

requirements of 49 U.S.C. 10903-04 the abandonment by Southern Pacific Transportation Company of its 12.53-mile rail line between milepost 117.6 near Suman and milepost 105.7 near Benchley in Robertson County, TX, subject to standard labor protective conditions, environmental and historic preservation conditions, and a 90-day public use condition, all of which are set forth in Decision No. 44, served on August 12, 1996, in Finance Docket No. 32760.

**DATES:** Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on September 11, 1996. Formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2)<sup>3</sup> and requests for trail use/rail banking must be filed by August 22, 1996; petitions to stay must be filed by August 22, 1996; requests for a public use condition must be filed by September 3, 1996, and petitions to reopen must be filed by September 3, 1996.

**ADDRESSES:** Send pleadings referring to Docket No. AB-12 (Sub-No. 185X) to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Gary A. Laakso, General Attorney, Southern Pacific Building, One Market Plaza, Room 846, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Julia M. Farr, (202) 927-5352. [TDD for the hearing impaired: (202) 927-5721.]

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's Decision No. 44 in Finance Docket No. 32760. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: August 6, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

*Secretary.*

[FR Doc. 96-20473 Filed 8-9-96; 8:45 am]

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

[Docket No. AB-12 (Sub-No. 187X)]<sup>2</sup>

#### **Southern Pacific Transportation Company—Abandonment Exemption—Seabrook-San Leon Line in Galveston and Harris Counties, TX**

Southern Pacific Transportation Company (SPT) has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances* to abandon approximately 10.5 miles of its Seabrook-San Leon Line from milepost 30.0 near Seabrook, to milepost 40.5 near San Leon, in Galveston and Harris Counties, TX.<sup>3</sup>

SPT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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 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 at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 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 R. Co.—Abandonment—Goshen*, 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. The notice is subject to environmental and historic preservation conditions as set forth in Appendix G in Decision No. 44, served on August 12, 1996, in Finance Docket No. 32760. Also in Decision No. 44, the Board has imposed a 90-day public use condition. Trail use/rail banking conditions and additional public use conditions will be imposed, where appropriate, in a subsequent decision.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 11, 1996, unless stayed pending reconsideration. Petitions to stay, formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>4</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>5</sup> must be filed by August 22, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 3, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Gary A. Laakso, General Attorney, Southern Pacific Building, One Market Plaza, Room 846, San Francisco, CA 94105.

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

<sup>4</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987).

<sup>5</sup> The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

<sup>3</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987).

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this notice applies the law in effect prior to the Act, except that petitions to revoke would be filed under the new law at 49 U.S.C. 10502(d).

<sup>2</sup> This exemption is related to Finance Docket No. 32760, *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company*.

<sup>3</sup> SPT indicates that it intends to consummate the abandonment on or after the effective date of the Board's approval in Finance Docket No. 32760.

Decided: August 6, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,  
*Secretary.*

[FR Doc. 96-20482 Filed 8-9-96; 8:45 am]

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

[Docket No. AB-8 (Sub-No. 39)]

#### The Denver and Rio Grande Western Railroad Company—Discontinuance—Malta-Cañon City Line in Lake, Chaffee, and Fremont Counties, CO

[Docket No. AB-12 (Sub-No. 188)]<sup>2</sup>

#### Southern Pacific Transportation Company—Abandonment—Malta-Cañon City Line in Lake, Chaffee, and Fremont Counties, CO

AGENCY: Surface Transportation Board.  
ACTION: Notice of findings.

**SUMMARY:** The Board has found that the public convenience and necessity permit the Southern Pacific Transportation Company and The Denver and Rio Grande Western Railroad Company to discontinue operations on a line of railroad extending from milepost 271.0 near Malta to milepost 162.0 near Cañon City, a distance of 109 miles in Lake, Chaffee, and Fremont Counties, CO, subject to standard employee protective conditions and environmental conditions set forth in Decision No. 44, served on August 12, 1996, in Finance Docket No. 32760. Accordingly, the application of the Southern Pacific Transportation Company to abandon and discontinue service over this line is granted in part (discontinuance

authority is granted) and denied in part (abandonment authority is denied).

**DATES:** The Board's decision will be effective on September 11, 1996. Any financial assistance offer must be filed with the Board and the railroad(s) no later than August 22, 1996. Any offer previously made must be remade by the due date. A certificate will be issued unless the Board also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to continue; and (2) it is likely that the assistance would fully compensate the railroad.

**ADDRESSES:** Send offers referring to Docket Nos. AB-8 (Sub-No. 39) and AB-12 (Sub-No. 188) to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Gary A. Laakso, Southern Pacific Building, One Market Plaza, Room 846, San Francisco, CA 94105. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Office of Proceedings, AB-OFA."

**FOR FURTHER INFORMATION CONTACT:** Julia M. Farr, (202) 927-5352. [TDD for the hearing impaired: (202) 927-5721].

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's Decision No. 44 in Finance Docket No. 32760. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: August 6, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

*Secretary.*

[FR Doc. 96-20468 Filed 8-9-96; 8:45 am]

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

[Docket No. AB-8 (Sub-No. 36X)]<sup>2</sup>

#### The Denver and Rio Grande Western Railroad Company—Discontinuance Exemption—Sage-Malta-Leadville Line in Eagle and Lake Counties, CO

[Docket No. AB-12 (Sub-No. 189X)]

#### Southern Pacific Transportation Company—Abandonment Exemption—Sage-Malta-Leadville Line in Eagle and Lake Counties, CO

AGENCY: Surface Transportation Board.  
ACTION: Notice of exemption.

**SUMMARY:** The Board, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 10903-04 the discontinuance of operations by the Denver and Rio Grande Western Railroad Company and by the Southern Pacific Transportation Company over a 69.1-mile line of railroad between milepost 335.0 near Sage and milepost 270.0 near Malta, and between milepost 271.0 near Malta and milepost 276.1 near Leadville, in Eagle and Lake Counties, CO, subject to standard labor protective conditions and continued access for Viacom International, Inc. to the Eagle Mine site to facilitate ongoing remediation activities, as set forth in Decision No. 44, served on August 12, 1996, in Finance Docket No. 32760. In Decision No. 44, the Board is granting the petition in Docket No. AB-12 (Sub-No. 187X), in part (discontinuance authority is being granted) and denying it in part (abandonment authority is being denied). No trail use or public use conditions can be imposed because only authority for discontinuances is being granted.

**DATES:** Provided no formal expression of intent to file an offer of financial

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former section of the statute, unless otherwise indicated.

<sup>2</sup> These proceedings are embraced in Finance Docket No. 32760, *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company.*

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to section 10903. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former sections of the statute, unless otherwise indicated.

<sup>2</sup> This exemption is related to Finance Docket No. 32760, *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company.*