

the temporary 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), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

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.

All pleadings, referring to Docket No. FD 36359, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on NSR's representative, Garrett D. Urban, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

According to NSR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and historic reporting under 49 CFR 1105.8(b)(3).

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

Decided: October 11, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.

**Raina Contee,**  
*Clearance Clerk.*

[FR Doc. 2019-22740 Filed 10-17-19; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36350]**

### **Vermilion Valley Railroad Company—Lease and Operation Exemption—CSX Transportation, Inc.**

Vermilion Valley Railroad Company (VVR), a Class III railroad, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from CSX Transportation, Inc. (CSXT), and operate a line of railroad between approximately CSXT milepost QSO 5.2 at or near Valuation Station 11606+40 and CSXT milepost QSO 3.3 at or near the switch to the existing coal loop track, near Pan, Ill., a distance of approximately 1.9

miles (the Line). VVR states that the Line is a part of CSXT's Olin Secondary of the Woodland Subdivision.

VVR is currently the operator of a line of railroad in Indiana that connects to the Line at the Indiana/Illinois state line. See *Vermilion Valley R.R.—Operation Exemption—FNG Logistics Co.*, FD 34340 (STB served May 16, 2019). According to VVR, it currently uses the Line for interchange with CSXT, but VVR and CSXT are now entering into a land and rail assets lease agreement under which VVR will lease and operate over the Line as a common carrier. VVR certifies that its proposed acquisition does not involve an interchange commitment.

VVR certifies that its projected annual revenues as a result of the proposed transaction will not exceed \$5 million and that the transaction will not result in the creation of a Class II or Class I rail carrier.

This transaction may be consummated on or after November 2, 2019 (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 October 25, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36350, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on VVR's representatives: Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103; and Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004.

According to VVR, this action is categorically excluded from environmental review under 49 CFR 1105.7(e) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

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

Decided: October 10, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.

**Kenyatta Clay,**  
*Clearance Clerk.*

[FR Doc. 2019-22716 Filed 10-17-19; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36352]**

### **Rio Grande Pacific Corporation—Control Exemption—Big Spring Rail System, Inc.**

Rio Grande Pacific Corporation (RGPC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to acquire control of Big Spring Rail System, Inc. (BSRS), a Class III rail carrier that operates over rail line between milepost 0.0 and milepost 3.3 in Howard County, Tex.<sup>1</sup> In its verified notice, RGPC states that the agreement to effectuate its control of BSRS will be prepared prior to the effective date of the exemption.<sup>2</sup>

The earliest this transaction may be consummated is October 31, 2019, the effective date of the exemption (30 days after the verified notice was filed).

According to the verified notice, RGPC currently controls the following Class III rail carriers: Nebraska Central Railroad Company; New Orleans & Gulf Coast Railway Company; Wichita, Tillman and Jackson Railway Company; and Idaho Northern and Pacific Railroad Company (collectively, the RGPC carriers).<sup>3</sup> The verified notice states that: (1) The rail lines operated by the RGPC carriers do not connect with the rail line operated by BSRS; (2) the transaction is not part of a series of anticipated transactions that would connect the rail line operated by BSRS with any railroad in the RGPC corporate family; and (3) the proposed transaction does not involve a Class I rail carrier. The proposed transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

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. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

<sup>1</sup> RGPC states that the line over which BSRS operates is owned by the City of Big Springs, Tex.

<sup>2</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 RGPC, an agreement has not yet been prepared. RGPC is directed to file a copy of the agreement as soon as it is available.

<sup>3</sup> RGPC states that the properties of the RGPC carriers are located in Idaho, Louisiana, Nebraska, Oklahoma, Oregon, and Texas.

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 October 24, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36352, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on RGPC's representative: Karl Morell, Karl Morell & Associates, 440 1st Street NW, Suite 440, Washington, DC 20001.

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

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

Decided: October 10, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2019-22881 Filed 10-17-19; 8:45 am]

**BILLING CODE 4915-01-P**

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## TENNESSEE VALLEY AUTHORITY

### Transmission System Vegetation Management Final Programmatic Environmental Impact Statement

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Record of decision.

**SUMMARY:** This notice is provided in accordance with the Council on Environmental Quality's regulations and Tennessee Valley Authority's (TVA's) procedures for implementing the National Environmental Policy Act (NEPA). TVA has decided to adopt a condition-based control strategy for vegetation management, coupled with an initial clearing off all woody vegetation in the right-of-way (ROW) buffer zones. The full extent of the right-of-way (ROW) would then be maintained to a meadow-like end-state. This alternative is identified as the Preferred Alternative in the Transmission System Vegetation Management Programmatic Environmental Impact Statement (PEIS) and is considered to provide the best balance in enhancing system reliability

and safety, minimization of environmental impacts, and striving for cost effectiveness. The notice of availability (NOA) of the Final EIS for the Vegetation Management Environmental Impact Statement was published in the **Federal Register** on August 30, 2019.

**FOR FURTHER INFORMATION CONTACT:** Anita E. Masters, Tennessee Valley Authority, 1101 Market Street, BRC 2C, Chattanooga, Tennessee 37402; telephone (423) 751-8697, or by email [aemasters@tva.gov](mailto:aemasters@tva.gov). The Final EIS, this Record of Decision (ROD) and other project documents are available on TVA's website <https://www.tva.gov/nepa>.

**SUPPLEMENTARY INFORMATION:** TVA is an executive branch federal agency and instrumentality of the United States created by and existing pursuant to the TVA Act of 1933. Its broad mission is to foster the social and economic welfare of the people of the Tennessee Valley region and to promote the proper use and conservation of the region's natural resources. One component of this mission is the generation, transmission, and sale of reliable and affordable electric energy.

TVA's transmission system serves nearly ten million residents in a more than 82,000-square-mile area that spans most of Tennessee and parts of Virginia, North Carolina, Georgia, Alabama, Mississippi, and Kentucky. TVA's transmission system consists of a network of more than 16,000 miles of electric transmission lines and approximately 500 power substations all contained within approximately 238,000 acres of utility ROW. The electricity generated by these resources is transmitted along high-voltage transmission lines typically ranging from 46,000 to 500,000 volts (46 to 500 kilovolts [kV]) to more than 50 directly served, large industrial customers and to 154 local power companies (LPC). These LPCs typically utilize voltages in the range of 4 to 69 kV to connect with end-use customers (e.g., residential homes).

Most of TVA's transmission system is located on private lands. TVA typically acquires perpetual rights through purchased easements which typically provide TVA the legal rights to maintain or repair transmission lines. Many of TVA's purchased transmission ROW easements provide TVA the perpetual right to keep the ROW clear of structures, trees, brush, stored personal property, as well as fire hazards. They also provide TVA the right to clear any trees located beyond the limits of the purchased easement that qualify as danger trees. There are some variations

in TVA purchased easements, but in all cases, TVA's rights are defined by the language of the easement associated with the particular tract and applicable law.

TVA actively maintains approximately 46 percent (110,752 acres) of the transmission ROW. Approximately 51 percent of the ROW is used as cropland, golf courses, orchards or similar uses, which are primarily maintained by the landowner. While the floor of the ROW is often maintained by others in these areas, TVA conducts routine inspections and vegetation management of ditch banks, fence rows, towers, and other features. A relatively small amount of the TVA transmission system ROW (4,720 acres) does not require routine vegetation management by anyone. These areas include ROW that spans open water or deep valleys where vegetation growing at lower elevations does not threaten the transmission line. Trees tall enough to fall within or grow to an unsafe distance of transmission lines under maximum sag and blowout conditions are managed on all lands within and adjacent to the TVA ROW.

Historically, although TVA performed vegetation management consistent with its 1997 and 2008 Line Maintenance Manuals, it did not engage in system-wide maintenance planning. Rather, TVA employees in charge of individual ROW sectors had discretion to determine which vegetation within the ROW in their sector would be cleared. Decisions were based on a variety of factors, including how great a threat the vegetation presented to the transmission lines, budget constraints, and agreements with landowners. The industry-wide North American Electric Reliability Corporation (NERC) reliability standard enacted in 2007 states that transmission systems, like the TVA system, must maintain adequate transmission line clearances as required by the National Electric Safety Code (NESC) in order to be able to survive single-failure events while continuing to serve customer needs with adequate voltage. As such, between 2011 and 2014, the floor work maintenance cycle on transmission ROWs associated with transmission lines carrying 230 kV or higher was shortened from a three-year cycle to a two-year cycle. In addition, floor vegetation maintenance work incorporated a greater percentage of herbicide use to expedite adequate clearance. Although the NERC reliability standards did not require removing trees from the transmission ROW, the penalties assessed by NERC for allowing even one tree to encroach within a specified distance of a