

negatively impact employees. (Appl. 14.)

The Board finds that the acquisition proposed in the application is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at www.stb.gov.

It is ordered:

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective April 9, 2019, unless opposing comments are filed by April 8, 2019.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: February 15, 2019.

By the Board, Board Members Begeman, Fuchs, and Oberman.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2019-03115 Filed 2-21-19; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36259]

Kean Burenga and Chesapeake and Delaware, LLC—Continuance in Control Exemption—Dover and Delaware River Railroad, LLC

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board is granting an exemption for Kean Burenga (Burenga) and Chesapeake and Delaware, LLC (CAD), both noncarriers, to continue in

control of Dover and Delaware River Railroad, LLC (DDRR), when DDRR becomes a Class III rail carrier in a related transaction involving DDRR's lease and operation of 27.2 miles of rail lines owned by Norfolk Southern Railway Company (NSR) and operation of 80.7 miles of rail lines pursuant to a trackage rights agreement among DDRR, New Jersey Transit Corporation, and NSR.¹ All of the affected lines are located in the State of New Jersey. The lines over which DDRR will operate connect with lines operated by Dover and Rockaway River Railroad, LCC (Rockaway), another Class III carrier that CAD controls.² Because all of the carriers involved are Class III carriers, this continuance-in-control exemption is not subject to labor protective conditions.

DATES: This exemption will be effective on February 25, 2019. Petitions to stay must be filed by February 20, 2019. Petitions to reopen must be filed by March 7, 2019.

ADDRESSES: Send an original and 10 copies of all pleadings, referring to Docket No. FD 36259, to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Eric M. Hocky, Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Sarah Fancher, (202) 245-0355. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877-8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision served on February 15, 2019, which is available at www.stb.gov.

Decided: February 14, 2019.

By the Board, Board Members Begeman, Fuchs, and Oberman.

Tammy Lowery,
Clearance Clerk.

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¹ See *Dover & Del. River R.R.—Lease with Interchange Commitment & Trackage Rights Exemption—Norfolk S. R.R.*, FD 36258 (STB served Dec. 20, 2018).

² Burenga previously sought authority to continue in control of Rockaway once Rockaway became a Class III rail carrier. (See Pet. 2 (citing *Burenga—Continuance in Control Exemption—Dover & Rockaway River R.R.*, FD 36125, slip op. at 1 (STB served June 16, 2017)).) The Board found it unnecessary to resolve the issue of Burenga's control in that proceeding.

SURFACE TRANSPORTATION BOARD

[Docket No. AB 312 (Sub-No. 4X); Docket No. AB 1000 (Sub-No. 4X)]

South Carolina Central Railroad Company, LLC—Abandonment Exemption—in Terrell County, GA; Georgia Southwestern Railroad, Inc.—Discontinuance Exemption—in Terrell County, GA

South Carolina Central Railroad Company, LLC (SCRf), and Georgia Southwestern Railroad, Inc. (GSWR) (collectively, Applicants), have jointly filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for SCRf to abandon, and for GSWR to discontinue service over, approximately 1,350 feet of rail line between milepost 72.88 and milepost 72.63 in the Town of Sasser, Terrell County, GA (the Line). The Line traverses U.S. Postal Service Zip Code 39885.

Applicants have certified that: (1) No local or overhead traffic has moved over the Line for at least two years; (2) because the Line is not a "through line," there is no overhead traffic on the Line; (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 either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment and 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 has been received,

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