

**SURFACE TRANSPORTATION BOARD****[Docket No. AB 6 (Sub-No. 467X)]****BNSF Railway Company—  
Discontinuance of Trackage Rights  
Exemption—in Big Stone, Swift,  
Chippewa, Yellow Medicine, and  
Renville Counties, Minn.**

On August 4, 2016, BNSF Railway Company (BNSF) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue trackage rights over a 106.7-mile line of railroad (the Line) owned by Twin Cities & Western Railroad Company (TC&W), between milepost 600.7 at Ortonville and milepost 494.0 at Buffalo Lake in Big Stone, Swift, Chippewa, Yellow Medicine, and Renville Counties, Minn.<sup>1</sup> The Line traverses U.S. Postal Service Zip Codes 57216, 56276, 56278, 56208, 56227, 56262, 56265, 56260, 56241, 56285, 56284, 56230, 56277, 56295, 55310, 55342, and 55314.

To BNSF's knowledge, the Line does not contain any federally granted rights-of-way. Any documentation in BNSF'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 Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 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 November 22, 2016.

Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) to subsidize continued rail service will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 CFR 1002.2(f)(25).

<sup>1</sup> BNSF's predecessor was granted authority to acquire the trackage rights as part of the transaction in *Burlington Northern Railroad—Trackage Rights Exemption—between Ortonville & Buffalo Lake, Minn.*, FD 30191 (ICC served June 23, 1983). According to BNSF, its trackage rights agreement expired in 2008 and it has not performed any trackage rights operations over the Line since that time. BNSF also states that TC&W has continued to provide rail service over the Line since 2008.

All filings in response to this notice must refer to Docket No. AB 6 (Sub-No. 467X) and must be sent to: (1) Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001; and (2) Karl Morell, 655 Fifteenth Street NW., Suite 225, Washington, DC 20005. Replies to the petition are due on or before September 13, 2016.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment and discontinuance regulations at 49 CFR pt. 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

Board decisions and notices are available on our Web site at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: August 18, 2016.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Kenyatta Clay,**  
*Clearance Clerk.*

[FR Doc. 2016-20271 Filed 8-23-16; 8:45 am]

**BILLING CODE 4915-01-P**

**SURFACE TRANSPORTATION BOARD****[Docket No. FD 36055]****Southeastern Land, LLC—Acquisition  
and Operation Exemption—Vaughan  
Railroad Company**

Southeastern Land, LLC (Southeastern), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Vaughan Railroad Company (Vaughan), and to operate, approximately 14 miles of rail line between milepost 7.5 near Belva and milepost 22.0 on Twentymile Creek, northeast of Vaughan, in Nicholas and Fayette Counties, W. Va. (the Line).

In the verified notice, Southeastern states that Southeastern, Vaughan, and Vaughan's affiliates have entered into a Purchase and Sale Agreement (Agreement) under which Southeastern will purchase the 14-mile rail line in addition to certain other assets. The Line is currently not in use and has no active customers. After consummation of the transaction, Southeastern intends to provide service to future customers on the Line or contract with a third party to provide the service. According to Southeastern, the Line is subject to a trackage rights agreement with CSX

Transportation, Inc.,<sup>1</sup> and a separate trackage rights agreement with Norfolk Southern Railway Co.<sup>2</sup>

According to Southeastern, the Agreement between Southeastern and Vaughan does not contain any provision that prohibits Southeastern from interchanging traffic or limits Southeastern's ability to interchange traffic with a third party.

Southeastern certifies that its projected revenues upon consummation of the proposed transaction will not result in Southeastern's becoming a Class I or Class II rail carrier and states that its projected annual revenues will not exceed \$5 million.

This transaction may be consummated on or after September 7, 2016, the effective date of the exemption (30 days after the verified notice was filed).

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 to stay must be filed no later than August 31, 2016 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36055 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 Rebecca S. Gohmann, General Counsel of Southeastern Land, LLC, 2408 Sir Barton Way, Suite 325, Lexington, KY 40509.

According to Southeastern, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: August 18, 2016.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Kenyatta Clay,**  
*Clearance Clerk.*

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<sup>1</sup> See *CSX Transp.—Trackage Rights Exemption—Vaughan R.R.*, FD 32695 (ICC served May 30, 1995).

<sup>2</sup> See *Consolidated Rail Corp.—Trackage Rights Exemption—Vaughan R.R.*, FD 32670 (ICC served May 3, 1995).