

Hi Tech Trans, LLC—Petition for Declaratory Order—Newark, N.J., FD 34192 (Sub-No. 1), slip op. at 5 (STB served Aug. 14, 2003) (transloading activities not within the Board's jurisdiction where, among other things, activities were "not performed by a rail carrier or under the auspices of a rail carrier holding itself out as providing those services"). However, *Hi Tech* is not applicable. Unlike the third-party transloader there, which operated a transloading facility located on a rail carrier's property and was not itself a rail carrier, CHPR has stated that it will hold itself out to the public as a rail carrier and has sought operating authority to do so.⁹

Therefore, the Board finds that CHPR did not materially mislead the Board or omit material information and will deny the SGEs' request to declare the exemption void ab initio.

Request To Revoke Exemption

The SGEs claim that even if the Board does not conclude that the verified notice was deliberately false or misleading, the Petition shows that "the Board did not fully understand the situation on the ground when it issued its decision" and that this is "not a simple or straightforward transaction." (Pet. 15; *see id.* at 19 (stating that the "circumstances concerning these so-called new railroad operations are too complicated to be handled in a notice of exemption").) Accordingly, they claim that "it would be proper for the Board to . . . revoke the exemption." (*Id.* at 15.) CHPR responds that the SGEs have failed to demonstrate that regulating CHPR would advance or support the RTP objectives. (Reply 15.)

However, the SGEs have not demonstrated that regulation is necessary to carry out the RTP. *See* 49 U.S.C. 10502(d); 49 CFR 1121.4(f)

⁹The Board has revoked exemptions where there was specific evidence indicating that a transaction was merely a sham to preempt state or local condemnation actions and the record raised significant doubt as to whether the exemption-holder ever intended to initiate rail service. *See, e.g., Milwaukee Ind. Trade Ctr., LLC—Acquis. & Operation Exemption—Line Owned by Milwaukee Ind. Trade Ctr., LLC*, FD 35133, slip op. at 7–8 (STB served June 16, 2010); *Jefferson Terminal R.R.—Acquis. & Operation Exemption—Crown Enters., Inc.*, 5 STB 461, 465 (2001). Here, that is not the case. Even though CHPR may have "sought common carrier status in part" to obtain preemption, there is no specific evidence on the record that its efforts to serve as a common carrier are not legitimate and thus there is no basis here for the Board to find that the verified notice was void ab initio or to revoke the exemption. Accordingly, while CHPR's failure to disclose the existence of its dispute with the SGEs was not materially misleading, earlier disclosure could have allowed the Board to address this concern more expeditiously.

("[t]he person seeking revocation has the burden of showing that the revocation criteria of 49 U.S.C. 10502(d) have been met"). As CHPR points out, the SGEs have not asserted that regulation is necessary to carry out the RTP or otherwise tried to show that CHPR's operations will harm the national rail network, threaten competitive service, or harm shippers. (Reply 15.) Accordingly, the Board will decline to revoke the exemption on the basis that regulation is necessary to carry out the RTP.

For the reasons set forth above, the Petition will be denied, and accordingly, the Board will not institute a proceeding under 49 U.S.C. 10502(d).

It is ordered:

1. The Board declines to institute a proceeding under 49 U.S.C. 10502(d).
2. The Petition is denied.
3. The SGEs' request for leave to file a rebuttal is denied.
4. This decision will be published in the **Federal Register**.
5. This decision is effective on its date of service.

Decided: October 27, 2026.

By the Board, Board Members Fuchs, Hedlund, Kloster, and Schultz.

Zantori Dickerson,

Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Land Release Request for Disposal of Airport Property at the Kingman Airport, Kingman, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: Notice is being given that the FAA is considering a request from the City of Kingman to release 832.6 (+/–) acres of federally obligated airport property at the Kingman Airport (IGM), Kingman, AZ. This acreage was obtained from the United States Government under the Surplus Property Act of 1944. The release of property will allow the City of Kingman to dispose of the property for non-aeronautical purposes.

DATES: Comments must be received on or before November 27, 2026.

ADDRESSES: Documents are available for review at the Kingman Airport, 7000 Flightline Dr., Kingman, AZ 86401, and the FAA Airports District Office, 3800 N

Central Ave., Suite 1025, Phoenix, AZ 85012. Written comments on the Sponsor's request must be delivered or mailed to: Kyler Erhard, Manager, Phoenix Airports District Office, 3800 N Central Ave., Suite 1025, Phoenix, AZ 85012.

FOR FURTHER INFORMATION CONTACT:

Kyler Erhard, Manager, Phoenix Airports District Office, 3800 N Central Ave., Suite 1025, Phoenix, AZ 85012, 602–797–2810.

SUPPLEMENTARY INFORMATION: The subject property is an undeveloped, irregularly shaped 790-acre parcel owned by the City of Kingman. It is situated east of U.S. Highway 66 and directly adjacent to the west and south sides of IGM. The surrounding area includes commercial and light industrial development to the west, Kingman Airport and Airport Industrial Park to the north, and vacant land to the south and east. Additionally, the site borders a Burlington Northern and Santa Fe Railway (BNSF) mainline, providing options for rail-served parcel development. The land directly borders the airport's airside and landside facilities, separated only by a perimeter fence. Historically, this property was utilized to store surplus aircraft following World War II. An additional 42.6 acres is included in this release request to reflect the land required for the proposed Flying Fortress Parkway, which bisects the subject property. The property will be sold to the City at the Fair Market Value (FMV) which has been determined to be \$8,000,000. Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires the FAA to provide an opportunity for public notice and comment prior to the "waiver" or "modification" of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

Authority for the Policy: This notice is published under the authority described in Title 49 of the United States Code, Subtitle VII, part B, chapter 471, Section 47107(h)(2).

Issued in Phoenix, AZ, on October 27, 2026.

Kyler Erhard,

Manager, Phoenix Airports District Office.

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