

adequacy of transportation offerings. Applicants state that Express will continue to provide the same level of services in all states in which it operates. (Suppl. 3, June 21, 2023.) Applicants further explain that, following the transaction, Express will offer substantially the same charter and contract transportation services currently provided by James, and that James' current motor coach fleet is sufficient in size to meet the requirements of James' charter and contract service customer base. (*Id.* at 3–5.) Thus, the transaction will have little or no impact on competing passenger charter and contract motor carriers because Express would simply be replacing James as the operator in the Richmond and Norfolk markets that James primarily serves, which, according to Applicants, are separate from the markets served by Express from Northern Virginia. (*Id.* at 6.) Applicants also assert that James' motor coach operations outside Virginia are “minimal, approximately 13% of total charter and contract operations”; state that the Express motor carrier affiliates (Lines, Airport, and Bus (FL)) do not conduct any regular and primary charter or contract passenger service operations in Virginia, the primary market in which James operates; and claim that due to these limiting factors, they do not anticipate that the acquisition of James' motor coach assets will have a substantial negative impact on competitors. (*Id.* at 6–7.)<sup>6</sup>

Based on Applicants' representations, the Board finds that the proposed acquisition is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

<sup>6</sup> The Board notes that the asset purchase agreement contains a non-compete agreement, which prohibits James and its affiliates (except for Stephen Story, whose arrangement is governed by a consulting agreement), for a period of time, from soliciting the customer client base sold to Express or otherwise competing with Express in the geographic areas in which James currently conducts business operations. (Appl., Ex. C art. 10.01.) After a review of the contractual provision, and based on the verified information submitted by Applicants regarding the limited amount of market overlap, the Board finds that the clause does not appear to have an anticompetitive effect, on balance, in the markets in which Applicants operate.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

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

*It is ordered:*

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.
2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.
3. This notice will be effective September 6, 2023, unless opposing comments are filed by September 5, 2023. If any comments are filed, Applicant may file a reply by September 19, 2023.
4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: July 17, 2023.

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

**Eden Besera,**

*Clearance Clerk.*

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**BILLING CODE 4915–01–P**

## **SURFACE TRANSPORTATION BOARD**

### **Senior Executive Service Performance Review Board (PRB) and Executive Resources Board (ERB) Membership**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of Senior Executive Service Performance Review Board (PRB) and Executive Resources Board (ERB) Membership.

**SUMMARY:** Effective immediately, the memberships of the PRB and ERB are as follows:

#### **Performance Review Board**

Craig Keats, Chairman  
Rachel Campbell, Member  
Mai Dinh, Member  
Danielle Gosselin (Alternate Member)

#### **Executive Resources Board**

Rachel Campbell, Chairman  
Danielle Gosselin, Member  
Janie Sheng Lee, Member  
Craig Keats (Alternate Member)

**FOR FURTHER INFORMATION CONTACT:** If you have any questions, please contact

Jennifer Layne at [jennifer.layne@stb.gov](mailto:jennifer.layne@stb.gov) or 202–245–0340.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2023–15514 Filed 7–20–23; 8:45 am]

**BILLING CODE P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Notice of Intent To Rule on a Land Release Request at Malden Regional Airport & Industrial Park (MAW), Malden, MO**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of request to release of airport land.

**SUMMARY:** The FAA proposes to rule and invites public comment on the request to release and sell a 1.42 acre parcel of federally obligated airport property at the Malden Regional Airport & Industrial Park (MAW), Malden, Missouri.

**DATES:** Comments must be received on or before August 21, 2023.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE–620G, 901 Locust, Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: David Blalock, Airport Manager, City of Malden Regional Airport & Industrial Park, 3077 Mitchell Drive, P.O. Box 411, Malden, MO 63863–0411, (573) 276–2279.

**FOR FURTHER INFORMATION CONTACT:** Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE–620G, 901 Locust, Room 364, Kansas City, MO 64106, (816) 329–2603, [amy.walter@faa.gov](mailto:amy.walter@faa.gov). The request to release property may be reviewed, by appointment, in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release a 1.42 acre parcel of airport property at the Malden Regional Airport & Industrial Park (MAW) under the provisions of 49 U.S.C. 47107(h)(2). This is a Surplus Property Airport. The City of Malden requested a release from the FAA to sell a 1.42 acre parcel to Kenneth W. Huey for commercial development. The FAA determined this