

2014, unless the Board grants GRR's petition for partial waiver of 49 CFR 1150.32(b) to permit the exemption to become effective on December 26, 2014, in which case the due date for stays will be established in the Board's decision acting on GRR's petition.

An original and 10 copies of all pleadings, referring to Docket No. FD 35888, 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 Louis E. Gitomer, Esq., Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: December 17, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Brendetta S. Jones,**  
*Clearance Clerk.*

[FR Doc. 2014-29866 Filed 12-19-14; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. EP 290 (Sub-No. 5) (2015-1)]

#### Quarterly Rail Cost Adjustment Factor

**AGENCY:** Surface Transportation Board.  
**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board has approved the first quarter 2015 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The first quarter 2015 RCAF (Unadjusted) is 0.946. The first quarter 2015 RCAF (Adjusted) is 0.405. The first quarter 2015 RCAF-5 is 0.383.

**DATES:** *Effective Date:* January 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez, (202) 245-0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877-8339.

#### SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision, which is available on our Web site, <http://www.stb.dot.gov>. Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Assistance for the hearing impaired is available through FIRS at (800) 877-8339.

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: December 16, 2014.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2014-29863 Filed 12-19-14; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35873]<sup>1</sup>

#### Norfolk Southern Railway Company—Acquisition and Operation—Certain Rail Lines of the Delaware and Hudson Railway Company, Inc.

**AGENCY:** Surface Transportation Board, Department of Transportation.

**ACTION:** Decision No. 1 in Docket No. FD 35873; Notice of Acceptance of Primary Application and Related Filings; Issuance of Procedural Schedule.

**SUMMARY:** The Surface Transportation Board (Board) is accepting for consideration the application filed November 17, 2014, by Norfolk Southern Railway Company (NSR or Applicant), and two related filings. The primary application seeks Board approval under 49 U.S.C. 11323-25 of the acquisition of control of 282.55 miles of rail line owned by Delaware and Hudson Railway Company, Inc. (D&H), a wholly owned, indirect subsidiary of Canadian Pacific Railway Company (CP), by NSR, a Class I railroad. This proposal is referred to as the Control Transaction.

The related filings are two notices of exemption filed by NSR to modify existing trackage rights agreements. The notice of exemption filed in FD 34209 (Sub-No. 1) provides for the modification of an existing trackage rights agreement granted by D&H to NSR. This modification would allow NSR to retain trackage rights over approximately 17.45 miles of rail line between milepost 484.85 ± in the vicinity of Schenectady, N.Y., and CPF 467 in the vicinity of Mechanicville, N.Y., including the right to use such tracks within D&H's Mohawk Yard. The notice of exemption filed in FD 34562 (Sub-No. 1) provides for the modification of the Saratoga-East Binghamton Trackage Rights Agreement granted by D&H to NSR. This modification would allow NSR to retain trackage rights between milepost 37.10

<sup>1</sup> This decision also embraces *Norfolk S. Ry.—Trackage Rights Exemption—Delaware & Hudson Ry.*, FD 34209 (Sub-No. 1), and *Norfolk S. Ry.—Trackage Rights Exemption—Delaware & Hudson Ry.*, FD 34562 (Sub-No. 1).

± of D&H's Canadian Main Line in Saratoga Springs, N.Y., and CPF 484 at Schenectady. Both of these notices of exemption would remove from the respective trackage rights agreements rail lines that NSR would purchase under the Control Transaction, and would allow NSR to retain needed trackage rights over the remaining lines. Neither notice of exemption would provide for new trackage rights.

The Board finds that the application is complete and that the Control Transaction is a minor transaction based upon the preliminary determination that the Control Transaction clearly will not have any anticompetitive effects and that, to the extent any anticompetitive effects exist, they will clearly be outweighed by the transaction's anticipated contribution to the public interest in meeting significant transportation needs. 49 CFR 1180.2(b)(1), (c). The Board makes this preliminary determination based on the evidence presented in the application and the record to date. The Board emphasizes that this is not a final determination, and may be rebutted by subsequent filings and evidence submitted into the record for this proceeding. The Board will give careful consideration to any claims that the Control Transaction would have anticompetitive effects that are not apparent from the application and the record to date.

**DATES:** The effective date of this decision is December 16, 2014. Any person who wishes to participate in this proceeding as a party of record (POR) must file, no later than December 29, 2014, a notice of intent to participate. All comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application and related filings, including filings by the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT), must be filed by January 15, 2015. Responses to comments, protests, requests for conditions, other opposition, and rebuttal in support of the primary application or related filings must be filed by March 31, 2015. See Appendix A (Procedural Schedule). A final decision in this matter will be served no later than May 15, 2015. Further procedural orders, if any, will be issued by the Board as necessary.

**ADDRESSES:** Any filing submitted in this proceeding must be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions found on the Board's Web