

Modified Rail Certificate, wherein EBGR seeks to lease and operate approximately 8.6 miles of railroad, known as the Colebrookdale Line, from Berks County, Pa.

USRP currently controls through stock ownership two Class III rail carriers: BNGR and the Eastern Washington Gateway Railroad Company (EWGR). BNGR operates approximately 35 miles of rail line between Wellington, Kan., and Blackwell, Okla. EWGR operates approximately 114 miles of rail line in the State of Washington.

USRP and BNGR state that: (i) The railroads will not connect with each other or any railroads within its corporate family, (ii) the transaction is not a part of a series of anticipated transactions that would connect any of these railroads with one another or any other railroad, and (iii) the transaction does not involve a Class I railroad. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

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 transaction. Petitions for stay must be filed no later than July 22, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35384, 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 William C. Sippel, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.

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

Decided: July 12, 2010.

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

Kulunie L. Cannon,
Clearance Clerk.

[FR Doc. 2010-17252 Filed 7-14-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 319X); Docket No. AB 1060X]

Central of Georgia Railroad Company—Discontinuance of Service Exemption—Newton County, GA; Great Walton Railroad Company—Discontinuance of Operations Exemption—Newton County, GA

Central of Georgia Railroad Company (CGA)¹ and Great Walton Railroad Company (GRWR) (collectively, applicants) have jointly filed a verified notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* for CGA to discontinue service, and for GRWR to discontinue operating rights under a lease, over a 14.90-mile line of railroad between milepost E 65.80 at Newton, Ga., and the end of the line at milepost E 80.70 at Covington, Ga., in Newton County, Ga. The line traverses United States Postal Service Zip Codes 30014, 30055 and 30056.

Applicants have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) all overhead traffic has been 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 Surface Transportation 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 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 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.

¹ CGA is a wholly owned subsidiary of Norfolk Southern Railway Company.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on August 14, 2010, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2)² must be filed by July 26, 2010.³ Petitions to reopen must be filed by August 4, 2010, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicants' representatives: For CGA, Daniel G. Kruger, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510; and for GRWR, Richard H. Streeter, Barnes & Thornburg, LLP, 750 17th Street, NW., Suite 900, Washington, DC 20006.

If the verified notice contains false or misleading information, the exemptions are void *ab initio*.

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

Decided: July 8, 2010.

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

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2010-17206 Filed 7-14-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the California Department of Transportation (Caltrans) pursuant to its assigned responsibilities under 23 U.S.C. 327 that are final within the meaning of 23 U.S.C. 139(l)(1). These actions relate to the Interstate 80/San Pablo Dam Road Interchange project, located between the El Portal Drive and McBryde Avenue interchanges Post

² Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. *See* 49 CFR 1002.2 (f)(25).

³ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required here under 49 CFR 1105.6(c) and 49 CFR 1105.8(b), respectively.