

five motor passenger carriers: American Sightseeing Tours, Inc. d/b/a ASTI (MC-252353); California Charters, Inc. (MC-241211); Texas Bus Lines, Inc. (MC-37640); Gulf Coast Transportation, Inc. d/b/a Gray Line Tours of Houston (MC-201397); and K-T Contract Services, Inc. (MC-218583).³ Petitioner asserts that there is little competition, and no significant overlap in operations, among the 15 carriers it now controls and the four it seeks to control. It acknowledges that there is some overlap in service but states that this overlap will have no meaningful effect on the continued availability of competitive transportation.

Following the acquisition of control, Coach indicates that each of the four carriers will continue to operate in its respective market, under its own name and in the same basic manner as before. Coach claims that improved service at lower costs will result, because of the coordination of functions, centralized management, financial support, rationalization of resources, and economies of scale that are anticipated from the common control. Coach also states that all collective bargaining agreements will be honored, that employee benefits will improve, and that no change in management personnel is planned. Additional information may be obtained from petitioner's representatives.

A copy of this notice will be served on the Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20530.

Decided: February 26, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 97-6200 Filed 3-11-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 32977]

Burlington Northern Railroad Company, Operation Exemption, in Mills and Pottawattamie Counties, IA

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board exempts from the prior approval requirements of 49 U.S.C. 10901 Burlington Northern Railroad

Company's (BN)¹ reinstitution of operations over approximately 14.0 miles of an abandoned line, formerly owned and operated by BN, between Pacific Junction (MP 475.01) and Council Bluffs, IA (MP 489.01).

DATES: This exemption is effective on April 11, 1997. Petitions to reopen must be filed by April 1, 1997. Petitions to stay must be filed by March 24, 1997.

ADDRESSES: Send pleadings referring to Finance Docket No. 32977 to: (1) Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) petitioner's representative: Sarah J. Whitley, 777 Main Street, Suite 3800, Fort Worth, TX 76102-5384.

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 565-1600.
[TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: DC News & Data, INC., 1925 K Street, N.W., Suite 210, Washington, DC 20006. Telephone: (202) 289-4357. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.]

Decided: February 25, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 97-6199 Filed 3-11-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33315]¹

Minnesota Northern Railroad, Inc.—Acquisition and Operation Exemption—Burlington Northern Railroad Company

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

¹ On December 31, 1996, The Atchison, Topeka and Santa Fe Railway Company merged with and into Burlington Northern Railroad Company. The name of the surviving corporation is The Burlington Northern and Santa Fe Railway Company. In this notice, we will continue to refer to this entity as BN.

¹ Minnesota Northern Railroad, Inc. (MNR) originally filed the notice of exemption on December 11, 1996. On December 16, 1996, the United Transportation Union (UTU) filed a petition to revoke the exemption, reject the notice, and/or stay the effectiveness of the notice. On December 18, 1996, MNR filed a notice of withdrawal. On December 20, 1996, MNR filed an amended notice of exemption. On December 24, 1996, UTU filed a supplemental petition to revoke, reject, and/or stay. The stay request was not acted upon prior to the December 27, 1996 scheduled effective date of the exemption. The petition to reject or revoke will be handled in a subsequent decision.

SUMMARY: Minnesota Northern Railroad, Inc. (MNR), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31-34 to acquire from Burlington Northern Railroad Company (BN)² and operate approximately 204.10 miles of rail line as follows: (1) 33.25 miles of rail line on the MN Junction at Ada, MN, between Ada Subdivision mileposts 80.25 and 47.0; (2) 20.6 miles of rail line on the Redland Junction at Fertile, MN, between Fertile Subdivision mileposts 65.7 and 45.1; (3) 13.0 miles of rail line on the Tilden Junction at Red Lake Falls, MN, between Grand Forks Subdivision mileposts 56.84 and 13.0 miles east; (4) 44.25 miles of rail line on the MN Junction at Perley, MN, between P Line Subdivision mileposts 65.25 and 21.0; and (5) 93 miles of rail line on the St. Hilaire line at Warroad, MN, between Warroad Subdivision mileposts 11.0 and 104.0.

Concurrent with the above transaction, MNR will acquire incidental overhead trackage rights for the sole purposes of: (1) Interchanging rail freight cars and equipment between MNR and BN at BN's Crookston, MN, rail yard only; and (2) moving locomotives, cars and equipment between the rail lines over BN's Grand Forks Subdivision rail line between milepost 81.5 west of Crookston, and milepost 31.0 at Erskine, MN, and also over all yard tracks in BN's Crookston rail yard. In addition, MNR will acquire BN's trackage rights to operate over the Soo Line Railroad Company between milepost 273.0 at or near Erskine and milepost 309.5 at or near Thief River Falls, MN. BN will retain overhead trackage rights only, without serving any industries on the line, to provide rail freight service over the Perley line, between P Line Subdivision milepost 65.25 and milepost 21.0.

The transaction was scheduled to be consummated on or after December 27, 1996.

Concurrently, RailAmerica, Inc. (RailAmerica), which controls MNR, has filed a notice of exemption in *RailAmerica, Inc.—Continuance in Control Exemption—Minnesota Northern Railroad, Inc.*, STB Finance Docket No. 33316, to exempt under 49 CFR 1180.2(d) and 1180.4(g) from the prior approval requirements of 49 U.S.C. 11323 RailAmerica's continuance in control of MNR when the latter becomes a Class III rail carrier. This transaction

³ See *Coach USA, Inc.—Control Exemption—American Sightseeing Tours, Inc.; California Charters, Inc.; Texas Bus Lines, Inc.; Gulf Coast Transportation, Inc.; and K-T Contract Services, Inc.*, STB Finance Docket No. 33073 (STB served Nov. 8, 1996).

² On December 31, 1996, The Atchison, Topeka and Santa Fe Railway Company merged with and into the Burlington Northern Railroad Company. The name of the surviving corporation is The Burlington Northern and Santa Fe Railway Company. In this notice we will continue to refer to this entity as BN.

was also scheduled to be consummated on or after December 27, 1996. MNR has also filed a related notice of exemption for 2 miles of trackage rights from BN in Erskine, MN, in *Minnesota Northern Railroad, Inc.—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33337.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423.³ A copy of all pleadings must be served on petitioner's representative: Edward D. Greenberg, Esq., Galland, Kharasch, & Garfinkle, P.C., Canal Square, 1054 Thirty-First St., N.W., Washington, DC 20007.

Decided: February 28, 1997.

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 97-6032 Filed 3-11-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33337]¹

**Minnesota Northern Railroad, Inc.—
Trackage Rights Exemption—The
Burlington Northern and Santa Fe
Railway Company**

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Minnesota Northern Railroad, Inc. (MNR) over a line of railroad between mileposts 31.0 and 33.0 near Erskine, MN. The transaction was expected to be consummated on January 15, 1997.

This transaction arises out of an agreement between BNSF and MNR

whereby MNR has acquired 204.1 miles of track, as well as certain incidental trackage rights. See the notice of exemption filed in *Minnesota Northern Railroad, Inc.—Acquisition and Operation Exemption—Burlington Northern Railroad Company*, STB Finance Docket No. 33315, and a related notice of exemption filed in *RailAmerica, Inc.—Continuance in Control Exemption—Minnesota Northern Railroad, Inc.*, STB Finance Docket No. 33316. These transactions were scheduled to be consummated on or after December 27, 1996.

This notice is filed under 49 CFR 1180.2(d)(7). 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 does not automatically stay the transaction.

An original and 10 copies of all pleadings must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423.² A copy of all pleadings must be served on petitioner's representative: Edward D. Greenberg, Esq., Galland, Kharasch, & Garfinkle, P.C., Canal Square, 1054 Thirty-First St., N.W., Washington, DC 20007.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: February 28, 1997.

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 97-6033 Filed 3-11-97; 8:45 am]

BILLING CODE 4915-00-P

[Finance Docket No. 32173 et al.¹]

**Orange County Transportation
Authority/ Riverside County
Transportation Commission/ San
Bernardino Associated Governments/
San Diego Metropolitan Transit
Development Board/ North San Diego
County Transit Development Board—
Acquisition Exemption—The Atchison,
Topeka And Santa Fe Railway
Company**

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the ICCTA), 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 ICCTA 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 ICCTA. This decision 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. 10502 and other remaining regulatory provisions of 49 U.S.C. Subtitle IV. The Board grants the petition of southern California transit agencies for: (1) a blanket exemption from 49 U.S.C. Subtitle IV to operate 9 rail lines acquired from The Atchison, Topeka and Santa Fe Railway Company subject to future compliance with requirements for the protection of employees and the environment; (2) clarification of the ICC's decision in *Orange County Transp.—Exempt.—Atchison, T. & S.F. Ry. Co.*, 10 I.C.C.2d 78 (1994); and (3) establishment of procedures to implement actions taken under blanket exemptions from 49 U.S.C. Subtitle IV.

DATES: The Board's decision will be effective on April 11, 1997. Petitions to stay must be filed by March 24, 1997. Petitions to reopen must be filed by April 1, 1997.

ADDRESSES: Send pleadings referring to Finance Docket No. 32173 et al. to: (1) Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) petitioners' representative: Charles A. Spitulnik,

³ The Board is relocating on March 16, 1997. See *Surface Transportation Board—1997 Office Relocation Business Plan*, STB Ex Parte No. 546 (STB served Feb. 21, 1997).

¹ Minnesota Northern Railroad, Inc. (MNR) filed the notice of exemption on January 8, 1997. MNR also filed a motion for a protective order on January 9, 1997. On January 13, 1997, the United Transportation Union (UTU) filed a petition to revoke the exemption, reject the notice, and/or stay the effectiveness of the notice. On January 14, 1997, a decision was served denying UTU's stay petition. The petition to reject or revoke and the motion for a protective order will be handled in separate decisions.

² The Board is relocating on March 16, 1997. See *Surface Transportation Board—1997 Office Relocation Business Plan*, STB Ex Parte No. 546 (STB served Feb. 21, 1997).

¹ This proceeding includes Finance Docket No. 32172, *Los Angeles County Transportation Commission—Acquisition Exemption—The Atchison, Topeka and Santa Fe Railway Company*.