

approximately 102 passenger vehicles and employs 81 drivers. (*Id.*) Furthermore, the USDOT number assigned to TCS is 1366324, and for purposes of its interstate passenger operations, TCS holds interstate carrier operating authority under FMCSA MC-522885. (*Id.*) According to the application, TCS is solely owned by Seller, who does not directly or indirectly own or control any other interstate passenger motor carrier. (*Id.* at 6.)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges that result from the proposed transaction, and (3) the interest of affected carrier employees. Van Pool has submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded \$2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5). (*See* Appl. 9.)

Van Pool asserts that the proposed transaction will not have a material, detrimental impact on the adequacy of transportation services available for the public. (*Id.*) According to Van Pool, TCS will continue to provide the same services it currently provides under the same name; however, going forward, TCS will operate within the holdings of Applicant, an organization experienced in passenger transportation operations. (*Id.* at 9–10.) The transaction, combined with the passenger carrier management capacity of Applicant, is expected to result in improved operating efficiencies, increased equipment utilization rates, and cost savings derived from economies of scale within the Applicant subsidiaries, all of which will help ensure the provision of adequate service to the public. (*Id.* at 10.) Van Pool also asserts that the addition of TCS will enhance the viability of Applicant's organization and its subsidiaries. (*Id.*)

Van Pool states that the impact of the transaction on the regulated motor carrier industry will be minimal at most and that neither competition nor the public interest will be adversely affected. (*Id.* at 13.) According to Van Pool, the population and demand for commuter scheduled route, shuttle, on-

demand, and charter services in Massachusetts are expected to continue to increase in the foreseeable future. (*Id.* at 12.) TCS competes directly with other passenger service providers in Massachusetts, which is a competitive market because of the significant number of national, regional, and local providers operating within the area. (*Id.*) Other providers include A&A Metro Transportation, M & L Transit Systems, Boston Coach, Academy Bus, WeDriveU, and DPV Transportation. (Appl. 12; Suppl. 2.) Van Pool adds that TCS's service area is geographically dispersed from those of the Affiliate Regulated Carriers and there is very limited overlap in the customer bases among the Affiliate Regulated Carriers and TCS. (Appl. 13.)

Van Pool asserts that the proposed transaction will increase fixed charges in the form of interest expenses because funds will be borrowed to assist in financing the transaction; however, Van Pool states that the increase will not impact the provision of transportation services to the public. (*Id.* at 10–11.) Van Pool also asserts that it does not expect the transaction to have substantial impacts on employees or labor conditions, and it does not anticipate a measurable reduction in force or changes in compensation levels or benefits at TCS. (*Id.* at 11.) Van Pool submits, however, that staffing redundancies could result in limited downsizing of back-office and/or managerial-level personnel. (*Id.*)

The Board notes that the Owners have not joined in Van Pool's application despite their ability to exercise control over Van Pool. 49 U.S.C. 13102(5); *see Morgan Stanley Grp.—Control Exemption—NCC L.P.*, MCF 20250 (ICC served Feb. 17, 1993) (focusing “on the ability to control as reflected in the power or authority to manage, direct, superintend, restrict, regulate, govern, administer, or oversee”). Therefore, the Owners will be directed to submit a filing joining the application and providing all information required of an applicant under the Board's regulations. *See, e.g., Bus Co. Holdings Topco LP—Acquis. of Control of Assets—Chenango Valley Bus Lines, Inc.*, MCF 21117 (STB served Aug. 23, 2024). Such a filing may incorporate the existing application by reference, to the extent appropriate.

Based on Van Pool's representations, the Board finds that the acquisition as proposed in the application is consistent with the public interest. The application will be tentatively approved and authorized, subject to the Owners submitting a satisfactory filing, as described above, that is consistent with the Board's public interest finding by

October 11, 2024. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no opposing comments are filed and the Board does not issue a decision finding the Owners' submission unsatisfactory by expiration of the comment period, this notice, including authority for the Owners as applicants, will take effect automatically and will be the final Board action in this proceeding.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

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

*It is ordered:*

1. The proposed transaction is approved and authorized, subject to the Owners submitting a satisfactory filing to join the application by October 11, 2024, and the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective on November 9, 2024, unless the Board finds the Owners' submission unsatisfactory or opposing comments are filed by November 8, 2024. If any comments are filed, Van Pool may file a reply by November 26, 2024.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: September 23, 2024.

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

**Tammy Lowery,**  
Clearance Clerk.

[FR Doc. 2024–22185 Filed 9–26–24; 8:45 am]

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**SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36811]

**Oklahoma & Kansas Railroad, LLC—  
Change of Operator Exemption—  
Oklahoma Department of  
Transportation and Blackwell  
Industrial Authority**

Oklahoma & Kansas Railroad, LLC (OKRL), a noncarrier, has filed a verified

notice of exemption under 49 CFR 1150.31 to lease and operate approximately 37.26 miles of rail line owned by Oklahoma Department of Transportation (OKDOT) and Blackwell Industrial Authority (BIA) extending from milepost 0.09 at Wellington, Kan., to milepost 35.35 at Blackwell, Okla., and from milepost 127.0 at Blackwell to milepost 125.0 also at Blackwell (the Line). OKRL states that OKDOT owns the portions of the Line extending from milepost 18.32 at Hunnewell, Kan., to milepost 35.35, and from milepost 127.0 to milepost 126.45. OKRL further states that BIA owns the portions of the Line extending from milepost 0.09 to milepost 18.32 and from milepost 126.45 to milepost 125.0. The verified notice states that under the proposed transaction OKRL will replace Blackwell Northern Gateway Railroad Company (BNGR), the current common carrier service provider on the Line. *See State of Okla.—Alt. Rail Serv.—Line of Blackwell N. Gateway R.R.*, FD 36762 (STB served July 26, 2024).

According to the verified notice, the transaction involves OKRL's proposed lease of, and commencement of common carrier service over, the Line. OKRL further states that once the proposed lease transaction is effectuated, OKRL will assume a common carrier status over the Line in place of BNGR.<sup>1</sup>

This transaction is related to a concurrently filed verified notice of exemption in *Chicago Rock Island & Pacific Railroad—Continuance in Control Exemption—Oklahoma & Kansas Railroad*, Docket No. FD 36812, in which Chicago Rock Island & Pacific Railroad LLC seeks to continue in control of OKRL upon OKRL's becoming a Class III rail carrier.

OKRL certifies that the agreement governing the transaction does not include any provision that may limit future interchange with a third-party connecting carrier. OKRL also certifies that its projected annual revenues as a result of this transaction will not result in its becoming a Class II or Class I rail carrier and that its projected annual revenue will not exceed \$5 million.

Under 49 CFR 1150.32(b), a change in operator requires that notice be given to shippers. OKRL certifies that it has provided a copy of its verified notice of exemption to all customers on the Line in accordance with the Board's change of operator rules.

The transaction may be consummated on or after October 13, 2024, 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 October 4, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36811, 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 OKRL's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

According to OKRL, 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: September 24, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

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

[FR Doc. 2024-22216 Filed 9-26-24; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36812]**

### **Chicago Rock Island & Pacific Railroad LLC—Continuance in Control Exemption—Oklahoma & Kansas Railroad, LLC**

Chicago Rock Island & Pacific Railroad LLC (Rock Island), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Oklahoma & Kansas Railroad, LLC (OKRL), upon OKRL's becoming a Class III rail carrier. Rock Island currently controls the Gulf & Ship Island Railroad LLC (G&SI) and Ottawa Northern Railroad LLC (ONR), both Class III rail carriers. Rock Island operates in Mississippi; G&SI operates in Mississippi; ONR operates in Kansas; and OKRL intends to operate in Oklahoma and Kansas.

This transaction is related to a concurrently filed verified notice of exemption in *Oklahoma & Kansas Railroad—Change of Operator*

*Exemption—Oklahoma Department of Transportation*, Docket No. FD 36811, in which OKRL seeks Board approval to lease and operate approximately 37.26 miles of rail line owned by the Oklahoma Department of Transportation and Blackwell Industrial Authority extending from milepost 0.09 at Wellington, Kan., to milepost 35.35 at Blackwell, Okla., and from milepost 127.0 at Blackwell to milepost 125.0 also at Blackwell.

Rock Island represents that: (1) none of Rock Island's railroad lines, G&SI's lines, or ONR's lines will connect with OKRL's; (2) the transaction is not part of a series of anticipated transactions that would result in such interconnection; and (3) the transaction does not involve a Class I rail carrier. 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. 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. Accordingly, because this transaction involves Class III rail carriers only, the Board may not impose labor protective conditions here.

The earliest this transaction may be consummated is October 13, 2024, 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(g) 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 4, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36812, 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 Rock Island's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

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

Decided: September 24, 2024.

<sup>1</sup> The verified notice states that OKRL understands that BNGR does not object to the proposed change in operator.