Railway Company, Inc. d/b/a Canadian
Saratoga and North Creek Railway,

[Docket No. FD 35500]

Surface Transportation Board

DEPARTMENT OF TRANSPORTATION

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5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.].


7. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)].


(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12572 regarding intergovernmental consultation on Federal programs and activities apply to this program.)


Issued on: May 25, 2011.

Maiser Khaled,
Acting Director, State Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. 2011–13545 Filed 5–31–11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION
Surface Transportation Board

[Docket No. FD 35500]

Saratoga and North Creek Railway, LLC—Acquisition and Operation Exemption—Delaware and Hudson Railway Company, Inc. d/b/a a Canadian Pacific

Saratoga and North Creek Railway, LLC (Saratoga), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Delaware and Hudson Railway Company, Inc. d/b/a a Canadian Pacific (CP) a permanent and exclusive freight rail easement over, and to operate, approximately 16.45-miles of rail line known as the Adirondack Branch extending between Adirondack Branch milepost 39.44 at or near Saratoga Springs, NY, and Adirondack Branch milepost 55.89 at or near Corinth, NY. In addition, Saratoga states that it will acquire approximately 3.2 miles of operating rights for the purpose of interchange with CP between Adirondack Branch milepost 39.44 and CP’s yard at Saratoga Springs located at Canadian Subdivision milepost 35. The Town will remain the owner of the tracks and right-of-way.

Saratoga states that it is negotiating the terms of an agreement with CP covering its acquisition of the permanent and exclusive freight easement and operating rights over CP’s reserved operating easement, as well as an agreement with the Town for the use of its track and right-of-way.

This transaction is related to two simultaneously filed notices of exemption: (1) Docket No. FD 35500 (Sub-No. 1), Saratoga and North Creek Railway, LLC—Operation Exemption—Warren County, NY, in which Saratoga seeks an exemption under 49 CFR 1150.31 to operate over approximately 39.07 miles of rail line owned by Warren County, NY, between milepost 55.89 at or near Corinth, NY, and milepost 94.96 at North Creek, NY; and (2) Docket No. FD 35499, San Luis & Rio Grande Railroad—Continuance in Control Exemption—Saratoga and North Creek Railway, LLC, in which SLRG seeks an exemption to continue in control of Saratoga upon Saratoga’s becoming a Class III rail carrier. As a result of these transactions, Saratoga will have authority to operate from Saratoga Springs to North Creek.

Saratoga indicates that its agreement with the Town will not permit the collecting, sorting, loading, unloading, transferring, or transporting of municipal solid waste or construction and demolition material.

Saratoga certifies that it has negotiated annual revenues as a result of this transaction which will not result in Saratoga’s becoming a Class II or Class I rail carrier and will not exceed $5 million.

Saratoga intends to consummate the transaction in either late June or early July 2011. The earliest the transaction may be consummated is after the June 15, 2011 effective date of the exemption (30 days after the exemption 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. Stay petitions must be filed no later than June 8, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35500, 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 John D. Heffner, John D. Heffner, PLLC, 1750 K Street, NW., Suite 200, Washington, DC 20006.

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

Decided: May 26, 2011.

By the Board.

Rachel D. Campbell,
Director, Office of Proceedings.
Andrea Pope-Matheson,
Clearance Clerk.

[FR Doc. 2011–13493 Filed 5–31–11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION
Surface Transportation Board

[Docket No. FD 35499]

San Luis & Rio Grande Railroad—Continuance in Control Exemption—Saratoga and North Creek Railway, LLC

San Luis & Rio Grande Railroad (SLRG), a Class III rail carrier, has filed a verified notice of exemption to continue in control of Saratoga and

3 Saratoga is a limited liability company, wholly owned by San Luis & Rio Grande Railroad (SLRG). SLRG is a Class III rail carrier and a subsidiary of Permian Basin Railways, Inc., which in turn is owned by Iowa Pacific Holdings, LLC.