

**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.<sup>1</sup> 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

<sup>1</sup> 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](http://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]

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**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)<sup>1</sup> must be filed by January 12, 2015.<sup>2</sup> 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.

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

<sup>2</sup> 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.