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July 7, 2022
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BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36628

TRANS-GLOBAL SOLUTIONS, INC.
— CONTINUANCE IN CONTROL EXEMPTION —
TGS CEDAR PORT RAILROAD LLC

**VERIFIED NOTICE OF EXEMPTION OF
TRANS-GLOBAL SOLUTIONS, INC.
PURSUANT TO 49 C.F.R. § 1180.2(d)(2)**

Robert A. Wimbish
Bradon J. Smith
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEYS FOR
TRANS-GLOBAL SOLUTIONS, INC.**

Dated: July 7, 2022

FILED
July 7, 2022
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
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PURSUANT TO 49 C.F.R. § 1180.2(d)(2)**

Trans-Global Solutions Inc. (“TGSI”), a non-carrier,¹ files this notice of exemption under 49 C.F.R. § 1180.2(d)(2) to continue in control of TGS Cedar Port Railroad LLC (“TGSC”) upon TGSC’s commencement of common carrier operations at Baytown, Texas, pursuant to *TGS Cedar Port Railroad LLC – Operation Exemption – Track in Chambers County, Texas*, FD 36627 (“*TGSC Operation*”).

The track TGSC intends to operate in common carriage does not connect with any of the lines of the only existing rail carrier that TGSI controls (AATR),² and this control

¹ TGSI was at one brief point in its past a carrier, but terminated its common carrier status upon transferring its common carrier obligations over certain trackage in and around Austin, Texas, to a subsidiary company – the Austin Area Terminal Railroad, Inc. (“AATR”) – as Authorized under a change in operator exemption. See *Trans-Global Solutions, Inc. d/b/a Austin Area Terminal Railroad – Operation Exemption – Capital Metropolitan Transportation Authority*, FD 33860 (STB served Apr. 4, 2000); *Austin Area Terminal Railroad, Inc. – Change in Operators Exemption – Trans-Global Solutions, Inc.*, FD 33972 (STB served Dec. 20, 2002), 1 at n. 1 (“*AATR – Change of Operator*”).

² AATR long has been an inactive railroad. The Capital Metropolitan Transportation Authority-owned railroad lines (the “CMTA Lines”) that AATR had operated are now operated exclusively by the unaffiliated Austin Western Railroad, L.L.C. (“AWRR” – formerly Austin Western Railroad, Inc.). *Austin Western Railroad, Inc. – Operation Exemption – Capital Metropolitan Transportation Authority*, FD 35072 (STB filed Aug. 31, 2007), 4 (“An agreement has been entered into whereby AWRR will become the exclusive freight operator on CMTA-owned lines . . .”); *Austin Western Railroad, Inc. – Operation*

transaction is not part of a series of anticipated transactions that would result in such a connection. Nor does this proposed control transaction involve a Class I carrier. Accordingly, TGSI's proposed continuance in control of TGSC satisfies the class exemption criteria of 49 C.F.R. § 1180.2(d)(2).

Per 49 C.F.R. § 1180.4(g), TGSI submits the following:

Description of Proposed Transaction: 49 C.F.R. § 1180.6(a)(1)(i)

TGSI is a non-carrier who currently controls one Class III carrier, AATR.³ TGSC – a new TGSI-controlled non-carrier entity – proposes to commence common carrier service on certain private industrial track pursuant to the aforementioned *TGSC Operation* class exemption proceeding. The CMTA lines over which AATR formerly had operated (and over which it possesses an as-yet-unextinguished common carrier status) would not connect with the tracks that TGSC proposes to provide common carriage, and this control transaction is not part of a series of anticipated transactions that would result in such an inter-connection. TGSI seeks to continue in control of TGSC and AATR when TGSC begins common carrier operations under *TGSC Operation*.

The full name and address of the Applicant herein is:

Trans-Global Solutions, Inc.
1735 W. Cardinal Dr.
Beaumont, Texas 77705

Exemption – Capital Metropolitan Transportation Authority, FD 35072 (STB served Sep. 14, 2007). It is not clear to TGSI's counsel why AWRR did not seek operating authority from the Board under a change of operator exemption that simultaneously would have terminated AATR's common carrier status. In the absence of such a change of operator exemption, and despite AATR's long-time inactive status, AATR has not to this point sought authorization to terminate its common carrier status by formally discontinuing its common carrier obligations over the CMTA Lines. AATR expects soon to rectify this oversight, but, until then, it remains, nominally, a common carrier subject to the Board's jurisdiction, thus necessitating the subject continuance in control class exemption proceeding.

³ *AATR – Change of Operator*, 1 at n. 1.

Any questions concerning this Notice should be sent to TGSI's representative at the following address:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

Proposed Schedule for Consummation: 49 C.F.R. § 1180.6(a)(1)(ii)

TGSI will assume control of more than one railroad common carrier upon the commencement of TGSC common carrier operations pursuant to *TGSC Operation*, which is expected to occur on or after August 4, 2022.

Purpose Sought to Be Accomplished: 49 C.F.R. § 1180.6(a)(1)(iii)

The subject exemption will allow TGSI to continue to exercise common control of AATR and TGSC when both are rail carriers.

States in Which Property of Applicants is Located: 49 C.F.R. § 1180.6(a)(5)

TGSI is a non-carrier holding company and does not directly own any rail property. TGSC will operate rail property in Texas. As explained in footnote 2 (above), AATR has authority to operate rail property located elsewhere in Texas.

Maps – Exhibit A: 49 C.F.R. § 1180.6(a)(6)

Attached as Exhibit A are maps of the respective lines over which TGSC proposes to operate and for which AATR currently has operating authority.

Agreement: 49 C.F.R. § 1180.6(a)(7)(ii)

TGSI already controls TGSC. TGSI does not contemplate the need for any agreement to enable it to continue in control of TGSC once TGSC begins common carrier operations pursuant to *TGSC Operation*.

Labor Protective Conditions: 49 C.F.R. § 1180.4(g)(1)(i)

A non-carrier continuing in control of a Class III carrier does not implicate labor protective conditions. 49 U.S.C. § 11326(c).

Environmental and Historic Preservation Matters: 49 C.F.R. § 1180.4(g)(3)

Under 49 C.F.R. § 1105.6(c)(1)(i) and (ii), the proposed control transaction is exempt from environmental reporting requirements. TGSI's continuance in control of TGSC will not result in changes that exceed the thresholds at 49 C.F.R. § 1105.7(e)(4) or (5).

Under 49 C.F.R. § 1105.8(b)(3), the proposed control transaction is also exempt from historic preservation reporting requirements. The control transaction will not change the level of maintenance of any railroad property.

Interchange Commitments: 49 C.F.R. § 1180.4(g)(4)

The proposed transaction does not itself involve the acquisition or operation of a rail line, and thus the provisions of 49 C.F.R. § 1180.4(g)(4) are not applicable. In any event, the common carrier service arrangement that is the subject of *TGSC Operation* does not include a provision restricting TGSC's interchange of traffic with any third-party connecting carrier.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish

Bradon J. Smith

Fletcher & Sippel LLC

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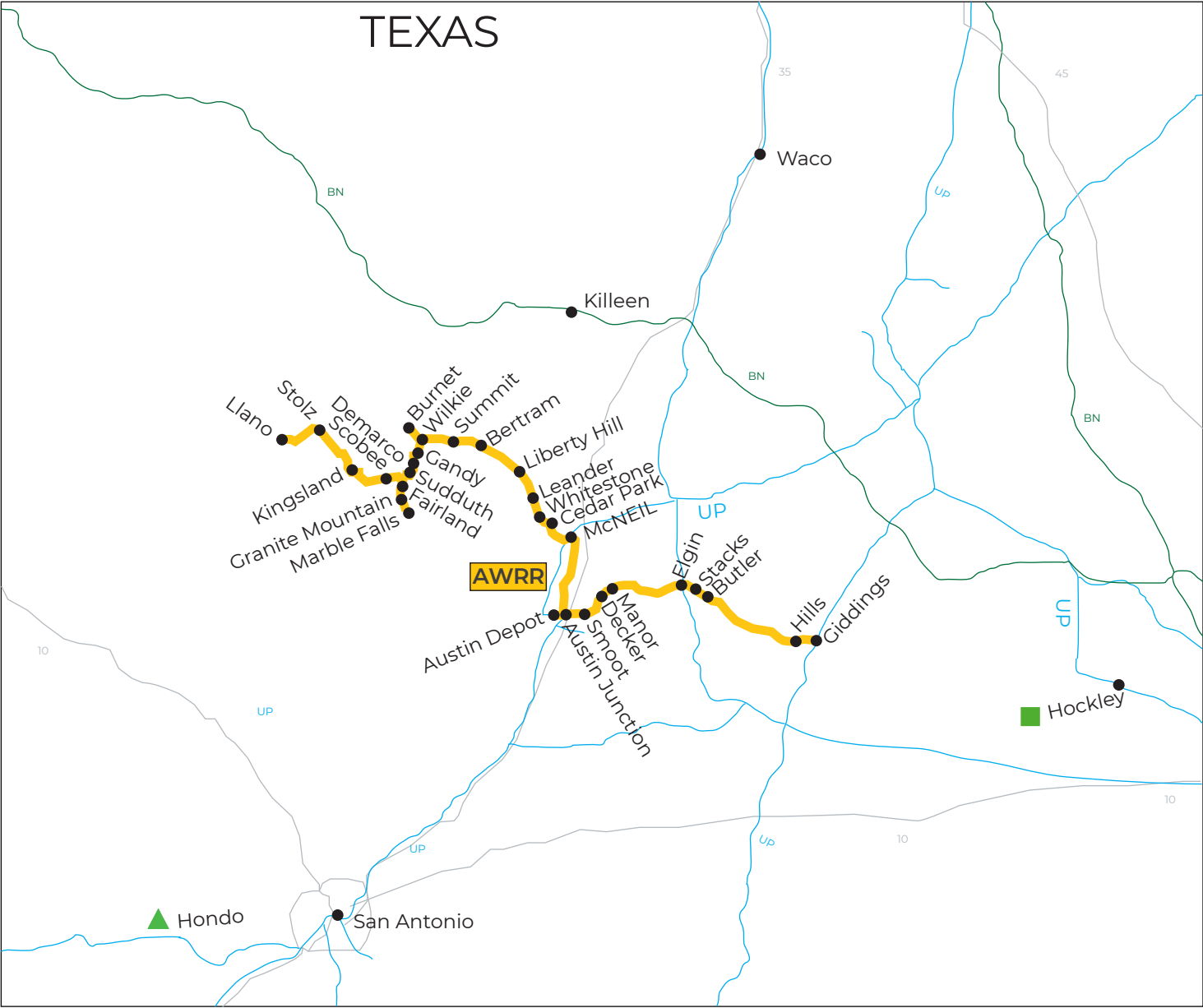
EXHIBIT A

TGSI-CONTROLLED CARRIER MAPS



North





LEGEND

Austin Western Railroad (AWRR)

UP

BN

Mechanical Services

Dedicated Mechanical Services

Interchanges

McNeil - UP, BNSF

Total Miles: 190

Lines formerly operated by
Austin Area Terminal Railroad, Inc.

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VERIFICATION

VERIFICATION

I, William F. Scott II, president of Trans-Global Solutions, Inc. (“TGSI”) verify under penalty of perjury that the foregoing is true and correct. Further, I certify I am qualified and authorized to verify this notice of exemption on behalf of TGSI.

William F. Scott II

William F. Scott II

Date: July 7, 2022