

respondents, individual interviews will be conducted.

Aleisha Woodward,
Deputy Assistant Secretary.

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 35068]

Soo Line Railroad Company d/b/a Canadian Pacific Railway—Acquisition and Operation Exemption—BNSF Railway Company

On December 21, 2018, New Century Ag (NCA) filed a petition to reopen this proceeding or, in the alternative, to revoke under 49 U.S.C. 10502 the exemption authorizing Soo Line Railroad Company d/b/a Canadian Pacific Railway (CP) to acquire and operate the property interests of BNSF Railway Company (BNSF) in 35.26 miles of rail lines jointly owned by CP and BNSF and a contiguous 9.96-mile rail line solely owned by BNSF. By decision served on March 19, 2019, a proceeding was instituted under 49 U.S.C. 10502(d).

By decision served on April 22, 2019, the Board, noting that NCA's allegations raise concerns that may implicate other statutory provisions, held the proceeding in abeyance to allow NCA to consider all options for relief.¹ Following that decision, NCA informed the Board that it does not seek to initiate a new proceeding under other statutory provisions. (NCA Letter 2-3, Apr. 26, 2019.)

In light of this submission and the parties' responses regarding their interest in participating in Board-sponsored mediation, the Board will remove this proceeding from abeyance and schedule an oral argument on August 20, 2019, in Washington, DC. The Board expects NCA, CP, and BNSF to be prepared to discuss their respective arguments and evidence and to respond to questions from the Board. Each party will have 20 minutes of

argument time. NCA, as petitioner, may reserve part of its time for rebuttal if it so chooses. Details and instructions for participation and attendance at the hearing, including the time and specific location, will be issued in a separate decision.

It is ordered:

1. This proceeding is removed from abeyance.
2. An oral argument will be held in this proceeding, as discussed above.
3. This decision is effective on its service date.

Decided: July 19, 2019.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2019-15730 Filed 7-23-19; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36299]

Soo Line Railroad Company—Petition for Declaratory Order and Preliminary Injunction—Interchange with Canadian National

On April 30, 2019, Soo Line Railroad Company d/b/a Canadian Pacific (CP) filed a petition for declaratory order and preliminary injunction arising from the termination of an interchange agreement with Wisconsin Central Ltd. d/b/a Canadian National (CN) in the Chicago Terminal Area. CP states that the agreement provides for interchange of CN and CP rail cars in Chicago, Ill., at Spaulding, where the two railroads physically connect. (CP Pet. 1.) According to CP, on March 11, 2019, CN gave CP notice that it would be terminating the interchange agreement effective May 10, 2019. (*Id.* at 2.) CP states in its petition that, instead of Spaulding, CN has stated that it will accept rail cars in interchange at CN's Kirk Yard in Gary, Ind. (*Id.*)

CP requested that the Board issue a declaratory order that CN's Kirk Yard is an unreasonable interchange location, and that the Board issue a preliminary injunction ordering CN to "continue to receive CP cars at Spaulding." (*Id.*) In its reply to the preliminary injunction request, CN stated that CP is "willing" to deliver CN-bound cars to the Belt Railway Company of Chicago's Clearing Yard, although CP and CN disagree on who should bear the expenses arising from that option. (CN Reply 1-2 (citing CP Pet., Exs. E & G).)

By decision served on May 9, 2019, the Board directed CN and CP to participate in Board-sponsored

mediation and noted its expectation that CN and CP would continue to interchange rail cars at Spaulding while they mediated the dispute. During the course of the mediation, the Board received several filings from CN and CP,¹ in addition to comments from members of the public, including citizens and local government entities, regarding rail traffic near the Spaulding interchange.

The Board has been informed that the mediation concluded unsuccessfully. As mediation has concluded and efforts between the parties to resolve the matter have been unsuccessful to date, the Board will hold an oral argument in this case on August 6, 2019, in Washington, DC. The Board directs CN and CP to participate in the oral argument and expects the parties to be prepared to discuss their arguments and evidence and respond to questions from the Board. Notices of intent to participate by other parties of record will be due by July 29, 2019. Further details regarding the oral argument, including the time and specific location, will be issued in a separate decision.

It is ordered:

1. All filings by CN and CP to date are accepted into the record.
2. An oral argument will be held in this proceeding, as discussed above.
3. This decision is effective on the date of service.

Decided: July 19, 2019.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2019-15729 Filed 7-23-19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice To Rescind Notice of Intent To Prepare an Environmental Impact Statement for the GA 400 Transit Initiative in Fulton County, Georgia

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Rescind Notice of Intent to prepare an environmental impact statement.

SUMMARY: The FTA in cooperation with the Metropolitan Atlanta Rapid Transit Authority (MARTA) is issuing this notice to advise the public that the Notice of Intent (NOI) to prepare an

¹ The parties were also asked to inform the Board if they were interested in participating in Board-sponsored mediation. With respect to mediation, NCA and BNSF state that they are agreeable to Board-sponsored mediation. (*Id.* at 4; BNSF Letter 1, Apr. 26, 2019.) CP states that it is willing to engage with NCA either directly or through the Board's Rail Customer and Public Assistance program, but that it has no interest in reopening negotiations with BNSF. (CP Letter 3, May 15, 2019.) On June 27, 2019, NCA filed a letter objecting to CP's proposed exclusion of BNSF from mediation and requesting that the Board either order three-party mediation or issue a decision on the merits. (NCA Letter 2, June 27, 2019.) The Board has not ordered mediation at this time.

¹ To the extent any of the submissions by CN or CP may be considered replies to replies under 49 CFR 1104.13(c), those submissions will be accepted in the interest of a more complete record.

Environmental Impact Statement (EIS) for the proposed public transportation improvement project in Fulton County, Georgia is being rescinded.

FOR FURTHER INFORMATION CONTACT: Mr. Stan Mitchell, Environmental Protection Specialist, Federal Transit Administration Region IV, 230 Peachtree Street NW, Atlanta, GA 30303, phone 404-865-5643, email stanley.a.mitchell@dot.gov.

SUPPLEMENTARY INFORMATION: The FTA, as lead federal agency, and MARTA published a NOI on March 31, 2015 (80 FR 17147) to prepare an EIS for the MARTA GA 400 Transit Initiative project. This project would extend the existing north-south rail Heavy Rail Transit (HRT) line northward from the North Springs MARTA Station to Windward Parkway near the Fulton/Forsyth County border.

Since that time, FTA and MARTA have reevaluated the transit need in the corridor and have determined that a Bus Rapid Transit (BRT) option is more suitable. Based on this change in the transit mode, FTA is rescinding the March 31, 2015 NOI. The environmental impacts of the BRT service along on GA 400 will be evaluated in a yet-to-be-determined document. No changes will be made to the HRT services as described in the March 31, 2015 NOI. Comments and questions concerning the proposed action should be directed to FTA at the address provided above.

Authority: 49 U.S.C. 5323(c); 40 CFR 1501.7.

Yvette G. Taylor,

Regional Administrator, FTA Region IV.

[FR Doc. 2019-15696 Filed 7-23-19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2019-0149; PDA-40(R)]

Hazardous Materials: The State of Washington Crude Oil by Rail—Vapor Pressure Requirements

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Public Notice and Invitation to comment.

SUMMARY: Interested parties are invited to comment on an application by the State of North Dakota and the State of Montana for an administrative determination as to whether Federal hazardous material transportation law

preempts the State of Washington's rules relating to the volatility of crude oil received in the state.

DATES: Comments received on or before August 23, 2019 and rebuttal comments received on or before September 23, 2019 will be considered before an administrative determination is issued by PHMSA's Chief Counsel. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: North Dakota and Montana's application and all comments received may be reviewed in the Docket Operations Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. The application and all comments are available on the U.S. Government *Regulations.gov* website: <http://www.regulations.gov>.

Comments must refer to Docket No. PHMSA-2019-0149 and may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Operations Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Operations Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

A copy of each comment must also be sent to (1) Wayne Stenehjem, Attorney General, The State of North Dakota, Office of the Attorney General, 600 East Boulevard Avenue, Department 125, Bismarck, ND 58505-0040, and (2) Tim Fox, Attorney General, The State of Montana, Office of the Attorney General, Justice Building, Third Floor, 215 North Sanders, Helena, MT 59620-1401. A certification that a copy has been sent to these persons must also be included with the comment. (The following format is suggested: I certify that copies of this comment have been sent to Mr. Stenehjem and Mr. Fox at the addresses specified in the **Federal Register**.)

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the

comment (or signing a comment submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://www.regulations.gov>.

A subject matter index of hazardous materials preemption cases, including a listing of all inconsistency rulings and preemption determinations, is available through PHMSA's home page at <http://phmsa.dot.gov>. From the home page, click on "Hazardous Materials Safety," then on "Standards & Rulemaking," then on "Preemption Determinations" located on the right side of the page. A paper copy of the index will be provided at no cost upon request to Mr. Lopez, at the address and telephone number set forth in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Vincent Lopez, Office of Chief Counsel (PHC-10), Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone No. 202-366-4400; facsimile No. 202-366-7041.

SUPPLEMENTARY INFORMATION:

I. Application for a Preemption Determination

The State of North Dakota and the State of Montana have applied to PHMSA for a determination whether Federal hazardous material transportation law (HMTA), 49 U.S.C. 5101 *et seq.*, preempts the State of Washington's Engrossed Substitute Senate Bill 5579, Crude Oil By Rail—Vapor Pressure. Specifically, North Dakota and Montana allege the law, which purports to regulate the volatility of crude oil transported in Washington state for loading and unloading, amounts to a de facto ban on Bakken¹ crude.

North Dakota and Montana present two main arguments for why they believe Washington's law should be preempted. First, North Dakota and Montana contend that the law's prohibition on the loading or unloading of crude oil with more than 9 psi vapor pressure poses obstacles to the HMTA because compliance with the law can only be accomplished by (1) pretreating the crude oil prior to loading the tank car; (2) selecting an alternate mode of

¹ According to the applicants, North Dakota and Montana are home to the Bakken Shale Formation, a subsurface formation within the Williston Basin. It is one of the top oil-producing regions in the country and one of the largest oil producers in the world.