

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[Docket No. FD 35962]

**Terminal Railroad Association of St. Louis—Trackage Rights Exemption—Norfolk Southern Railway Company**

Norfolk Southern Railway Company (NSR), pursuant to a written trackage rights agreement dated July 31, 2015, has agreed to grant limited local trackage rights to the Terminal Railroad Association of St. Louis (TRRA) over approximately 0.49 miles of rail line in St. Louis, Mo. (the Line). Specifically, TRRA will acquire trackage rights between TRRA's connection with NSR at approximately North Market Street, St. Louis, Mo., and the Kiesel Facility at approximately Dock Street, St. Louis, Mo.

TRRA may consummate its acquisition on or after November 7, 2015, the effective date of the exemption (30 days after the verified notice of exemption was filed).

TRRA states that NSR, who currently operates over TRRA via trackage rights to access the Line and serve the Kiesel Facility, intends to discontinue a nearby two-mile segment of trackage. According to TRRA, granting TRRA limited local trackage rights over the Line for the sole purpose of serving the Kiesel Facility (the only active shipper accessible via the Line) will allow NSR and TRRA to operate more efficiently in this area after NSR's nearby discontinuance while also preserving rail service to an existing customer. TRRA will assume maintenance of the Line until NSR decides to resume active operations over the Line.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). 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 for stay must be filed by October 30, 2015 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35962, 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 Asim S. Raza, Terminal Railroad Association of St. Louis, 415 S. 18th Street, Suite 200, St. Louis, MO 63103.

Board decisions and notices are available on our Web site at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: October 20, 2015.

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

**Kenyatta Clay,**  
*Clearance Clerk.*

[FR Doc. 2015-26987 Filed 10-22-15; 8:45 am]

**BILLING CODE 4915-01-P**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[Docket No. FD 35966]

**Martin Marietta Materials, Inc.—Acquisition of Control Exemption—Rock & Rail, Inc.**

Martin Marietta Materials, Inc. (MMM), a noncarrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to acquire control of Rock & Rail, Inc. (RRI), a Class III rail carrier.

According to MMM, it currently controls Alamo North Texas Railroad (ANT),<sup>1</sup> a Class III rail carrier, which has lines in Wise County, Tex., and Alamo Gulf Coast Railroad (AGC), a Class III rail carrier, which has lines in Bexar County, Tex. MMM states that RRI has lines in Pueblo and Canon City, Colo., and that the proposed transaction would not connect ANT, AGC, or RRI. MMM and RRI have signed a letter of intent<sup>2</sup> by which MMM will acquire indirect ownership of 100% of the stock of RRI. The transaction is scheduled to be consummated on or after November 8, 2015, the effective date of the exemption.

MMM states that: (i) The railroads do not connect with each other or any railroad in their corporate family; (ii) the proposed transaction is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior

<sup>1</sup> See *Martin Marietta Materials, Inc.—Continuance in Control Exemption—Alamo N. Tex. R.R.*, FD 34266 (STB served Dec. 13, 2002).

<sup>2</sup> An unredacted copy of the letter of intent was filed concurrently under seal, along with a motion for protective order pursuant to 49 CFR 1104.14(b). That motion will be addressed in a separate decision.

approval of 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 the labor protection for transactions under §§ 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 transaction. Petitions to stay must be filed no later than October 30, 2015 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings referring to Docket No. FD 35966, 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 William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

Board decisions and notices are available on our Web site at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: October 20, 2015.

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

**Brendetta S. Jones,**  
*Clearance Clerk.*

[FR Doc. 2015-27052 Filed 10-22-15; 8:45 am]

**BILLING CODE 4915-01-P**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[Docket No. AB 1112X]

**Caldwell Railroad Commission—Abandonment Exemption—in Caldwell County, NC**

Caldwell Railroad Commission (CRC) has filed an amended verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments* to abandon an approximately 3.91-mile rail segment extending between milepost 108.79 and milepost 112.7 in Caldwell County, N.C. (the Line).<sup>1</sup> The

<sup>1</sup> CRC previously filed a verified notice of exemption that was dismissed as moot, because CRC's predecessor had obtained a 49 U.S.C. Subtitle