

youth and offering them a positive view of the United States that they can then share when they return to their home countries. In calendar year 2019, approximately 21,550 au pairs and 15 au pair sponsor organizations participated in the Exchange Visitor Program.

In 2016, the Department initiated a comprehensive review of the Au pair category and its regulations (at 22 CFR 62.31). The Department is currently monitoring the development of litigation related to the category, particularly recent challenges to the federal preemption of local law. To ensure that it appropriately addresses these and other developments, the Department is continuing its research and augmenting its category review. While the Department conducts this review, it will allow currently designated sponsors to continue to operate under their present designations in accordance with the regulations under 22 CFR part 62 and reminds the sponsors of their obligations to comply with those regulations.

Under 22 CFR 62.6 and 62.12 respectively, the Department may, in its sole discretion, designate applicants as new exchange visitor program sponsors and determine the number of Forms DS-2019 it will issue to each sponsor. Consistent with this authority, the Department has decided to neither accept nor approve new applications from entities seeking Au pair program designation at this time. In addition, the Department will not accept or review new or pending expansion requests from au pair sponsors in business during the 2019 calendar year beyond their actual total participants for that year. At its discretion, the Department may decide to reallocate among existing sponsors Forms DS-2019 from any sponsors who cease to operate in the Au pair program once the moratorium is in effect.

The Department expects this moratorium to remain in effect while it completes the above-referenced review of the program and determines next steps, including potential modifications to the program.

**Marie Royce,**

*Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

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## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 33662 (Sub-No. 2)]**

### **BNSF Railway Company—Trackage Rights Exemption—Omaha Public Power District**

BNSF Railway Company (BNSF) has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) for the acquisition of local trackage rights over an approximately 56.65-mile rail line in Otoe and Lancaster Counties, Neb. (the Line) owned by Omaha Public Power District (OPPD). The Line is comprised of two line segments with noncontiguous mileposts: (1) A line segment between milepost 56.3, near College View, and milepost 4.95, near Nebraska City; and (2) a connecting line segment between milepost 0.7, near Nebraska City, and milepost 6.0, near Arbor.<sup>1</sup>

The verified notice states that the purpose of the trackage rights is to permit BNSF to provide service over the Line to OPPD's Nebraska City Power Station and to shippers other than OPPD located along the Line.

The transaction may be consummated on or after October 25, 2020, the effective date of the exemption (30 days after the verified notice of exemption was filed).

As a condition to this exemption, any employees affected by the acquisition of 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 by October 16, 2020 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 33662 (Sub-No. 2), must be filed with the Surface Transportation Board, either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must

<sup>1</sup> A redacted version of the agreement between BNSF and OPPD was filed with BNSF's verified notice of exemption. BNSF simultaneously filed a motion for a protective order to protect the confidential and commercially sensitive information in the unredacted version of the agreement, which BNSF submitted under seal. That motion will be addressed in a separate decision.

be served on BNSF's representative, Peter W. Denton, Steptoe & Johnson LLP, 1330 Connecticut Ave. NW, Washington, DC 20036.

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

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

Decided: October 5, 2020.

By the Board, Allison C. Davis, Director, Office of Proceedings.

**Regena Smith-Bernard,**

*Clearance Clerk.*

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## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36443]**

### **Illinois Central Railroad Company—Trackage Rights Exemption—Terminal Railway Alabama State Docks**

Illinois Central Railroad Company (IC), a Class I railroad, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) to acquire overhead trackage rights on the relocated Brookley Lead, owned by the Terminal Railway Alabama State Docks (TASD),<sup>1</sup> which extends from the connection with IC's rail line at Frascati Interlocking near South Lawrence and Baker Streets to the connection at South Broad Street with IC's track into the Brookley Field Complex<sup>2</sup> (the Complex), a distance of approximately 1.8 miles in Mobile, Ala.<sup>3</sup> IC states that the trackage rights will replace IC's existing operating rights over TASD's former Brookley Lead route, which, according to IC, TASD acquired as ancillary track from IC's predecessor in 1982.<sup>4</sup>

The verified notice states that the proposed transaction will preserve IC's rights to access the Complex over the relocated Brookley Lead. The proposed

<sup>1</sup> IC states that TASD is a department of the Alabama State Port Authority and a Class III switching and terminal carrier that operates approximately 75 miles of trackage serving the Port of Mobile and the surrounding area.

<sup>2</sup> IC states that the Brookley Field Complex is also known as the Mobile Aeroplex at Brookley.

<sup>3</sup> An executed copy of the trackage rights agreement between IC and TASD was filed with IC's verified notice of exemption. According to IC, the Brookley Lead does not have mileposts.

<sup>4</sup> IC states that its predecessor did not seek trackage rights authority for its operations over the Brookley Lead because of the ancillary nature of the trackage involved. IC further states, however, that, because it intends to utilize the rerouted Brookley Lead on an overhead basis to connect its mainline with its own ancillary trackage serving the Complex, it has filed this notice to obtain an exemption for such trackage rights operations.