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Decided: March 10, 2004.

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

Vernon A. Williams,
Secretary.

[FR Doc. 04-5994 Filed 3-18-04; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34474]

Great Northwest Railroad, Inc.— Acquisition and Operation Exemption—Camas Prairie RailNet, Inc.

Great Northwest Railroad, Inc. (GNR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Camas Prairie RailNet, Inc. (CPR) and operate approximately 179 miles of rail line. The lines are located in the States of Idaho and Washington as follows: (1) The 1st Subdivision, extending from milepost 137.5 at Lewiston, ID, to milepost 61.0 at or near Kooskia, ID; (2) the portion of the 2nd Subdivision, extending from milepost 0.0 at Spalding, ID, to milepost 1.0 near Spalding;¹ (3) the 3rd Subdivision, extending from milepost 0.0 at Riparia, WA, to milepost 71.5² at Lewiston; and (4) the 4th Subdivision, extending from milepost 0.0 at Orofino, ID, to approximately milepost 31.0 (end of track), near Jaype, ID.³

¹ In *Camas Prairie RailNet, Inc.—Abandonment—In Lewis, Nez Perce, and Idaho Counties, ID (Between Spalding and Grangeville, ID)*, STB Docket No. AB-564 (STB served Sept. 13, 2000), CPR was authorized to abandon a line of railroad known as the Grangeville Line, or Second Subdivision, extending from milepost 0.00 near Spalding to milepost 66.8 (end of track) near Grangeville. By letter dated September 5, 2003, the Board was notified that, on December 18, 2002, applicant transferred ownership of the subject track and right-of-way to BG & CM Railroad, Inc. (BG & CM). By letter filed in this docket on March 5, 2004, CPR informed the Board that BG & CM did not acquire the entire right-of-way, only the trackage and right-of-way beyond milepost 1.0, and that CPR retained ownership of the segment between mileposts 0.0 and 1.0, which it subsequently sold along with its other rail assets to GNR.

² GNR states that milepost 71.5 of the 3rd Subdivision is at the same physical location as milepost 137.5 of the 1st Subdivision. These mileposts are incongruent because the Subdivisions were originally owned by different railroads.

³ GNR states that no traffic has moved over the 4th Subdivision for over 2 years and that a majority of the line is out of service. It adds that it is currently working with potential customers on the line to see if an adequate volume of rail traffic can be developed to justify the cost of operating the line.

GNR will also acquire by assignment from CPR incidental overhead trackage rights over a 15.1-mile rail line owned by the Union Pacific Railroad Company (UP) located between milepost 10.46 at Riparia and approximately milepost 267.1 at Ayer, WA, for the purpose of interchanging traffic with UP and The Burlington Northern and Santa Fe Railway Company.

This transaction is related to STB Finance Docket No. 34475, *Watco Companies, Inc.—Continuance in Control Exemption—Great Northwest Railroad, Inc.*, wherein Watco Companies, Inc., seeks to continue in control of GNR upon GNR's becoming a Class III rail carrier.

GNR certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or a Class I rail carrier. The transaction was scheduled to be consummated on or shortly after February 27, 2004, the effective date of the exemption.

If the 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34474, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Suite 225, 1455 F Street, NW., Washington, DC 20005.

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Decided: March 10, 2004.

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

Vernon A. Williams,
Secretary.

[FR Doc. 04-5995 Filed 3-18-04; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34481]

Horsehead Corporation—Petition for Acquisition and Operation Exemption—Chestnut Ridge Railway Company

AGENCY: Surface Transportation Board, DOT.

ACTION: Grant of Petition for Acquisition and Operation Exemption.

SUMMARY: The Board grants Horsehead Corporation's (Horsehead) petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to acquire and operate a 6.6-mile line of railroad in Carbon County, PA, that was formerly operated by the Chestnut Ridge Railway Company retroactive back to December 23, 2003, the date Horsehead actually acquired the line.

DATES: This exemption is effective on March 12, 2004. Petitions to reopen must be filed by April 8, 2004.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 34481 must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on petitioner's representative: Donald G. Avery, Slover & Loftus, 1224 17th Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565-1609.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706. Telephone: (301) 577-2600. (Assistance for the hearing impaired is available through FIRS at 1-800-877-8339.)

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Decided: March 12, 2004.

By the Board, Chairman Nober.

Vernon A. Williams,
Secretary.

[FR Doc. 04-6088 Filed 3-18-04; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34473]

CSX Transportation, Inc., Norfolk Southern Railway Company, and Consolidated Rail Corporation— Modified Rail Certificate

On February 18, 2004, CSX Transportation, Inc. (CSX), Norfolk Southern Railway Company (NS), and Consolidated Rail Corporation (Conrail) (collectively, the parties) filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150, subpart C, *Modified Certificate of Public Convenience and Necessity*, to operate over certain

portions of the abandoned track of the former Staten Island Railway Corporation (SIRR) in New York and New Jersey lying generally between the Chemical Coast Secondary Line and points on Staten Island, NY. Based on the parties' representations, the lines to be activated for service include: (1) Track between milepost 3.8 at John Street east of Arlington Yard, Richmond County, NY, and milepost 6.9, via the Chemical Coast Secondary Line, at or near the connection between the Chemical Coast Connector and the Chemical Coast Secondary Line in Union County, NJ, a distance of 3.1 miles;¹ (2) track between milepost 0.0 at or near Port Ivory, Richmond County, NY, and milepost 0.94 at the end of the line near Howland Hook, Richmond County, NY, a distance of 0.94 miles; and (3) the "Travis Branch" between milepost 0.0 at Arlington Yard Station and milepost 3.65 in Richmond County, NY, a distance of 3.65 miles.² The lines to be used in providing service also include the new industrial lead and switching track to be constructed off of the Travis Branch³ into the New York City Department of Sanitation facility being constructed at the Fresh Kills landfill site on Staten Island (Fresh Kills facility).

The provision of freight rail service in this proceeding is a component of the

¹ On January 21, 2004, the Board served a decision in *Port Authority of New York and New Jersey—Petition for Declaratory Order*, STB Finance Docket No. 34428, finding that the construction by the Port Authority of New York and New Jersey (Port Authority) of the connector between the SIRR trackage and the Chemical Coast Secondary Line, and operations thereover, do not require Board approval. The parties will reach this segment via the connector. No trains will operate on the abandoned SIRR lines until 2005, when it is anticipated that construction of the connector will be complete.

² The SIRR was abandoned in two parts. Those segments subject to this proceeding that were approved for abandonment in *Staten Island Railway Corporation—Abandonment*, Docket No. AB-263 (Sub-No. 3) (ICC served Dec. 5, 1991) include: (1) Track between milepost 3.8 at John Street and milepost 12.09 at or near Cranford Junction, NJ; and (2) track between milepost 0.0 at or near Port Ivory and milepost 0.94 near Howland Hook. The Travis Branch was abandoned pursuant to authority granted in *Staten Island Ry. Corp.—Aband. Exempt.—In Richmond County, NY*, Docket No. AB-263 (Sub-No. 2X) (ICC served July 3, 1990). The lines were subsequently acquired by the States of New York and New Jersey. No freight rail traffic has moved over these lines since these abandonments became effective. Segments of the former SIRR that are not the subject of this proceeding are those that lie west of the Chemical Coast Secondary Line.

³ On October 29, 2003, the New York City Economic Development Corporation (NYCEDC) filed a petition in *The New York City Economic Development Corporation—Petition for Declaratory Order*, STB Finance Docket No. 34429, for a declaratory order seeking certain determinations as to the Travis Branch. A decision in that case is pending.

Staten Island Railroad Revitalization Project, a joint effort between the Port Authority and NYCEDC. The parties state that, at this time, they are negotiating an operating agreement with NYCEDC that will govern how such freight rail service will occur.⁴

The parties anticipate that the traffic flows over the subject lines will primarily consist of the following: (1) Block movements of intermodal traffic, assembled by the Howland Hook Marine Terminal/Port Ivory operator, to and from Arlington Yard (Howland Hook Traffic); (2) movements of containerized municipal solid waste, assembled by the Fresh Kills facility operator, to and from the Fresh Kills facility (Fresh Kills Traffic); and (3) movements of mixed merchandise (including aggregates and paper products) to and from two potential customers located on the Travis Branch (Travis Branch Traffic).

The parties indicate that, in general, Conrail will move the Howland Hook Traffic and the Travis Branch Traffic to and from Staten Island to the Conrail Shared Assets Areas for line haul movement via NS and CSX. Conrail will switch the Travis Branch Traffic, if and when it develops, directly from the customers' facilities. NS and/or CSX will likely serve the Fresh Kills Traffic directly. The parties state that Conrail will dispatch the subject lines, while NYCEDC will retain responsibility for maintaining the subject lines and operating the Arthur Kill Lift Bridge.

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 a shipper's receipt of service is the execution of an agreement with CSX or NS that specifies the rates and other terms and conditions of the service such carriers will provide. They also indicate that: (1) There are no subsidizers, and (2) existing insurance

⁴ Following the negotiation of this operating agreement, the parties state that they will submit a petition seeking: (1) An exemption pursuant to 49 U.S.C. 10502 from the approval requirements of 49 U.S.C. 11323 to permit the parties to implement the operations described in the modified certificate in a manner described in the agreement; (2) a prior determination that the authority granted by the Board pursuant to the petition will automatically expire upon the termination of the modified certificate, and that Conrail will not be able to unilaterally terminate 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. The parties indicate that a copy of the operating agreement will accompany the petition.

covering the parties' current operations will be expanded to cover operations over the subject lines; no additional insurance will be acquired.

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: March 12, 2004.

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

Vernon A. Williams,
Secretary.

[FR Doc. 04-6090 Filed 3-18-04; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 646X)]

CSX Transportation, Inc.— Abandonment Exemption—in Pinellas County, FL

On March 1, 2004, CSX Transportation, Inc. (CSXT), filed with the Board a petition under 49 U.S.C. 10502 for exemption from 49 U.S.C. 10903 to abandon a line of railroad in its Southern Region, Jacksonville Division, Clearwater Subdivision, extending from milepost SY 893.80 to milepost SY 895.65, a distance of approximately 1.85 miles, in St. Petersburg, Pinellas County, FL. The line traverses U.S. Postal Service Zip Codes 33712 and 33705 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in CSXT's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 18, 2004.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will