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SERVICE DATE – DECEMBER 30, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 578X

AUSTIN AREA TERMINAL RAILROAD, INC.—DISCONTINUANCE OF SERVICE
EXEMPTION—IN BASTROP, BURNET, LEE, LLANO, TRAVIS, AND WILLIAMSON
COUNTIES, TEXAS

Decided: December 29, 2022

On November 30, 2022, Austin Area Terminal Railroad, Inc. (AATR), filed a verified notice of exemption under 49 C.F.R. § 1152.50 to discontinue common carrier rail service over approximately 162 miles of rail line located between milepost AUNW-MP 0.0 (SPT-MP 57.00), west of Giddings, and milepost AUNW-MP 154.07 (SPT-MP 99.04), at Llano, including the Marble Falls Branch (6.43 miles), the Scobee Spur (3.3 miles), and the Burnet Spur (0.93 miles) in Bastrop, Burnet, Lee, Llano, Travis, and Williamson Counties, Tex. (the Lines).

According to AATR, it received Board authority to provide common carrier service over the Lines in 2002, when AATR assumed common carrier operations in place of its parent company, Trans-Global Solutions Inc. See Austin Area Terminal R.R.—Change in Operators Exemption—Trans-Glob. Sols., Inc., FD 33972 (STB served Dec. 20, 2000); see also Trans-Glob. Sols., Inc.—Operation Exemption—Capital Metro. Transp. Auth., FD 33860 (STB served Apr. 4, 2000). AATR states, however, that it has been an inactive railroad since 2007, and that the Lines, which are owned by Capital Metropolitan Transportation Authority, are presently operated by Austin Western Railroad, L.L.C. (AWRR), a rail carrier unaffiliated with AATR. (Verified Notice 1-2.) AATR, therefore, states that it now seeks Board authorization to formally exit from common carriage and certifies that it has not handled any local traffic over the Lines for well more than two years and that AWRR is now responsible for overhead traffic movements over the Lines. (Id. at 2-3.)

Under 49 C.F.R. § 1152.50(b), “[a]n abandonment or discontinuance of service or trackage rights is exempt if the carrier certifies that no local traffic has moved over the line for at least 2 years” Here, although AATR certifies that *it* has not provided service over the Lines for at least two years, AATR notes that the Lines are “presently operated” by AWRR. (Verified Notice 1.) Because AATR does not certify that there has been *no* local traffic on the Lines during the two years prior to the filing of AATR’s notice, the Lines do not meet the two-year out-of-service requirement and the proposed discontinuance does not qualify for the class exemption at 49 C.F.R. § 1152.50. See CSX Transp. in Jefferson & Ind. Cnty., Pa., AB 55 (Sub-No. 453X), slip op. at 1 (ICC served Nov. 27, 1992) (rejecting a verified notice of

exemption where local service had been provided within the two-year period by a railroad other than the applicant). The notice will therefore be rejected.¹

It is ordered:

1. The verified notice of exemption is rejected.
2. This decision is effective on its service date.

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

¹ AATR may, alternatively, file a petition for exemption for the discontinuance authority it seeks.