CCET, LLC d/b/a Cincinnati Eastern Railroad—Lease and Operation Exemption—Norfolk Southern Railway Company

CCET, LLC d/b/a Cincinnati Eastern Railroad (CCET), a Class III railroad, has filed a verified notice of exemption under 49 CFR 1150.41 to continue its lease of, and its provision of railroad common carrier service over, approximately 69.45 route miles of railroad owned by Norfolk Southern Railway Company (NSR), from milepost CT 9.0 at Clare, Ohio, at its west end, to milepost CT 78.45 at Mineral Springs, Ohio (the Line).

According to CCET, the amended lease agreement between CCET and NSR does not contain any provision that prohibits, restricts, or otherwise limits, interchange of traffic with any third-party carrier.

CCET certifies that its projected annual revenues as a result of the proposed transaction will not exceed $5 million and that the transaction will not result in the creation of a Class II or Class I rail carrier.

This transaction may be consummated on or after January 9, 2020, the effective date of the exemption (30 days after the verified notice 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. Petitions for stay must be filed no later than January 2, 2020 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36370, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on CCET’s representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.

According to CCET, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

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

Decided: December 18, 2019.

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

Jeffrey Herzig,
Clearance Clerk.

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BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

Windsor & Western Railroad Company—Abandonment Exemption in Cumberland County, N.J.

Windsor & Western Railroad Co. (W&W) has filed a verified notice of exemption under 49 CFR part 1152 with the Surface Transportation Board (Board) to abandon an approximately 0.5-mile line of railroad, from approximately milepost 16.2 to milepost 16.7, in the Township of Commercial, Cumberland County, N.J. (the Line). The Line traverses U.S. Postal Service Zip Code 08349.

W&W has certified that: (1) No local commodity carrier freight traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years and, therefore, there is no need to reroute any traffic; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government acting on behalf of such user) regarding cessation of service over the Line is pending; and (4) the Line is financially responsible. See 49 CFR 1152.27(c)(2) and trail use/rail banking requests under 49 CFR 1152.29 must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, 1 this exemption will be effective on January 25, 2020, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues must be filed by January 3, 2020. 2 Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) and trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 6, 2020. 3 Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 15, 2020.

1 Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (i.e., subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

2 The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board’s Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption’s effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption’s effective date.

3 Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(125) and (27), respectively.

SURFACE TRANSPORTATION BOARD

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