

hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: January 4, 2005.

**John F. Sullivan, III,**

*Division Administrator, Raleigh, North Carolina.*

[FR Doc. 05-914 Filed 1-14-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Ex Parte No. 333]

#### Sunshine Act Meeting

**TIME AND DATE:** 10 a.m., January 19, 2005.

**PLACE:** The Board's Hearing Room, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

**STATUS:** The Board will meet to discuss among themselves the following agenda items. Although the conference is open for public observation, no public participation is permitted.

#### MATTERS TO BE CONSIDERED:

STB Docket No. 42057, *Public Service Company of Colorado d/b/a Xcel Energy v. The Burlington Northern and Santa Fe Railway Company.*

STB Docket No. AB-156 (Sub-No. 25X), *Delaware and Hudson Railway Company, Inc.—Discontinuance of Trackage Rights Exemption—in Susquehanna County, PA, and Broome, Tioga, Chemung, Steuben, Allegany, Livingston, Wyoming, Erie, and Genesee Counties, NY.*

Embraced case: STB Finance Docket No. 34561, *Canadian Pacific Railway Company—Trackage Rights Exemption—Norfolk Southern Railway Company.*

Embraced case: STB Finance Docket No. 34562, *Norfolk Southern Railway Company—Trackage Rights Exemption—Delaware and Hudson Railway Company, Inc.*

STB Finance Docket No. 33388 (Sub-No. 95), *CSX Corporation and CSX*

*Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation [Petition to Approve Settlement Agreement and Exempt Embraced Transactions].*

Embraced case: STB Finance Docket No. 33388 (Sub-No. 96), *Wheeling & Lake Erie Railway Co.—Trackage Rights Exemption—Norfolk Southern Railway Co. Between Bellevue and Toledo, OH.*

Embraced case: STB Finance Docket No. 33388 (Sub-No. 97), *Wheeling & Lake Erie Railway Co.—Trackage Rights Exemption—Norfolk Southern Railway Co. in Cleveland, OH.*

Embraced case: STB Finance Docket No. 33388 (Sub-No. 98), *Norfolk Southern Railway Co.—Trackage Rights Exemption—Wheeling & Lake Erie Railway Co. Between Clairton, PA and Bellevue, OH.*

Embraced case: STB Finance Docket No. 33388 (Sub-No. 99), *Wheeling & Lake Erie Railway Co.—Petition for Exemption—Purchase of the Toledo Pivot Bridge—Norfolk Southern Railway Co.*

Embraced case: STB Finance Docket No. 32516 (Sub-No. 1), *Wheeling & Lake Erie Railway Co.—Lease and Operation Exemption—Norfolk and Western Railway Co.'s Dock at Huron, OH.*

Embraced case: STB Finance Docket No. 32525 (Sub-No. 1), *Wheeling & Erie Railway Co.—Trackage Rights Exemption—Norfolk and Western Railway.*

STB Finance Docket No. 34483, *SMS Rail Service, Inc.—Petition for Declaratory Order.*

STB Finance Docket No. 32760 (Sub-No. 43), *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company (Arbitration Review).*

STB Finance Docket No. 34633, *Wisconsin & Southern Railroad Co.—Acquisition Exemption—Union Pacific Railroad Company.*

STB Docket No. AB-444 (Sub-No. 1X), *Lamoille Valley Railroad Company—Abandonment and Discontinuance of Trackage Rights Exemption—in Caledonia, Washington, Orleans, Lamoille, and Franklin Counties, VT.*

STB Docket No. AB-68 (Sub-No. 4X), *Lake Superior & Ishpeming Railroad Company—Abandonment Exemption—in Marquette County, MI.*

STB Docket No. AB-882, *Minnesota Commercial Railway Company—Adverse Discontinuance—in Ramsey County, MN.*

Embraced case: STB Docket No. AB-884, *MT Properties, Inc.—Adverse Abandonment—in Ramsey County, MN.*

STB Ex Parte No. 656, *Motor Carrier Bureaus—Periodic Review Proceeding.*

#### FOR MORE INFORMATION CONTACT:

A. Dennis Watson, Office of Congressional and Public Services, Telephone: (202) 565-1596, FIRS: 1-800-877-8339.

Dated: January 12, 2005.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 05-1003 Filed 1-13-05; 11:12 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 242X)]

#### Norfolk Southern Railway Company—Discontinuance of Service Exemption—Between Newark and Kearny, NJ, in Essex and Hudson Counties, NJ

Norfolk Southern Railway Company (NSR) has filed a notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over a 10.0-mile line of railroad between milepost WD-2.2 in Newark, NJ, and milepost WD-8.4 in Kearny, NJ (which is a segment of a branch line known as the Boonton line), and between milepost NK-4.3 and milepost NK-8.1 on the adjacent Newark Industrial Track in Essex and Hudson Counties, NJ. The line traverses United States Postal Service Zip Codes 07029, 07032, 07094, 07099, 07102-07108, 07112 and 07114.

NSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under