.—Continuance in Control Exemption—Tennessee Railroad Holdings, LLC, Sequatchie Valley Switching Company, LLC, and Walking Horse Railroad, LLC**

The Gregory B. Cundiff Trust, the Connie Cundiff Trust, CGX, Inc. (CGX), and Ironhorse Resources, Inc. (Ironhorse) (collectively, the Controlling Entities), have filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Tennessee Railroad Holdings, LLC (TRH), Sequatchie Valley Switching Company, LLC (SQSC), and Walking Horse Railroad, LLC (WHRR) when TRH, SQSC, and WHRR become rail carriers.<sup>1</sup>

The transaction is related to three concurrently filed verified notices of exemption. In *Tennessee Railroad Holdings, LLC—Acquisition Exemption—Sequatchie Valley Railroad, Inc.*, Docket No. FD 36269, TRH seeks an exemption under 49 CFR 1150.31 to acquire by purchase from Sequatchie Valley Railroad, Inc., a line of railroad that extends between milepost 0.0, a point of connection to CSX Transportation, Inc. (CSXT) at or near Bridgeport, Jackson County, Ala., and milepost 11.77, the end of track at or near Jasper, Marion County, Tenn. (the Line). In *Sequatchie Valley Switching Co.—Operation Exemption—Tennessee Railroad Holdings, LLC*, Docket No. FD 36270, SQSC seeks an exemption under 49 CFR 1150.31 to operate over the Line pursuant to an operating agreement with TRH. In *Walking Horse Railroad, LLC—Change in Operators Exemption—Walking Horse & Eastern Railroad Co.*, Docket No. FD 36271, WHRR seeks an exemption under 49 CFR 1150.31 to replace Walking Horse and Eastern Railroad Company, Inc., as the operator of a rail line that extends between milepost 0.0, a point of connection to CSXT at or near Wartrace, and milepost

7.9, the end of track at or near Shelbyville, in Bedford County, Tenn.

The earliest this transaction may be consummated is March 27, 2019, the effective date of the exemption (30 days after the verified notice was filed).

According to the verified notice of exemption, the Gregory B. Cundiff Trust and the Connie Cundiff Trust, both of which are noncarrier individual trusts, own CGX, a noncarrier holding company, in equal parts. CGX, in turn, directly controls a number of existing Class III carriers and Ironhorse, a noncarrier holding company. As a result of this transaction, CGX would directly control TRH (which is currently a noncarrier). Ironhorse directly controls several existing Class III rail carriers. As a result of this transaction, Ironhorse would directly control SQSC and WHRR (which are currently noncarriers).

The Controlling Entities represent that: (1) The rail lines to be owned by TRH, the lines to be operated SQSC and WHRR, and the properties of the rail carriers controlled by the Controlling Entities do not connect with each other; (2) the proposed continuance in control is not part of a series of anticipated transactions that would connect the carriers with each other or any other railroad in the corporate family; and (3) the transaction does not involve a Class I 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).

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 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. Petitions to stay must be filed no later than March 20, 2019 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36272, 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 Thomas F. McFarland, Thomas F. McFarland, P.C.,

<sup>1</sup> The verified notice was supplemented on March 1, 2019, with a letter indicating that the proposed transaction does not involve any interchange commitments.

208 South LaSalle Street, Suite 1666, Chicago, IL 60604–1228.

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

Decided: March 8, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2019–04613 Filed 3–12–19; 8:45 am]

**BILLING CODE 4915–01–P**

## SURFACE TRANSPORTATION BOARD

[Docket No. AB 290 (Sub-No. 295X); Docket No. AB 866 (Sub-No. 1X)]

**Norfolk Southern Railway Company—Abandonment Exemption—in Chowan County, N.C.; North Carolina & Virginia Railroad Company, L.L.C., Chesapeake & Albemarle Railroad Division—Discontinuance of Service Exemption—in Chowan County, N.C.**

**ACTION:** Correction to Notice of Exemption.

On July 20, 2007, Norfolk Southern Railway Company (NSR) and North Carolina & Virginia Railroad Company, The Chesapeake & Albemarle Division (NCVA), jointly filed a verified notice of exemption under 49 CFR 1152.50 for NSR to abandon, and for NCVA to discontinue service over, approximately 0.08 miles of rail line between milepost NS 73.59, and milepost NS 73.67, at Edenton, N.C. On August 9, 2007, notice of the exemption was served and published in the **Federal Register** (72 FR 44,920).

The notice published on August 9, 2007, erroneously described milepost NS 73.59 as milepost NS 73.50.<sup>1</sup> Accordingly, this notice corrects the description of the milepost. All other information in the August 9, 2007 notice is correct.

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

Decided: March 7, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2019–04570 Filed 3–12–19; 8:45 am]

**BILLING CODE 4915–01–P**

<sup>1</sup> The Board noted this error in a notice published in a separate docket, in which NCVA filed a verified notice of exemption to enter into a superseding and replacement lease with NSR for lines of railroad in Virginia and North Carolina. *N. Carolina & Va. R.R., Chesapeake & Albemarle R.R. Division—Lease Amendment & Operation Exemption Including Interchange Commitment—Norfolk S. Ry., FD 36252*, slip op. at 2 n.4 (STB served Dec. 6, 2018).

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36270]

**Sequatchie Valley Switching Company, LLC—Operation Exemption—Tennessee Railroad Holdings, LLC**

Sequatchie Valley Switching Company, LLC (SQSC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate approximately 11.77 miles of rail line (the Line) pursuant to an operating agreement with Tennessee Railroad Holdings, LLC (TRH), a noncarrier.<sup>1</sup> The Line extends between milepost 0.0, a point of connection to CSX Transportation, Inc., at or near Bridgeport, Jackson County, Ala., and milepost 11.77, the end of track at or near Jasper, Marion County, Tenn.

The transaction is related to a concurrently filed verified notice of exemption in *Gregory B. Cundiff Trust—Continuance in Control Exemption—Tennessee Railroad Holdings, Inc., Sequatchie Valley Switching Co., LLC, & Walking Horse Railroad, LLC*, Docket No. FD 36272, in which the Gregory B. Cundiff Trust, the Connie Cundiff Trust, CGX, Inc., and Ironhorse Resources, Inc., seek to continue in control of SQSC upon SQSC's becoming a Class III rail carrier.

SQSC certifies that, as a result of this transaction, its projected revenues would not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million. SQSC states that the agreement does not involve any provision or agreement that may limit future interchange.

The transaction may be consummated on or after March 27, 2019, 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 to stay must be filed no later than March 20, 2019 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36270, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must

<sup>1</sup> TRH concurrently filed a verified notice of exemption in *Tennessee Railroad Holdings, LLC—Acquisition Exemption—Sequatchie Valley Railroad, Inc.*, Docket No. FD 36269, in which TRH seeks to acquire the Line and become a Class III rail carrier.

be served on Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604–1228.

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

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

Decided: March 8, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2019–04611 Filed 3–12–19; 8:45 am]

**BILLING CODE 4915–01–P**

## SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 788X)]

**CSX Transportation, Inc.—Abandonment Exemption—in Preston County, W. Va.**

CSX Transportation, Inc. (CSXT), has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments* to abandon an approximately 6.78-mile rail line between milepost BAJ 3.0 and milepost BAJ 9.78 in Preston County, W. Va. (the Line).<sup>1</sup> The Line traverses U.S. Postal Service Zip Codes 26764 and 26537 and includes the stations of Murphy Mine, Stoer, Shatzer, and Preston.

CSXT has certified that: (1) No local freight traffic has moved over the Line for at least two years; (2) any overhead traffic on the Line can 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 either is pending with the Surface Transportation Board (Board) or 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 1105.7 and 1105.8 (environmental report and historic report), 49 CFR 1105.12 (newspaper publication), and 49 CFR

<sup>1</sup> The Line was part of a 14.3-mile line of railroad between milepost BAJ 0.0 at Rowlesburg and milepost BAJ 14.3 near Albright in Preston County, W. Va., that CSXT was previously authorized to abandon. *CSX Transp., Inc.—Aban. Exemption—in Preston Cty., W. Va., AB 55 (Sub-No. 625X)* (STB served Jan. 9, 2004). However, CSXT did not timely file a notice of consummation of abandonment for the 6.78 miles that comprise the Line and the abandonment authority automatically expired. *CSX Transp., Inc.—Aban. Exemption—in Preston Cty., W. Va., AB 55 (Sub-No. 625X)* (STB served Dec. 18, 2018).