

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35726

TRANSPORT HANDLING SPECIALISTS, INC.—CONTINUANCE IN CONTROL
EXEMPTION—RSL RAILROAD, LLC

Decided: May 15, 2013

On April 29, 2013, Transport Handling Specialists, Inc. (THS), filed a notice of exemption (Notice) under 49 C.F.R. § 1180.2(d)(2) to continue in control of RSL Railroad, LLC (RSL), upon RSL's becoming a Class III rail carrier. This transaction is related to a verified notice of exemption filed in RSL Railroad LLC—Operation Exemption—Massillon Energy & Technology Park, Docket No. FD 35672, where RSL is seeking Board authority to operate an approximately 1.27-mile line in Massillon, Stark County, Ohio.

THS states that it has a 50% ownership interest in RSL.¹ THS also states that “THS is a noncarrier and currently operates a short line railroad service over a line of railroad located in Big Spring, Texas, Howard County.”² In that same paragraph, however, THS states that it “does not operate Big Spring Rail System or RSL, but is simply a majority owner.”³ THS also names RSL as the applicant in the Notice.⁴ In addition, THS does not include a verification of the veracity of the statements made in the Notice, as required by 49 C.F.R. §§ 1104.4(b) and 1180.4(g).

Where a notice of exemption raises issues of concern to the Board, publication of that notice and effectiveness of the exemption may be held in abeyance to allow the applicant to provide an explanation through the filing of supplemental information. Before the Board can fully evaluate whether THS qualifies for the exemption sought, THS must provide a clear explanation of the relationship between THS and Big Spring Rail System and why that relationship requires continuance in control authority. THS also must clarify whether RSL was mistakenly listed as the applicant, or in the alternative, why RSL is the appropriate applicant here. Lastly, THS must include a verification, as described above. The Board will hold this proceeding in abeyance pending receipt of this material and further decision by the Board.

¹ Notice 3; Notice, Ex. 3, Schedule A.

² Notice 2.

³ Id.

⁴ Id. at 4.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Publication of the notice filed by THS and the effectiveness of the exemption are held in abeyance pending THS adequately supplementing the record, as described above, and further decision by the Board.

2. This decision is effective on its date of service.

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