

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Finance Docket No. 35134]

**Squaw Creek Southern Railroad, Inc.—
Lease and Operation Exemption—
Central of Georgia Railroad Company**

Squaw Creek Southern Railroad, Inc. (SCS), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and operate, pursuant to a lease agreement (Lease) reached with Central of Georgia Railroad Company (CGA), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR), approximately 21.75 miles of rail line currently owned and operated by CGA, which is located between milepost F-53.75 at Machen, Jasper County, GA, and milepost F-75.5 at Madison, Morgan County, GA.

As a result of this transaction, the subject line will connect with CGA, CSX Transportation, Inc., and The Great Walton Railroad Company, Inc. According to SCS, the Lease specifically provides that there is no restriction on SCS's ability to interchange traffic with a connecting carrier other than CGA or NSR, but SCS explains that, under the Lease, it will receive rental credits and handling fees from CGA and NSR for cars interchanged with CGA.

The transaction is scheduled to become effective on June 1, 2008. The earliest this transaction can be consummated is May 30, 2008, the effective date of the exemption (30 days after the exemption is filed).

SCS certifies that its projected annual revenues as a result of this transaction will not exceed those that qualify it as a Class III rail carrier and will not exceed \$5 million.

Pursuant to the Consolidated Appropriations Act, 2008, Pub. L. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting and shredding). The term "solid waste" is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

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 by no later than May 23, 2008 (at

least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35134 must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy must be served on Andrew P. Goldstein or John M. Cutler, Jr., McCarthy, Sweeney and Harkaway, P.C., 2175 K Street, NW., Suite 600, Washington, DC 20037.

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

Decided: May 12, 2008.

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

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8-11002 Filed 5-15-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Finance Docket No. 35127]

**CSX Transportation, Inc.—Trackage
Rights Exemption—Central Railroad of
Indianapolis D/B/A Chicago, Fort
Wayne and Eastern**

Pursuant to a written trackage rights agreement, Central Railroad of Indianapolis d/b/a Chicago, Fort Wayne and Eastern (CFE) has agreed to grant limited non-exclusive overhead trackage rights to CSX Transportation, Inc. (CSXT) over a CFE line of railroad between milepost QF 191.28, at the west end of CSXT's Crestline Yard, at Crestline, OH, and milepost QFS 62.85 at Spore, OH,¹ via CFE's Ft. Wayne Line Subdivision, a distance of approximately 15.16 miles.²

The transaction may be consummated on or after May 31, 2008, the effective date of the exemption (30 days after the exemption was filed).³

¹ CSXT's and CFE's trackage connects at the west end of CSXT's Crestline Yard. CSXT will operate along the Ft. Wayne Subdivision until it reaches milepost 200.05 near Bucyrus, OH. At that point, CSXT will enter the Spore Industrial Track, which begins at milepost QFS 69.24. CSXT will traverse the Spore Industrial Track to the end at Spore, milepost QFS 62.85, where the privately owned track of National Lime and Stone (NLS) begins. Loaded trains from NLS will be operated in the reverse move.

² A redacted draft version of the trackage rights agreement between CFE and CSXT was filed with the notice of exemption. The full draft version was concurrently filed under seal along with a motion for protective order, which will be addressed in a separate decision.

³ CSXT incorrectly states that the effective date of this exemption is May 30, 2008.

Under the trackage rights agreement, CSXT's trains will move to and from the end points of the line in the interests of economy and efficiency, in connection with a transition in CSXT's operations, which transition will be implemented to improve traffic flow by avoiding time consuming and unnecessary interchange of loaded/empty unit trains between CFE, CSXT, and their respective crews. The trackage rights are limited to: (1) The months between and including April through November of each calendar year, and (2) a maximum of three loaded unit trains of crushed limestone and three empty unit trains per week, with a maximum of 60 cars per unit train. CSXT will not provide local service over 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 effectiveness of the exemption. Stay petitions must be filed by May 23, 2008 (at least 7 days before the exemption becomes effective).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law No. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting and shredding). The term "solid waste" is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35127, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Steven C. Armbrust and John N. Booth, III, 500 Water Street, Suites J-150 and J-315, Jacksonville, FL 32202.

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

Decided: May 9, 2008.