

requests must be filed by September 12, 2008. *See* 49 CFR 1152.26(a). A final decision will be issued by October 31, 2008.

Persons opposing the proposed abandonment and/or discontinuance who wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment and/or discontinuance but who do not wish to participate fully in the process or by submitting verified statements of witnesses containing detailed evidence should file comments. Persons seeking information concerning the filing of protests should refer to 49 CFR 1152.25. Persons interested only in seeking public use or trail use conditions should also file comments.

In addition, a commenting party or protestant may provide: (i) An offer of financial assistance (OFA) for continued rail service, pursuant to 49 U.S.C. 10904 (due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner); (ii) recommended provisions for protection of the interests of employees; (iii) a request for a public use condition under 49 U.S.C. 10905; and (iv) a statement pertaining to prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29.

Written comments and protests, including all requests for public use and trail use conditions, must indicate the proceeding designation STB Docket No. AB-515 (Sub-No. 2) and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001, and (2) Terence M. Hynes, Sidley Austin LLP, 1501 K Street, NW., Washington, DC 20005. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in 49 CFR part 1152, every document filed with the Board must be served on all parties to the abandonment and discontinuance proceeding. 49 CFR 1104.12(a).

The line sought to be abandoned and discontinued will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment and/or discontinuance, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). Each OFA must be accompanied by a \$1,500 filing fee. *See* 49 CFR 1002.2(f)(25). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and

minimum purchase price required to keep the line in operation. CORP's representative to whom inquiries may be made concerning sale or subsidy terms is set forth above.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (866) 254-1792 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-9339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact SEA. EAs in this type of abandonment proceeding normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

By decisions served in this proceeding on July 29, 2008, and on August 1, 2008, the Board is also providing for a public hearing to be held in this proceeding.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: July 29, 2008.

By the Board, David M. Konschnik,  
Director of Proceedings.

**Anne K. Quinlan,**  
*Acting Secretary.*

[FR Doc. E8-17694 Filed 7-31-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35165]

#### **Sierra & Central Pacific Railroad Company, Inc.—Acquisition and Operation Exemption—Sierra Northern Railway and Sierra Railroad Company**

Sierra & Central Pacific Railroad Company, Inc. (SCPRR), a noncarrier, has filed a verified notice of exemption

under 49 CFR 1150.31 to acquire from Sierra Northern Railway (SNR) and Sierra Railroad Company (SRC) and to operate, pursuant to a Letter of Intent dated March 20, 2008,<sup>1</sup> approximately 80.30 miles of track as follows: (1) SRC's rail line between Oakdale, CA, milepost 0.0, and Sonora, CA, milepost 49.0; (2) SNR's Woodland Branch, between milepost 1.75 and milepost 16.5, with the right of access through the Union Pacific Railroad Company's (UP) Westgate Yard; (3) SNR's industrial switching operation over approximately 4.50 miles at the Riverbank Arsenal over property leased from the U.S. Government through its agent NI Industries, Inc.; and (4) SNR's operation at the Port of Sacramento over track that is leased from the Port of Sacramento, with the right of access through UP's Westgate Yard.<sup>2</sup> All of the lines are currently operated by SNR.

This transaction is related to the concurrently filed verified notice of exemption in STB Finance Docket No. 35166, *Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp.—Continuance in Control Exemption—Sierra & Central Pacific Railroad Company, Inc.* In that proceeding, Patriot Rail, LLC and its subsidiaries, Patriot Rail Holdings LLC and Patriot Rail Corp., jointly have filed a verified notice of exemption to continue in control of SCPRR, upon its becoming a rail carrier.

The transaction is scheduled to be consummated on or after August 15, 2008 (30 days after the notice of exemption was filed).

SCPRR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million. According to SCPRR, the proposed acquisition and operation does not involve a provision or agreement that may limit future interchange with a third-party connecting carrier.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110-161, section 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

<sup>1</sup> A redacted version of the Letter of Intent was included with the notice. The full version of the Letter of Intent was concurrently filed under seal along with a motion for protective order. The motion for protective order is being addressed in a separate decision.

<sup>2</sup> The 80.38 miles of track that SCPRR is acquiring include spur, side, and yard trackage in addition to the main lines being acquired.

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. Petitions to stay must be filed no later than August 8, 2008 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35165, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Louis F. Gitomer, Esq., 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: July 25, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Anne K. Quinlan,**

*Acting Secretary.*

[FR Doc. E8-17657 Filed 7-31-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35166]

#### **Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp.—Continuance in Control Exemption—Sierra & Central Pacific Railroad Company, Inc.**

Patriot Rail, LLC (PRL), and its subsidiaries, Patriot Rail Holdings LLC (PRH) and Patriot Rail Corp. (PRC) (collectively, Patriot), all noncarriers, jointly have filed a verified notice of exemption to continue in control of Sierra & Central Pacific Railroad Company, Inc. (SCPRR), upon SCPRR's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35165, *Sierra & Central Pacific Railroad Company, Inc.—Acquisition and Operation Exemption—Sierra Northern Railway and Sierra Railroad Company*. In that proceeding, SCPRR seeks to acquire from Sierra Northern Railway (SNR) and Sierra Railroad Company, Inc., and to operate approximately 80.30

miles of track in the State of California, currently operated by SNR.

The transaction is scheduled to be consummated on or after August 15, 2008 (30 days after the notice of exemption was filed).

PRL is a noncarrier limited liability company that owns 51% of the equity interest in PRH, which, in turn, owns 100% of the stock of PRC. PRC is a noncarrier holding company that controls the following Class III rail carriers: Tennessee Southern Railroad Company, Rarus Railway Company, Utah Central Railway Company, Sacramento Valley Railroad, Inc., and The Louisiana and North West Railroad Company LLC. Pursuant to the transaction, PRC will acquire direct control of SCPRR. PRL and PRH, through their control of PRC, will acquire indirect control of SCPRR.

Patriot states that: (1) The rail lines to be acquired and operated by SCPRR do not connect with it or any other railroad in the Patriot corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any other railroad in the Patriot corporate family; 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 the carriers involved are Class III rail carriers.

If the 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 8, 2008 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35166, 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 Louis F. Gitomer, Esq., 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: July 25, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Anne K. Quinlan,**

*Acting Secretary.*

[FR Doc. E8-17655 Filed 7-31-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35169]

#### **Watco Companies, Inc.—Continuance in Control Exemption—Baton Rouge Southern Railroad, LLC**

Watco Companies, Inc. (Watco), a noncarrier, has filed a verified notice of exemption to continue in control of Baton Rouge Southern Railroad, LLC (BRSR), upon BRSR's becoming a Class III rail carrier.<sup>1</sup>

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35159, *Baton Rouge Southern Railroad, LLC—Lease and Operation Exemption—The Kansas City Southern Railway Company*. In that proceeding, BRSR seeks an exemption under 49 CFR 1150.31 to lease and to operate approximately 8.2 miles of rail line owned by The Kansas City Southern Railway Company between specified points in Louisiana.

The parties intend to consummate the transaction on or shortly after August 19, 2008, and hence after the August 17, 2008 effective date of the exemption.

Watco currently controls 17 Class III rail carriers: South Kansas and Oklahoma Railroad Company, Palouse River & Coulee City Railroad, Inc., Timber Rock Railroad, Inc., Stillwater Central Railroad, Inc., Eastern Idaho Railroad, Inc., Kansas & Oklahoma Railroad, Inc., Pennsylvania Southwestern Railroad, Inc., Great Northwest Railroad, Inc., Kaw River Railroad, Inc., Mission Mountain Railroad, Inc., Mississippi Southern Railroad, Inc., Yellowstone Valley Railroad, Inc., Louisiana Southern Railroad, Inc., Arkansas Southern Railroad, Inc., Alabama Southern Railroad, Inc., Vicksburg Southern Railroad, Inc., and Austin Western Railroad, Inc.

Watco represents that: (1) The rail lines to be operated by BRSR do not connect with any other railroads in the

<sup>1</sup> Watco owns 100% of the issued and outstanding stock of BRSR.