

exemption under 49 CFR 1150.31 to operate 11.7 miles of rail line between milepost I-108.6 near Argos and milepost I-96.9 at Rochester, in Marshall and Fulton Counties, Ind. (the Line). The Line is owned by Fulton County, LLC, d/b/a Fulton County Railroad (FCRR), a Class III carrier.

According to the verified notice, Grube indirectly controls FCRR—the owner of the Line—through his ownership of Grube Industries, LLC, which owns Steel on Steel Railways, LLC, which in turn owns FCRR. The verified notice states that Grube will continue in control of RERY (as majority owner) upon RERY's becoming a Class III rail carrier. Grube states that the Line is the only rail line owned or operated by the corporate family, and therefore it does not connect with any other railroads in the corporate family; nor is the continuance in control of RERY part of series of anticipated transactions that would connect the Line with any other railroad in the corporate family. Furthermore, the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 U.S.C. 1180.2(d)(2).

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. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Accordingly, because this transaction involves Class III rail carriers only, the Board may not impose labor protective conditions here.

The earliest this transaction may be consummated is April 21, 2023, 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 April 14, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36684, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Grube's representative, Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103.

According to Grube, 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: April 4, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Brendetta Jones,
Clearance Clerk.

[FR Doc. 2023-07355 Filed 4-6-23; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36671]

Rochester & Erie Railway, LLC— Operation Exemption—Fulton County, LLC, d/b/a Fulton County Railroad

Rochester & Erie Railway, LLC (RERY), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.31 to operate 11.7 miles of rail line between milepost I-108.6 near Argos and milepost I-96.9 at Rochester, in Marshall and Fulton Counties, Ind. (the Line). The Line includes a short stub-ended spur extending west from approximately milepost 98.1 and terminating at U.S. Route 31.

The verified notice states that the Line is owned by Fulton County, LLC, d/b/a Fulton County Railroad (FCRR), a Class III carrier, and local service has been provided on the Line by Elkhart & Western Railroad Company (EWR) under a local trackage rights agreement. According to the verified notice, that local trackage rights agreement has expired and RERY is entering into an agreement to operate the following on behalf of FCRR: (1) the Line; and (2) FCRR's incidental trackage rights over Norfolk Southern Railway Company's (NSR) tracks between milepost I-108.6 and NSR's Argos Yard, a distance of 1.1 miles. RERY states that EWR has advised the shippers on the Line that it will no longer provide service.¹

This transaction is related to a concurrently filed verified notice of exemption in *Grube—Continuance in Control Exemption—Rochester & Erie Railway*, Docket No. FD 36684, in which the Jason W. Grube seeks to continue in control of RERY upon RERY's becoming a Class III rail carrier.

¹ EWR has filed a petition for exemption from the prior approval requirements of 49 U.S.C. 10903 to discontinue its local trackage rights over the Line. See Pet. for Exemption, *Elkhart & W. R.R.—Discontinuance of Trackage Rts. Exemption—in Marshall & Fulton Cntys., Ind.*, AB 1329X (Mar. 24, 2023).

RERY certifies that its projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier. The verified notice states that, upon commencement of operations under the operating agreement, RERY will be a Class III rail carrier. RERY also certifies that FCRR is not subject to any interchange commitments and the new operating agreement will not impose or include an interchange commitment.

The transaction may be consummated on or after April 21, 2023, 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 April 14, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36671, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on RERY's representative, Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103.

According to RERY, 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: April 4, 2020.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Regena Smith-Bernard,
Clearance Clerk.

[FR Doc. 2023-07354 Filed 4-6-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Key West International Airport, Key West, Florida

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure

Maps submitted by Monroe County for the Key West International Airport under the provisions of the Aviation Safety and Noise Abatement Act are in compliance with applicable requirements.

DATES: The effective date of the FAA's determination on the Noise Exposure Maps is April 4, 2023.

FOR FURTHER INFORMATION CONTACT: Peter Green, Federal Aviation Administration, Orlando Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, Florida 32819, (407) 487-7296.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the Noise Exposure Maps submitted for the Key West International Airport are in compliance with applicable requirements of title 14 Code of Federal Regulations (CFR) part 150, effective April 4, 2023. Under 49 U.S.C. 47503 of the Aviation Safety and Noise Abatement Act ("the Act"), an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of 14 CFR part 150, promulgated pursuant to the Act, may submit a Noise Compatibility Program for FAA approval, which sets forth the measures the airport operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the Noise Exposure Maps and accompanying documentation submitted by Monroe County. The documentation that constitutes the "Noise Exposure Maps" as defined in 14 CFR 150.7 includes: 2022 Existing Condition Noise Exposure Map, 2028 Future Condition Noise Exposure Map, East Flow Flight Tracks map, West Flow Flight Tracks map, and the Final Noise Exposure Maps and Supporting Documentation Report. The FAA has determined that these Noise Exposure Maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on April 4, 2023.

FAA's determination on the airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of 14 CFR part 150. Such determination does not constitute approval of the airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that Program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under 14 CFR part 150 or through FAA's review of the Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under 14 CFR 150.21, that the statutorily required consultation has been accomplished.

Copies of the full Noise Exposure Maps and report are available for examination by appointment at the following location: Federal Aviation Administration, Orlando Airports District Office, 8427 SouthPark Circle, 5th Floor, Orlando, Florida 32819. The Noise Exposure Maps and report are also available for viewing and download at the airport's website (<https://eyw.com/noise-concerns>).

To arrange an appointment to review the Noise Exposure Maps and report, contact Peter Green, Federal Aviation Administration, Southern Region/Orlando Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819, (407) 487-7296. Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Orlando Airports District Office, Orlando, FL, on April 4, 2021.

Bartholomew Vernace,
Manager, FAA/Orlando Airports District Office.

[FR Doc. 2023-07320 Filed 4-6-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2008-0063]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated March 16, 2023, Memphis Area Transit Authority (MATA) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 210 (Railroad Noise Emission Compliance Regulations); 215 (Railroad Freight Car Safety Standards); 218 (Railroad Operating Practices); 219 (Control of Alcohol and Drug Use); 221 (Rear End Marking Device—Passenger, Commuter and Freight Trains); 223 (Safety Glazing Standards—Locomotives, Passenger Cars and Caboose); 225 (Railroad Accidents/Incidents: Reports Classification, and Investigations);¹ 228 (Passenger Train Employee Hours of Service; Recordkeeping and Reporting; Sleeping Quarters); 229 (Railroad Locomotive Safety Standards); 231 (Railroad Safety Appliance Standards); 238 (Passenger Equipment Safety Standards); 239 (Passenger Train Emergency Preparedness); 240 (Qualification and Certification of Locomotive Engineers); and 242 (Qualification and Certification of Conductors). The relevant Docket Number is FRA-2008-0063.

Specifically, MATA requests to extend its relief from the above listed CFR parts, as pertaining to its vintage streetcar rapid transit operation, which includes a 1.5-mile corridor shared with both Canadian National Railway Company and Amtrak comprising 11 shared highway-rail grade crossings and one diamond at-grade rail crossing. In support of its request, MATA states that, since FRA last granted an extension of relief, by letter dated September 17,

¹ With MATA complying with the Federal Transit Administration and the Occupational Safety and Health Administration's rules pertaining to injury reporting, MATA seeks continued relief from the requirements of part 225 regarding the reporting of employee injuries.