

CFR part 350 *et seq.*). FMCSA must publish a notice of each exemption request in the **Federal Register** [49 CFR 381.315(a)]. The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed [49 CFR 381.300(b)].

#### ATA Application for an Exemption

Part 395 of the FMCSRs contains the hours of service (HOS) rules for drivers of CMVs in interstate commerce. Section 395.8 of the FMCSRs requires most interstate CMV drivers to maintain a handwritten or electronic record of duty status, or log, on a 24-hour grid. They must record their duty status as either “off duty,” “sleeper berth,” “on duty/not driving” or “on duty/driving.” Drivers must keep their log up to date to the most recent change of duty status, and have their log for the current date and the preceding 7 days on board the CMV.

Generally, a driver may not record time as “off duty” unless he or she has been relieved of all duty and responsibility for the care and custody of the CMV, its accessories, and its cargo, and is free to pursue activities of his or her own choosing. Thus, drivers who are waiting, whether at a loading dock or at a natural gas or oil well site, are generally considered to be “on duty.” Section 395.3(a)(2) of the FMCSRs provides that “a driver may drive only during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty.” However, the FMCSRs provide a special exception to the 14-hour rule for the waiting time of a specific classification of driver. Section 395.1(d)(2) provides, “In the case of specially trained drivers of commercial motor vehicles that are specially

constructed to service oil wells, on-duty time shall not include waiting time at a natural gas or oil well site” (waiting-time rule). These drivers may record such waiting time as off duty time, making note of the waiting-time rule on their log. Section 395.1(d)(2) also provides that the waiting time of these drivers “shall not be included in calculating the 14-hour period. . . .”

ATA asks that FMCSA, by a limited 2-year exemption that may be renewed, permit similar treatment of waiting time at such locations to drivers “exclusively engaged in servicing oil and natural gas extraction sites” who are able to establish “a method to adequately ensure a rest opportunity while waiting.” ATA suggests that “trucks equipped with sleeper berths” and “on-site bunking or resting facilities” would satisfy the “rest opportunity” standard. ATA believes the proposed exemption would encourage these drivers to obtain quality rest at extraction sites and would provide an improved standard for State officials enforcing waiting time requirements.

FMCSA can only grant an exemption if an FMCSR prevents a motor carrier from “implementing more efficient or effective operations that would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption” [381.305(a)]. ATA asserts that its proposed exemption would maintain or exceed the level of safety of the current waiting-time rule.

#### Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment on ATA’s application for an exemption from section 395.1(d)(2) (the waiting-time rule) of the FMCSRs. The Agency will consider all comments received by close of business on July 7, 2014. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: May 16, 2014.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2014-11957 Filed 5-22-14; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35826]

#### **Geaux Geaux Railroad, LLC— Acquisition and Operation Exemption—Illinois Central Railroad Company**

Geaux Geaux Railroad, LLC (GGRL), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Illinois Central Railroad Company (ICR) and to operate approximately 21.95 miles of rail line (the Line) between: (1) milepost 9.69 at or near Zee and milepost 0.00 at or near Slaughter, and (2) milepost 345.84 at or near Slaughter and milepost 358.10 at or near Maryland, in East Baton Rouge Parish, La. GGRL states it will also operate over ICR between mileposts 358.10 and 363.60 solely for purposes of interchanging traffic at ICR’s Baton Rouge yard.<sup>1</sup>

The transaction may be consummated on or after June 7, 2014 (30 days after the notice of exemption was filed).

GGRL certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million.

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 to stay must be filed no later than May 30, 2014 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35826, 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 Beatriz Beltranena, One Federal Highway, Suite 400, Boca Raton, FL 33432, and Thomas F. McFarland, 208 South LaSalle St., Suite 1890, Chicago, IL 60604.

Board decisions and notices are available on our Web site at “[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV)”.

Decided: May 19, 2014.

<sup>1</sup> GGRL states that it intends to contract with a rail operator to operate the Line and that the operator will seek Board authority or an exemption for such operation. GGRL further states that it will retain a residual common carrier obligation to operate the Line.

By the Board,  
**Rachel D. Campbell,**  
*Director, Office of Proceedings.*  
**Raina S. White,**  
*Clearance Clerk.*

[FR Doc. 2014-11984 Filed 5-22-14; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35828]

#### **The Apache Railroad Company, LLC—Corporate Family Transaction Exemption—the Apache Railway Company**

The Apache Railroad Company, LLC (APA), and The Apache Railway Company (Apache) (collectively, applicants) have jointly filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for a corporate family transaction.

According to the applicants, APA is a noncarrier and a limited liability company established for the purpose of owning and operating a common carrier short line railroad. Apache is an existing Class III railroad. Both are wholly owned subsidiaries of Snowflake Community Foundation (Snowflake), a noncarrier entity that, according to the applicants, was established to acquire Apache's common stock to preserve the railroad's track, facilities, and operations. Applicants state that APA would acquire all of the assets, franchises, rights, obligations, and operations of Apache, which would be merged into APA. Consequently, APA would become a Class III railroad upon the consummation of this transaction.<sup>1</sup> According to the applicants, the purpose of this transaction is to enable Snowflake to obtain a federal loan in order to finance the acquisition of Apache's assets and operations.

Unless stayed, the exemption will be effective on June 7, 2014 (30 days after the verified notice was filed).

Applicants state that they intend to consummate the proposed transaction on or about mid-June 2014.

Applicants state that the transaction qualifies for the class exemption for corporate family transactions under 49 CFR 1180.2(d)(3) and have not indicated that the transaction would result in

adverse changes in service levels, significant operational changes, or any changes in the competitive balance with carriers outside the corporate family.

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 §§ 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because the only carrier involved is a Class III rail carrier.

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 May 30, 2014 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35828, 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 John D. Heffner, Strasburger & Price, LLP, 1025 Connecticut Ave. NW., Suite 717, Washington, DC 20036.

Board decisions and notices are available on our Web site at "WWW.STB.DOT.GOV."

Decided: May 19, 2014.

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

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

[FR Doc. 2014-12005 Filed 5-22-14; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35789]

#### **Pacific Harbor Line, Inc.—Lease and Operation Exemption—Union Pacific Railroad Company**

Pacific Harbor Line, Inc. (PHL), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from Union Pacific Railroad Company (UP), and to operate, pursuant to a lease agreement, approximately 30,820 feet of rail line, known as the Santa Ana Bypass Track, extending from milepost 21.7 at CP Compton to milepost 15.9 at Firestone Park in Los Angeles County, Cal.

This transaction is related to a concurrently filed verified notice of exemption in *Pacific Harbor Line, Inc.—Operation Exemption—Union Pacific Railroad Company*, Docket No. FD 35814, wherein PHL seeks Board approval to operate, also pursuant to the above lease agreement, approximately 5.75 miles of rail line that UP currently operates in Los Angeles County, Cal. This line is owned by the City of Los Angeles, Cal., acting by and through its Board of Harbor Commissioners, and the City of Long Beach, Cal., acting by and through its Board of Harbor Commissioners.

According to PHL, the agreement between PHL and UP does not contain any provision that may limit future interchange of traffic with any third-party connecting carrier. PHL states that, under the terms of the lease, UP will retain the exclusive common carrier obligation to provide service over the line.

PHL intends to consummate the proposed transaction 30 days or more after the exemption was filed (May 7, 2014), or 60 days or more after filing its certification with the Board pursuant to 49 CFR 1150.42(e).

PHL certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier. Because PHL's projected annual revenues will exceed \$5 million, PHL certified to the Board on April 30, 2014, that it had complied with the requirements of 49 CFR 1150.32(e) by providing notice to employees and their labor unions on the affected 30,820 feet of rail line. Under 49 CFR 1150.32(e), this exemption cannot become effective until 60 days after the date notice was provided, which would be June 29, 2014.

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 to stay must be filed no later than June 20, 2014 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35789, 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 Rose-Michele Nardi, Transport Counsel PC, 1701 Pennsylvania Avenue NW., Suite 300, Washington, DC 20006.

<sup>1</sup> Pursuant to 49 CFR 1180.6(a)(7)(ii), applicants are required to submit "a copy of any contract or other written instrument entered into, or proposed to be entered into, pertaining to the proposed transaction." According to the applicants, an agreement has not yet been prepared. Applicants are directed to file a copy of the agreement as soon as it is available.