

within Franklin, Norfolk County, Mass. (collectively, the Line).²

MBTA states that, under the proposed transaction, it will acquire the Line subject to one freight common carrier service easement that will be retained by CSXT (the Easement). According to MBTA, CSXT will operate over the Franklin Industrial segment pursuant to the Easement and the Grafton & Upton Railroad Company (G&U), a Class III carrier, will operate over the Milford Secondary Line via assignment of CSXT's retained easement over that portion of the Line.³ MBTA states that the proposed transaction has been agreed upon pursuant to a contract for sale dated April 11, 2022. According to MBTA, the agreements governing the subject asset sale and post-transaction railroad operations prohibit MBTA from providing freight common carrier service, and from unreasonably interfering with the common carrier operations of the freight service provided over the Line. MBTA asserts, however, that it will possess the right to provide commuter rail service over the Line. MBTA also states that the agreements that underly the acquisition do not contain any provision or agreement limiting future interchange with a third-party connecting carrier.

MBTA certifies that, because it does not currently operate freight common carrier service over the Line (and thus generates no freight common carrier service revenues), MBTA's prospective annual common carrier revenues will not result in the creation of a Class I or Class II carrier.

MBTA states that it will consummate the proposed transaction once the Board has rendered a favorable decision on the concurrently filed motion to dismiss, and upon the effectiveness of an anticipated notice of exemption to be filed by G&U in a separate proceeding. The earliest this transaction may be consummated is March 15, 2023, the effective date of the exemption (30 days

after the verified notice of exemption was filed). 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 March 8, 2023 (at least seven days before the exemption becomes effective). All filings in response to this notice must refer to Docket No. FD 36669 and 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 Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3268.

Board decisions and notices are available at www.stb.gov.

Decided: February 23, 2023.

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

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2023-04145 Filed 2-28-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Proposed Release From the Grant Assurance Obligations To Allow a Portion of Airport Property To Be Used for Non-Aeronautical Purposes at Syracuse Hancock International Airport (SYR), Syracuse, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport land to be used for non-aeronautical purposes through a long term lease.

SUMMARY: The FAA proposes to rule and invites public comment on the application for a release of approximately 20.24 acres of federally obligated airport property at Syracuse Hancock International Airport, Syracuse, New York, from conditions, reservations, and restrictions contained in Airport Improvement Program (AIP) grants. This acreage is composed of portions of three parcels. The first two parcels consists of 11.75 acres and 6.29 acres that were acquired without federal assistance. The third parcel consists of 2.20 acres that was acquired by the City of Syracuse through AIP Grant 3-36-0114-02-83. The release will allow the

airport to enter into a long-term non-aeronautical lease for mixed-use commercial development. The proposed use of land after the release will be compatible with the airport and will not interfere with the airport or its operation.

DATES: Comments must be received on or before March 31, 2023.

FOR FURTHER INFORMATION CONTACT: Comments on this application may be submitted to Janine Abyad, Federal Aviation Administration, New York Airports District Office via phone at (718) 995-5793 or at the email address Janine.Abyad@faa.gov. Comments on this application may also be mailed or delivered to the FAA at the following address: Evelyn Martinez, Manager, Federal Aviation Administration, New York Airports District Office, Federal Register Comment, 1 Aviation Plaza, Jamaica, New York 11434.

SUPPLEMENTARY INFORMATION: In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 106-181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds or grant agreements. The following is a brief overview of the request.

The City of Syracuse requested a release from grant assurances to allow a change in use for approximately 20.24 acres of airport property at Syracuse Hancock International Airport to enable the mixed-use commercial development. Specifically, the release request seeks approval to allow for the permanent non-aeronautical use of the property, and a long-term non-aeronautical lease to be entered into for the property.

The airport will retain ownership of the 20.24 acres and will receive fair market value rent for the length of the agreement. The rental income will be devoted to airport operations and capital projects. The proposed use of the property will not interfere with the airport or its operation; and will thereby, serve the interests of civil aviation.

Issued in Jamaica, New York on February 24, 2023.

Sukhbir Gill,

Acting Manager, New York Airports District Office.

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² MBTA also filed a motion to dismiss its notice of exemption on the grounds that its transaction does not require authorization from the Board. The motion to dismiss will be addressed in a subsequent Board decision.

³ MBTA states that G&U currently holds an easement for the Milford Secondary pursuant to a transaction authorized in *Grafton & Upton Railroad—Acquisition & Operation Exemption—CSX Transportation, Inc.*, FD 36444 (STB served Sept. 28, 2020). However, according to MBTA, that easement is set to terminate upon the closing of the present transaction. MBTA asserts that, contemporaneously with its acquisition of the Line, CSXT intends to assign the portion of the Easement over the Milford Secondary to G&U. In *Grafton & Upton Railroad—Acquisition & Operation Exemption—CSX Transportation, Inc.*, Docket No. FD 36670, G&U filed a verified notice of exemption for operation over the Milford Secondary, pursuant to 49 CFR part 1150.