

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Finance Docket No. 35203]****Alabama Warrior Railway, L.L.C.—
Operation Exemption—Sloss
Industries Corporation and Jefferson
Warrior Railroad Company, Inc.**

Alabama Warrior Railway, L.L.C. (AWR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate approximately 24.575 miles of rail lines owned by Sloss Industries Corporation (Sloss) and Jefferson Warrior Railroad Company, Inc. (JWR)¹ between: (1) the entrance to the Sloss properties at 35th Avenue North and extending in a northeasterly direction through the Sloss properties to a point near Summit Street; and (2) the south leg of the wye located near the intersection of Erwin Dairy Road and 37th Street North and the Lehigh Yard located approximately .75-miles to the south of the wye.² Also, JWR will assign its operating rights to AWR over approximately 1,532.1 feet of rail line owned by BNSF Railway Company (BNSF), between BNSF STA. 58 +50.90 and BNSF STA. 73+83 on the Dimmick City Main Track. All of the rail lines are located in Birmingham, AL.

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35204, *Watco Companies, Inc.—Continuance in Control Exemption—Alabama Warrior Railway, L.L.C.* In that proceeding, Watco Companies, Inc., has filed a verified notice of exemption to continue in control of AWR, upon AWR becoming a Class III rail carrier.

The transaction is expected to be consummated on or shortly after December 26, 2008 (the effective date of the exemption).

AWR certifies that its projected annual revenues as a result of the transaction will not result in AWR's becoming a Class II or Class I rail carrier and further certifies that its projected annual revenue will not exceed \$5 million.

Pursuant to the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting

and shredding). The term "solid waste" is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

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 December 19, 2008 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35203, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: December 5, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Finance Docket No. 34658]****Alaska Railroad Corporation—Petition
for Exemption—To Construct and
Operate a Rail Line Between North
Pole, Alaska and Delta Junction, AK**

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of Availability of Draft Environmental Impact Statement, Notice of Public Meetings.

SUMMARY: On July 6, 2007, Alaska Railroad Corporation (ARRC) filed a petition with the Surface Transportation Board (Board) pursuant to 49 United States Code (U.S.C.) 10502 for the authority to construct and operate approximately 80 miles of new rail line from North Pole, Alaska, to Delta Junction, Alaska. Because construction and operation of this proposed action has the potential to result in significant environmental impacts, the Board's Section of Environmental Analysis (SEA) and eight cooperating agencies prepared a Draft Environmental Impact Statement (Draft EIS). The cooperating agencies include the U.S. Bureau of

Land Management, Alaska State Office; U.S. Army Corps of Engineers, Alaska District; U.S. Department of Defense, Alaskan Command; U.S. Air Force 354th Fighter Wing, Eielson Air Force Base; Federal Transit Administration; Federal Railroad Administration; U.S. Coast Guard, Seventeenth District; and Alaska Department of Natural Resources. The purpose of this Notice of Availability is to notify individuals and agencies interested in or affected by the proposed action of the availability of the Draft EIS for review and comment, and of public meetings on the Draft EIS.

Implementation of the proposed project would extend ARRC's existing freight and passenger rail service to the region south of the community of North Pole, and would include construction of related structures, such as a passenger facility, communications towers, and sidings.

The Draft EIS analyses the potential environmental impacts of the proposed action and alternatives, including the no-action alternative. The Draft EIS addresses environmental issues and concerns identified during the scoping process. It also contains SEA's preliminary recommendations for environmental mitigation measures, ARRC's voluntary mitigation measures, and encourages mutually acceptable negotiated agreements to mitigate adverse environmental impacts should the Board approve the proposed.

SEA and the cooperating agencies are also holding four public meetings on the Draft EIS during which interested parties can make oral comments in an orderly fashion before meeting participants and/or submit written comments. A court reporter will be present to record the oral comments. The dates, locations and times of the public meetings are shown below:

January 12, 2009, 5-8 p.m., Pike's Waterfront Lodge, 1850 Hoselton Road, Fairbanks, AK.

January 13, 2009, 5-8 p.m., City Council Chambers, 125 Snowman Lane, North Pole, AK.

January 14, 2009, 5-8 p.m., Salcha Senior Center, 6062 Johnson Road, Salcha, AK.

January 15, 2009, 5-8 p.m., Jarvis West Building, Milepost 1420.5 Alaska Highway, Delta Junction, AK.

The Alaska Department of Natural Resources will be attending the meetings to hear public comments on the proposed project pursuant to their obligations under Alaska statute 42.40.460.

SEA and the cooperating agencies will prepare a Final Environmental Impact Statement (Final EIS) that considers comments on the Draft EIS. The Board

¹ Sloss and JWR are affiliated companies.

² AWR states that there are no mileposts associated with the rail lines.