

**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.

(Appl. 3.) The sole member of Avalon Motor Coach is Virgin-Fish, a California company owned by a sole shareholder, Jeffrey Brush.<sup>1</sup> (*Id.* at 3.) Virgin-Fish is also the sole member of Avalon Transportation, LLC (Avalon Transportation), a California company and Avalon's sister company. (*Id.* at 3–4.) Avalon Transportation and Avalon Motor Coach both hold interstate authority to carry passengers.<sup>2</sup> (*Id.* at 2.) According to the application, Avalon Motor Coach and Avalon Transportation currently operate offices for chauffeured services in Los Angeles, New York, San Francisco, New Jersey, and Philadelphia, and offices for motor coach services in Sacramento, San Jose, Orange County, Phoenix, Dallas, San Antonio, Houston, Beaumont, and Atlanta. (*Id.* at 4.) The application states that Avalon Motor Coach primarily focuses on the Texas Motor Coach division and operates charter shuttle services in multiple states, including Texas, California, and Arizona, while Avalon Transportation focuses on chauffeured services and the California Motor Coach division. (*Id.* at 3–4.) In addition to its major offices, Avalon Transportation also provides service to clients in over 550 domestic locations through its affiliate program. (*Id.* at 4.)

The application explains that, in this transaction, Avalon will purchase most of Rose's assets and assume substantially all of the outstanding contracts related to Rose's charter services. (*Id.* at 2–3.)<sup>3</sup> According to the application, Rose is a North Carolina corporation headquartered in Charlotte, N.C.<sup>4</sup> (*Id.* at 4.) Rose holds interstate authority to carry passengers.<sup>5</sup> (*Id.*) The application states that Rose provides luxury motor coach, mini coach, chauffeured services, and general passenger transportation services in Charlotte and surrounding areas, and also provides service through

partnerships with Visit Charlotte and Charter Up. (*Id.*)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges resulting from the proposed transaction, and (3) the interest of affected carrier employees. Applicants have submitted the information required by 49 CFR 1182.2, including information demonstrating that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded \$2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5).

Avalon asserts that granting the application would be consistent with the public interest. (*Id.* at 6.) The application states that Avalon will maintain and improve the service that Rose currently provides to the public. (*Id.*) Avalon states that Rose's current owners face health challenges and other concerns that may soon prevent them from continuing to operate the business at current service levels, resulting in interruptions to the availability of transportation services. (*Id.* at 10.) According to Avalon, prompt approval of the transaction will allow Rose's owners to preserve the business and accomplish a smooth transition of ownership while they are still healthy enough to do so, and thus facilitate the continued availability of transportation services to the public. (*Id.* at 8–9.) Avalon states that it will assume charter pricing agreements with Rose's charter customers and continue to meet their transportation needs. (*Id.* at 6.) Avalon intends to use its experience providing transportation services in multiple markets to increase efficiency, by integrating Rose's services into Avalon's software platform and connecting its existing services to Rose's services. (*Id.*) These efforts, according to Avalon, will likely increase or improve the transportation options available to charter customers. (*Id.*) Avalon also states that it intends to improve the safety, comfort, and reliability of charter customers' transportation options by purchasing new vehicles. (*Id.*)

Avalon argues that the proposed transaction will not adversely affect competition in the markets where Avalon and Rose operate because Avalon and Rose do not operate in the

same geographic markets. (*Id.* at 8–9.) The application states that Avalon's nearest business segment is based in Atlanta, Ga., which is located approximately 250 miles from Rose in Charlotte, N.C. It asserts that customers in North Carolina (where Rose operates) do not use Avalon's Atlanta motor carrier services for trips originating in Charlotte, nor do customers in the Atlanta market (where Avalon operates) use Rose's motor carrier services for trips originating in Atlanta. (*Id.*) According to Avalon, the charter and motor carrier services that Avalon and Rose provide are not viable alternatives for each other due to the high added costs involved in using a service that originates so far away from the customer, and hence there will be no competitive impacts in the markets in which Avalon and Rose operate. (*Id.*)

Avalon concedes that this transaction may result in additional fixed costs in the form of additional interest charges but asserts that any such increase is not likely to impact the public. (*Id.* at 7.) Avalon states that additional fixed costs may result because its acquisition of Rose will be financed through a combination of cash and term notes, and Avalon will assume Rose's existing debt. (*Id.*) However, Avalon intends to refinance the assumed debt to improve the terms of the loans. (*Id.*) Avalon further represents that the proposed transaction will not adversely impact the interests of Rose's employees. (*Id.*) The application states that service levels could decrease absent the proposed transaction, and providing reduced service would require a smaller workforce. (*Id.*) However, Avalon has committed to maintain Rose's current workforce of over 50 employees on the same or better terms of employment. (*Id.*) According to the application, Avalon also intends to increase the size of this workforce as part of its plan to expand Rose's services and expects to offer increased potential opportunities to existing employees as the business grows. (*Id.*) Avalon further states that, although most of the employees it will retain are bus drivers, Avalon will also extend employment offers to maintenance, operations, safety, management, and human resource employees. (*Id.*)

Based on Avalon's representations, the Board finds that the acquisition as proposed in the application 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

<sup>1</sup> More information about Avalon's corporate structure and ownership can be found in the application. (Appl. 3–4, Ex. A.)

<sup>2</sup> Further information, including U.S. Department of Transportation (USDOT) numbers, motor carrier numbers, and USDOT safety fitness ratings, can be found in the application. (*Id.* at 2, 11.)

<sup>3</sup> Concurrent with its application, Avalon also filed, in Docket No. MCF 21128 TA, a request under 49 U.S.C. 14303(i) and the Board's regulations at 49 CFR 1182.7(b) to manage and operate the assets to be acquired on an interim basis pending approval of the acquisition. The Board granted that request in a decision served on January 6, 2025.

<sup>4</sup> More information about Rose's corporate structure and ownership can be found in the application. (Appl. 4–5.)

<sup>5</sup> Further information about Rose, including its USDOT number, motor carrier number, and USDOT safety fitness rating, can be found in the application. (*Id.* at 2, 11.)

be adopted to reconsider the application. See 49 CFR 1182.6. 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 in this proceeding.

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 February 25, 2025, unless opposing comments are filed by February 24, 2025. If any comments are filed, Applicants may file a reply by March 11, 2025.

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: January 6, 2025.

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

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2025-00392 Filed 1-8-25; 8:45 am]

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## **SURFACE TRANSPORTATION BOARD**

[Docket No. AB 55 (Sub-No. 817X)]

### **CSX Transportation, Inc.— Abandonment Exemption—in Norfolk County, Mass.**

CSX Transportation, Inc. (CSXT), has filed a verified notice of exemption under 49 CFR part 1152 subpart F—Exempt Abandonments to abandon a 1.61-mile rail line that runs between milepost QVF 18.01 and milepost QVF 19.6, on its Northern Region, Franklin Subdivision in Norfolk County, Mass. (the Line).<sup>1</sup> The Line traverses U.S. Postal Service Zip Code 02038.

<sup>1</sup> CSXT initially filed this notice on December 3, 2024, but filed a correction on December 20, 2024, to shorten the length of the Line and correct the mileposts. The filing date of the correction will be considered the official filing date of this notice of exemption.

CSXT has certified that: (1) no local rail traffic has moved over the Line during the past two years; (2) any overhead traffic on the Line can be and has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government on behalf of such user) regarding cessation of service over the Line is pending with either the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(b) and 1105.8(c) (notice of environmental and historic reports), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to government agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,<sup>2</sup> this exemption will be effective on February 9, 2025, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues<sup>3</sup> must be filed by January 17, 2025. Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 21, 2025.<sup>4</sup> Petitions to reopen and requests for public use conditions under 49 CFR 1152.28 must be filed by January 30, 2025.

All pleadings, referring to Docket No. AB 55 (Sub-No. 817X), must be filed with the Surface Transportation Board either via e-filing on the Board's website

<sup>2</sup> Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>4</sup> Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on CSXT's representative, Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CSXT has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by January 14, 2025. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245. Comments on environmental or historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CSXT's filing of a notice of consummation by January 10, 2026, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: January 6, 2025.

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

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2025-00375 Filed 1-8-25; 8:45 am]

**BILLING CODE 4915-01-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Highway Administration**

#### **Notice of Final Federal Agency Actions on Transportation Project in Wisconsin**

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

**SUMMARY:** This notice announces actions taken by FHWA and other Federal