

exemption in *Trans-Global Solutions, Inc.—Continuance in Control Exemption—TGS Cedar Port Railroad*, Docket No. FD 36628, in which TGSI seeks to continue in control of TGSC upon TGSC's becoming a Class III rail carrier.

According to the verified notice, the Line is owned by TGSC's affiliate, TGS Cedar Port Partners LP (TGSLP), also a noncarrier, is currently operated as private industrial track by TGSC's parent company, Trans-Global Solutions, Inc. (TGSI), and connects to ancillary track within the TGS Cedar Port Industrial Park (the Park). TGSC states it has reached an agreement with TGSLP pursuant to which TGSC will acquire the right to conduct railroad common carrier service on the Line on or after the effective date of the exemption. TGSC also states that this service, including on the ancillary track within the Park, will constitute the entirety of TGSC's railroad operations, and as such, that the Board has jurisdiction over the proposed common carrier service under *Effingham Railroad—Petition for Declaratory Order—Construction at Effingham, Ill.*, 2 S.T.B. 606, 608 (1997) and *Effingham Railroad—Operation Exemption—Line Owned by Agracel*, FD 33468 (STB served Sept. 24, 1997).

TGSC certifies that its projected annual revenue will exceed \$5 million but that the proposed transaction will not result in TGSC becoming a Class I or Class II rail carrier. TSGC states advance notice under 49 CFR 1150.32(e) is not required because there are currently no common carrier operations on the Line. TGSC also states the proposed transaction will not contractually limit its ability to interchange traffic with any third-party connecting carrier.

The transaction may be consummated on or after August 6, 2022, 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 for stay must be filed no later than July 29, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36627, 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 TGSC's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

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

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

Decided: July 18, 2022.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

**Aretha Laws-Byrum,**  
Clearance Clerk.

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## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36614]

### **Norfolk Southern Railway Company— Trackage Rights Exemption—Union County Industrial Railroad Company**

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) for acquisition of overhead trackage rights over 3.1 miles of rail line leased by Union County Industrial Railroad Company (UCIR) and owned by West Shore Railroad Corporation between NSR milepost BR 246.9, near Milton, Pa., and UCIR milepost 172.62, near New Columbia, Pa. (the Line).

NSR and UCIR have entered into a written trackage rights agreement that grants NSR overhead trackage rights over the Line, allowing NSR to serve the Clemens Food Group Facility, or its successor or assignee.<sup>1</sup>

The transaction may be consummated on or after August 5, 2022, the effective date of the exemption.

As a condition to this exemption, any employees affected by the acquisition of 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).

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

<sup>1</sup> A redacted version of the trackage rights agreement between NSR and UCIR was filed with the verified notice. An unredacted version of the agreement was submitted to the Board under seal concurrently with a motion for protective order, which is addressed in a separate decision.

a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 29, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36614, must be filed with the Surface Transportation Board 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 NSR's representative, William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue NW, Suite 300, Washington, DC 20037.

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

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

Decided: July 18, 2022.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

**Regena Smith-Bernard,**  
Clearance Clerk.

[FR Doc. 2022-15713 Filed 7-21-22; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36628]

### **Trans-Global Solutions, Inc.— Continuance in Control Exemption— TGS Cedar Port Railroad LLC**

Trans-Global Solutions Inc. (TGSI), a noncarrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control TGS Cedar Port Railroad LLC (TGSC), a noncarrier controlled by TGSI, upon TGSC's becoming a Class III rail carrier. According to the verified notice, the proposed transaction will allow TGSI to continue to exercise common control of TGSC and one other rail carrier, Austin Area Terminal Railroad, Inc. (AATR).

This transaction is related to a concurrently filed verified notice of exemption in *TGS Cedar Port Railroad LLC—Operation Exemption—in Chambers County, Tex.*, Docket No. FD 36627, in which TGSC seeks to begin common carrier operations over approximately 1.28 miles of presently unregulated track in Chambers County, Tex.

The verified notice states that TGSI controls AATR, a Class III railroad that retains operating authority on certain

rail lines in and around Austin, Tex.<sup>1</sup> TGSi certifies the proposed transaction does not include a provision restricting future interchange with a third-party connecting carrier.

TGSi represents that: (1) the rail line to be operated by TGSC would not connect with the tracks over which AATR retains operating authority; (2) the control transaction is not part of a series of anticipated transactions that would result in such a connection; and (3) the transaction does not involve a Class I rail 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).

The transaction may be consummated on or after August 6, 2022, the effective date of the exemption (30 days after the verified notice was filed).

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. 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 for stay must be filed no later than July 29, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36628, 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, one copy of each pleading must be served on TGSi's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to TGSi, this action is categorically excluded from environmental review under 49 CFR

1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

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

Decided: July 18, 2022.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

**Aretha Laws-Byrum,**  
Clearance Clerk.

[FR Doc. 2022-15669 Filed 7-21-22; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2022-0141]

#### Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Adventure (Motor); Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before August 22, 2022.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2022-0141 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2022-0141 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2022-0141, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**Note:** If you mail or hand-deliver your comments, we recommend that you include

your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

**Instructions:** All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

#### FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email [James.Mead@dot.gov](mailto:James.Mead@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described in the application, the intended service of the vessel ADVENTURE is:

—*Intended Commercial Use of Vessel:*

“Scenic tours for 6 or less passengers on Lake Powell above Glen Canyon Dam on the Colorado River.”

—*Geographic Region Including Base of Operations:* “Arizona and Utah.”

(Base of Operations: Lake Powell, AZ)

—*Vessel Length and Type:* 28' Motor

The complete application is available for review identified in the DOT docket as MARAD 2022-0141 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

#### Public Participation

*How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected

<sup>1</sup> See *Austin W. R.R.—Operation Exemption—Cap. Metro. Transp. Auth.*, FD 35072 (STB served Sept. 14, 2007); *Austin Area Terminal R.R.—Change in Operators Exemption—Trans-Glob. Sols., Inc.*, FD 33972 (STB served Dec. 20, 2002). TGSi asserts that the lines over which AATR used to operate are now exclusively operated by Austin Western Railroad, Inc., and that AATR intends to seek discontinuance authority in the future.