

The transaction is scheduled to be consummated on July 17, 2013, the effective date of the exemption (30 days after the exemption is filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 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 July 10, 2013 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35278 (Sub-No. 1), 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. Litwiler, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: June 28, 2013.

By the Board.

**Rachel D. Campbell,**

*Director, Office of Proceedings.*

[FR Doc. 2013-16167 Filed 7-2-13; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35747]

#### Norfolk Southern Railway Company—Lease Exemption—BNSF Railway Company

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of exemption; request for comments.

**SUMMARY:** On June 26, 2013, Norfolk Southern Railway Company (NSR) filed a petition under 49 U.S.C. 10502 and 49 CFR Part 1121 for exemption from the provisions of 49 U.S.C. 11323(a)(2) to lease from BNSF Railway Company (BNSF), and upgrade and maintain, approximately 797 feet of rail line, known as the Lumber Lead, including

certain underlying and adjacent land and improvements, in Chicago, Ill. (the Line), pursuant to an agreement (the Agreement) with BNSF.

**DATES:** Written comments must be filed with the Board by July 10, 2013.<sup>1</sup>

**ADDRESSES:** Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. FD 35747, 395 E Street SW., Washington, DC 20423-0001. In addition, send one copy of any comments to: Maquiling B. Parkerson, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

**FOR FURTHER INFORMATION CONTACT:**

Marc Lerner at 202-245-0390.

Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** On June 26, 2013, NSR filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 11323(a)(2) to lease the Line from BNSF pursuant to the Agreement. Under the Agreement, NSR will lease, upgrade, and maintain the Line and its connection to NSR's No. 3 CJ main line as part of its undertakings that in turn are part of the Chicago Region Environmental and Transportation Efficiency (CREATE) Program.<sup>2</sup> NSR will replace the Line's hand-thrown turnouts with power turnouts. The new turnouts will be controlled by NSR through a new remote controlled interlocker with BNSF supervisory control on BNSF-owned track. The CREATE project, according to NSR, is intended to result in more fluid and efficient train operations over the numerous

<sup>1</sup> NSR has requested expedited handling, asserting that the proposed lease and upgrade of the Line and the other related improvements (*see infra* note 2 and related text) are scheduled to start during the Summer and early Fall of 2013. NSR states that it must be able to consummate the lease by July 15, 2013, to ensure that it can commence work on the Line timely in connection with the other related improvements. The Board will attempt to accommodate the request for expedition, and, accordingly, is providing an abbreviated comment period.

<sup>2</sup> The CREATE program is a public-private partnership between the Chicago Department of Transportation, the Illinois Department of Transportation, and the American Association of Railroads, including Metra and the freight railroads operating in Chicago, to increase efficiency of the region's rail infrastructure, and to enhance the quality of life for Chicago area residents.

connections between major freight yards and main line tracks in the Chicago area, reducing congestion and delays and adding critical capacity to local rail freight infrastructure. NSR states that the Agreement is for an initial five-year term and that it contains no provisions that would limit its ability to interchange with third-party rail carriers as a result of entering into the proposed transaction. NSR also asserts that the proposed transaction meets the statutory requirements of 10502 and therefore warrants an individual exemption.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). NSR has requested that a final decision be issued and effective by July 15, 2013. The Board will attempt to accommodate that request, subject to the consideration of any comments that may be filed.

Decided: June 28, 2013.

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

**Derrick A. Gardner,**

*Clearance Clerk.*

[FR Doc. 2013-16023 Filed 7-2-13; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. MCF 21053]

#### Conway's Bus Service, Inc.—Sale Of Certain Assets—Academy Express, L.L.C.

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice Tentatively Approving and Authorizing Finance Transaction.

**SUMMARY:** On June 4, 2013, Conway's Bus Service, Inc. (CBS), and Academy Express, L.L.C. (Academy) (collectively, Applicants), motor carriers of passengers, filed an application under 49 U.S.C. 14303 for approval of the purchase of certain assets of CBS's Charter Division by Academy.<sup>1</sup> The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.<sup>2</sup> Persons wishing to oppose the

<sup>1</sup> Although the application was filed by CBS, it is being accepted as jointly filed because Academy's manager, Francis Tedesco, filed a supporting verification with the application. Under 49 U.S.C. 14303(a)(2), Board approval is required for transactions that involve "[a] purchase, lease, or contract to operate property of another carrier by any number of carriers."

<sup>2</sup> Applicants simultaneously filed a motion to dismiss the application contending that, because of its size and nature, the transaction does not fall