

The purpose of the transaction is to permit BNSF to move unit trains originating or terminating on the line and to perform overhead movements over the line. YVRR will continue to serve customers on the line.

As a condition to this exemption, any employees affected by 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, Inc.—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). 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. Stay petitions must be filed by June 3, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35503, 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 Karl Morell, Of Counsel, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

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

Decided: May 24, 2011.

By the Board.

**Rachel D. Campbell,**  
Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2011-13237 Filed 5-26-11; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35511]

#### **Iowa Northern Railway Company— Trackage Rights Exemption—Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific**

Pursuant to a prospective trackage rights agreement, Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific (CP) will agree to grant overhead trackage rights to Iowa Northern Railway Company (IANR) over approximately 78.2 miles of rail line between: (1) Milepost 137.50 near

Garner, Iowa, and milepost 116.70 at the connection with CP's Mason City Subdivision, a distance of approximately 20.80 miles; (2) milepost 116.70 at the connection with CP's Mason City Subdivision and milepost 107.30 near Nora Jct., Iowa at the connection with IANR, a distance of approximately 30.2 miles between Garner and Nora Jct.; and (3) milepost 116.70 at the connection with CP's Mason City Subdivision and milepost 7.9 on CP's Austin Subdivision near Plymouth Jct., Iowa at the connection with IANR, a distance of approximately 27.2 miles between Garner and Plymouth Jct.<sup>1</sup>

The transaction may be consummated on or after June 10, 2011, the effective date of the exemption (30 days after the exemption is filed). The primary purpose of the trackage rights agreement is to enable IANR to transport freight by rail between the connection of the Forest City Line<sup>2</sup> and Garner, Iowa and alternatively, Nora Jct., Iowa or Plymouth Jct., Iowa on the CP trackage.

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

This notice is filed under 49 CFR 1180.2(d)(7). 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. Stay petitions must be filed by June 3, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35511, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In

<sup>1</sup> IANR has included a copy of a letter of intent from CP concerning the trackage rights agreement and states that a copy of the agreement will be provided to the Board after it is finalized and executed.

<sup>2</sup> The Forest City Line is located between Belmond and Forest City, Iowa, and is owned by Union Pacific Railroad Company (UP). North Central Iowa Rail Corridor (NCIRC) provided notice that it will acquire the Forest City Line from UP. See *N. Cent. Iowa Rail Corridor, LLC—Acquis. Exemption—Union Pac. R.R.*, FD 35507 (STB served May 26, 2011). IANR provided notice that it will be the exclusive rail operator of the Forest City Line. See *Iowa N. Ry.—Operation Exemption—N. Cent. Iowa Rail Corridor, LLC*, FD 35508 (STB served May 26, 2011).

addition, a copy of each pleading must be served on T. Scott Bannister, Iowa Northern Railway Company, 305 Second Street, SE., Suite 400, Cedar Rapids, IA 52401.

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

Decided: May 23, 2011.

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

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2011-13229 Filed 5-26-11; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35505]

#### **Montreal, Maine & Atlantic Railway, Ltd.—Trackage Rights Exemption— Maine Northern Railway Company**

Pursuant to a written trackage rights agreement, Maine Northern Railway Company (MNR) has agreed to grant overhead trackage rights to Montreal, Maine & Atlantic Railway, Ltd. (MMA) over approximately 151 miles of rail line owned by the State of Maine (the State) between milepost 109 near Millinocket, ME. and milepost 260 near Madawaska, ME (Subject Trackage).<sup>1</sup> MMA states that, as of January 14, 2011, it sold the Subject Trackage, together with certain other lines in Penobscot and Aroostook Counties, ME, to the State. The State has selected MNR to operate the Subject Trackage and the other lines, and MNR plans to file a notice for a modified certificate of public convenience and necessity under 49 CFR. 1150.23 for Board authority to operate these lines.

The transaction is scheduled to be consummated by June 14, 2011. Consummation may not occur prior to June 10, 2011, the effective date of the exemption (30 days after the exemption was filed).

The purpose of the transaction is to connect the MMA lines south of Millinocket and the MMA line beyond Madawaska. The trackage will enable MMA to provide through service between St Leonard, New Brunswick, where MMA and Canadian National Railway Company (CN) interchange, and the rest of MMA's rail system,

<sup>1</sup> The Subject Trackage was formerly part of the Madawaska Subdivision of MMA discussed in *Montreal, Maine & Atlantic Railway, Ltd.—Discontinuance of Service and Abandonment—in Aroostook and Penobscot Counties, ME*, Docket No. AB 1043 (Sub-No. 1) (STB served Dec. 27, 2010). The instant transaction is an outgrowth of that case.