

**DEPARTMENT OF STATE****[Public Notice: 10553]****Certification Pursuant to Section 7041(t)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018**

By virtue of the authority vested in me pursuant to section 7041(t)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (Div. K, Pub. L. 115–141) and Department of State Delegation of Authority 245–2, I hereby certify that the Government of Libya is cooperating with United States Government efforts to investigate and bring to justice those responsible for the attack on United States personnel and facilities in Benghazi, Libya in September 2012.

This certification shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: July 27, 2018.

**John J. Sullivan,**

*Deputy Secretary of State.*

[FR Doc. 2018–20614 Filed 9–20–18; 8:45 am]

**BILLING CODE 4710–10–P**

**SURFACE TRANSPORTATION BOARD****[Docket No. FD 36221]****Seminole Gulf Railway, L.P.—Acquisition and Operation Exemption—CSX Transportation, Inc.**

Seminole Gulf Railway, L.P. (SGLR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 2.25 miles of rail line owned by CSX Transportation, Inc. (CSXT), between milepost SVC 880.75 and milepost SVC 883.0, in Desoto County, Fla. (the Line).

SGLR states that it expects to enter into a purchase and sale agreement with CSXT before this exemption becomes effective. SGLR states that it seeks to acquire the Line to extend its current ownership. SGLR states that the proposed acquisition of the Line does not impose or include an interchange commitment.

SGLR certifies that the proposed transaction will not result in SGLR's becoming a Class II or Class I rail carrier and that the projected annual revenues of SGLR will not exceed \$5 million.

The transaction may be consummated on or after October 7, 2018, 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 for stay must be filed no later than September 28, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36221, 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 Eric M. Hocky, Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

According to SGLR, this action is excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

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

Decided: September 17, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Raina Cantee,**

*Clearance Clerk.*

[FR Doc. 2018–20528 Filed 9–20–18; 8:45 am]

**BILLING CODE 4915–01–P**

**SURFACE TRANSPORTATION BOARD****[Docket No. MCF 21082]****All Aboard America! Holdings, Inc.—Acquisition of Control—Lux Bus America Co.**

**AGENCY:** Surface Transportation Board.

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

**SUMMARY:** On August 14, 2018, All Aboard America! Holdings, Inc. (AAAH), a noncarrier, filed an application under 49 U.S.C. 14303 for AAAH to acquire a 100% equity interest in Lux Bus America Co. (Lux Bus), an interstate motor carrier of passengers. On August 23, 2018, AAAH filed a supplement to its application. 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. Persons wishing to oppose the application must follow the rules at 49 CFR 1182.5 and 1182.8.

**DATES:** Comments must be filed by November 5, 2018. The applicant may file a reply by November 20, 2018. If no opposing comments are filed by

November 5, 2018, this notice shall be effective November 6, 2018.

**ADDRESSES:** Send an original and 10 copies of any comments referring to Docket No. MCF 21082 to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, send one copy of comments to AAAH's representative: Andrew K. Light, Scopelitis, Garvin, Light, Hanson, & Feary, P.C., 10 W Market Street, Suite 1400, Indianapolis, IN 46204.

**FOR FURTHER INFORMATION CONTACT:** Nathaniel Bawcombe (202) 245–0376. Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** AAAH is a Delaware corporation and a noncarrier. AAAH is wholly owned by AAAH Acquisition Corporation, a corporation and noncarrier, which in turn is wholly owned by AAAH Intermediate Holdings LLC, a limited liability company and noncarrier. AAAH Intermediate Holdings LLC is wholly owned by AAAH TopCo Corporation, a corporation and noncarrier, which is in turn wholly owned by AAAH Holdings LLC, a limited liability company and noncarrier. AAAH Holdings LLC is controlled by Tensile Capital Partners Master Fund LP, a limited partnership and noncarrier, which in turn is controlled by its general partner, Tensile Capital GP LLC, a limited liability company and noncarrier.

AAAH controls the following motor carriers of passengers (the Affiliated Carriers): AAAH Regional Acquisition Corporation (ARAC); Ace Express Coaches, LLC (ACE); Hotard Coaches, Inc. (Hotard); Industrial Bus Lines, Inc. (Industrial); McClintock Enterprises Inc. (McClintock); and Sureride Charter Inc. (Sureride).

AAAH provides a description of each of the Affiliated Carriers, as summarized below:

- ARAC is a recently formed motor carrier that has not yet begun its passenger transportation activities. The USDOT Number assigned to ARAC is 3140195, but ARAC does not yet have a USDOT Safety Rating. ARAC holds interstate operating authority from the Federal Motor Carrier Safety Administration (FMCSA) under MC–098597. As ARAC has not yet commenced its passenger service operations, it does not currently utilize any vehicles or drivers.

- Ace is an interstate motor carrier providing regional charter, contract, and casino passenger charter services in the state of Colorado and surrounding areas. The USDOT Number assigned to Ace is

2589674, and Ace has a “Satisfactory” USDOT Safety Rating. Ace holds interstate operating authority from FMCSA under MC–908184. In providing its services, Ace utilizes approximately 80 vehicles and 99 drivers.

- Hotard is an interstate motor carrier providing local and regional passenger charter services primarily within the states of Louisiana and Mississippi. The USDOT Number assigned to Hotard is 156451, and Hotard has a “Satisfactory” USDOT Safety Rating. Hotard holds interstate operating authority from FMCSA under MC–143881. In providing its services, Hotard utilizes approximately 295 vehicles and 308 drivers.

- Industrial, doing business as All Aboard America, is an interstate motor carrier providing local and regional passenger charter services generally in the states of Arizona, New Mexico, and Texas. The USDOT Number assigned to Industrial is 27402, and Industrial has a “Satisfactory” USDOT Safety Rating. Industrial holds interstate operating authority from FMCSA under MC–133171. In providing its services, Industrial utilizes approximately 116 vehicles and 140 drivers.

- McClintock, doing business as Goldfield Stage & Co., is an interstate motor carrier providing local and regional passenger charter, tour, and contract shuttle services in south California and surrounding areas. The USDOT Number assigned to McClintock is 291979, and McClintock has a “Satisfactory” USDOT Safety Rating. McClintock holds interstate operating authority from FMCSA under MC–191442. In providing its services, McClintock utilizes approximately 27 vehicles and 62 drivers.

- Sureride, doing business as Sundiego Charter Co. and SunExpress Charter Co., is an interstate motor carrier providing local and regional passenger charter, tour, and contract shuttle services in south California and surrounding areas. The USDOT Number assigned to Sureride is 701846, and Sureride has a “Satisfactory” USDOT Safety Rating. Sureride holds interstate operating authority from FMCSA under MC–324772. In providing its services, Sureride utilizes approximately 104 vehicles and 106 drivers.

AAAHI explains that under the proposed transaction, it would acquire 100% of the equity interest in Lux Bus. AAAHI states that Lux Bus is a California corporation that provides interstate and intrastate passenger group charter motor coach and shuttle services in the Los Angeles, Cal. and San Francisco, Cal. areas. Lux Bus also provides daily round trip and one-way

individual passenger service from the Los Angeles area to Las Vegas, Nev., along with individual tour services to amusement attractions in the greater Los Angeles area. Lux Bus utilizes terminals and maintenance facilities located in Anaheim, San Jose and Stockton, Cal. The USDOT Number assigned to Lux Bus is 1125439, and Lux Bus has a “Satisfactory” USDOT Safety Rating. Lux Bus holds interstate operating authority from FMCSA under MC–459355. For purposes of its California intrastate operations, Lux Bus operates pursuant to intrastate authority issued by the California Public Utilities Commission (CPUC) under Class A Passenger Charter Certificate No. TCP 22650–A. In providing its services, Lux Bus utilizes approximately 160 vehicles and 192 drivers.<sup>1</sup>

All of the equity interests in Lux Bus are held by Matthew Brown and David Brown. Matthew Brown is an individual resident of the state of California and citizen of the United States. Matthew Brown does not have any direct or indirect ownership interest in any other interstate passenger motor carrier. David Brown is also an individual resident of the state of California and citizen of the United States. In addition to his interest in Lux Bus, David Brown has a 50% equity ownership interest in Expeditors By Lindale, Inc., doing business as Expeditors (Expeditors). Expeditors is a motor carrier of passengers that primarily provides equipment and services for disaster support (such as support for wildland firefighting crews) in California and surrounding areas. The USDOT Number assigned to Expeditors is 459936, and Expeditors has a “Satisfactory” USDOT Safety Rating. Expeditors holds interstate carrier operating authority from FMCSA under MC–246949. In providing its services, Expeditors utilizes approximately 37 vehicles and 38 drivers. Expeditors is not a party to, nor is it a subject of, the

<sup>1</sup> AAAHI also states that, as part of the proposed transaction, it will acquire control of Lux Leasing, LLC (Lux Leasing), a California limited liability company and a motor carrier. However, as AAAHI explains, Lux Leasing does not provide interstate transportation and does not have a USDOT number or interstate operating authority from FMCSA. According to AAAHI, Lux Leasing operates only in California, providing intrastate transportation pursuant to authority issued by the CPUC. Because Lux Leasing does not engage in interstate transportation, Lux Leasing is not subject to the Board’s jurisdiction and the acquisition of Lux Leasing is not subject to the Board’s acquisition authority under 49 U.S.C. 14303. *See* 49 U.S.C. 14303 (stating that certain “transactions involving motor carriers of passengers *subject to jurisdiction under subchapter I of chapter 135* may be carried out only with the approval of the Board.” (emphasis added)); 49 U.S.C. 13501 (stating that the Board has jurisdiction only over motor carriers that provide interstate transportation).

proposed transaction. Apart from Lux Bus and Expeditors, David Brown does not have any direct or indirect ownership interest in any other interstate passenger motor carrier.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees. AAAHI has submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b) and a statement that the gross operating revenues of Lux Bus, AAAHI, and the Affiliated Carriers (which, as described above, are controlled by AAAHI) exceeded \$2 million for the 12-month period immediately preceding the filing of AAAHI’s application. *See* 49 U.S.C. 14303(g).<sup>2</sup>

AAAHI asserts that the proposed transaction would not have a material, detrimental impact on the adequacy of transportation services available for the public. AAAHI explains that it anticipates that services to the public would be improved because Lux Bus would continue to operate, but going forward, it would operate as part of AAAHI’s corporate family, an organization thoroughly experienced in passenger transportation operations. AAAHI further states that it intends to use its business and financial management skills, as well as its capital, to increase the efficiencies and enhance the viability of Lux Bus, thereby ensuring the continued availability of adequate passenger transportation service for the public. AAAHI also explains that the same services currently provided by Lux Bus would continue to be provided under the same name currently used to provide such services.

With respect to fixed charges, AAAHI states that there are no significant fixed charges associated with the proposed transaction.

Regarding the interests of employees, AAAHI asserts that it intends to continue the existing operations of Lux Bus and therefore “does not anticipate a measurable reduction in force or changes in compensation levels and/or benefits.” (AAAHI App. 8.) However,

<sup>2</sup> Parties must certify that the transaction involves carriers whose aggregate gross operating revenues exceed \$2 million, as required under 49 CFR 1182.2(a)(5).

AAAH notes that “staffing redundancies could potentially result in limited downsizing of back-office and/or managerial level personnel.” (*Id.*)

Finally, AAAHI states that the impact of the proposed transaction on the regulated motor carrier industry would be minimal and that neither competition nor the public interest would be adversely affected. AAAHI cites Board precedent finding that there are low barriers to entry in the passenger motor carrier industry and that the industry is characterized by healthy intramodal and intermodal competition. AAAHI also states that the Board has consistently found that the acquisition of control of numerous motor carriers by a non-carrier can result in better overall service without harming competition. AAAHI goes on to explain that there are a substantial number of competitors operating in the markets in which Lux Bus competes (*i.e.*, the markets for charter and shuttle services in the Los Angeles and San Francisco areas; tour services to amusement attractions in the Los Angeles area; and daily roundtrip and one-way service between Los Angeles and Las Vegas). Specifically, AAAHI states that there are a variety of charter and shuttle service providers where it operates, ranging from small charter and tour operators to very large corporate charter operators, and that service between Los Angeles and Las Vegas is provided by a number of other motor carriers as well as airlines. AAAHI further states that there is limited, if any, overlap in service areas or in customer bases among the Affiliated Carriers and Lux Bus.

On the basis of the application, the Board finds that the proposed acquisition is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

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

*It is ordered:*

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed as having been vacated.

3. This notice will be effective November 6, 2018, unless opposing comments are filed by November 5, 2018.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: September 17, 2018.

By the Board, Board Members Begeman and Miller.

**Tammy Lowery,**

*Clearance Clerk.*

[FR Doc. 2018–20550 Filed 9–20–18; 8:45 am]

**BILLING CODE 4915–01–P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. EP 290 (Sub-No. 5) (2018–4)]**

### **Quarterly Rail Cost Adjustment Factor**

**AGENCY:** Surface Transportation Board.

**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board has approved the fourth quarter 2018 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2018 RCAF (Unadjusted) is 1.079. The fourth quarter 2018 RCAF (Adjusted) is 0.457. The fourth quarter 2018 RCAF–5 is 0.427.

**DATES:** *Applicability Date:* October 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board’s decision, which is available on our website, [www.stb.gov](http://www.stb.gov). Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238.

Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

By the Board, Board Members Begeman and Miller.

Decided: September 17, 2018.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2018–20591 Filed 9–20–18; 8:45 am]

**BILLING CODE 4915–01–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Transit Administration**

#### **Limitation on Claims Against Proposed Public Transportation Projects**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in New York City, New York, and Redmond, Washington. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

**DATES:** By this notice, FTA is advising the public of final agency actions subject to 23 U.S.C. 139(l). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before February 19, 2019.

**FOR FURTHER INFORMATION CONTACT:** Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Juliet Bochicchio, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–9348. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project file for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA’s Regional Offices may be found at <https://www.fta.dot.gov>.

This notice applies to all FTA decisions on the listed projects as of the