

P&L's filing of a notice of consummation by October 10, 2004, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: October 3, 2003.

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

Vernon A. Williams,
Secretary.

[FR Doc. 03-25610 Filed 10-9-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 203X)]

Union Pacific Railroad Company— Abandonment Exemption—in Harris County, TX

On September 23, 2003, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon the remaining portion of the Columbia Tap Industrial Lead, extending from milepost .064 near Walker and Palmer Streets to milepost 1.54 near Trulley and Velasco Streets in Houston, Harris County, TX, a distance of .90 miles. The line traverses U.S. Postal Service Zip Code 77003 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 9, 2004.

Any offer of financial assistance under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any

request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than October 30, 2003. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-33 (Sub-No. 203X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001; and (2) Mack H. Shumate, Jr., 101 North Wacker Drive, Room 1920, Chicago, IL 60606. Replies to the UP petition are due on or before October 30, 2003.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition.

The deadline for submission of comments on the EA will generally be within 30 days of its service.

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

Decided: October 3, 2003.

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

Vernon A. Williams,
Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 157X)]

Union Pacific Railroad Company— Discontinuance of Trackage Rights Exemption—in Monterey County, CA

Union Pacific Railroad Company (UP) has filed a verified notice of exemption

under 49 CFR Part 1152, Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to discontinue trackage rights over a 13.1-mile line of railroad (the Seaside Industrial Lead) owned by the Transportation Agency for Monterey County (TAMC)¹ extending from milepost 110.2 near Castroville, CA, to the end of the line at milepost 123.3, near Seaside, CA, in Monterey County, CA.² The line traverses United States Postal Service ZIP Codes 95012 and 93955.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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 2-year period; and (4) the requirements at 49 CFR 1152.50(d)(1) (notice to governmental agencies), and 49 CFR 1105.12 (newspaper publication) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment-Goshen*, 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 November 11, 2003, unless stayed pending reconsideration.³ Petitions to

¹ See *Transportation Agency for Monterey County-Acquisition Exemption-Line of Union Pacific Railroad Company*, STB Finance Docket No. 34405 (STB served and published Oct. 3, 2003).

² According to UP, the line has been sold to TAMC effective September 12, 2003. UP states that, in accordance with the terms of the sale, UP reserved trackage rights for freight operations over the line. UP states that it no longer has any need to maintain the reserved trackage rights for freight operations and therefore is proposing discontinuance of those rights. While the terms of the September 12 sale are not altogether clear from the filings made by the parties to that sale in either the present proceeding or in STB Finance Docket No. 34405, the fact that UP has couched its proposal as a discontinuance and not an abandonment would indicate that UP takes the position that a freight common carrier obligation was conveyed to TAMC as part of the September 12 sale.

³ UP stated in its notice that the proposed discontinuance would be consummated on or after November 7, 2003 (which it projected to be 50 days after the notice was filed). Because UP's notice was not filed until September 22, 2003, the exemption is not due to take effect until November 11, 2003.