

line and is satisfied with the physical condition of the line, including, but not limited to, all signals and appurtenances, and the appropriate and necessary crews of the parties have been qualified to operate the line; and (2) the U.S. Coast Guard regulations and requirements with respect to the maintenance and operation of the Arthur Kill Lift Bridge are acceptable to Conrail.

The parties state that there are three primary traffic flows anticipated over the line: (1) Intermodal traffic moving in blocks assembled by the Howland Hook Marine Terminal/Port Ivory carrier moving to and from Arlington Yard (Howland Hook Traffic); (2) containerized municipal solid waste trains assembled by the Fresh Kills facility carrier to and from the Fresh Kills facility (Fresh Kills Traffic); and (3) mixed merchandise (including aggregates and paper products) moving to and from two potential customers located on the Travis Branch (Travis Branch Traffic) that may, in the future, construct rail connections from their facilities to the Travis Branch in order to receive direct rail service.

The parties indicate that, as currently planned, Conrail will move the Howland Hook Traffic and the Travis Branch Traffic between Staten Island and the North Jersey Shared Asset Area<sup>7</sup> for line haul movement via NSR and CSXT. Conrail will switch the Travis Branch Traffic directly from the relevant customer's facilities, if and when it develops, between Staten Island and the North Jersey Shared Asset Area for line haul movement via NSR and CSXT. NSR and/or CSXT at a future time will likely provide service to the Fresh Kills Traffic and the Howland Hook Traffic directly, as that traffic is expected to move in unit train volumes. Conrail will dispatch the line.

The rail lines qualify for a modified certificate of public convenience and necessity. *See Common Carrier Status of States, State Agencies and Instrumentalities and Political Subdivisions*, Finance Docket No. 28990F (ICC served July 16, 1981).

The parties indicate that the only precondition to any shipper's receipt of service is the execution of an agreement with CSXT or NSR that specifies the rates and other terms and conditions of service that such railroad will provide. Conrail will not be authorized to quote rates and other terms and conditions of service, just as it is not authorized to do

so in the North Jersey Shared Asset Area.

This notice will be served on the Association of American Railroads (Car Service Division) as agent for all railroads subscribing to the car-service and car-hire agreement: Association of American Railroads, 50 F Street, NW., Washington, DC 20001; and on the American Short Line and Regional Railroad Association: American Short Line and Regional Railroad Association, 50 F Street, NW., Suite 7020, Washington, DC 20001.

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Decided: August 18, 2006.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E6-14034 Filed 8-24-06; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34909]

#### **CSX Transportation, Inc., Norfolk Southern Railway Company, and Consolidated Rail Corporation—Joint Use and Operation Exemption**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of filing of Petition for Exemption.

**SUMMARY:** On August 8, 2006, CSX Transportation, Inc. (CSXT), Norfolk Southern Railway Company (NSR), and Consolidated Rail Corporation (Conrail) (collectively, petitioners), jointly filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 11323–25 for petitioners to provide for the joint use and joint rail freight operations over 7.69 miles of abandoned rail line of the former Staten Island Railway Corporation<sup>1</sup> in New York and New Jersey lying generally between the Conrail Chemical Coast Line and points on Staten Island, NY. The line consists of two segments as follows: (a) The North Shore Line between the end of track at milepost 4.6 at Union Avenue

east of Arlington Yard, Richmond County, NY, and milepost 7.4, via the Chemical Coast Connector, at the proposed point of switch at the connection between the Chemical Coast Connector and Conrail's Chemical Coast Line in Union County, NJ, a distance of 2.8 miles, and (b) the Travis Branch between milepost 0.00 Arlington Yard Station and milepost 4.41 in Richmond County, a distance of 4.41 miles. Included within the North Shore Line segment are all tracks in Arlington Yard together with lead tracks on both the east and west ends of the yard, the so-called Wye Connector, that provides a direct connection to the Travis Branch from the North Shore Line and a track designated as the Travis Lead that provides a connection to and from the Travis Branch to the east end of Arlington Yard.<sup>2</sup>

Petitioners have requested expedited action by the Board on this petition to permit rail operations to commence by October 1, 2006, and have included a proposed procedural schedule to accomplish that goal.<sup>3</sup> Petitioners have concurrently filed a Notice of Modified Certificate of Public Convenience and Necessity to operate the subject line in STB Finance Docket No. 34908, *CSX Transportation, Inc., Norfolk Southern Railway Company, and Consolidated Rail Corporation—Modified Rail Certificate*.<sup>4</sup>

**DATES:** Comments are due September 14, 2006. To assist any potential commenters, petitioners and NYCEDC have stated that they will provide unredacted versions of relevant agreements. Replies are due September 18, 2006. Subsequently, the Board will issue a decision as soon as practicable.

**ADDRESSES:** An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34909, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of all pleadings must be served on petitioners' representatives: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, Peter J. Shudtz, 1331 Pennsylvania Avenue, NW., Suite 560,

<sup>2</sup> On August 17, 2006, NYCEDC filed a response in which it supports the exemption petition and request for expedited consideration.

<sup>3</sup> The Board will handle this exemption petition as expeditiously as is practicable.

<sup>4</sup> Petitioners were previously granted similar authority in *CSX Transportation, Inc., Norfolk Southern Railway Company, and Consolidated Rail Corporation—Modified Rail Certificate*, STB Finance Docket No. 34473 (STB served Mar. 19, 2004). Petitioners have concurrently filed a notice of intent to terminate service authorized in that proceeding, stating that they did not conclude an agreement with NYCEDC and the Port Authority in order to be able to commence operations.

<sup>7</sup> This area was established in *CSX Corp. et al.—Control—Conrail, Inc. et al.*, 3 S.T.B. 196, 228 (1998).

<sup>1</sup> *See Staten Island Railway Corporation—Abandonment Exemption—in Richmond County, NY*, Docket No. AB-263 (Sub-No. 2X) (ICC served July 3, 1990), and *Staten Island Railway Corporation—Abandonment*, Docket No. AB-263 (Sub-No. 3) (ICC served Dec. 5, 1991). The lines were subsequently acquired by the New York City Economic Development Corporation (NYCEDC) and the Port Authority of New York and New Jersey (Port Authority).

Washington, DC 20004, and John V. Edwards, Three Commercial Place, Norfolk, VA 23510.

**FOR FURTHER INFORMATION CONTACT:**

Joseph H. Dettmar, (202) 565-1600. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** Conrail is jointly controlled by CSX Corporation (CSX) and Norfolk Southern Corporation (NSC). CSX controls CSXT and NSC controls NSR. CSXT and NSR are Class I railroads; Conrail is a Class III railroad. The subject line is accessed through the North Jersey Shared Asset Area approved in *CSX Corp. et al.—Control—Conrail, Inc. et al.*, 3 S.T.B. 196 (1998).

According to petitioners, no service has been provided over this line for more than 15 years. Petitioners have submitted this petition seeking: (1) An exemption permitting them to implement the operations described in the related modified certificate in a manner described in the operating agreement between petitioners and NYCEDC; (2) a prior determination that the Board authority granted pursuant to this petition will automatically expire upon termination of the modified certificate; and (3) a determination that the grant of authority under 49 U.S.C. 11323 will not give Conrail any ratemaking, interchange, or other common carrier authority that it currently lacks.

According to petitioners, the joint use agreement will govern their joint use of the line and the coordination of their operations, and will set forth their rights and obligations thereunder. The agreement provides that the line will be operated, maintained, and dispatched by Conrail, and that it will be used by or for the equal, full, and exclusive benefit of CSXT and NSR. CSXT and NSR will have the option of providing service directly or through Conrail and will compete with each other to serve shippers on the line.

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

Decided: August 18, 2006.

By the Board, Vernon A. Williams, Secretary.

**Vernon A. Williams,**  
Secretary.

[FR Doc. E6-14035 Filed 8-24-06; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 657X)]

#### CSX Transportation, Inc.— Abandonment Exemption—in Philadelphia County, PA

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a 0.26-mile line of railroad on its Northern Region, Baltimore Division (South Jersey CSAO), Delaware Extension, from milepost 6.27 to the end of track at milepost 6.53, known as Pier 124 Track in Philadelphia, Philadelphia County, PA. The line traverses United States Postal Service Zip Code 19148.

CSXT has certified that: (1) No traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be 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 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 September 26, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR

<sup>1</sup> 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.

1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 5, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 14, 2006, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Steven C. Armbrust, CSX Transportation, Inc., 500 Water St., 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 September 1, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. [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 August 25, 2007, 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: August 18, 2006.

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

**Vernon A. Williams,**  
Secretary.

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<sup>2</sup> Each OFA must be accompanied by the filing fee, which was increased to \$1,300 effective on April 19, 2006. See *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006).