

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36191]

Iowa Pacific Holdings, LLC, Permian Basin Railways, and San Luis & Rio Grande Railway—Corporate Family Transaction Exemption—Grenada Railroad, LLC

Iowa Pacific Holdings, LLC (IPH), Permian Basin Railways (PBR), and San Luis & Rio Grande Railway (SLRG) (collectively, the Parties) have jointly filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for an intra-corporate family transaction.

According to the Parties, IPH is a noncarrier established for the purpose of owning and operating common carrier short line railroads and non-common carrier excursion passenger railroads. The Parties state that PBR is a wholly owned corporate subsidiary of IPH established for the purpose of owning common carrier short line railroads. The Parties further state that PBR directly controls the following Class III common carrier short line railroads: Chicago Terminal Railroad, Mount Hood Railroad, and SLRG. According to the Parties, through SLRG, PBR controls three additional Class III common carrier short line railroads: Saratoga & North Creek Railway, Grenada Railroad, LLC (GRR), and an 80% interest in Massachusetts Coastal Railroad.

The Parties state that GRR was initially established as a direct subsidiary of PBR; however, on or about October 13, 2015, IPH's management decided to place control of GRR under SLRG rather than directly under PBR. The Parties state that IPH and PBR transferred their direct ownership of GRR to their subsidiary, SLRG, without realizing that authority from the Surface Transportation Board (Board) would be required. According to the Parties, upon learning that authority was required, the Parties instructed their counsel to seek Board approval.

According to the Parties, IPH's management transferred ownership of GRR from PBR to SLRG for business and tax reasons. The Parties further state that they propose to sell a majority interest in GRR to a third party "that will invest substantial assets in the Line to more fully develop its potential."¹

The Parties certify that the transaction involved no provision or agreement that

¹ This notice of exemption applies only to the intra-corporate family transfer of GRR from PBR to SLRG, not to any proposed sale of GRR to a third party.

would limit future interchange with a third-party connecting carrier.²

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3).³ Unless stayed, the exemption will be effective on June 3, 2018⁴ (30 days after the verified notice was filed).⁵

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all the carriers involved are Class III carriers.

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 exemption. Petitions for stay must be filed no later than May 25, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36191, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on John D. Heffner, Clark Hill Strasburger, 1025 Connecticut Ave. NW, Suite 717, Washington, DC 20036.

According to the Parties, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

² The Parties' certification cites to 49 CFR 1180.3(g)(4); however, the correct cite is 49 CFR 1180.4(g)(4).

³ Section 1180.2(d)(3) exempts transactions within a corporate family that do not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

⁴ The Parties did not request retroactive authorization, and the exemption invoked by the Parties does not provide for retroactive effectiveness. See *Wendelin—Continuance in Control—RMW Ventures, LLC*, FD 35801, slip op. at 2 n.1 (STB served Mar. 21, 2014) (noting that the authority for a continuance in control exemption under 49 CFR 1180.2(d)(2) would be effective prospectively only); see also *Kan. City S. Lines, Inc.—Corp. Family Transaction Exemption—KCS Transp. Co.*, FD 33510, slip op. at 1 n.1 (STB served Dec. 10, 1997) ("no class exemption provides for retroactive application"). Accordingly, the authority will be effective prospectively only.

⁵ The Parties initially filed their verified notice of exemption on April 27, 2018, but supplemented it on May 4, 2018. Therefore, May 4, 2018, is the official filing date.

Board decisions and notices are available on our website at "WWW.STB.GOV."

Decided: May 15, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2018-10664 Filed 5-17-18; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 783X)]

CSX Transportation, Inc.—Discontinuance of Service Exemption—in Baldwin and Hancock Counties, GA

CSX Transportation, Inc. (CSXT), has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over an approximately 25-mile rail line on its Atlanta Division, Camak Subdivision between milepost YYM 22.0 and milepost YYM 47.0 in Baldwin and Hancock Counties, Ga. (the Line). The Line traverses United States Postal Service Zip Codes 31087 and 31061.

CSXT has certified that: (1) No local traffic has moved over the Line for at least two years; (2) any overhead traffic on the Line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is either pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)¹ to subsidize

¹ The Board modified its OFA procedures effective July 29, 2017. Among other things, the

continued rail service has been received, this exemption will be effective on June 17, 2018, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)² must be filed by May 28, 2018.³ Petitions for reconsideration must be filed by June 7, 2018, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001.

A copy of any petition filed with Board should be sent to CSXT's representative, Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available on our website at "WWW.STB.GOV."

Decided: May 10, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2018-10348 Filed 5-17-18; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF STATE

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Public Notice 10418]

Notice of Termination of United States- Ecuador Bilateral Investment Treaty

ACTION: Notice of termination.

SUMMARY: The Government of Ecuador has delivered to the United States a notice of termination for the bilateral investment treaty between the two countries. As a result, the treaty terminates as of May 18, 2018, except that it will continue to apply for another 10 years to investments made or acquired prior to the date of termination

OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly-available information. See *Offers of Financial Assistance*, EP 729 (STB served June 29, 2017); 82 FR 30,997 (July 5, 2017).

² Each OFA must be accompanied by the filing fee, which currently is set at \$1,800. See 49 CFR 1002.2(f)(25).

³ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require environmental review.

(May 18, 2018) and to which the treaty otherwise applies.

FOR FURTHER INFORMATION CONTACT:

Pamela Phan, Senior Treaty Negotiator, Office of Investment Affairs at the Department of State, at PhanPN@state.gov or (202) 736-4246, or Lauren Mandell, Deputy Assistant U.S. Trade Representative for Investment at the Office of the U.S. Trade Representative, at Lauren_A_Mandell@ustr.eop.gov or (202) 395-9444.

SUPPLEMENTARY INFORMATION: Ecuador delivered a notice dated May 18, 2017, that it was terminating the "Treaty between the United States of America and the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment" ("the Treaty"). Pursuant to the terms of the Treaty, termination takes effect one year from the date of that notice.

The Treaty was signed at Washington on August 27, 1993, and entered into force on May 11, 1997. Under the terms of the Treaty, either Party may terminate the Treaty at the end of the initial ten-year period, or any time thereafter, by giving one year's written notice to the other Party. The provisions of the Treaty will continue to apply for an additional 10 years to all investments made or acquired prior to the date of termination and to which the Treaty otherwise applies. The Treaty provides protections to cross-border investment between the two countries and the option to resolve investment disputes through international arbitration. The Department of State and the Office of the U.S. Trade Representative, which co-lead the U.S. bilateral investment treaty program, are providing this notice so that existing or potential U.S. investors in Ecuador can factor the termination of the Treaty into their business planning, as appropriate.

Pamela Phan,

Senior Treaty Negotiator and Advisor, Office of Investment Affairs, Department of State.

Lauren Mandell,

Deputy Assistant U.S. Trade Representative, Office of the U.S. Trade Representative.

[FR Doc. 2018-10659 Filed 5-17-18; 8:45 am]

BILLING CODE 4710-AE-P

DEPARTMENT OF TRANSPORTATION

Notice of Final Federal Agency Actions on SH 205 From North of John King (Rockwall County Line) to SH 78 in Collin County, Texas

AGENCY: Texas Department of Transportation (TxDOT), Federal Highway Administration (FHWA), U.S. Department of Transportation.

ACTION: Notice of limitation on claims for judicial review of actions by TxDOT and federal agencies.

SUMMARY: This notice announces actions taken by TxDOT and Federal agencies that are final. The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to statute and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT. The actions relate to a proposed highway project, SH 205 from North of John King (Rockwall County Line) to SH 78 in Collin County, in the State of Texas. These actions grant licenses, permits, and approvals for the project.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of TxDOT and Federal agency actions on the highway project will be barred unless the claim is filed on or before October 15, 2018. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such a claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT:

Carlos Swonke, Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416-2734; email: carlos.swonke@txdot.gov. TxDOT's normal business hours are 8:00 a.m.-5:00 p.m. (central time), Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: SH 205 from North of John King (Rockwall County Line) to SH 78 in Collin County, Texas. The proposed improvements would widen the existing facility from a two-lane rural to an ultimate six-lane urban divided highway. Interim improvements would include constructing a four-lane urban roadway with an inside 12-foot wide travel lane in each direction and an outside 14-foot travel lane in each direction for shared use by bicycles and vehicles. A 42-foot wide median would divide the northbound and southbound lanes. In the ultimate phase of construction, inside widening would occur within the 42-foot wide median and an additional 12-foot wide lane would be constructed in each direction with an 18-foot median remaining. The length of the