

of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 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, this exemption will be effective on January 31, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 12, 2009. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 21, 2009, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Kathryn R. Barney, 500 Water Street, J-150, Jacksonville, FL 32202.

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

CSXT has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by January 6, 2009. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100,

Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the 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 December 31, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: December 22, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E8-30921 Filed 12-30-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC F-21031]

National Express Corporation—Intra-Corporate Family Transaction Exemption

National Express Corporation (NEC), a noncarrier, has filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1182.9.¹ NEC seeks to implement the restructuring as part of an overall consolidation of its corporate structure in order to achieve organizational and operational efficiencies and related cost reductions.

Under the transaction, NEC, a Delaware corporation, intends to reorganize its corporate structure by

consolidating certain directly and indirectly controlled subsidiaries into a single Delaware limited partnership, Durham School Services, L.P. (DSSLP), a motor passenger carrier. NEC states that it will retain its ultimate ownership and control of DSSLP because it is the sole member of Durham Holding II, L.L.C. and Durham Holding I, L.L.C., respectively, the general partner and limited partner of DSSLP, both noncarriers. The directly and indirectly controlled subsidiaries will provide exempt school bus services pursuant to 49 U.S.C. 13506(a)(1) and limited charter passenger carrier services to the public.

According to NEC, restructuring will involve two stages: (1) Polli Leasing, Inc. will be merged into Reliance Motor Coach Company, Inc., and Murphy Bus Service, Inc. will be merged into Murphy Transportation, Inc.; and (2) Jones School Bus Service, Inc., Reliance Motor Coach Company, Inc., Double A. Transportation, Inc., and Murphy Transportation, Inc. will be merged into DSSLP. NEC states that, after the restructuring, DSSLP will continue to exist while the other directly and indirectly controlled subsidiaries will cease to exist.

The transaction is scheduled to be consummated on or about December 31, 2008, or at least 7 days after the filing date of this notice.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1182.9. NEC states that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Applicant further states that (1) it will accomplish the reorganization through an Agreement and Plan of Merger entered into by and between the affected entities, and (2) there will be no material effect on employees of the companies involved in the restructuring.

If the verified notice contains false or misleading information, the Board shall summarily revoke the exemption and require divestiture. Petitions to revoke the exemption under 49 U.S.C. 13541(d) may be filed at any time. See 49 CFR 1182.9(c).

An original and 10 copies of all pleadings, referring to STB Docket No. MCF-21031, must be filed with the Surface Transportation Board, 395 F Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas W. Wilcox, 401 9th St., NW., Suite 1000, Washington, DC 20004.

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service 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.

² Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 CFR 1002.2(f)(25).

¹ The Board exempted intra-corporate family transactions of motor carriers of passengers that do not result in significant operational changes, adverse changes in service levels, or a change in the competitive balance with carriers outside the corporate family in *Class Exemption for Motor Passenger Intra-Corporate Family Transactions*, STB Finance Docket No. 33685 (STB served Feb. 18, 2000.)

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

Decided: December 22, 2008.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35205]

US Rail Corporation—Lease and Operation Exemption—Winamac Southern Railway Company and Kokomo Grain Co., Inc.

US Rail Corporation (US Rail), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire by lease and to operate approximately 58.89 miles of rail lines¹ owned by Winamac Southern Railway Company (WSRY) and Kokomo Grain Co., Inc., located in Indiana: (1) The Brighthurst Line, between milepost 50.1 at Brighthurst and milepost 71.5 at Van Jct. (Logansport); (2) the Kokomo Line, between milepost 74.5 at Eighteenth St. Yard (Logansport) and milepost 97.9 at Kokomo; (3) the Kokomo Belt Line, between milepost 0.0 at E. Markland Ave. (Kokomo) and milepost 1.5 at S. Union St. (Kokomo); and (4) the Amboy Line, between milepost 147.07 at Amboy and milepost 134.48± at Marion.²

Pursuant to the lease agreement, US Rail will also obtain incidental trackage rights over 3.0 miles of rail line owned by Toledo, Peoria & Western Railway Corp. (TPW), between milepost 71.5 at Van Jct. (Logansport) and milepost 74.5 at Eighteenth St. Yard (Logansport).³ US Rail will interchange traffic with: (1) NSR at Marion Goodman Yard and

Clymers; (2) TPW at Logansport; and (3) CERA at Kokomo.

US Rail certifies that its projected annual revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier and further certifies that its projected annual revenues will not exceed \$5 million.

The earliest this transaction may be consummated is January 16, 2009, the effective date of the exemption (30 days after the corrected notice exemption was filed).

Pursuant to the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: Collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting and shredding). The term “solid waste” is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

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 9, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35205, 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 Eric M. Hocky, One Commerce Square, 2005 Market Street, Suite 1910, Philadelphia, PA 19103.

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

Decided: December 22, 2008.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35207]

Morristown & Erie Railway Inc., d/b/a Stourbridge Railway—Operation Exemption—Stourbridge Railroad Company

Morristown & Erie Railway Inc., d/b/a Stourbridge Railway (ME d/b/a STRY), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to operate, pursuant to an agreement with Stourbridge Railroad Company (SBRR), SBRR's approximately 24.80 miles of rail line extending between milepost 0.0 at Lackawaxen, in Pike County, PA, and milepost 24.8 at Honesdale, in Wayne County, PA. The agreement also provides that ME d/b/a STRY will have exclusive passenger operating rights over the line. ME d/b/a STRY will interchange freight with the Central New York Railroad Company at milepost 0.0 at Lackawaxen, PA.

The earliest this transaction can be consummated is January 16, 2009, the effective date of the exemption (30 days after the exemption was filed).

ME d/b/a STRY certifies that its projected annual revenues as a result of the transaction will not result in ME d/b/a STRY's becoming a Class II or Class I rail carrier and that its projected annual revenues will not exceed \$5 million.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law No. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing, or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term “solid waste” is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

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. Stay petitions must be filed by January 9, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35207, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-

¹ Central Railroad Company of Indianapolis (CERA) currently operates the lines, but will no longer after December 31, 2008.

² A notice in this docket was originally filed on December 5, 2008. On December 17, 2008, US Rail's representative filed a notice styled a “corrected” notice containing a number of revisions to the original notice. In response, the Board halted publication of the original notice scheduled for December 19, 2008. Because the sought revisions are not de minimis in nature, the corrected notice is being served and published as a new notice today.

³ In *Winamac Southern Railway Company—Trackage Rights Exemption—A. & R. Line, Inc.*, STB Finance Docket No. 35208 (STB served Dec. 24, 2008), WSRy obtained authority to operate pursuant to these same trackage rights to correct an earlier oversight.