

Surface Transportation Board¹**[STB Finance Docket No. 33013]****Kansas Southwestern Railway Company, L.L.C.—Acquisition Exemption—The Atchison, Topeka and Santa Fe Railway Company**

Kansas Southwestern Railway Company, L.L.C. (KSW), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire approximately .46 miles of rail line owned by The Atchison, Topeka and Santa Fe Railway Company between milepost 0+740 feet at Kiowa, KS, and milepost 0+3168 feet south of Kiowa, KS. KSW will operate the property. Consummation was expected to occur on or after August 13, 1996.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33013, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Karl Morell, Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Decided: August 22, 1996.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96-22200 Filed 8-29-96; 8:45 am]

BILLING CODE 4915-00-P

[STB¹ Finance Docket No. 33004]**Reading Blue Mountain & Northern Railroad Company—Acquisition and Operation Exemption—Consolidated Rail Corporation**

Reading Blue Mountain & Northern Railroad Company (RBMN), a Class III

rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41: (1) to acquire and operate a total of approximately 104.22 miles of rail line; and (2) to acquire a total of approximately 2.8 miles of incidental trackage rights owned by Consolidated Rail Corporation (Conrail) and located in the Commonwealth of Pennsylvania. The proposed transaction was to be consummated on the date of final agreement of the parties but not sooner than August 20, 1996, the effective date of the exemption.

The lines involved in the acquisition by purchase are described as follows: the Lehigh Line from MP 119.4 at Lehigh Yard to MP 130.5 at a point near M&H Jct., and from MP 130.6 at a point near M&H Jct. to MP 147.1 at Frazer, a distance of 27.6 miles;² the Lehigh Line from MP 143.8 at Frazer to MP 161.2 at Laurel Run, a distance of 17.4 miles; the Lehigh Line from MP 164.2 at Laurel Run to MP 212.2 at Mehoopany (500 feet west of the west portal of Vosburg Tunnel), a distance of 48.0 miles; the Taylor Secondary line from MP 136.7 at Taylor to MP 142.5 at Pittston, a distance of 5.8 miles; the Keyser Valley Industrial Track from MP 136.37 at Taylor to MP 140.7 at Cayuga, a distance of 4.33 miles; the Dunmore Running Track from MP 0.0 at Duryea Jct. to MP 0.7 at Topps Gum, a distance of 0.7 miles; and the Kerr-McGee Lead from MP 0.0 at Avoca to MP 0.3 at the end of the track, a distance of 0.3 miles.

The incidental trackage rights involved are described as follows: the Lehigh Line between MP 130.5 and MP 130.6, a distance of 0.1 miles; between Conrail's interchange with C&S at Packerton Jct., across Conrail's Track No. 2 to a connection with Track No. 1 that RBMN is acquiring, a distance of 0.1 miles;³ through Taylor Yard to connect the Taylor Secondary Line and the Keyser Valley Line, a distance of approximately 0.8 miles; and from MP 136.7 at Taylor Yard to a point east of Bridge 60 at Scranton, a distance of approximately 1.8 miles.⁴

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33004, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Eric M. Hocky, Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P. O. Box 796, West Chester, PA 19381-0796.

Decided: August 22, 1996.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96-22202 Filed 8-29-96; 8:45 am]

BILLING CODE 4915-00-P

[STB¹ Finance Docket No. 33020]**Reading Blue Mountain & Northern Railroad Company—Acquisition of Trackage Rights Exemption—C&S Railroad Corporation**

Reading Blue Mountain & Northern Railroad Company (RBMN), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire overhead trackage rights and operate over approximately 18 miles of rail line owned by the C&S Railroad Corporation, between milepost 18± at Mauck Chunck Jct., PA, and milepost 0± at Packerton Jct., PA.² Consummation was expected to occur on or after August 20, 1996.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33020, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch,

¹ 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. 10902.

² 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. 10902.

³ Conrail is conveying only Track No. 1 between MP 119.4 and MP 130.5, retaining Track No. 2; and is conveying incidental trackage rights to RBMN over the single track between MP 130.5 and MP 130.6.

⁴ RBMN has concurrently filed a notice of exemption in *Reading Blue Mountain & Northern Railroad Company—Acquisition of Trackage Rights Exemption—C&S Railroad Corporation*, Finance Docket No. 33020.

⁵ Conrail is in the process of selling the portion of Taylor Yard containing these lines to Delaware and Hudson Railway Company, Inc. (DHC), but will retain permanent trackage rights through Taylor Yard which it will assign, with the consent of DHC, to RBMN.

¹ 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. 10902.

² RBMN is acquiring overhead trackage rights only and will not be allowed to serve any additional customers.

RBMN also has concurrently filed a notice of exemption in *Reading Blue Mountain & Northern Railroad Company—Acquisition and Operation Exemption—Consolidated Rail Corporation*, Finance Docket No. 33004.

1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Eric M. Hocky, Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P. O. Box 796, West Chester, PA 19381-0796.

Decided: August 22, 1996.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96-22206 Filed 8-29-96; 8:45 am]

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Surface Transportation Board¹

[STB Finance Docket No. 33011]

Richard D. Robey—Continuance in Control Exemption—Lycoming Valley Railroad Company

Richard D. Robey (Robey), a noncarrier individual, has filed a notice of exemption to continue in control of Lycoming Valley Railroad Company (Lycoming), upon Lycoming's becoming a Class III rail carrier. Consummation was expected to occur on or after August 15, 1996.

Lycoming a noncarrier, has concurrently filed a notice of exemption in *SEDA-COG Joint Rail Authority and Lycoming Valley Railroad Company—Acquisition and Operation Exemption—Consolidated Rail Corporation*, STB Finance Docket No. 33010, to acquire approximately 38.0² miles of rail line owned by Consolidated Rail Corporation known as the Williamsport Cluster in the counties of Clinton and Lycoming, PA.

Robey controls seven other nonconnecting Class III rail carriers:³ North Shore Railroad Company; Nittany & Bald Eagle Railroad Company; Shamokin Valley Railroad Company; West Shore Railway Services, Inc.; Stourbridge Railroad Company, Inc.; Wellsboro and Corning Railroad Company; and Union County Industrial Railroad Company.

Robey states that: (1) Lycoming will not connect with any of the other railroads in its corporate family; (2) the continuance in control is not part of a

series of anticipated transactions that would connect Lycoming with any other railroad in its corporate family; and (3) the transaction does not involve a Class I railroad. The transaction therefore 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 railroad carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33011, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Richard R. Wilson, Vuono & Gray, 2310 Grant Building, Pittsburgh, PA 15219.

Decided: August 22, 1996.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96-22201 Filed 8-29-96; 8:45 am]

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[STB¹ Finance Docket No. 33008]

SEDA-COG Joint Rail Authority and Juniata Valley Railroad Company—Acquisition and Operation Exemption—Consolidated Rail Corporation

SEDA-COG Joint Rail Authority (Authority) and Juniata Valley Railroad Company (Juniata), noncarriers, have filed a joint verified notice of exemption under 49 CFR 1150.31 for Authority to acquire through purchase and for Juniata to operate approximately 12.3²

miles of rail line owned by Consolidated Rail Corporation known as the Lewistown Cluster in Mifflin County, PA. Juniata will become a Class III rail carrier.³ Consummation was expected to occur on or after August 15, 1996.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33008, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Richard R. Wilson, Vuono & Gray, 2310 Grant Building, Pittsburgh, PA 15219.

Decided: August 22, 1996.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

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[STB¹ Finance Docket No. 33010]

SEDA-COG Joint Rail Authority and Lycoming Valley Railroad Company—Acquisition and Operation Exemption—Consolidated Rail Corporation

SEDA-COG Joint Rail Authority (Authority) and Lycoming Valley Railroad Company (Lycoming), noncarriers, have filed a joint verified notice of exemption under 49 CFR 1150.31 for Authority to acquire through purchase and for Lycoming to operate approximately 38.0 miles of rail line owned by Consolidated Rail Corporation known as the Williamsport Cluster in the counties of Clinton and Lycoming, PA. Lycoming will become a Class III rail carrier.² Consummation

³ This proceeding is related to STB Finance Docket No. 33009, wherein Richard D. Robey, a noncarrier individual, has filed a notice of exemption to continue in control of Juniata upon Juniata's becoming a Class III rail carrier.

¹ 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.

² This proceeding is related to STB Finance Docket No. 33011, wherein Richard D. Robey, a noncarrier individual, has filed a notice of exemption to continue in control of Lycoming upon Lycoming's becoming a Class III rail carrier.

¹ 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. 11323-24.

² Counsel has confirmed that the Williamsport Cluster consists of a total of approximately 38.0 miles.

³ Robey has concurrently filed a notice of exemption in *Richard D. Robey—Continuance in Control Exemption—Juniata Valley Railroad Company*, STB Finance Docket No. 33009.

¹ 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.

² Counsel has confirmed that the Lewistown Cluster consists of a total of approximately 12.3 miles.