purchase agreement2 dated September
Dura-Bond have entered into a stock
Corporation (Dura-Bond), a noncarrier,
(TCIR), also a Class III rail carrier.
Class III rail carrier,1 has filed a verified
Development Corporation—
Westmoreland County Industrial

Development Corporation (Docket No. FD 35958)

Westmoreland County Industrial Development Corporation—
Acquisition of Control Exemption—
Turtle Creek Industrial Railroad, Inc.

Westmoreland County Industrial Development Corporation (WCIDC), a
Class III rail carrier,1 has filed a verified notice of exemption under 49 CFR
1180.2(d)(2) to acquire all of the stock of
Turtle Creek Industrial Railroad, Inc. (TCIR), also a Class III rail carrier.
According to WCIDC, Dura-Bond Corporation (Dura-Bond), a noncarrier,
currently controls TCIR. WCIDC and Dura-Bond have entered into a stock
purchase agreement2 dated September 26, 2013, by which WCIDC will acquire
all of TCIR’s stock from Dura-Bond. Once that transaction is consummated,
WCIDC will control TCIR.

WCIDC intends to consummate this
transaction on or shortly after October
25, 2015, the effective date of the
exemption.

WCIDC states that: (i) The rail owned
by WCIDC does not connect with the
rail line owned by TCIR; (ii) the subject
acquisition of control is not part of a
series of anticipated transactions that
would connect the rail line owned by
TCIR with the rail line owned by
WCIDC; and (iii) neither WCIDC nor
TCIR are Class I carriers. 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 Sections 11324 and
11325 that involve only Class III rail
Carriers. Because this transaction
involves Class III rail carriers only, the
Board, under the statute, may not
impose labor protective conditions for
this transaction.

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 October 16, 2015 (at
least seven days before the exemption
becomes effective).

An original and 10 copies of all
pleadings referring to Docket No. FD
35958, must be filed with the Surface
Transportation Board, 395 E Street SW.,
Washington, DC 20423–0001. In
addition, a copy of each pleading must
be served on WCIDC’s representative:
John N. Ward, Ward & Christner, P.C.,
15 N. Main Street, Greensburg, PA
15601.

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

Decided: October 6, 2015.
By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Tia Delano,
Clearance Clerk.

DEPARTMENT OF TRANSPORTATION
Surface Transportation Board
[Docket No. FD 35964]
American Chemistry Council, The
Chlorine Institute, and the Fertilizer
Institute—Petition for Declaratory
Order—Positive Train Control

On September 30, 2015, the American
Chemistry Council, the Chlorine Institute, and the Fertilizer Institute
(collectively Petitioners) filed a petition
for an order “declaring that the common
carrier obligation, codified at 49 U.S.C.
11101(a), requires a Class I railroad to
transport toxic inhalation hazard (‘TIH’)
materials over main lines, as defined at
49 U.S.C. 20157(i)(2), although the Class
I railroad has not equipped, or will not
equip, such lines with an operable
positive train control (‘PTC’) system by
the December 31, 2015 deadline
1.) According to the petition, some
railroads have indicated that they
intend to embargo TIH shipments, as
early as Thanksgiving 2015, in light of
the impending statutory PTC deadline.
(Pet. 2, 5–6.) Petitioners request that the
Board institute a declaratory order
proceeding, consider the September 30
petition to be their opening statement,
and promptly issue an expedited
procedural schedule.

The Board has discretionary authority
under 5 U.S.C. 554(e) and 49 U.S.C. 721
to issue a declaratory order to terminate
a controversy or remove uncertainty.
The Board will institute a declaratory
order proceeding and establish a
procedural schedule. The Board will
consider the September 30 petition to be
Petitioners’ opening statement.

It is ordered:

1. A declaratory order proceeding is
instituted.

2. Substantive replies to the
September 30 opening statement are due
by October 23, 2015.

3. Rebuttals are due by November 2,
2015.

4. Notice of this action will be
published in the Federal Register on
October 9, 2015.

5. This decision is effective on its
service date.

Decided: October 6, 2015.