

**Safety Integration Plan.** Even if an environmental and historic review is not required, Applicants are required to prepare a SIP. 49 CFR 1106.2 and 1106.3 (requiring applicants to prepare a SIP in consultation with FRA when a Class I railroad proposes to consolidate with, merge with, or acquire control of under 49 U.S.C. 11323(a) a Class II railroad where there is a proposed amalgamation of operations as defined by FRA's regulations); *see also* 49 CFR 244.9. A SIP is a comprehensive written plan, prepared in accordance with FRA guidelines or regulations, explaining the process by which Applicants intend to integrate the operation of the properties involved in a manner that would maintain safety at every step of the integration process, in the event the Board approves the Merger Transaction. 49 CFR 1106.2; 49 CFR 244.9. The proposed SIP is normally included as part of the environmental record, reviewed by OEA, and put out for public review and comment during the environmental review process. 49 CFR 1106.4(b); 49 CFR 244.17. However, in cases where no formal environmental review is required under NEPA, the Board will develop appropriate case-specific SIP procedures based on the facts and circumstances presented. 49 CFR 1106.4(c). If the Board authorizes the proposed transaction and adopts the SIP, the Board requires compliance with the SIP as a condition to its authorization. 49 CFR 1106.4(b)(4).

In its original petition for a procedural schedule, Applicants proposed that the SIP be filed with OEA and FRA on what would have been 15 days after the decision accepting the "significant" transaction application. However, the Board and FRA's regulations allow for Applicants to submit the proposed SIP up to 60 days after the application is filed, which would be August 30, 2021. Accordingly, the Board will also allow Applicants the full 60 days to submit the SIP. Comments in response to the proposed SIP will be due on October 4, 2021. Applicants' response to comments on the SIP will be due on October 18, 2021.

**Service of Decisions, Orders, and Notices.** The Board will serve copies of its decisions, orders, and notices on those persons who are designated on the official service list as a Party of Record or Non-Party. All other interested persons are encouraged to secure copies of decisions, orders, and notices via the Board's website at [www.stb.gov](http://www.stb.gov).

**Access to Filings.** Under the Board's rules, any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on

request, unless subject to a protective order. 49 CFR 1180.4(a)(3). The Revised Application and other filings in this proceeding will be furnished to interested persons upon request and will also be available on the Board's website at [www.stb.gov](http://www.stb.gov). In addition, the Revised Application may be obtained from Messrs. LaRocca and Culliford at the addresses indicated above.

**It is ordered:**

1. The Revised Application in Docket No. FD 36472 is accepted for consideration.

2. The parties to this proceeding must comply with the procedural schedule adopted by the Board in this proceeding as shown in the Appendix to this decision. The parties to this proceeding must comply with the procedural requirements described in this decision.

3. CSXT shall provide updated traffic forecasts through 2027, as discussed above.

4. This decision is effective on July 30, 2021.

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

**Eden Besera,**

*Clearance Clerk.*

**Appendix**

**Procedural Schedule**

July 1, 2021—Revised Application filed.

July 30, 2021—Board notice of acceptance of Revised Application to be published in the **Federal Register**.

Aug. 19, 2021—CSXT supplement containing 2025, 2026, and 2027 traffic forecasts due (unless extended based on a CSXT request for additional time).

Aug. 20, 2021—Notices of intent to participate in this proceeding due.

Aug. 27, 2021—Descriptions of anticipated responsive, including inconsistent, applications due. Petitions for waiver or clarification with respect to such applications due.

Comments, protests, requests for conditions, and any other evidence and argument in opposition to the Revised Application or Related Transactions due. This includes any comments from the U.S. Department of Justice (DOJ) and U.S. Department of Transportation (USDOT).

Aug. 30, 2021—Proposed SIP to be filed with OEA and FRA.

Sept. 17, 2021—Environmental comments due, addressed to the attention of OEA (unless extended based on a CSXT request for additional time).

Sept. 28, 2021—Responsive, including inconsistent, applications due.

October 4, 2021—Comments in response to the Proposed SIP due.

October 18, 2021—Responses to comments, protests, requests for conditions, and other opposition due, including to DOJ and USDOT filings.

Responses to responsive, including inconsistent, applications due.

Rebuttal in support of the Revised Application and Related Transactions due.

Applicants' response to comments regarding the SIP due.

Nov. 17, 2021—Rebuttal in support of responsive, including inconsistent, applications due.

TBD—Public hearing (if necessary).<sup>42</sup>

Jan. 3, 2022—Final briefs due.<sup>43</sup> (Close of the record.)

April 1, 2022—Service date of final decision.

May 1, 2022—Effective date of final decision.

[FR Doc. 2021–16328 Filed 7–29–21; 8:45 am]

**BILLING CODE 4915–01–P**

**SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36528]

**South Point & Ohio Railroad, LLC—  
Operation Exemption—Lawrence  
Economic Development Corporation**

South Point & Ohio Railroad, LLC (SPOR), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.31 to operate approximately 1,277 feet of track in South Point, Ohio (the Line), owned by Lawrence Economic Development Corporation (LEDC), also a noncarrier. The Line extends from a point of connection with the Kenova District main line of Norfolk Southern Railway Company northward to an industrial park owned by LEDC. The Line has no mileposts. According to SPOR, no common carrier service has previously been offered on the Line.

Pursuant to a Lease, Development and Marketing Services Agreement (Agreement) between SPOR and LEDC,<sup>1</sup> SPOR will lease the Line, provide common carrier rail service on the Line, and operate as needed over connecting ancillary track located within the LEDC-owned industrial park. SPOR states that the Agreement would be effectuated upon the effective date of the exemption, and upon the satisfaction of several other conditions precedent as set forth in the Agreement. According to SPOR, its obligation to provide common

<sup>42</sup>The Board will decide whether to conduct a public hearing, which would be held between the filing of rebuttals and final briefs, in a later decision after the record has been more fully developed. *See* 49 U.S.C. 11324(a) ("The Board shall hold a public hearing unless the Board determines that a public hearing is not necessary in the public interest.")

<sup>43</sup>The Board will also determine the page limits for final briefs in a later decision after the record has been more fully developed.

<sup>1</sup>SPOR filed a copy of the Agreement, *see Macrie—Continuance in Control Exemption—N.J. Seashore Lines, Inc.*, FD 35296, slip op. at 3–4 (STB served Aug. 31, 2010), in both redacted, public form and under seal in unredacted form, along with a motion for protective order pursuant to 49 CFR 1104.14. That motion was granted in a decision served on July 20, 2021.

carrier rail service is anticipated to commence on or after August 15, 2021.

SPOR states that the proposed transaction does not involve, and the Agreement does not contain, any provision or agreement that would limit future interchange on the Line with a third-party connecting carrier.

Further, SPOR certifies that its projected annual revenue will not exceed \$5 million and that the proposed transaction will not result in SPOR's becoming a Class I or II rail carrier.

The earliest this transaction may be consummated is August 15, 2021, 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 August 6, 2021.

All pleadings, referring to Docket No. FD 36528, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on SPOR's representative, Thomas J. Healey, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

According to SPOR, 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](http://www.stb.gov).

Decided: July 26, 2021.

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

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

[FR Doc. 2021-16243 Filed 7-29-21; 8:45 am]

**BILLING CODE 4915-01-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent

**AGENCY:** Federal Aviation Administration (FAA), Transportation (DOT).

**ACTION:** Request for public comment.

**SUMMARY:** The FAA hereby provides notice of intent to release 14.03 acres at the Melbourne International Airport, Melbourne, FL from the conditions, reservations, and restrictions as contained in a Quitclaim Deed

agreement between the FAA and the City of Melbourne, dated August 6, 1947. The release of property will allow the City of Melbourne to use the property for other than aeronautical purposes. The property is located located on the Northeast Corner of Martin Luther King Jr. Boulevard and NASA Boulevard at the Melbourne International Airport in Brevard County. The parcel is currently designated as surplus property. The property will be released of its federal obligations for the purpose of building a consolidated City of Melbourne Police Headquarters. The fair market value lease of this parcel has been determined to be \$3,367,000. Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Melbourne International Airport and the FAA Airports District Office.

**DATES:** Comments are due on or before August 30, 2021.

**ADDRESSES:** Documents are available for review at Melbourne International Airport, and the FAA Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819. Written comments on the Sponsor's request must be delivered or mailed to: Marisol Elliott, Community Planner, Orlando Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819.

**FOR FURTHER INFORMATION CONTACT:** Marisol Elliott, (407) 487-7231, Community Planner, Orlando Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819.

**SUPPLEMENTARY INFORMATION:** Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21) requires the FAA to provide an opportunity for public notice and comment prior to the "waiver" or "modification" of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

**Bartholomew Vernace,**

*Manager, Orlando Airports District Office, Southern Region.*

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**BILLING CODE 4910-13-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of limitation on claims for judicial review of actions by the

California Department of Transportation (Caltrans).

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(I)(1). The actions relate to a proposed highway project, the State Route 29 (SR 29) Ritchie Creek Bridge Replacement Project for Fish Passage Improvement at post mile 33.13 in Napa County, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(I)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before December 27, 2021. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Maxwell Lammert, Environmental Branch Chief, 111 Grand Avenue MS 8B, Oakland, CA 94612, 510-506-9862 (Voice) and email [Maxwell.Lammert@dot.ca.gov](mailto:Maxwell.Lammert@dot.ca.gov). For FHWA, contact David Tedrick at (916) 498-5024 or email [David.tedrick@dot.gov](mailto:David.tedrick@dot.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(I)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Caltrans proposes to replace the existing Ritchie Creek Bridge (Bridge No. 21-0057) with a new bridge at post mile (PM) 33.13, located on State Route 29 (SR 29) southeast of the city of Calistoga and to the north of the city of St. Helena in Napa County. The existing bridge on SR 29 is classified as a depth and jump barrier to adult and juvenile salmonids. The purpose of the proposed project is to address fish passage barriers at the SR 29 crossing over Ritchie Creek to obtain Total Maximum Daily Load compliance unit credits from State Water Resources Control Board under the Caltrans Statewide National Pollutant Discharge Elimination System permit.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) and Finding of No Significant Impact