

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9-20064 Filed 8-20-09; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35265]

Elgin, Joliet & Eastern Railway Company—Trackage Rights Exemption—Wisconsin Central, Ltd.

Pursuant to a written trackage rights agreement dated July 13, 2009, Wisconsin Central, Ltd (WCL) has agreed to grant nonexclusive trackage rights to Elgin, Joliet & Eastern Railway Company (EJE) over 27 miles of WCL's Waukesha Subdivision between WCL's connection with EJE at or near milepost 37.9 at Leithton, IL and WCL's connection with CSX Transportation, Inc. at or near milepost 10.9 at Forest Park, IL (Madison Street).¹

The transaction is scheduled to be consummated on or about September 4, 2009, the effective date of the exemption (30 days after the exemption is filed). The purpose of the trackage rights is to enable EJE to efficiently handle freight movements between Leithton and Forest park on WCL's Waukesha Subdivision. The transaction also extends to all industry spurs, connecting tracks and sidings now existent or hereafter constructed along the tracks to be used here, and right-of-way for the tracks to be used here, signals, interlocking devices and plants, telegraph and telephone lines, and other appurtenances necessary to the use of those tracks.

This is one of 17 notices of exemption for trackage rights in the Chicago area submitted simultaneously by carrier subsidiaries of the Canadian National Railway Company (CN). We note that the involved lines of railroad were examined as part of the project area in *Canadian National Railway Company and Grand Trunk Corporation—Control—EJ&E West Company*, Finance Docket No. 35087 (STB served Dec. 24, 2008) (CN—EJ&E). Neither CN nor any of the carriers submitting these notices has explained how the notices relate to each other, or how they would impact

¹ A redacted version of the trackage rights agreement between EJE and IC was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.

the operational information provided to the Board in CN—EJ&E. CN and its carrier subsidiaries are directed to submit this information, as well as a color-coded map showing all 17 proposed trackage rights exemptions, by August 21, 2009.

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the 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. Stay petitions must be filed by August 28, 2009 (at least 7 days before the exemption becomes effective).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35265, 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 Thomas J. Healey, Counsel—Regulatory, CN, Homewood, IL 60430.

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

It is ordered:

The carriers filing this notice and CN are hereby directed to file by August 21, 2009: (1) An explanation of how this notice relates to the 16 other notices filed simultaneously by carrier subsidiaries of CN, (2) an explanation of how these notices would impact the information provided to the Board in CN—EJ&E, and (3) a color-coded map.

Decided: August 17, 2009.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Kulunie L. Cannon,

Clearance Clerk.

[FR Doc. E9-20054 Filed 8-20-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35264]

Elgin, Joliet & Eastern Railway Company—Trackage Rights Exemption—Illinois Central Railroad Company

Pursuant to a written trackage rights agreement dated July 13, 2009, Illinois Central Railroad Company (IC) has agreed to grant nonexclusive trackage rights to Elgin, Joliet & Eastern Railway Company (EJE) over 27 miles of rail line owned by IC between milepost 7.9 at Chicago, IL (Lemoyne) and milepost 3.5 at Chicago (Bridgeport) on IC's Joliet Subdivision; between IC's connection with The Belt Railway Company of Chicago and the Chicago, Central & Pacific Railroad Company and milepost 8.3 at Chicago (Belt Crossing) and milepost 2.1 (16th Street) at Chicago on IC's Freeport Subdivision; and between milepost 1.5 (16th Street) at Chicago and IC's connection to the Indiana Harbor Belt Railroad Company at milepost 17.9 at Riverdale, IL (Highlawn) on IC's Chicago Subdivision.¹

The transaction is scheduled to be consummated on or about September 4, 2009, the effective date of the exemption (30 days after the exemption is filed). The purpose of the trackage rights is to enable EJE to efficiently handle freight movements between Lemoyne and Highlawn on IC's Chicago Subdivision. The transaction also extends to all industry spurs, connecting tracks and sidings now existent or hereafter constructed along the tracks to be used here, and right-of-way for the tracks to be used here, signals, interlocking devices and plants, telegraph and telephone lines, and other appurtenances necessary to the use of those tracks.

This is one of 17 notices of exemption for trackage rights in the Chicago area submitted simultaneously by carrier subsidiaries of the Canadian National Railway Company (CN). We note that

¹ A redacted version of the trackage rights agreement between EJE and IC was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.

the involved lines of railroad were examined as part of the project area in *Canadian National Railway Company and Grand Trunk Corporation—Control—EJ&E West Company*, Finance Docket No. 35087 (STB served Dec. 24, 2008) (CN—EJ&E). Neither CN nor any of the carriers submitting these notices has explained how the notices relate to each other, or how they would impact the operational information provided to the Board in CN—EJ&E. CN and its carrier subsidiaries are directed to submit this information, as well as a color-coded map showing all 17 proposed trackage rights exemptions, by August 21, 2009.

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the 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. Stay petitions must be filed by August 28, 2009 (at least 7 days before the exemption becomes effective).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35264, 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 Thomas J. Healey, Counsel—Regulatory, CN, 17641 S. Ashland Ave., Homewood, IL 60430.

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

It is ordered:

The carriers filing this notice and CN are hereby directed to file by August 21, 2009: (1) An explanation of how this notice relates to the 16 other notices

filed simultaneously by carrier subsidiaries of CN, (2) an explanation of how these notices would impact the information provided to the Board in CN—EJ&E, and (3) a color-coded map.

Decided: August 17, 2009.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Indianapolis International Airport, Indianapolis, IN

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to non-aeronautical use and to authorize the release of 17.79 acres of airport property for non-aeronautical development. The land consists of portions of 7 original airport acquired parcels. These parcels were acquired under grants: 6-18-0038-01; 3-18-0038-45; and 3-180038-47 or without federal participation. The land currently has three empty office buildings previously used by air carriers. The future use of the property is for nonaviation office development.

There are no impacts to the airport by allowing the Indianapolis Airport Authority to dispose of the property.

The land is not needed for aeronautical use. Approval does not constitute a commitment by the FAA to financially assist in the sale or lease of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before September 21, 2009.

ADDRESSES: Written comments on the Sponsor's request must be delivered or mailed to: Melanie Myers, Program Manager, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, IL 60018.

FOR FURTHER INFORMATION CONTACT:

Melanie Myers, Program Manager, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, CHI-ADO 609, 2300 East Devon Avenue, Des Plaines, IL 60018
Telephone Number (847-294-7525)/
FAX Number (847-294-7046).
Documents reflecting this FAA action may be reviewed at this same location or at Indianapolis International Airport, Indianapolis, Indiana.

SUPPLEMENTARY INFORMATION:

Parcel A

Part of the Southeast Quarter of Section 15, Township 15 North, Range 2 East, of the Second Principal Meridian, all in Marion County, Indiana, more particularly described as follows: Commencing at the Northeast Corner of said Southeast Quarter Section; thence South 00 degrees 07 minutes 05 seconds West along the East line of said Quarter Section 531.08 feet to a point on the South right-of-way line of Washington Street (US 40); thence South 68 degrees 50 minutes 00 seconds West along said right-of-way line 12.88 feet; thence South 00 degrees 07 minutes 05 seconds West along a line being parallel with and 12 feet West of the East line of the above mentioned Quarter Section 466.59 feet; thence North 89 degrees 52 minutes 55 seconds West perpendicular to the aforesaid East line 239.65 feet; thence North 00 degrees 07 minutes 05 seconds East 62.00 feet; thence North 89 degrees 52 minutes 55 seconds West 283.00 feet to the *point of beginning* of this description; thence South 00 degrees 07 minutes 05 seconds West 176.00 feet; thence South 89 degrees 52 minutes 55 seconds East 55.00 feet; thence South 26 degrees 26 minutes 49 seconds East 33.54 feet; thence South 00 degrees 07 minutes 05 seconds West 140.80 feet; thence South 89 degrees 07 minutes 30 seconds East 15.00 feet; thence South 00 degrees 07 minutes 05 seconds West 303.00 feet to a point on the North right-of-way line of the Penn Central Transportation Company; thence Southwesterly 453.76 feet along a curve to the right having a radius of 2789.93 feet and subtended by a long chord having a bearing of South 84 degrees 04 minutes 16 seconds West and a length of 453.26 feet; thence North 00 degrees 07 minutes 05 seconds East 756.23 feet to a point on the South right-of-way line of Washington Street (US 40); thence North 68 degrees 50 minutes 00 seconds East along said South right-of-way line 345.00 feet; thence South 29 degrees 14