

## Surface Transportation Board

### SAMPLE LOCAL NEWSPAPER NOTICE FOR PETITIONS FOR ABANDONMENT EXEMPTIONS

#### NOTICE OF INTENT TO ABANDON OR TO DISCONTINUE RAIL SERVICE

(Name of railroad) gives notice that on or about (insert date petition for abandonment exemption will be filed with the Surface Transportation Board) it intends to file with the Surface Transportation Board, Washington, DC, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, permitting the (abandonment of or discontinuance of service on) a \_\_\_\_\_ mile line of railroad between railroad milepost \_\_\_\_\_, near (station name) which traverses through United States Postal Service ZIP Codes (ZIP Codes), and railroad milepost \_\_\_\_\_, near (station name) which traverses through United States Postal Service ZIP Codes (ZIP Codes) in \_\_\_\_\_ County(ies), (State). The proceeding has been docketed as No. AB \_\_\_\_\_ (Sub-No. \_\_\_\_\_X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC or by calling OEA at [INSERT TELEPHONE NUMBER].

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Washington, DC [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at [INSERT TELEPHONE NUMBER]. Copies of any comments or requests for conditions should be served on the applicant's representative (name and address).

[56 FR 36105, July 31, 1991, as amended at 56 FR 49821, Oct. 1, 1991; 58 FR 44619, Aug. 24, 1993; 61 FR 67883, Dec. 24, 1996; 64 FR 53268, Oct. 1, 1999; 69 FR 58366, Sept. 30, 2004; 74 FR 52906, Oct. 15, 2009; 81 FR 8854, Feb. 23, 2016; 83 FR 15078, Apr. 9, 2018]

## § 1106.2

### PART 1106—PROCEDURES FOR SURFACE TRANSPORTATION BOARD CONSIDERATION OF SAFETY INTEGRATION PLANS IN CASES INVOLVING RAILROAD CONSOLIDATIONS, MERGERS, AND ACQUISITIONS OF CON- TROL

#### Sec.

1106.1 Purpose.

1106.2 Definitions.

1106.3 Actions for which Safety Integration Plan is Required.

1106.4 The Safety Integration Plan Process.

1106.5 Waiver.

1106.6 Reservation of jurisdiction.

AUTHORITY: 5 U.S.C. 553; 5 U.S.C. 559; 49 U.S.C. 1321; 49 U.S.C. 10101; 49 U.S.C. 11323–11325; 42 U.S.C. 4332.

SOURCE: 67 FR 11607, Mar. 15, 2002, unless otherwise noted.

#### § 1106.1 Purpose.

This part is designed to ensure adequate and coordinated consideration of safety integration issues, by both the Board and the Federal Railroad Administration, the agency within the Department of Transportation responsible for the enforcement of railroad safety, in the implementation of rail transactions subject to the Board's jurisdiction. It establishes the procedures by which the Board will consider safety integration plans in connection with its approval and authorization of transactions for which the Board has concluded such consideration is required.

#### § 1106.2 Definitions.

The following definitions apply to this part:

*Act* means the ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803 (1995).

*Amalgamation of operations*, as defined by the Federal Railroad Administration at 49 CFR 244.9, means the migration, combination, or unification of one set of railroad operations with another set of railroad operations, including, but not limited to, the allocation of resources affecting railroad operations (*e.g.*, changes in personnel, track, bridges, or communication or signal systems; or use or deployment of maintenance-of-way equipment, locomotives, or freight or passenger cars).

### § 1106.3

*Applicant* means a Class I railroad or a Class II railroad engaging in a transaction subject to this part.

*Board* means the Surface Transportation Board.

*Class I or Class II railroad* has the meaning assigned by the Board's regulations (49 CFR part 1201; General Instructions 1-1), as those regulations may be revised by the Board (including modifications in class thresholds based on the revenue deflator formula) from time to time.

*Environmental documentation* means either an Environmental Assessment or an Environmental Impact Statement prepared in accordance with the National Environmental Policy Act and Board's environmental rules at 49 CFR part 1105.

*Federal Railroad Administration* ("FRA") means the agency within the Department of Transportation responsible for railroad safety.

*Office of Environmental Analysis* ("OEA") means the Office that prepares the Board's environmental documents and analyses.

*Safety Integration Plan* ("SIP") means 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 transaction that requires a SIP.

*Transaction* means an application by a Class I railroad that proposes to consolidate with, merge with, or acquire control under 49 U.S.C. 11323(a) of another Class I railroad, or with a Class II railroad where there is a proposed amalgamation of operations, as defined by FRA's regulations at 49 CFR 244.9. "Transaction" also includes a proceeding other than those specified above if the Board concludes that a SIP is necessary in its proper consideration of the application or other request for authority.

[67 FR 11607, Mar. 15, 2002, as amended at 83 FR 15078, Apr. 9, 2018]

### 49 CFR Ch. X (10-1-25 Edition)

#### § 1106.3 Actions for which Safety Integration Plan is required.

A SIP shall be filed by any applicant requesting authority to undertake a transaction as defined under § 1106.2 of this part.

#### § 1106.4 The Safety Integration Plan process.

(a) Each applicant in a transaction subject to this part shall file a proposed SIP in accordance with the informational requirements prescribed at 49 CFR part 244, or other FRA guidelines or requirements regarding the contents of a SIP, with OEA and FRA no later than 60 days from the date the application is filed with the Board.

(b) The proposed SIP shall be made part of the environmental record in the Board proceeding and dealt with in the ongoing environmental review process under 49 CFR part 1105. The procedures governing the process shall be as follows:

(1) In accordance with 49 CFR 244.17, FRA will provide its findings and conclusions on the adequacy of the proposed SIP (*i.e.*, assess whether the proposed SIP establishes a process that provides a reasonable assurance of safety in executing the proposed transaction) to OEA at a date sufficiently in advance of the Board's issuance of its draft environmental documentation in the case to permit incorporation in the draft environmental document.

(2) The draft environmental documentation shall incorporate the proposed SIP, any revisions or modifications to it based on further consultations with FRA, and FRA's written comments regarding the SIP. The public may review and comment on the draft environmental documentation within the time limits prescribed by OEA.

(3) OEA will independently review each proposed SIP. In its final environmental documentation, OEA will address written comments on the proposed SIP received during the time established for submitting comments on the draft environmental documentation. The Board then will consider the full environmental record, including the information concerning the SIP, in arriving at its decision in the case.

## Surface Transportation Board

## § 1108.1

(4) If the Board approves the transaction and adopts the SIP, it will require compliance with the SIP as a condition to its approval. Each applicant involved in the transaction then shall coordinate with FRA in implementing the approved SIP, including any amendments thereto. FRA has provided in its rules at 49 CFR 244.17(g) for submitting information to the Board during implementation of an approved transaction that will assist the Board in exercising its continuing jurisdiction over the transaction. FRA also has agreed to advise the Board when, in its view, the integration of the applicants' operations has been safely completed.

(c) If a SIP is required in transactions that would not be subject to environmental review under the Board's environmental rules at 49 CFR part 1105, the Board will develop appropriate case-specific SIP procedures based on the facts and circumstances presented.

[67 FR 11607, Mar. 15, 2002, as amended at 83 FR 15078, Apr. 9, 2018]

### § 1106.5 Waiver.

The SIP requirements established by this part may be waived or modified by the Board where a railroad shows that relief is warranted or appropriate.

### § 1106.6 Reservation of Jurisdiction.

The Board reserves the right to require a SIP in cases other than those enumerated in this part, or to adopt modified SIP requirements in individual cases, if it concludes that doing so is necessary in its proper consideration of the application or other request for authority.

## PART 1107 [RESERVED]

## PART 1108—ARBITRATION OF CERTAIN DISPUTES SUBJECT TO THE STATUTORY JURISDICTION OF THE SURFACE TRANSPORTATION BOARD

### Subpart A—General Arbitration Procedures

Sec.

1108.1 Definitions.

1108.2 Statement of purpose, organization, and jurisdiction.

1108.3 Participation in the Board's arbitration program.

1108.4 Use of arbitration.

1108.5 Arbitration commencement procedures.

1108.6 Arbitrators.

1108.7 Arbitration procedures.

1108.8 Relief.

1108.9 Decisions.

1108.10 Precedent.

1108.11 Enforcement and appeals.

1108.12 Fees and costs.

1108.13 Additional parties per side.

### Subpart B—Voluntary Program for Arbitration of Small Freight Rail Rate Disputes

1108.21 Definitions.

1108.22 Statement of purpose, organization, and jurisdiction.

1108.23 Participation in the Small Rate Case Arbitration Program.

1108.24 Use of the Small Rate Case Arbitration Program.

1108.25 Arbitration initiation procedures.

1108.26 Arbitrators.

1108.27 Arbitration procedures.

1108.28 Relief.

1108.29 Decisions.

1108.30 No precedent.

1108.31 Enforcement and appeals.

1108.32 Assessment of the Small Rate Case Arbitration Program.

1108.33 Exemption from Final Offer Rate Review.

AUTHORITY: 49 U.S.C. 11708, 49 U.S.C. 1321(a), and 5 U.S.C. 571 *et seq.*

SOURCE: 78 FR 29079, May 17, 2013, unless otherwise noted.

### Subpart A—General Arbitration Procedures

#### § 1108.1 Definitions.

As used in this subpart:

(a) *Arbitrator* means a single person appointed to arbitrate pursuant to this subpart.

(b) *Arbitrator Panel* means a group of three people appointed to arbitrate pursuant to this subpart. One panel member would be selected from the roster by each side to the arbitration dispute, and the parties would mutually agree to the selection of the third-lead arbitrator under the "strike" methodology described in § 1108.6(c).

(c) *Arbitration program* means the program established by the Surface Transportation Board in this subpart under which participating parties, including rail carriers and shippers, have agreed voluntarily in advance, or on a case-by-