DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35330]

Rusk County Rural Rail District—Acquisition Exemption—Union Pacific Railroad Company

Rusk County Rural Rail District (RCRRD), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Union Pacific Railroad Company (UP) a 15.69-mile line of railroad beginning at milepost 0.59 near Overton, TX, and ending at milepost 16.28 near Henderson, TX.[1]

RCRRD anticipates that the transaction will be consummated on or after December 28, 2009.

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

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35327, *Blacklands Railroad, Inc.—Lease and Operation Exemption—Rusk County Rural Rail District.* In that proceeding, Blacklands Railroad, Inc. (BLR) seeks to lease from RCRRD and operate the 15.69 miles of rail line that RCRRD seeks to acquire in this proceeding. According to RCRRD, on the date that RCRRD acquires the line, BLR will assume responsibility for operating the line pursuant to a lease agreement between RCRRD and BLR.

RCRRD states that it has reached an agreement with UP on the principal terms of the transaction but they have not yet finalized it. RCRRD anticipates finalizing the agreement before the effective date of the notice. RCRRD also states that the proposed acquisition of the line will not involve any provision or agreement between UP and RCRRD that would limit future interchange with a third-party connecting carrier, as the line only connects with UP at Overton, TX.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110–161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing, or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term ''solid waste'' is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

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. Stay petitions must be filed no later than December 18, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35330, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

Board decisions and notices are available on our website at *http://www.stb.dot.gov.*

Decided: December 7, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kulunie L. Cannon,

Clearance Clerk.

[FR Doc. E9–29513 Filed 12–10–09; 8:45 am]

BILLING CODE 4915–01–P

[1] UP has obtained Board authority to abandon this line of railroad in *Union Pacific Railroad Company—Abandonment—in Rusk County, TX,* STB Docket No. AB–33 (Sub-No. 275) (STB served Sept. 11, 2009), but has not consummated the abandonment. In lieu of abandonment, UP has agreed to sell the right-of-way, track, and track structures to RCRRD for continued rail service.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35296]

Anthony Macrie—Continuance in Control Exemption—New Jersey Seashore Lines, Inc.

Anthony Macrie (Macrie), a noncarrier, has filed a verified notice of exemption to continue in control of New Jersey Seashore Lines, Inc. (NJSL), upon NJSL's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption for NJSL to operate approximately 13 miles of rail line owned by Clayton Sand Company, between milepost 66.0 at Lakehurst, Borough of Lakehurst, in Ocean County, NJ, and milepost 79.0 at Woodmansie, Woodland Township, in Burlington County, NJ.[1] *See* STB Finance Docket No. 35297, *New Jersey Seashore Lines, Inc.—Operation Exemption—Clayton Sand Company.*[2]

The parties may consummate the transaction on or after December 24, 2009.

Macrie owns 100 percent of the common stock of NJSL and also owns 100 percent of the common stock of Cape May Seashore Lines, Inc. (CMSL), an existing Class III rail carrier that obtained authority in *Cape May Seashore Lines, Inc.—Modified Rail Certificate,* STB Finance Docket No. 34112 (STB served Nov. 19, 2001).

The parties represent that: (1) The rail line to be operated by NJSL does not connect with any other railroads in the corporate family; (2) the transaction is not part of a series of anticipated transactions that would connect the rail lines with any other railroad in the corporate family;[3] and (3) 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 CFR 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. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

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. Stay petitions must be filed no later than December 18, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35296, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on John D.

[1] Macrie states that the involved line is a segment of rail line originally known as the Central Railroad Company of New Jersey's Southern Division.

[2] By decision served on September 25, 2009, the Board held publication of this notice in abeyance because it is directly related to the notice in STB Finance Docket No. 35297 which was also held in abeyance. In a decision served today in STB Finance Docket No. 35297, the Board is publishing the notice that had been held in abeyance. Thus, this notice is also no longer being held in abeyance.

[3] Macrie states that, although CMSL and NJSL will both operate in the State of New Jersey, the lines of the two carriers are at least 50 miles apart at the closest point.