53122 SERVICE DATE – JULY 22, 2026

OCC

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36923]

Colby Nitterhouse—Continuance in Control Exemption—NPJ Rail, LLC; PNGT Rail, LLC; and WCN Rail, LLC

Colby Nitterhouse (Nitterhouse), a non-carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of NPJ Rail, LLC (NPJ); PNGT Rail, LLC (PNGT); and WCN Rail, LLC (WCN) upon their becoming Class III rail carriers.[1] Nitterhouse currently does not control any carriers.[2]

[1] Nitterhouse originally filed its verified notice on April 27, 2026, seeking to continue in control of NPJ, PNGT, WCN, and AJAK Rail, LLC (AJAK), upon their becoming rail carriers. By order served May 26, 2026, Nitterhouse was directed to supplement the verified notice, and the effective date of the exemption was postponed pending further order of the Board. In a letter filed on June 3, 2026, Nitterhouse and AJAK informed the Board that AJAK does not presently intend to pursue the acquisition authority it sought in Docket No. FD 36894 and that Nitterhouse would amend the verified notice filed in this docket to reflect that change. On June 5, 2026, Nitterhouse filed an amended verified notice. The docket caption has been revised to reflect the removal of AJAK. In a decision served on July 2, 2026, the Board directed counsel for NPJ, PNGT, WCN, and Nitterhouse to clarify his address, which he did in a filing received on July 6, 2026. Accordingly, the date of Nitterhouse's most recent supplement, July 6, 2026, is deemed the filing date of the verified notice.

[2] Under 49 U.S.C. 11323, Board authority is required for acquisition of control of a rail carrier by a person that is not a rail carrier but that controls any number of rail carriers. 49 U.S.C. 11323(a)(5). A noncarrier like Nitterhouse, on the other hand, generally does not require Board authority to control its first carrier. See Williams—Control Exemption—S&S Shortline Leasing, LLC, FD 36460 et al., slip op. at 3-4 (STB served Jan. 26, 2021). However, because it is not clear which carrier Nitterhouse will acquire first, continuance in control authority is required for each of them. See AJAK Rail, LLC—Acquis. Exemption—Rail Line of Franklin Storage, LP at Advantage Ave. Transload Facility, Chambersburg, Pa., FD 36894 et al., slip op. at 3 n.6 (STB served Mar. 27, 2026).

These transactions are related to verified notices of exemption filed in: (1) NPJ Rail, LLC—Acquisition Exemption—Rail Line of Franklin Storage, LP at Guilford Springs Road Transload Facility, Chambersburg, Pa., Docket No. FD 36895, in which NPJ seeks to acquire from Nitterhouse, on behalf of Franklin Storage, LP (Franklin Storage), and operate approximately 1,800 feet (0.34 miles) of rail line located at a transloading facility owned by NPJ Properties, LP, and leased by Franklin Storage, in Chambersburg, Pa.; (2) PNGT Rail, LLC—Acquisition Exemption—Rail Line of Franklin Storage, LP at WCN Drive Transload Facility, Chambersburg, Pa., Docket No. FD 36896, in which PNGT seeks to acquire from Nitterhouse, on behalf of Franklin Storage, and operate approximately 2,200 feet (0.42 miles) of rail line at a transloading facility owned by PNGT, LP, and leased by Franklin Storage, in Chambersburg, Pa.; and (3) WCN Rail, LLC—Acquisition Exemption—Rail Line of Franklin Storage, LP at Kriner Road Transload Facility, Chambersburg, Pa., Docket No. FD 36897, in which WCN seeks to acquire from Nitterhouse, on behalf of Franklin Storage, and operate approximately 2,220 feet (0.42 miles) of rail line at a transloading facility owned by WCN Properties, LP, and leased by Franklin Storage, in Chambersburg, Pa.[3]

Nitterhouse represents that: (1) the railroads to be operated by NPJ, PNGT, and WCN do not connect with each other or with any of the railroads in Nitterhouse's corporate family; (2) the control of NPJ, PNGT, and WCN is not part of a series of anticipated transactions that would connect the railroads; and (3) the transactions do not involve a Class I rail carrier. The proposed transactions are therefore exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

[3] NPJ, PNGT, WCN each verified their notices by supplements filed in their respective dockets on January 14, 2026.

The earliest these transactions may be consummated is August 5, 2026, the effective date of the exemption (30 days after the verified notice of exemption is deemed to have been 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. Accordingly, because these transactions involve Class III rail carriers only, the Board may not impose labor protective conditions here.

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, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36923, 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, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Nitterhouse's representative, Max Callahan, Fulcrum Rail, 141 West Jackson Boulevard, Suite 1795, Chicago, IL 60604.

According to Nitterhouse, 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.

Decided: July 17, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.