

(202) 366-4104, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Federal Highway Administration (FHWA)

Title: Utility Use and Occupancy Agreements.

OMB Number: 2125-0522.

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Affected Public: Highway authorities.

Abstract: In carrying out the requirements of 23 USC 116 to assure Federal-aid highway projects are being properly maintained, the Secretary of Transportation is authorized by 23 USC 315 to prescribe and promulgate rules and regulations. This authority is delegated to the Federal Highway Administrator at 49 CFR 1.48. Further, 23 CFR 1.23 and 1.27 establish the authority and responsibility of the Administrator to prescribe policies and procedures for the use, occupancy, and maintenance of the rights-of-way of Federal-aid projects. Under the Federal-aid highway program, States, or their political subdivisions, actually own the highway rights-of-way. State and/or local highway authorities are responsible for maintaining the highway rights-of-way, which includes controlling utility use of it. The FHWA regulations found in 23 CFR part 645, subpart B require that in controlling utility use on Federal-aid highway projects, the highway authority is to document the terms under which the utility is to cross or otherwise occupy highway rights-of-way. This documentation, consisting of a use and occupancy agreement, is to be in writing and must be contained in the highway authority's files. No submission to the FHWA is required. The use and occupancy agreement issued by the highway authority serves to document the arrangements made between it and a utility to allow the utility to use public right-of-way under the control of the highway authority. These agreements are reviewed periodically by the FHWA to determine whether or not the State is effectively maintaining the highway right-of-way and fulfilling its responsibilities under its utility accommodation policy. The use and occupancy agreements are an important means of controlling the installation of utilities in order to provide a safe environment for highway users.

Estimated Annual Burden Hours: 552,000.

Number of Respondents: 4,600.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on August 8, 1997.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 97-21568 Filed 8-13-97; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33438]

Alabama & Gulf Coast Railway, LLC—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

The Alabama & Gulf Coast Railway LLC of Dallas, TX (ALA), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 *et seq.* to acquire from The Burlington Northern and Santa Fe Railway Company (BNSF) and operate a 140.58-mile rail line between milepost 776.10 near Kimbrough, AL, and milepost 916.68 in Pensacola, FL. ALA will also acquire incidental trackage rights over 13.6 miles of BNSF's line between milepost 776.10 near Kimbrough, AL, and milepost 762.5 near Magnolia, AL. ALA will also be temporarily assigned trackage rights over a 43.1-mile line of CSX Transportation, Inc., between milepost L621.7 near Atmore, AL, and milepost L635.4 near Catonment, FL, pending completion of repairs to the line to be acquired from BNSF. The transaction is scheduled to be consummated on or after September 1, 1997.

This proceeding is related to *Kauri, Inc., and StatesRail LLC—Continuance in Control Exemption—Alabama & Gulf Coast Railway LLC*, STB Finance Docket

No. 33439, in which Kauri, Inc. and StatesRail LLC have concurrently filed a verified notice of exemption to continue in control of ALA when it becomes a Class III railroad.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33438 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, N.W., Washington, DC 20005-3934.

Decided: August 5, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 97-21551 Filed 8-13-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33436]

Corpus Christi Terminal Railroad, Inc.—Lease and Operation Exemption—Port of Corpus Christi Authority of Nueces County, Texas, Union Pacific Railroad Company, Southern Pacific Transportation Company, The Texas Mexican Railway Company and The Burlington Northern and Santa Fe Railway Company

Corpus Christi Terminal Railroad, Inc. (CCPN), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate all of the lines (lines) owned by Port of Corpus Christi Authority of Nueces County, Texas (Authority), within the Corpus Christi, TX terminal area, a distance of approximately 20 route miles.¹ In

¹ The lines are currently operated by the Corpus Christi Terminal Association and its member railroads (currently Union Pacific Railroad Company (UP), Southern Pacific Transportation Company (SP), The Texas Mexican Railway Company (TM), and The Burlington Northern and Santa Fe Railway Company (BNSF)). With the consent, and at the request of Authority, UP, SP, TM, and BNSF will assign all of their existing operating rights (except for specified nonexclusive rights to provide unit train service to facilities that may be built on or adjacent to Authority's trackage after commencement of CCPN's operations) over the lines to CCPN and will discontinue their current operations with respect to the Authority's terminal facilities.

addition, CCPN will acquire incidental trackage rights over lines of UP between milepost 145.9 and milepost 149.0, together with the "loop" trackage off of the main line, all in the terminal area of Corpus Christi, TX, a distance of approximately 3.1 miles.

The transaction was expected to be consummated on or after August 1, 1997.

This transaction is related to STB Finance Docket No. 33437, *Genesee & Wyoming Inc.—Continuance in Control Exemption—Corpus Christi Terminal Railroad, Inc.*, wherein the Genesee & Wyoming Inc. has concurrently filed a verified notice to continue in control of CCPN, upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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. 33436, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, West Chester, PA 19381-0796.

Decided: August 5, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 97-21547 Filed 8-13-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33437]

Genesee & Wyoming Inc.— Continuance in Control Exemption— Corpus Christi Terminal Railroad, Inc.

Genesee & Wyoming, Inc. (GWI) has filed a notice of exemption to continue in control of the Corpus Christi Terminal Railroad, Inc. (CCPN), upon CCPN's becoming a Class III railroad.

The transaction was expected to be consummated on or after August 1, 1997.

This transaction is related to STB Finance Docket No. 33436, *Corpus Christi Terminal Railroad, Inc.—Lease and Operation Exemption—Port of*

Corpus Christi Authority of Nueces County, Texas, Union Pacific Railroad Company, Southern Pacific Transportation Company, The Texas Mexican Railway Company and The Burlington Northern and Santa Fe Railway Company, wherein CCPN seeks to acquire and operate certain rail lines from Port of Corpus Christi Authority of Nueces County, Texas.

GWI directly controls one existing Class II rail carrier subsidiary: Buffalo & Pittsburgh Railroad, Inc., operating in New York and Pennsylvania. GWI directly controls 11 existing Class III rail carrier subsidiaries: Genesee & Wyoming Railroad Company, Inc., operating in western New York; Dansville and Mount Morris Railroad Company, operating in New York; Rochester & Southern Railroad, Inc., operating in New York; Louisiana & Delta Railroad, Inc., operating in Louisiana; Bradford Industrial Rail, Inc., operating in Pennsylvania and New York; Allegheny & Eastern Railroad, Inc., operating in Pennsylvania; Willamette & Pacific Railroad, Inc., operating in Oregon; GWI Switching Services, operating in Texas; Illinois & Midland Railroad, Inc., operating in Illinois; Pittsburg & Shawmut Railroad, Inc., operating in Pennsylvania; and Portland & Western Railroad, Inc., operating in Oregon.

GWI indirectly controls 3 Class III rail carriers through its ownership of Rail Link, Inc.: Carolina Coastal Railway, Inc., operating in North Carolina; Commonwealth Railway, Inc., operating in Virginia; and Talleyrand Terminal Railroad, Inc., operating in Florida.

GWI states that: (i) The rail lines to be operated by CCPN do not connect with any railroad in the corporate family; (ii) the transaction is not part of a series of anticipated transactions that would connect CCPN with any railroads in the corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

As a condition to this exemption, the continuance in control of CCPN by GWI is subject to the labor protection requirements of 49 U.S.C. 11326(b).

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. 33437, must be filed with the Surface Transportation Board, Office

of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, West Chester, PA 19381-0796.

Decided: August 5, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 97-21548 Filed 8-13-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33439]

Kauri, Inc. and StatesRail LLC— Continuance in Control—Alabama & Gulf Coast Railway LLC

Kauri, Inc. (Kauri) and StatesRail LLC (StatesRail) filed a notice of exemption under 49 CFR 1180.2(d)(2) and 1180.4(g) to continue in control of Alabama & Gulf Coast Railway LLC (ALA) upon ALA's becoming a Class III rail carrier. The transaction is expected to be consummated on or after September 1, 1997.

ALA, a noncarrier, has concurrently filed a notice of exemption in *Alabama & Gulf Coast Railway LLC—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33438, to acquire from The Burlington Northern and Santa Fe Railway Company (BNSF) and operate a 140.58-mile rail line between milepost 776.10 near Kimbrough, AL, and milepost 916.68 in Pensacola, FL. ALA will also acquire incidental trackage rights over 13.6 miles of BNSF's line between milepost 776.10 near Kimbrough, AL, and milepost 762.5 near Magnolia, AL. ALA will also be temporarily assigned trackage rights over a 43.1-mile line of CSX Transportation, Inc., between milepost L621.7 near Atmore, AL, and milepost L635.4 near Catonment, FL, pending completion of repairs to the line to be acquired from BNSF.

Kauri, a noncarrier, through its noncarrier subsidiary, StatesRail, controls: (1) Kiamichi Railroad Company, L.L.C. (Kiamichi), which operates lines in Arkansas, Oklahoma, and Texas; and (2) through its noncarrier subsidiary StatesRail, Inc., and its noncarrier subsidiary, Kyle Railways, Inc., controls: (a) Arizona Eastern Railway Company, which