

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or MDOT at the addresses provided above.

Andrew H. Hughes,
Division Administrator, Jackson, Mississippi.
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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33960]

The Central Illinois Railroad Company—Lease and Operation Exemption—Lines of The Burlington Northern and Santa Fe Railway Company at Chicago, Cook County, IL

The Central Illinois Railroad Company, a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from The Burlington Northern and Santa Fe Railway Company (BNSF) approximately 5.9 miles of main line track and approximately 12.47 miles of sidetrack, collectively referred to as the Lumber District and Illinois Northern lines or portions thereof, in the vicinity of BNSF's Western Avenue Yard in Chicago, Cook County, IL.¹

The transaction was scheduled to be consummated no earlier than November 23, 2000, the effective date of the exemption (7 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33960, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas F. McFarland, Jr., Esq., McFarland & Herman, 20 North Wacker Drive, Suite 1330, Chicago, IL 60606-2902.

¹ On November 20, 2000, a petition to stay the effective date of the exemption was filed by Joseph C. Szabo, on behalf of United Transportation Union-Illinois Legislative Board. The petition for stay was denied in *The Central Illinois Railroad Company—Lease and Operation Exemption—Lines of The Burlington Northern and Santa Fe Railway Company at Chicago, Cook County, IL*, STB Finance Docket No. 33960 (STB served Nov. 22, 2000).

Board decisions and notices are available on our website at <http://www.stb.dot.gov>.

Decided: November 27, 2000.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 00-30655 Filed 12-4-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 212X)]

Norfolk Southern Railway Company—Discontinuance Exemption—in Hudson County, NJ¹

On November 14, 2000, Norfolk Southern Railway Company (NS) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from 49 U.S.C. 10903 to discontinue service over approximately 3.84 miles of the Weehawken Branch² and approximately 6.95 miles of the River Line³ in Hudson County, NJ. The

¹ The petition is related to two abandonment applications simultaneously filed by Conrail under section 308 of the Regional Rail Reorganization Act of 1973 (3-R Act), 45 U.S.C. 748, a provision added to the 3-R Act by the Northeast Rail Service Act of 1981 (Pub. L. No. 97-35). See *Conrail—Abandonment of the Weehawken Branch—in Hudson County, NJ*, STB Docket No. AB-167 (Sub-No. 766N); and *Conrail—Abandonment of the River Line—in Hudson County, NJ*, STB Docket No. AB-167 (Sub-No. 1067N). Conrail has requested that the applications be considered together because the Weehawken Branch and the River Line are operated as a single line due to changes made to track alignment and operations. Where appropriate, the two lines will be referenced as the River Line.

Notices of Insufficient Revenues were timely filed on October 31, 1983, and October 31, 1985, respectively. The Board must grant the applications within 90 days after their filing date (*i.e.*, by February 12, 2001) unless offers of financial assistance (OFA) are filed within the 90-day period. See sections 308(c) and (d).

² The 3.84-mile segment extends from the point of switch in Jersey City (approximately MP 0.00), to the southerly R.O.W. line of Baldwin Avenue, in Weehawken (approximately MP 2.84), and includes the former DL&W Railroad Lead to the Hoboken Freight Yard in Jersey City.

³ The 6.95-mile segment is divided into two parts: (1) from the connection to the Passaic and Harismus Branch at CP "Waldo" in Jersey City (approximately MP 0.00) to the south side of Clifton Road in Weehawken (approximately MP 4.7), including the River Yard; and (2) from (a) the south side of Clifton Road in Weehawken (approximately MP 0.00) to the northwest side of Tonnelle Avenue (excluding the portion of line, associated track, and underlying right-of-way necessary to retain access and continue service to Durkee Foods) in North Bergen (approximately MP 1.53); (b) the National Docks Secondary in Jersey City from its connection with the River Line at CP "Nave" to the east side of Newark Avenue (approximately 1,350 feet); and (c) the Weehawken Branch (Chicken Yard) in Weehawken, from its connection with the River

lines traverse U.S. Postal Zip Codes 07302, 07303, 07306, 07407, and 07087.

NS acquired the right to operate over these lines under the North Jersey Shared Assets Areas Operating Agreement approved by the Board in *CSX Corp.—Control and Operating Leases/Agreements—Conrail Inc.*, STB Finance Docket No. 33388 (Decision No. 89) (STB served July 23, 1998), *clarified and modified* (Decision No. 96) (STB served Oct. 19, 1998), *petitions for review pending sub nom. Erie Niagara Rail Steering Committee v. STB*, Nos. 98-4285, *et al.* (2d Cir. filed July 31, 1998).⁴ Pursuant to that agreement, NS does not conduct freight operations over the River Line. NS publishes rates and maintains stations for the River Line's shippers,⁵ and Conrail conducts the actual train operations in NS's name.

The lines do not contain federally granted rights-of-way. A large part of the real estate and track is owned by the New Jersey Transit Corporation (NJT), and the remainder is owned by Conrail.⁶ Any documentation in NS's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by March 3, 2001.⁷

Line on the east side of Willow Avenue to the end of the track (approximately 2,450 feet).

⁴ CSX Transportation, Inc., also acquired the same rights with respect to the River Line and filed a similar petition for exemption on November 20, 2000. See *CSX Transportation, Inc.—Discontinuance Exemption—in Hudson County, NJ*, STB Docket No. AB-55 (Sub-No. 584X).

⁵ Two shippers, Cognis Chemical Company and Dykes Lumber Company, are being served.

⁶ The River Line's real estate and track was transferred to NJT on or about October 24, 1995, pursuant to the Freight Relocation and River Line Acquisition Agreement that Conrail and NJT entered into on June 8, 1989. Conrail retained a free and exclusive easement for the operation and maintenance of rail freight service.

NJT will reconstruct the River Line and dedicate it to light rail commuter passenger service. The River Line's freight operations will be transferred to Conrail's Northern Branch, which will be reconstructed to accommodate through train service and to remove "at-grade" highway and street crossings. Conrail will not terminate freight operations or consummate the abandonment of the River Line, and NS will not exercise the discontinuance authority, until the Northern Branch has been reconstructed.

⁷ NS has requested that its petition for exemption be granted with an effective date of February 12, 2001, to coincide with the anticipated effectiveness of the two related Conrail abandonment applications. This request will be considered by the Board when the petition for exemption is addressed.