

on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no opposing comments are filed by expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

*It is ordered:*

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective July 7, 2021, unless opposing comments are filed by July 6, 2021.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: May 17, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

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

[FR Doc. 2021-10782 Filed 5-20-21; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. AB 183 (Sub-No. 5X)]**

### **Union Railroad Company, LLC— Abandonment Exemption—in the City of McKeesport, Allegheny County, PA**

Union Railroad Company, LLC (URR), has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon approximately 5.4 miles of switching and terminal trackage known as the MCR Track in the City of McKeesport in Allegheny County, PA (the Line).<sup>1</sup> The

<sup>1</sup> URR states that the Line, which does not have mileposts, is generally bounded on the north by the Monongahela River; on the east by the McKeesport/North Versailles Township line; on the south by Lysle Blvd., 5th Avenue, Bowman Avenue, and/or East Pittsburgh McKeesport Road; and on the west by the Youghiogheny River.

Line traverses U.S. Postal Service Zip Code 15132.

URR has certified that: (1) It has provided no local common carrier traffic over the Line during the past two years; (2) no overhead traffic has moved over the Line and overhead traffic, if there were any, could be 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 (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7 and 1105.8 (notice of environmental and historic report), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment 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.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,<sup>2</sup> the exemption will be effective on June 20, 2021, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues must be filed by May 28, 2021.<sup>3</sup> Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 1, 2021.<sup>4</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 10, 2021.

<sup>2</sup> Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>4</sup> Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

All pleadings, referring to Docket No. AB 183 (Sub-No. 5X), should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on URR's representative, Crystal M. Zorbaugh, Baker & Miller PLLC, 2401 Pennsylvania Avenue NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

URR has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by May 28, 2021. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), URR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by URR's filing of a notice of consummation by May 21, 2022, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: May 17, 2021.

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

**Brendetta Jones,**  
*Clearance Clerk.*

[FR Doc. 2021-10724 Filed 5-20-21; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36502]**

### **Lubbock & Western Railway, L.L.C.— Lease and Operation Exemption With Interchange Commitment—BNSF Railway Company**

Lubbock & Western Railway, L.L.C. (LWR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from BNSF

Railway Company (BNSF) and operate a line of railroad extending between milepost 330.100 and milepost 327.155 in Plainview, Tex., a portion of the Dimmit Spur subdivision (the Line).

The verified notice states that LWR and BNSF have entered into a lease agreement and that LWR will operate and provide all rail common carrier service to shippers on the Line.<sup>1</sup>

LWR certifies that its projected annual revenues from this transaction will not result in LWR's becoming a Class I or Class II rail carrier. Pursuant to 49 CFR 1150.42(e), which applies "[i]f the projected annual revenue of the rail lines to be acquired or operated, together with the acquiring carrier's projected annual revenue, exceeds \$5 million," LWR posted the 60-day notice of the transaction required by 1150.42(e) at the workplaces of current BNSF employees on the Line, served the notice on the national offices of the labor unions for those employees, and certified to the Board on April 7, 2021, that it had done so.

As required under 49 CFR 1150.43(h)(1), LWR has disclosed in its verified notice that its lease agreement with BNSF contains an interchange commitment and has provided additional information regarding the interchange commitment as required by 49 CFR 1150.43(h).

The earliest this transaction may be consummated is June 6, 2021 (60 days after the certification under 49 CFR 1150.42(e) was filed).

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 effectiveness of the exemption. Petitions for stay must be filed no later than May 28, 2021.

All pleadings, referring to Docket No. FD 36502, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, one copy of each pleading must be served on LWR's representative: Bradon J. Smith, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

According to LWR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: May 17, 2021.

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

**Eden Besera,**  
Clearance Clerk.

[FR Doc. 2021-10757 Filed 5-20-21; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Enhancing Highway Workforce Development Opportunities Contracting Initiative

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** The FHWA is announcing an initiative to permit, on an experimental basis, recipients and subrecipients of Federal funds for Federal-aid highway projects to utilize geographic, economic, or other hiring preferences or innovative contracting approaches not otherwise authorized by law that have the potential to enhance workforce development opportunities in the transportation construction industry, including for low-income communities. This initiative will be carried out as a pilot program for a period of 4 years (unless extended) under FHWA's existing experimental contracting authority and the legal authority in the Consolidated Appropriations Act, 2021. The purpose of this pilot program is to provide flexibility to utilize hiring preferences and innovative contracting approaches while evaluating the efficacy and equitable impact of such requirements on workforce development and employment opportunities, as well as their impact on competition and project delivery.

**DATES:** This pilot program is effective May 21, 2021. This pilot program will end May 21, 2025, unless it is extended.

**FOR FURTHER INFORMATION CONTACT:** For technical information: Mr. James DeSanto, Office of Preconstruction, Construction and Pavements, (614) 357-8515, [James.DeSanto@dot.gov](mailto:James.DeSanto@dot.gov), or Mr. Patrick Smith, Office of Chief Counsel, (202) 366-1345, [Patrick.C.Smith@dot.gov](mailto:Patrick.C.Smith@dot.gov), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

### Electronic Access

An electronic copy of this document may be downloaded from the Office of the Federal Register's website at [www.FederalRegister.gov](http://www.FederalRegister.gov) and the Government Publishing Office's website at [www.GovInfo.gov](http://www.GovInfo.gov).

### Background

The Federal-aid highway program, administered by FHWA, supports State and local governments in the design, construction, and maintenance of the Nation's highway system and Federal-aid eligible public roadways. The program has helped to create and sustain long-term, good-paying jobs in the transportation construction industry. People of color, women, and other underserved groups, however, have historically experienced significant barriers to entry into the transportation construction industry. Further, FHWA-funded projects have prohibited local employment-preferences or workforce development opportunities for individuals residing in economically depressed communities in which projects are often located. While this prohibition was based upon maintaining competition in contract bidding, the consequence was that the workforce on federally-funded projects was often not necessarily representative of all communities where projects were located.

On January 20, 2021, President Biden issued Executive Order (E.O.) 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government." This E.O. provides that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Accordingly, FHWA is now committed to work to redress inequities that resulted from barriers to equal opportunity by announcing an initiative that could result in increased employment and workforce development opportunities for those who have historically been excluded from participation on federally-funded transportation projects.

In the past, FHWA has received requests from States and local agencies to allow the inclusion of local hiring contract requirements in their projects with the goal of improving workforce development and employment opportunities for their residents. As discussed in more detail below, FHWA historically disallowed such requirements out of concern for their

<sup>1</sup> According to the verified notice, the Line adjoins an existing LWR-operated rail line at milepost 330.100. See *Lubbock & W. Ry.—Acquis. & Operation Exemption—W. Tex. & Lubbock Ry.*, FD 35932 (STB served June 5, 2015).