

129.03 miles: (1) from milepost CGE 3.6 at the Grand Rapids station to milepost CGE 73.71 at the Baldwin station; (2) from milepost CB 106.91 at the Baldwin station to milepost CB 136.5 at the Ludington station; (3) from milepost CBA 87.0 at the Walhalla station to milepost CBA 113.7 at the Manistee station; and (4) the Filer City Spur extending an additional 2.63 miles from milepost CBA 113.7 at the Manistee station to the end of track at Filer City (the Line).¹

According to the verified notice,² MQT entered into an agreement to lease from CSXT and operate the Line in 2005. *Marquette Rail, LLC—Lease & Operation Exemption—CSX Transp., Inc.*, FD 34728 (STB served Oct. 26, 2005). MQT states that it and CSXT have agreed to extend the term of the lease and make other commercial changes. The verified notice states that MQT currently operates the Line and will continue to do so after the amended lease becomes effective.

According to the verified notice, the lease includes an interchange commitment. MQT has provided additional information regarding the interchange commitment, as required by 49 CFR 1150.43(h).³

MQT certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues currently exceed \$5,000,000. Pursuant to 49 CFR 1150.42(e), if a carrier's projected annual revenues will exceed \$5 million, it must, at least 60 days before the exemption becomes effective, post a notice of its intent to undertake the proposed transaction at the workplace of the employees on the affected lines, serve a copy of the notice on the national offices of the labor unions with employees on the affected lines, and certify to the Board that it has done so. However, MQT has requested waiver of the 60-day advance labor notice requirement. MQT's waiver request will be addressed in a separate decision. The Board will establish the effective date of

¹ This is a republication of the notice of exemption originally served and published in the *Federal Register* on April 25, 2025 (90 FR 17500). This notice contains corrected information.

² MQT supplemented its verified notice on April 11, 2025, which is therefore deemed the filing date of the verified notice.

³ Concurrent with the initial filing of its verified notice, MQT filed, under seal, a copy of the amended lease. See 49 CFR 1150.43(h)(1) (providing that certain information related to interchange commitments, such as copies of agreements, will be kept confidential without an accompanying motion for a protective order). In its April 11 supplement, MQT provided a replacement copy of that confidential agreement.

the exemption in its separate decision on the waiver request.

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 for stay must be filed no later than May 2, 2025.

All pleadings, referring to Docket No. FD 36831, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on MQT's representative, Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103.

According to MQT, 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.

Decided: April 29, 2025.

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

Zantori Dickerson,
Clearance Clerk.

[FR Doc. 2025-07721 Filed 5-2-25; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36776 (Sub-No. 1)]

CSX Transportation, Inc.—Trackage Rights Exemption—Norfolk Southern Railway Company

By petition filed on September 26, 2024, CSX Transportation, Inc. (CSXT), requests that the Board permit the trackage rights granted to it under 49 CFR 1180.2(d)(7) in Docket No. FD 36776 to expire under the terms agreed to by CSXT and the grantor of the rights, Norfolk Southern Railway Company (NSR).

As explained in CSXT's verified notice of exemption in Docket No. FD 36776, NSR has agreed to grant CSXT overhead trackage rights over a portion of NSR's Bay Route and portions of its Harrisburg Route.¹ The purpose of the

¹ Specifically, the overhead trackage rights consist of (1) the Bay Route, between CP Bay, at or near milepost 91.9, and the connection between NSR and CSXT, at or near milepost IP 0.41, a distance of approximately 2.8 miles, in Baltimore City, Md.; and (2) the Harrisburg Route, (a) between Lurgan,

new trackage rights is to provide temporary alternate routes for CSXT trains while CSXT's Howard Street Tunnel in Baltimore, Md. (HST), is closed for a project that includes clearing the HST for double-stack rail passage. CSXT Verified Notice of Exemption 4, 6, *CSX Transp., Inc.—Trackage Rts. Exemption—Norfolk S. Ry.*, FD 36776. CSXT states that, at certain times during the project, it will close the HST, and, during such closures, CSXT intends to reroute its current traffic over other CSXT lines and lines of NSR to continue to provide service to its customers whose traffic normally moves through the HST. *Id.* at 4. CSXT further states that it will reroute the traffic using a combination of existing trackage rights and the new trackage rights that are the subject of CSXT's verified notice. *Id.*² According to the verified notice, CSXT and NSR have agreed that the new overhead trackage rights will terminate when the project is complete, the HST is reopened, and CSXT has begun to move rail traffic through the HST. CSXT Verified Notice of Exemption 4, *CSX Transp., Inc.—Trackage Rts. Exemption—Norfolk S. Ry.*, FD 36776.

In its petition, CSXT asks the Board to partially revoke the exemption as necessary to permit the trackage rights to expire as agreed to by the parties. (CSXT Pet. 2, 4–5.) CSXT argues that granting this petition would promote the rail transportation policy at 49 U.S.C. 10101, would be consistent with the limited scope of the transaction, and would not have an adverse effect on shippers. (CSXT Pet. 4.) In addition, CSXT asserts that the Board has granted similar petitions for partial revocation to permit temporary trackage rights to expire. (*Id.*)

Discussion and Conclusions

Although CSXT and NSR have expressly agreed on the duration of the proposed trackage rights, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. At times, however, the Board has taken action to allow such

Pa. (at or near milepost LG 40.1/HW 40.1), and Norristown, Pa., at CP Norris, Pa. (at or near milepost HP 18.0), a distance of approximately 148.3 miles; and (b) between CP Falls (at or near milepost HP 5.4) and a connection with CSXT's Philadelphia Subdivision at CP Laurel Hill (at or near milepost QA 2.9), a distance of approximately 0.5 mile. CSXT Verified Notice of Exemption 3, *CSX Transp., Inc.—Trackage Rts. Exemption—Norfolk S. Ry.*, FD 36776.

² Similarly, to accommodate NSR's detoured traffic, CSXT is granting NSR overhead trackage rights over certain CSXT routes. See *Norfolk S. Ry.—Trackage Rts. Exemption—CSX Transp., Inc.*, FD 36790 (STB served Oct. 16, 2024).

rights to expire after a limited time rather than lasting in perpetuity, based on the parties' agreement. *See, e.g., BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.*, FD 36377 (Sub-No. 9) (STB served Oct. 8, 2024) (allowing trackage rights under 49 CFR 1180.2(d)(7) to expire).

Permitting the trackage rights to expire as agreed to by the parties would eliminate the need for CSXT to separately seek discontinuance authority at a later date, thereby minimizing the need for federal regulatory control (49 U.S.C. 10101(2)), reducing regulatory barriers to entry into and exit from the rail industry (49 U.S.C. 10101(7)), and allowing for the expeditious handling and resolution of this transaction (49 U.S.C. 10101(15)). Moreover, doing so would not result in an abuse of market power, as the termination will be permitted to occur only upon resumption of CSXT's service through the HST.³ Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36776 to expire upon completion of the HST project, reopening of the HST, and resumption of CSXT's movement of rail traffic through the HST. CSXT will be directed to notify the Board within five days of the resumption of its service through the HST following completion of the project.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective 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).

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

It is ordered:

1. CSXT's petition to permit expiration of the trackage rights in Docket No. FD 36776 per the agreement of the parties is granted.

2. As discussed above, the trackage rights in Docket No. FD 36776 are permitted to expire, subject to the employee protective conditions set forth in *Oregon Short Line*, upon completion of the HST project, reopening of the HST, and resumption of CSXT's movement of rail traffic through the HST.

3. Within five days of CSXT's resumption of service through the HST

following completion of the project, CSXT shall file with the Board a notice to that effect.

4. Notice of this decision will be published in the **Federal Register**.

5. This decision is effective on May 30, 2025. Petitions for stay must be filed by May 12, 2025. Petitions for reconsideration must be filed by May 20, 2025.

Decided: April 29, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Regena Smith-Bernard,
Clearance Clerk.

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36790 (Sub-No. 1)]

Norfolk Southern Railway Company— Trackage Rights Exemption—CSX Transportation, Inc.

By petition filed on September 30, 2024, Norfolk Southern Railway Company (NSR) requests that the Board permit the trackage rights granted to it under 49 CFR 1180.2(d)(7) in Docket No. FD 36790 to expire under the terms agreed to by NSR and the grantor of the rights, CSX Transportation, Inc. (CSXT).

As explained in NSR's verified notice of exemption in Docket No. FD 36790, CSXT has agreed to grant NSR trackage rights over an approximately 95-mile CSXT rail line between Falls, Pa., at or near CP River, CSXT milepost QA 2, and Baltimore, Md., including all necessary trackage within CSXT's Bayview Yard, and between the western end of CSXT's Bayview Yard (MP BAL 0.0 ±) and a connection at MP BAL 0.5 ± (the Lines). NSR Verified Notice of Exemption 3, *Norfolk S. Ry.—Trackage Rts. Exemption—CSX Transp., Inc.*, FD 36790. NSR further stated that the new trackage rights arrangement is intended to permit NSR to reroute traffic over the Lines while CSXT's Howard Street Tunnel (HST) in Baltimore is closed for a project that includes clearing the HST for double-stack rail passage. *Id.*

In its petition, NSR asks the Board to partially revoke the exemption as necessary to permit the trackage rights to expire as agreed to by the parties. (NSR Pet. 2.) NSR argues that granting this petition would promote the rail transportation policy at 49 U.S.C. 10101, would be consistent with the limited scope of the transaction, and would not have an adverse effect on shippers. (NSR Pet. 3-4.) In addition, NSR asserts that the Board has granted similar petitions for partial revocation to permit

temporary trackage rights to expire. (NSR Pet. 4.)

Discussion and Conclusions

Although NSR and CSXT have expressly agreed on the duration of the proposed trackage rights, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. At times, however, the Board has taken action to allow such rights to expire after a limited time rather than lasting in perpetuity, based on the parties' agreement. *See, e.g., BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.*, FD 36377 (Sub-No. 9) (STB served Oct. 8, 2024) (allowing trackage rights under 49 CFR 1180.2(d)(7) to expire).

Permitting the trackage rights to expire as agreed to by the parties would eliminate the need for NSR to separately seek discontinuance authority at a later date, thereby minimizing the need for federal regulatory control (49 U.S.C. 10101(2)), reducing regulatory barriers to entry into and exit from the rail industry (49 U.S.C. 10101(7)), and allowing for the expeditious handling and resolution of this transaction (49 U.S.C. 10101(15)). Moreover, doing so would not result in an abuse of market power, as the termination will be permitted to occur only upon resumption of NSR's service through the HST, effectively undoing the temporary rerouting of NSR's rail traffic as overhead on the Lines.¹ Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36790 to expire upon completion of the HST project, reopening of the HST, and resumption of NSR's movement of rail traffic through the HST. NSR will be directed to notify the Board within five days of the resumption of its service through the HST following completion of the project.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective 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).

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

It is ordered:

¹ Because the proposed transaction would not result in an abuse of market power, the Board need not determine whether it is limited in scope. *See* 49 U.S.C. 10502(a).

³ Because the proposed transaction would not result in an abuse of market power, the Board need not determine whether it is limited in scope. *See* 49 U.S.C. 10502(a).