

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[STB Finance Docket No. 34439]

**Union Pacific Railroad Company and Stillwater Central Railroad Company—Joint Relocation Project Exemption—Fort Sill, OK**

On November 25, 2003, Union Pacific Railroad Company (UP) and Stillwater Central Railroad Company (SLWC) filed a verified notice of exemption under 49 CFR 1180.2(d)(5) to participate in a joint project involving the relocation of certain rail lines of UP near the Fort Sill Military Reservation (FSMR) at Fort Sill, OK. The transaction was scheduled to be consummated on or after December 2, 2003.

The purpose of the joint relocation project is to permit the reconstruction of the wye tracks providing access to FSMR to accommodate larger rail cars. To allow the needed reconstruction, UP must remove certain existing main line track and relocate its operations over that track to a parallel line of SLWC. Thus, the joint relocation project notice covers the following actions:

(1) SLWC will grant trackage rights to UP (including rights to serve FSMR) over SLWC's line extending from SLWC milepost 624.65 near Fort Sill, OK, to SLWC milepost 628.0 near Lawton, OK, a distance of approximately 3.35 miles; and

(2) UP will abandon and remove approximately 1.04 miles of its line between UP milepost 48.56 and UP milepost 49.60 near Fort Sill, OK.

UP and SLWC state that the proposed project will not disrupt service to shippers. They also state that the relocated line and trackage rights will not involve an expansion of service by either carrier into a new territory, but rather, will enable UP to continue to serve FSMR once its line is abandoned and removed.

The Board will exercise jurisdiction over the abandonment or construction components of a relocation project, and require separate approval or exemption, only where the removal of track affects service to shippers or the construction of new track involves expansion into new territory. See *City of Detroit v. Canadian National Ry. Co., et al.*, 9 I.C.C.2d 1208 (1993), *aff'd sub nom. Detroit/Wayne County Port Authority v. ICC*, 59 F.3d 1314 (D.C. Cir. 1995). Line relocation projects may embrace trackage rights transactions such as the one involved here. See *D.T. & I.R.—Trackage Rights*, 363 I.C.C. 878 (1981). Under these standards, the incidental abandonment, construction, and

trackage rights components require no separate approval or exemption when the relocation project, as here, will not disrupt service to shippers and thus qualifies for the class exemption at 49 CFR 1180.2(d)(5).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

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. 34439, 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 Robert T. Opal, Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179 and Craig R. Richey, Stillwater Central Railroad Company, 315 West 3rd Street, Pittsburg, KS 66767.

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

Decided: December 9, 2003.

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

**Vernon A. Williams,**  
Secretary.

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**BILLING CODE 4915-00-P**

**DEPARTMENT OF THE TREASURY****Office of Thrift Supervision**

[No. 2003-63]

**Required Notice to Customers Making Payment by Check**

**AGENCY:** Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Notice.

**SUMMARY:** In a continuing effort to operate more efficiently, the Office of Thrift Supervision (OTS) has implemented a new system for processing checks it receives.

**DATES:** Effective October 31, 2003.

**FOR FURTHER INFORMATION CONTACT:** Howard Verp, Operating Accountant, (202) 906-6427; or Gina March, Operating Accountant, (202) 906-7247,

Financial Operations, Information Systems, Administration & Finance, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** OTS receives checks from customers for examination fees, application filings, conference registrations, security filings, and other purposes. The Bureau of Public Debt's Administrative Resource Center (ARC) now processes all checks received for OTS. ARC utilizes a Financial Management Service system to convert each check received for OTS into an electronic fund transfer.

The following guidelines apply:  
*Authorization to Convert the Check:* If a customer submits a check to OTS to make a payment, the check will be converted to an electronic fund transfer. "Electronic fund transfer" is the term used to refer to the process by which OTS electronically instructs the customer's financial institution to transfer funds from the customer's account to OTS's account, rather than processing the check. By submitting a completed, signed check to OTS, the customer authorizes OTS to copy the check and to use the account information from the check to make an electronic fund transfer from the customer's account for the same amount as the check. If the electronic fund transfer cannot be processed for technical reasons, the customer authorizes OTS to process the check.

*Insufficient Funds:* The electronic fund transfer from the customer's account will usually occur within 24 hours, which is less time than when a check is normally processed. Therefore, the customer should ensure that there are sufficient funds available in the customer's checking account when the customer sends OTS the check. If the electronic fund transfer cannot be completed because of insufficient funds, OTS will try to make the transfer up to two times before contacting the customer.

*Transaction Information:* The electronic fund transfer from the customer's account will appear on the account statement the customer receives from the customer's financial institution. However, the transfer may be in a different place on the statement from where the customer's checks normally appear. For example, it may appear under "other withdrawals" or "other transactions." The customer will not receive the original check back from the financial institution. For security reasons, OTS will destroy the original check, but OTS will keep a copy of the check for record keeping purposes.

*Customer Rights:* The customer should contact the financial institution