

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[Docket No. FD 35892]****Massachusetts Department of Transportation—Acquisition Exemption—Certain Assets of CSX Transportation, Inc.**

The Massachusetts Department of Transportation (MassDOT), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from CSX Transportation, Inc. (CSXT) certain railroad assets and associated right-of-way known generally as the Framingham Secondary, extending from milepost QBF 0.0 at Mansfield, Mass., to milepost QBF 21.2 at Framingham, Mass. (near CP-21), a distance of approximately 21.2 route miles (the Line).

According to MassDOT, the acquisition of the Line is intended to facilitate commuter service by MassDOT's designee, the Massachusetts Bay Transportation Authority (MBTA). MassDOT states that, in the interest of facilitating the MBTA-provided commuter rail service, it will delegate maintenance and dispatching of all train activity on the Line to MBTA.

MassDOT states that, pursuant to a "Definitive Agreement," MassDOT will obtain the right to purchase CSXT's right, title and interest in the right-of-way, trackage, and other physical assets associated with the Line, subject to CSXT's retained exclusive, irrevocable, perpetual, assignable, divisible, licensable, and transferable freight railroad operating easement. MassDOT also states that it will not acquire the right, nor will it have the ability, to provide freight common carrier service over the Line.¹ According to MassDOT, the agreements governing the subject asset sale and post-transaction railroad operations preclude MassDOT from interfering materially with the provision of railroad common carrier service over the Line. MassDOT, however, will be entitled in the future to provide (itself, or through its designated contractor, MBTA) to provide commuter rail service over the Line. MassDOT states that the proposed transaction does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier.

MassDOT certifies that, because it will conduct no freight operations on the line segment being acquired, its

¹ A motion to dismiss the notice of exemption on grounds that the transaction does not require authorization from the Board was concurrently filed with this notice of exemption. The motion to dismiss is addressed in a separate Board decision.

revenues from freight operations will not result in the creation of a Class I or Class II carrier.

MassDOT states that it anticipates consummating the transaction on or about March 20, 2015, subject to a Board decision on the concurrently filed motion to dismiss. The earliest this transaction may be consummated is January 18, 2015, the effective date of the exemption (30 days after the verified notice was filed).

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 January 9, 2015 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 35892, 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 Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: December 22, 2014.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Brendetta S. Jones,
Clearance Clerk.

[FR Doc. 2014-30503 Filed 12-31-14; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[Docket No. AB 290 (Sub-No. 371X)]****The Alabama Great Southern Railroad Company—Discontinuance of Service Exemption—in St. Tammany Parish, La.**

The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company, filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over approximately 3.60 miles of connecting rail lines extending from: (1) Milepost 36.00 NA (near Holly Street) to milepost 38.25 NA (near South Street and Route 190 [Gause

Blvd., West]), and (2) milepost NN 35.31 (near Route 11 [Front Street]) to milepost NN 36.66 (near Donya Drive), in St. Tammany Parish, La. The line traverses United States Postal Service Zip Code 70460.

AGS has certified that: (1) No local traffic has moved over the line for at least two years; (2) no overhead traffic has moved over the line for at least two years, and if there were any overhead traffic, it could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 3, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 CFR 1152.27(c)(2)¹ must be filed by January 12, 2015.² Petitions to reopen must be filed by January 22, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to AGS's representatives: William A. Mullins and Crystal M. Zorbaugh, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

¹ Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 CFR 1002.2(f)(25).

² Because AGS is seeking to discontinue service, not to abandon the line, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required here under 49 CFR 1105.6(c) and 49 CFR 1105.8(b), respectively.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

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

Decided: December 23, 2014.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Brendetta S. Jones,
Clearance Clerk.

[FR Doc. 2014–30502 Filed 12–31–14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 363X)]

Norfolk Southern Railway Company— Discontinuance of Service Exemption—in Henry County, Va.

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* over approximately 1.40 miles of rail line from milepost DW 45.8 (near Highway 220B) to milepost DW 47.2 (near Woodvale Ct.) in Henry County, Va. (the Line). The Line traverses United States Postal Service Zip Code 24112.

NSR has certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years and overhead traffic, if there were any, could be rerouted over other Lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will become effective on February 3, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2),¹ must be filed by January 12, 2015.² Petitions to reopen must be filed by January 22, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to NSR's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

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

Decided: December 24, 2014.

By the Board, Jonathon P. Binet, Acting Director, Office of Proceedings.

Brendetta S. Jones,
Clearance Clerk.

[FR Doc. 2014–30731 Filed 12–31–14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35889]

Alabama Southern Railroad, L.L.C.— Lease and Operation Exemption Including Interchange Commitment— The Kansas City Southern Railway Company

Alabama Southern Railroad, L.L.C. (ABS), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to continue to lease from The Kansas City Southern Railway Company (KCS) and operate approximately 85.6 miles of rail lines located between: (1) Milepost 17.0, near Columbus, Miss., and milepost 78.9, near Tuscaloosa, Ala., on the Tuscaloosa Subdivision; (2) milepost 0.0, at Tuscaloosa and milepost 9.3, near Fox,

¹ Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 CFR 1002.2(f)(25).

² Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required here under 49 CFR 1105.6(c) and 49 CFR 1105.8(b), respectively.

Ala., on the Warrior Branch; and (3) milepost 443.5, at Brookwood Jct., Ala., and milepost 429.1, at Brookwood, Ala., on the Brookwood Branch (the Lines).¹

ABS states that it has entered into an amended and restated lease agreement, which will extend the term of the lease until November 30, 2024, and make other minor changes to the lease. ABS also states that it will continue to be the operator of the Lines.

According to ABS, the new agreement between ABS and KCS contains an interchange commitment that affects interchange with carriers other than KCS. ABS notes that the affected interchange points are Northport, Ala., Tuscaloosa, Brookwood, and Columbus. As required under 49 CFR 1150.43(h)(1), ABS provided additional information regarding the interchange commitment.

ABS has certified that its projected annual revenues as a result of this transaction will not result in ABS's becoming a Class II or Class I rail carrier, but that its projected annual revenues will exceed \$5 million. Accordingly, ABS is required, at least 60 days before this exemption is to become effective, to send notice of the transaction to the national offices of the labor unions with employees on the affected lines, post a copy of the notice at the workplace of the employees on the affected lines, and certify to the Board that it has done so. 49 CFR 1150.42(e). ABS asserts that providing the 60-day notice would serve no useful purpose because ABS already operates the Lines.

ABS, concurrently with its verified notice of exemption, filed a petition for waiver of the 60-day advance labor notice requirement under § 1150.42(e), asserting that: (1) No KCS employee will be affected by the lease because no KCS employee has performed operations or maintenance on the Lines since 2005; (2) no ABS employee will be affected by the lease because ABS will continue to provide the same service and perform the same maintenance as it has since 2005; and (3) providing advance labor notice would be a futile act because the transaction will simply extend the term of the lease agreement between ABS and KCS. ABS's waiver request will be addressed in a separate decision.

ABS states that that it expects to consummate the transaction on or shortly after the effective date of this exemption. The Board will establish in the decision on the waiver request the earliest date this transaction may be consummated.

¹ ABS was granted authority to lease and operate the rail line in *Alabama Southern Railroad—Lease & Operation Exemption—The Kansas City Southern Railway*, FD 34754 (STB served Dec. 2, 2005).