

C&S states that it currently leases the Line from the County (through the Carbon County Railroad Commission) and operates it under a modified rail certificate.³ C&S states that when RBMN acquires the Line from the County, C&S's lease with the County will be terminated, and C&S immediately will enter into a new lease with RBMN that will allow C&S to continue to operate the Line.

According to C&S, the proposed lease agreement will not impose or include an interchange commitment. Further, C&S certifies that its projected annual revenue will not exceed \$5 million and will not result in the creation of a Class I or II rail carrier.

The earliest this transaction may be consummated is June 13, 2021, 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 June 4, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36517, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on C&S's representative: Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103.

According to C&S, 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.

Decided: May 25, 2021.

end of the line at milepost 19.5 has been out of service and unused for many years. C&S does not currently operate that portion of the Rail Line and does not anticipate doing so under the new lease with RBMN.

³ The modified rail certificate was approved in 1990. *C&S R.R. Modified Rail Certificate*, FD 31618 (ICC served Apr. 18, 1990). Pursuant to 49 CFR 1150.24, a carrier is required to provide notice of termination of service under a modified certificate. C&S should provide its notice of termination of operations under the modified certificate to the appropriate parties and file with the Board in Docket No. FD 31618, and should indicate in its notice that it will continue to provide service pursuant to the authority obtained in this docket. See *D&I R.R.—Acquis. & Operation Exemption—in Lincoln & Union Cntys., S.D., & Lyon, Sioux, & Plymouth Cntys., Iowa*, FD 36497, slip op. at 1 n.2, (STB served Apr. 13, 2021).

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

Aretha Laws-Byrum,
Clearance Clerk.

[FR Doc. 2021-11350 Filed 5-27-21; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36491]

The Cincinnati Railway Company— Modified Rail Certificate

The Cincinnati Railway Company (CNRy) has filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150 subpart C—*Modified Certificate of Public Convenience and Necessity*, to operate a rail line extending approximately 5.6 miles between milepost 1.10 in Lebanon, Ohio, southerly to milepost 6.70 at Hageman Junction, all in Warren County, Ohio (the Line). CNRY states that the Line is owned by the City of Lebanon, Ohio (the City).

CNRy states that the Line previously was owned by the Penn Central Corporation (Penn Central), as successor to the Pennsylvania Railroad System, and that Penn Central sold the Line to the City in 1981. (Notice 4.)¹ CNRY states that the City has engaged various carriers to operate the Line, including the Indiana & Ohio Railway Company (IORY) and its corporate predecessor, the Indiana & Ohio Railroad Company (IOR).²

CNRy and the City have signed an agreement authorizing CNRY to operate the Line until January 28, 2025. CNRY filed a copy of the agreement under seal. (See Notice, Ex. E.)

According to CNRY, the sole connection for the Line is with IORY at Hageman Junction.

The Line qualifies for a modified certificate of public convenience and necessity. See *Common Carrier Status of States, State Agencies & Instrumentalities & Pol. Subdivisions*, FD 28990F (ICC served July 16, 1981); 49 CFR 1150.22.

¹ The verified notice includes evidence of the City's purchase in 1981. (Notice, Ex. D.)

² CNRY states that IORY acquired only an operating interest in the Line and argues that a prior filing by IORY incorrectly indicated that IORY acquired the Line, which left the Board and its predecessor, the Interstate Commerce Commission, with the mistaken impression that IORY owned the line. (Notice 3 & n.7.) See *Ind. & Ohio Ry.—Acquis. & Operation Exemption—Ind. & Ohio R.R.*, FD 30960 (ICC served Feb. 4, 1987) (stating that IORY owned the Line); see also *Ind. & Ohio Ry.—Discontinuance of Serv. Exemption—in Warren Cnty., Ohio*, AB 1297X, slip op. at 1 n.1 (STB served Feb. 28, 2020) (stating that IORY owned the Line).

CNRy states that no subsidy is involved and there are no preconditions that shippers must meet to receive rail service, except those consistent with the Board's general regulation of common carrier service. CNRY also provides information regarding the nature and extent of its liability insurance coverage. See 49 CFR 1150.23(b)(4)-(5).

This notice will be served on the Association of American Railroads (Car Service Division), as agent for all railroads subscribing to the car-service and car-hire agreement, at 425 Third Street SW, Suite 1000, Washington, DC 20024; and on the American Short Line and Regional Railroad Association at 50 F Street NW, Suite 7020, Washington, DC 20001.

Board decisions and notices are available at www.stb.gov.

Decided: May 24, 2021.

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

Tammy Lowery,
Clearance Clerk.

[FR Doc. 2021-11303 Filed 5-27-21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent of Waiver With Respect to Land; Prairie Du Chien Municipal Airport, Prairie Du Chien, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is considering a proposal to change 0.50 acres (future Parcel 17D) of Clear Zone Easement contained in Parcel 17B to Avigation Easement in exchange for converting 2.94 acres of land currently not controlled by the Airport Sponsor (future Parcel 36) to an Avigation Easement for approach protection. Both Parcel 17B and future Parcel 36 are owned by Crossing Rivers Health Center (and are being sold to a commercial developer) and located adjacent to Prairie du Chien Municipal Airport, Prairie du Chien, WI. The proposed release of 0.50 acres of Clear Zone Easement to Avigation Easement is not in the Runway Protection Zone (RPZ). The release of 0.50 acres from Clear Zone Easement to Avigation Easement is required to allow development on the property that is being sold by the Crossing Rivers Health Center. The conversion from Clear Zone Easement to Avigation Easement will not result in any impact to surfaces protected by Part 77 or airport design surfaces. The Clear