

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36145]

Scrap Metal Services Terminal Railroad Company (Indiana), LLC—Lease and Operation
Exemption—Rail Line of Scrap Metal Services, LLC

Scrap Metal Services Terminal Railroad Company (Indiana), LLC (SMSRRIN), a noncarrier, has filed a verified notice of exemption under 49 C.F.R. § 1150.31 to acquire by lease from Scrap Metal Services, LLC (SMS), and to operate,¹ approximately 2,115 linear feet (0.40 mile) of railroad right-of-way and trackage located at the East Chicago Transload Facility at the intersection of East 151st Street and the Indiana Harbor Belt Railroad right-of-way in East Chicago, Ind. (the East Chicago Transload Facility trackage), pursuant to an agreement. SMS Realty (East Chicago), LLC, owns the East Chicago Transload Facility trackage, which is leased to SMS.

According to SMSRRIN, there are no mileposts associated with the East Chicago Transload Facility trackage. SMSRRIN states that the trackage is used in conjunction with interchanging to and from Indiana Harbor Belt Railroad carloads of scrap metal for transloading into trucks for delivery to metal working manufacturers.

SMSRRIN asserts that, because the trackage in question will constitute the entire line of railroad of SMSRRIN, this trackage is a line of railroad under 49 U.S.C. § 10901,

¹ A draft copy of the operating agreement was submitted with the notice of exemption.

rather than spur, switching, or side tracks excepted from Board acquisition and operation authority by virtue of 49 U.S.C. § 10906.²

Although SMSRRIN states in its verified notice that the operations were proposed to be consummated on or about September 15, 2017, this transaction may not be consummated until October 21, 2017 (30 days after the verified notice was filed).

SMSRRIN certifies that its projected annual revenues as a result of this transaction do not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million. SMSRRIN also certifies that there are no provisions or agreements that may limit future interchange commitments.

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 to stay must be filed no later than October 13, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36145, must be filed with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on SMSRRIN's representative, David C. Dillon, Dillon & Nash, Ltd., 3100 Dundee Road, Suite 508, Northbrook, IL 60062.

² See Effingham R.R.—Pet. for Declaratory Order—Constr. at Effingham, Ill., 2 S.T.B. 606, 609-10 (STB served Sept. 12, 1997), aff'd sub nom. United Transp. Union-Illinois Legislative Bd. v. STB, 183 F.3d 606 (7th Cir. 1999).

According to SMSRRIN, this action is categorically excluded from environmental review under 49 C.F.R. § 1105.6(c).

Board decisions and notices are available on our website at “WWW.STB.GOV.”

Decided: October 2, 2017.

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