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SERVICE DATE – NOVEMBER 22, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36352

RIO GRANDE PACIFIC CORPORATION—CONTROL EXEMPTION—BIG SPRING RAIL
SYSTEM, INC.

Decided: November 21, 2019

On October 1, 2019, Rio Grande Pacific Corporation (RGPC), a noncarrier, filed a verified notice of exemption under 49 C.F.R. § 1180.2(d)(2) to acquire control of Big Spring Rail System, Inc. (BSRS), a Class III rail carrier that operates over rail line between milepost 0.0 and milepost 3.3 in Howard County, Tex. Notice of the exemption was served on October 17, 2019 and published in the Federal Register on October 18, 2019 (84 Fed. Reg. 55,994).

On October 31, 2019, RGPC notified the Board that the proposed transaction will not be consummated. Although the exemption became effective on October 31, 2019, the authority conferred is permissive, not mandatory, and a filer may choose whether to consummate that authority. See Jackson Cty. Port Auth.—Pet. For Declaratory Order, FD 35994, slip op. at 2 (STB served July 28, 2016); Port of Ivory, LLC—Operation Exemption—Line of R.R. in Tulare Cty., Cal., FD 35475, slip op. at 2 (STB served June 27, 2011). Because RGPC expressly states that the transaction will not be consummated, the exemption will be withdrawn and the proceeding will be dismissed.

It is ordered:

1. RGPC's notice of exemption is withdrawn and this proceeding is dismissed without prejudice.
2. The notice published in the Federal Register on October 18, 2019, is vacated.
3. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.