

**Federal Transit Administration****Transfer of Federally Assisted Land or Facility**

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of intent to transfer Federally assisted land or facility.

**SUMMARY:** 49 U.S.C. Section 5334(g), [formerly called Section 12(k) of The Federal Transit Act], permits the Administrator of the Federal Transit Administration (FTA) to authorize a recipient of FTA funds to transfer land or a facility to a public body for any public purpose with no further obligation to the Federal Government if, among other things, no Federal agency is interested in acquiring the asset for Federal use. Accordingly, FTA is issuing this Notice to advise Federal agencies that the Maryland Mass Transit Administration intends to transfer property located at the intersection of York Road, Dulaney Valley Road, Joppa Road and Allegheny Avenue, in Towson, Maryland.

**EFFECTIVE DATE:** Any Federal agency interested in acquiring the land or facility must notify the FTA Philadelphia Regional Office of its interest, by June 17, 1996.

**ADDRESSES:** Interested parties should notify the Regional Office by writing to Mr. Sheldon A. Kinbar, Regional Administrator, Federal Transit Administration, 1760 Market Street, Room 500, Philadelphia, Pennsylvania 19103.

**FOR FURTHER INFORMATION CONTACT:** Sheila Byrne, Transportation Program Specialist, Region 3, at 215/656-6900 or Ann Catlin, Real Estate Specialist, Office of Program Management at 202/366-1647.

**SUPPLEMENTARY INFORMATION:****Background**

49 U.S.C. Section 5334(g) provides guidance on the transfer of capital assets. Specifically, if a recipient of FTA assistance decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which it was acquired, the Secretary of Transportation may authorize the recipient to transfer the asset to a local governmental authority to be used for a public purpose with no further obligation to the Government. The Secretary may authorize a transfer for a public purpose other than mass transportation only if the Secretary decides: 49 U.S.C. Section 5334(g) DETERMINATIONS:

(A) The asset will remain in public use for not less than 5 years after the date the asset is transferred;

(B) There is no purpose eligible for assistance under this chapter for which the asset should be used;

(C) The overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(D) Through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land.

**Federal Interest in Acquiring Land or Facility**

This document implements the requirements of 49 U.S.C. Section 5334(g). Accordingly, FTA hereby provides notice of the availability of the land or facility further described below. Any Federal agency interested in acquiring the affected land or facility should promptly notify the FTA.

If no Federal agency is interested in acquiring the existing land or facility, FTA will make certain that the other requirements specified in 49 U.S.C. Section 5334(g) (1)(A) through (1)(D) are met before permitting the asset to be transferred.

**Additional Description of Land or Facility:**

Parcel of land approximately 4,485 square feet (identified as 602-608 York Road) located at the intersection of York Road, Dulaney Valley Road, Joppa Road and Allegheny Avenue in Towson, Maryland.

Issued on: May 13, 1996.

Sheldon A. Kinbar,

*Regional Administrator.*

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**Surface Transportation Board<sup>1</sup>**

[STB Finance Docket No. 32910]

**Northwestern Pacific Railroad Authority; Acquisition Exemption; Former Northwestern Pacific Railroad Line From Southern Pacific Transportation Company and Golden Gate Bridge, Highway and Transportation District**

Northwestern Pacific Railroad Authority (NWPRA), a noncarrier,<sup>2</sup> has filed a verified notice of exemption under 49 CFR 1150.31 to acquire former Northwestern Pacific Railroad Line real estate and rail facilities/trackage from Southern Pacific Transportation Company (SP) which extends from Healdsburg, CA (NWP MP 68.2), to Lombard Station, Napa County, CA (SP MP 63.4), via Schellville (NWP MP 40.6/SP MP 72.59), a distance of 66.85 miles.

The purpose of the acquisition is to preserve the railroad corridor for potential future mass transit use.

The transaction was expected to close on or about April 30, 1996.

Freight service on the line will continue to be provided by the California Northern Railroad Company (CNRR) pursuant to long-term lease arrangement with SP.<sup>3</sup> NWPRA will take title subject to the CNRR lease, and CNRR will continue to provide freight service. The joint powers agreement forming the NWPRA make an express commitment that in the event the existing operator files an application to abandon or discontinue freight service over the line NWPRA is to acquire in Finance Docket No. 32910, NCRA will be entitled to obtain an easement from NWPRA permitting it to continue freight service over the line. To provide for this, NWPRA states that it will, simultaneously with the closing of this transaction, transfer a permanent and exclusive freight railroad easement to NCRA, which will become effective only upon the cessation of freight

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901.

<sup>2</sup> NWPRA is an independent joint powers public agency created pursuant to California Government Code Section 6500 *et seq.* by virtue of an agreement among the County of Marin, the Golden Gate Bridge, Highway and Transportation District (GGBHTD), and the North Coast Railroad Authority (NCRA).

<sup>3</sup> See *California Northern Railroad Company Limited Partnership—Trackage Rights—Southern Pacific Transportation Company*, Finance Docket No. 32673, (ICC served May 15, 1995).