

**SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36377 (Sub-No. 10)]

**BNSF Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company**

BNSF Railway Company (BNSF), a Class I rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) to acquire restricted, local, trackage rights over two rail lines owned by Union Pacific Railroad Company (UP) between: (1) UP milepost 93.2 at Stockton, Cal., on UP's Oakland Subdivision, and UP milepost 219.4 at Elsey, Cal., on UP's Canyon Subdivision, a distance of 126.2 miles; and (2) UP milepost 219.4 at Elsey and UP milepost 280.7 at Keddie, Cal., on UP's Canyon Subdivision, a distance of 61.3 miles (collectively, the Lines).

Pursuant to a written temporary trackage rights agreement, UP has agreed to grant restricted trackage rights to BNSF over the Lines. The purpose of this transaction is to permit BNSF to move empty and loaded ballast trains to and from the ballast pit at Elsey, which is adjacent to the Lines. The agreement provides that the trackage rights are temporary and scheduled to expire on December 31, 2025.<sup>1</sup>

The transaction may be consummated on or after January 25, 2025, the effective date of the exemption (30 days after the verified notice was filed).

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

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 January 17, 2025

<sup>1</sup> BNSF states that, because the trackage rights are for local rather than overhead traffic, it has not filed under the Board's class exemption for temporary overhead trackage rights under 49 CFR 1180.2(d)(8). Instead, BNSF has filed under the trackage rights class exemption at 49 CFR 1180.2(d)(7). BNSF concurrently filed a petition for partial revocation of this exemption in *BNSF Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company*, Docket No. FD 36377 (Sub-No. 11), to permit these proposed trackage rights to expire at midnight on December 31, 2025, as provided in the agreement. The petition for partial revocation will be addressed in a subsequent decision in that docket.

(at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36377 (Sub-No. 10), 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 BNSF's representative, Peter W. Denton, Steptoe LLP, 1330 Connecticut Avenue NW, Washington, DC 20036.

According to BNSF, this action is categorically excluded from environmental review under 49 CFR 1105.6(c)(3) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(3).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: January 3, 2025.

By the Board, Valerie O. Quinn, Acting Director, Office of Proceedings.

**Zantori Dickerson,**

*Clearance Clerk.*

[FR Doc. 2025-00343 Filed 1-8-25; 8:45 am]

**BILLING CODE 4915-01-P**

**SURFACE TRANSPORTATION BOARD**

[Docket No. EP 558 (Sub-No. 28)]

**Railroad Cost of Capital—2024**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2024. The decision solicits comments on the following issues: the railroads' 2024 current cost of debt capital, the railroads' 2024 current cost of preferred equity capital (if any), the railroads' 2024 cost of common equity capital, and the 2024 capital structure mix of the railroad industry on a market value basis.

**DATES:** Notices of intent to participate are due by February 21, 2025.

Statements of the railroads are due by March 14, 2025. Statements of other interested persons are due by April 4, 2025. Rebuttal statements by the railroads are due by April 25, 2025.

**ADDRESSES:** Comments may be filed with the Board via e-filing on the Board's website.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez at (202) 245-0333. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

**SUPPLEMENTARY INFORMATION:** The decision in this proceeding is posted at [www.stb.gov](http://www.stb.gov).

*Authority:* 49 U.S.C. 10704(a).

Decided: January 6, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2025-00394 Filed 1-8-25; 8:45 am]

**BILLING CODE 4915-01-P**

**SURFACE TRANSPORTATION BOARD**

[Docket No. MCF 21128]

**Avalon Motor Coaches, LLC—Acquisition of Control—Rose Chauffeured Transportation, Inc.**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice tentatively approving and authorizing finance transaction.

**SUMMARY:** On December 11, 2024, Avalon Motor Coaches, LLC (Avalon Motor Coach), an interstate passenger motor carrier, together with its noncarrier affiliates Virgin-Fish, Inc. (Virgin-Fish), and Jeffrey Brush (Avalon Motor Coach, Virgin-Fish, and Jeffrey Brush will be collectively referred to as "Avalon") filed an application for Avalon to purchase most of the assets of another interstate passenger motor carrier, Rose Chauffeured Transportation, Inc. (Rose), and assume substantially all of its outstanding contracts related to its charter services. The Board is tentatively approving and authorizing this transaction. If no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by February 24, 2025. If any comments are filed, Applicants may file a reply by March 11, 2025. If no opposing comments are filed by February 24, 2025, this notice shall be effective on February 25, 2025.

**ADDRESSES:** Comments, referring to Docket No. MCF 21128, may be filed with the Board either via e-filing on the Board's website or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, send one copy of comments to Avalon's representative: Barry M. Weisz, Thompson Coburn LLP, 10100 Santa Monica Boulevard, Suite 500, Los Angeles, CA 90067.

**FOR FURTHER INFORMATION CONTACT:** Jonathon Binet at (202) 245-0368. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

**SUPPLEMENTARY INFORMATION:** According to the application, Avalon Motor Coach is a Texas limited liability company.