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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35292]

#### Pinsly Railroad Company—Control Exemption—The Prescott and Northwestern Railroad Company

Pinsly Railroad Company (PRC), a noncarrier, has filed a verified notice of exemption to obtain control of The Prescott and Northwestern Railroad Company (PNW), a Class III rail carrier, through the purchase of all PNW's stock from Potlatch Land & Lumber, LLC (PLL).<sup>1</sup> PRC currently controls five Class III railroads: Pioneer Valley Railroad Company, Inc. (PVR), which operates in Massachusetts; Florida Central Railroad Company, Inc. (FCR), Florida Midland Railroad Company, Inc. (FMR), and Florida Northern Railroad Company, Inc. (FNR), each of which operates in Florida; and Arkansas Midland Railroad Company, Inc. (AKMD), which operates in Arkansas. PRC states that it executed a Stock Purchase Agreement with PLL on September 4, 2009, to acquire all of PNW's stock and assume control of PNW.<sup>2</sup>

The transaction is scheduled to be consummated simultaneously with the transaction filed in STB Finance Docket No. 35293 no later than December 31, 2009, unless the transaction in STB Finance Docket No. 35293 is not finalized by that date. In that event, this transaction will be consummated separately on or after the date that this notice becomes effective (which will occur on October 9, 2009).

Applicant states that: (i) The rail line involved in this transaction does not connect with any rail lines of the PVR, FCR, FMR, FNR, AKMD or any other railroad now controlled by applicant; (ii) the acquisition of control of PNW is not part of a series of anticipated transactions that would connect any of the railroads with each other or with any railroad in their corporate family; and (iii) this transaction does not involve a Class I rail carrier. Therefore,

<sup>1</sup> PRC has also concurrently filed a motion for protective order pursuant to 49 CFR 1104.14(b) to allow PRC to file the unredacted Stock Purchase Agreement under seal. That motion will be addressed in a separate decision.

<sup>2</sup> The Stock Purchase Agreement also covers PRC's acquisition of another Class III rail line. For that acquisition, PRC has filed a verified petition for exemption in *Pinsly Railroad Company—Control Exemption—Warren & Saline River Railroad Company*, STB Finance Docket No. 35293. The petition will be addressed in a separate decision.

the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all the carriers involved are Class III rail carriers.

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. Petitions for stay must be filed no later than October 2, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35292, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.

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

Decided: September 22, 2009.

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

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. E9-23191 Filed 9-24-09; 8:45 am]  
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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-26367]

#### Motor Carrier Safety Advisory Committee Report

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of Motor Carrier Safety Advisory Committee Report.

**SUMMARY:** The FMCSA announces that its Motor Carrier Safety Advisory Committee (MCSAC) issued a report to the Agency on September 2, 2009, concerning Task 09-03 regarding improving the existing processes,

and requirements for ensuring that new entrant motor carriers are knowledgeable about Federal safety regulations prior to beginning operations in interstate commerce.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey Miller, Chief, Strategic Planning and Program Evaluation Division, Office of Policy Plans and Regulation, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-1258, [mcsac@dot.gov](mailto:mcsac@dot.gov).

**SUPPLEMENTARY INFORMATION:** On May 20, 2009, the MCSAC unanimously accepted Task 09-03: Provide advice to FMCSA on approaches that could be implemented to improve the existing processes, procedures, and requirements for ensuring that new entrant motor carriers are knowledgeable about Federal motor carrier safety mandates prior to beginning operations in interstate commerce. The MCSAC established a workgroup to address the task. The workgroup met in person from August 31, 2009, through September 2, 2009. On September 2, 2009, the workgroup presented its report to MCSAC for review and approval. The MCSAC unanimously approved the report on September 2, 2009. The report provides advice to FMCSA on approaches or strategies the Agency should consider for ensuring that new entrant motor carriers are knowledgeable about the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations, and have the ability to implement and maintain safety management controls and a safety culture in the workplace to achieve full compliance with the regulations and minimize the risks of crashes. The report was submitted to FMCSA on September 2, 2009, and can be viewed at the MCSAC Web site at <http://mcsac.fmcsa.dot.gov>. The report has also been posted to the rulemaking docket FMCSA 2001-11061, concerning FMCSA's August 25, 2009, Advance Notice of Proposed Rulemaking which requests public comment on the methods the Agency should consider implementing to assure that new applicant carriers are knowledgeable about Federal safety regulations prior to beginning operations in interstate commerce.

Issued on: September 17, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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