DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35591]

Georgia Department of Transportation—Acquisition Exemption—CSX Transportation, Inc.

Georgia Department of Transportation (GDOT) has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from CSX Transportation, Inc. (CSXT), a line of railroad known as the West End Segment of the L&N Belt between milepost 469.15 and milepost 472.27, a distance of 3.12 miles, in the City of Atlanta, Fulton County, Ga. On February 17, 2012, GDOT filed a supplement to its verified notice of exemption.

GDOT states that CSXT transferred the subject line to GDOT in a quitclaim deed dated December 7, 2001 and that GDOT acquired the line to preserve it for future transportation uses. GDOT now seeks Board authorization for the transaction.

The exemption is being issued and published to clarify JP Rail’s authority to operate the line in the future. JP Rail may have assigned its rights and obligations under that contract to Class III rail carrier U.S. Rail, the successor in interest to JP Rail. The exemption will become effective on March 18, 2012 (30 days after the verified notice was filed).

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. Petitions to stay must be filed no later than March 9, 2012 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35591, 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 Charles A. Spitulnik, Kaplan Kirsch & Rockwell, 1001 Connecticut Avenue NW., Suite 800, Washington, DC 20036.

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


By the Board.

Rachel D. Campbell,
Director, Office of Proceedings.
Jeffrey Herzig,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

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[Docket No. FD 35596]

JP Rail, Inc. d/b/a Southern Railroad Company of New Jersey—Operation Exemption—Rail Line in Salem County, N.J.

JP Rail, Inc. d/b/a Southern Railroad Company of New Jersey (JP Rail), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to operate approximately 18.6 miles of rail line known as the Salem Branch Line (the Line), which is owned by Salem County, N.J. (Salem), as follows: (1) Between the connection with Consolidated Rail Corporation at approximately milepost 11.0 in Swedesboro, N.J., and approximately milepost 28.4 at Salem, and (2) the Glass House Spur, between mileposts 0.0 and 1.2 in Salem.1

JP Rail certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenues will not exceed $3 million.

The earliest this transaction may be consummated is March 14, 2012, the effective date of the exemption (30 days after the exemption was filed).

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 no later than March 7, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35596, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20036.


In the verified notice, JP Rail requests that rail service be permitted to resume as soon as possible because there are shippers on the line that require rail service. On February 21, 2012, JP Rail filed a petition for waiver of the 30-day period before an exemption can become effective. 49 CFR 1150.42(b), and requested that the notice of exemption be permitted to become effective within 10 days of its February 13, 2012 filing date.

While JP Rail may have assigned its rights and obligations under the 2003 contract to U.S. Rail, the record does not show that JP Rail has ever sought Board authority to discontinue operations over the line. Similarly, U.S. Rail has not sought Board authority to discontinue operations over the line. Thus, with two rail carriers currently authorized to provide rail service on the Line, there is no need to rule on JP Rail’s waiver petition. This notice of exemption is being issued and published to clarify the status of the parties with respect to the Line and to remove any doubt about JP Rail’s authority to operate the Line in the future.