

**DATES:** *Effective Date:* The effective date of the FAA's determination on the noise exposure maps is April 3, 2006.

**FOR FURTHER INFORMATION CONTACT:** Andrew Brooks, Federal Aviation Administration Eastern Region Office, 1 Aviation Plaza, Jamaica, NY 11434, (718) 553-3356.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for Baltimore/Washington International Thurgood Marshall Airport are in compliance with applicable requirements of part 150, effective April 3, 2006.

Under section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets for the measures the operator has taken or proposes for the reduction of existing non-compatible uses and for the prevention of the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the Maryland Aviation Administration. The specific maps under consideration are the noise exposure maps identified as Figure 16 (Basecase 2003 DNL Contours) and Figure 17 (Forecast 2010 DNL Contours) in the submission. The FAA has determined that these maps for Baltimore/Washington International Thurgood Marshall Airport are in compliance with applicable requirements. This determination is effective on April 3, 2006. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a

commitment to approve a noise compatibility program or to find the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations: Federal Aviation Administration, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, VA 20166. Maryland Aviation Administration, Noise and Land Use Compatibility Planning, 991 Corporate Boulevard, Linthicum, MD 21090.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued on April 3, 2006 in Jamaica, NY.

**William J. Flanagan,**  
*Manager, Airports Division, Eastern Region.*  
[FR Doc. 06-3624 Filed 4-14-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34857]

#### The Kansas City Southern Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company and BNSF Railway Company

Union Pacific Railroad Company (UP) and BNSF Railway Company (BNSF) have agreed to grant temporary overhead trackage rights to The Kansas City Southern Railway Company (KCSR) over approximately 354 miles of rail line owned by UP, and over approximately 30 miles of rail line owned by BNSF.

Under the trackage rights agreement, UP will provide KCSR with non-exclusive, temporary trackage rights as follows: (1) Between Shreveport, LA, approximately UP milepost 230.8 and the Quitman Street Connection in Houston, TX (UP's Lufkin Subdivision), a total distance of approximately 235 miles, (2) between UP milepost 238.1 (BNSF Connection) and UP milepost 238.0 (T&NO Junction), approximately 0.1 mile, and (3) between Algoa, TX, UP milepost 343.1 and Placedo, TX, UP milepost 224.1 (UP's Angleton Subdivision), a distance of approximately 119 miles. In addition, to enable KCSR to reach UP's Angleton Subdivision from Houston, BNSF will grant temporary trackage rights to KCSR as follows: (1) Over a portion of BNSF's rail line between Tower 81 in Houston (T&NO Junction) at BNSF milepost 19.4 and the Alvin Wye at BNSF milepost 0.0, and (2) between Alvin Crossover, milepost 28.6 and Algoa, milepost 24.4 (BNSF's Mykawa Subdivision), a distance of approximately 30 miles.

The parties state that the transaction was scheduled to be consummated on April 1, 2006, or upon the effective date of the exemption,<sup>1</sup> and that the temporary trackage rights are scheduled to expire on June 1, 2006. The purpose of the trackage rights over UP's and BNSF's lines is to allow KCSR to provide a connection between Mexico, The Texas Mexican Railway Company's (Tex Mex) rail lines, and the remainder of KCSR's system while UP's Glidden Subdivision is out of service due to

<sup>1</sup> Under 49 CFR 1180.4(g), a railroad must file a verified notice of the transaction with the Board at least one week in advance of consummation, in order to qualify for an exemption under 49 CFR 1180.2(d). In this case, the verified notice was filed on March 29, 2006. Therefore, the earliest the transaction could have been consummated was April 5, 2006, the effective date of the exemption.

certain programmed track, roadbed and structural maintenance.<sup>2</sup>

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), and any employee affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If the 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34857, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on William A. Mullins, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

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

Decided: April 11, 2006.

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

**Vernon A. Williams,**  
Secretary.

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<sup>2</sup> Applicants state that Tex Mex has operated over the Glidden Subdivision via trackage rights since 1996. On March 29, 2006, in STB Finance Docket No. 34849, *Kansas City Southern, The Kansas City Southern Railway Company, and The Texas Mexican Railway Company—Exemption for Transactions Within a Corporate Family*, applicants filed a verified notice of exemption involving the assignment to, and acquisition by, KCSR of all of Tex Mex's trackage and operating rights. Also on March 29, in STB Finance Docket No. 34848, *The Kansas City Southern Railway Company—Trackage Rights Exemption—The Texas Mexican Railway Company*, Tex Mex agreed to grant KCSR local and overhead trackage rights over its entire 157-mile rail line between Laredo and Corpus Christi, TX. All three related notices are being published and served simultaneously.

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34848]

#### The Kansas City Southern Railway Company—Trackage Rights Exemption—The Texas Mexican Railway Company

The Texas Mexican Railway Company (Tex Mex) has agreed to grant local and overhead trackage rights to The Kansas City Southern Railway Company (KCSR),<sup>1</sup> to permit KCSR to operate over its entire line of railroad, approximately 157 miles, between milepost 0.0 at Laredo, TX, and milepost 157.0 at Corpus Christi, TX, including access to all sidings, yards and connections thereto.

This notice is related to a concurrently filed notice of exemption in STB Finance Docket No. 34849, *Kansas City Southern, The Kansas City Southern Railway Company, and The Texas Mexican Railway Company—Exemption for Transactions Within a Corporate Family*, which involves the assignment to, and acquisition by, KCSR of all of Tex Mex's trackage and operating rights, generally: (1) Over lines of Union Pacific Railroad Company (UP) between Beaumont and Houston, TX; (2) over lines of Houston Belt & Terminal Railway Company (HBT) in and around Houston; and (3) over lines of UP between Houston and Corpus Christi and Robstown, TX.

The parties state that the transaction was scheduled to be consummated on April 1, 2006. However, on March 29, 2006, the record in the concurrently filed notice of exemption was supplemented, thereby causing the official filing date for both notices to be March 29, 2006. Therefore, the earliest this transaction could have been consummated was April 5, 2006 (the effective date of the exemption).<sup>2</sup>

This transaction, in conjunction with the assignment and acquisition of Tex Mex's trackage and operating rights in the related notice of exemption, will allow KCSR to provide single-line service from Kansas City to Laredo, and to market the route as a KCSR route without having to include Tex Mex in the routing or the bill of lading. KCSR

<sup>1</sup> A draft copy of the trackage rights agreement was filed with the notice of exemption. Applicants state that a copy of the executed agreement will be filed with the Board within the time frame specified at 49 CFR 1180.6(a)(7)(ii).

<sup>2</sup> Under 49 CFR 1180.4(g), a railroad must file a verified notice of the transaction with the Board at least one week in advance of consummation, in order to qualify for an exemption under 49 CFR 1180.2(d).

will also provide local rail service to shippers located on the line.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34848, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Robert B. Terry, 427 West 12th Street, Kansas City, MO 64105, and William A. Mullins, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

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

Decided: April 7, 2006.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. E6-5550 Filed 4-14-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34849]

#### Kansas City Southern, The Kansas City Southern Railway Company, and The Texas Mexican Railway Company—Exemption for Transactions Within a Corporate Family

Kansas City Southern (KCS), The Kansas City Southern Railway Company (KCSR), and The Texas Mexican Railway Company (Tex Mex), have filed a verified notice of exemption for a transaction within a corporate family. The transaction involves the assignment to, and acquisition by, KCSR of all of Tex Mex's trackage and operating rights.

The trackage rights agreements and mileposts governing Tex Mex's trackage rights are as follows: (1) An agreement dated June 16, 1997, between Southern Pacific Transportation Company (SP) and Tex Mex, granting Tex Mex trackage