

which a pending request for confidentiality has been filed by petitioner with NHTSA's Office of Chief Counsel under 49 CFR part 512.

Standard No. 301 Fuel System Integrity: The petitioner states that the vehicle will meet the standard with fuel system modifications made in conjunction with those necessary to meet Environmental Protection Agency (EPA) requirements that are more fully described in a submission for which a pending request for confidentiality has been filed by petitioner with NHTSA's Office of Chief Counsel under 49 CFR part 512. The petitioner further states that it conducted dynamic tests that demonstrate the vehicle's compliance with the standard.

The petitioner additionally states that a vehicle identification number (VIN) plate must be attached to the left windshield post and a reference and certification label must be added in the left front door post area to meet 49 CFR part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. § 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on April 12, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 99-9546 Filed 4-15-99; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33722]

Brandywine Valley Railroad Company—Modified Rail Certificate

On March 17, 1999, Brandywine Valley Railroad Company (Brandywine), filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150, Subpart C, *Modified*

Certificate of Public Convenience and Necessity, to operate the following lines of railroad: (a) between milepost 12.7 at the Delaware/Pennsylvania state line and milepost 30.29 at Modena, PA, a distance of 17.59 miles; and (b) between milepost 18.0 at Wawa, PA, and milepost 54.50 at the Pennsylvania/Maryland state line near Sylmar, MD, a distance of 36.50 miles.¹

The lines of railroad are owned by the Pennsylvania Department of Transportation (PennDOT) and by the Southeastern Pennsylvania Transportation Authority (SEPTA), respectively. The lines were not included in the final system plan at the time the Consolidated Rail Corporation was formed and, as such, were authorized to be abandoned without further approval of the Interstate Commerce Commission (ICC) pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. No. 94-210. PennDOT acquired its line segment from the trustees of the Reading Railroad, while SEPTA acquired its segment from the trustees of the Penn Central Transportation Company, after the respective lines were abandoned in 1976.

Brandywine states that, when the notice was filed, the lines were being operated by the Delaware Valley Railroad Company (DV) under an arrangement with PennDOT pursuant to a modified certificate. Brandywine further states that PennDOT gave DV a notice of termination (in December 1998, according to Brandywine) effective March 19, 1999, and DV stopped operating on that date. PennDOT contracted with Brandywine to assume operations, which began on March 22, 1999.² Under an interim operating agreement between Brandywine and PennDOT, service is to be provided by Brandywine until September 30, 1999.³

The rail segment qualifies for a modified certificate of public

¹ In a decision served March 26, 1999, the Board's Chairman denied a petition filed March 19, 1999, by the Delaware Valley Railroad Company (DV), the former operator of the line, to stay the effectiveness of this notice. Under our rules, carriers can begin operating immediately on the filing of the notice. 49 CFR 1150.23(a).

² On March 23, 1999, Brandywine filed a petition for prescription of alternative rail service under 49 CFR part 1146 over a line of track owned by the Wilmington and Northern Railroad Company and operated by DV as a designated operator between milepost 12.7 at the Delaware/Pennsylvania border and milepost 2.9 at Elsmere Jct., DE. See *Brandywine Valley Railroad Company—Petition for Prescription of Alternative Rail Service—Line Operated by Delaware Valley Railway Company*, STB Finance Docket No. 33732. That petition will be addressed in a separate Board decision.

³ Brandywine is also negotiating to purchase the line.

convenience and necessity. See *Common Carrier Status of States, State Agencies and Instrumentalities and Political Subdivisions*, Finance Docket No. 28990 (ICC served July 16, 1981).

Brandywine indicates that no subsidy is involved and that there are no preconditions for shippers to meet in order to receive rail service.

This notice will be served on the Association of American Railroads (Car Service Division) as agent for all railroads subscribing to the car-service and car-hire agreement: Association of American Railroads, 50 F Street, NW, Washington, DC 20001; and on the American Short Line Railroad Association: American Short Line Railroad Association, 1120 G St., NW, Suite 520, Washington, DC 20005.

Decided: April 13, 1999.

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

Vernon A. Williams,
Secretary.

[FR Doc. 99-9701 Filed 4-15-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33652]

Union Pacific Railroad Company—Acquisition and Operation Exemption—Mid Michigan Railroad, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the prior approval requirements of 49 U.S.C. 11323-25 filed by Union Pacific Railroad Company for its acquisition of the 107.3-mile line of railroad owned by Mid Michigan Railroad, Inc., between Saint Joseph, MO, and Upland, KS, subject to employee protective and environmental conditions.

DATES: This exemption was effective on April 13, 1999. Petitions to reopen must be filed by May 5, 1999.

ADDRESSES: An original and 10 copies of all pleadings referring to the exemption granted in STB Finance Docket No. 33652 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on applicant's representative, Joseph D. Anthofer, 1416 Dodge Street, #830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon (202) 565-1600. [TDD for the hearing impaired (202) 565-1695.]
SUPPLEMENTARY INFORMATION: For further information, refer to the Board's decision served April 14, 1999.

To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., 1925 K Street, NW, Suite 210, Washington, DC 20006. Telephone: (202) 289-4357. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.]

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Decided: April 13, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 99-9569 Filed 4-15-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33727]

New Hampshire and Vermont Railroad Company—Operation Exemption—Certain Lines of the State of New Hampshire

New Hampshire and Vermont Railroad Company (NHVT), a Class III rail carrier has filed a notice of exemption under 49 CFR 1150.41 to operate approximately 36 miles of certain rail lines owned by the State of New Hampshire by and through the New Hampshire Department of Transportation (subject lines).¹ The subject lines consist of a parcel or strip of railroad land of varying width, lying in Grafton and Coos Counties, NH, comprising a portion of railroad right-of-way known as the "Berlin Branch" and a portion of railroad right-of-way known as the "Groveton Branch": (a) from milepost 113.0 in Littleton, NH (shown as railroad Valuation Station 995+66 on plans for Federal Valuation Section 22, Map 19), to milepost 125.0 in Whitefield, NH (shown as railroad Valuation Station 1629+30 on plans for Federal Valuation Section 22, Map 31); (b) from milepost 125.0 in Whitefield, NH (shown as railroad Valuation Station 1629+30 on plans for Federal Valuation

Section 22, Map 31), to milepost 130.9 in Jefferson (Waumbec Junction), NH (shown as railroad Valuation Station 325+03.2 on plans for Federal Valuation Section 24.2, Map 6 at the point of switch for the Maine Central Railroad connecting track); and (c) from milepost 130.9 in Jefferson (Waumbec Junction), NH (Valuation Station 325+03.2), to a point in Groveton (Northumberland), NH (shown as the Valuation Section 2715+83 on plans for Federal Valuation Section 22, Map 52 at the Whistle Post located South of the West Street crossing, such point being the point of intersection with the tracks of the St. Lawrence & Atlantic Railroad Company).²

The earliest the transaction could be consummated was March 25, 1999, the effective date of the exemption (7 days after the notice of exemption was filed). However, this transaction is related to STB Finance Docket No. 33728, the *State of New Hampshire Department of Transportation—Acquisition Exemption—New Hampshire and Vermont Railroad Company*, in which the State of New Hampshire has filed a notice of exemption with respect to its purchase of these lines from NHVT. Because the exemption in STB Finance Docket No. 33728 was not scheduled to take effect until on or after March 30, 1999, the exemption in STB Finance Docket No. 33727 could not have been consummated prior to March 30, 1999.

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. 33727, 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, one copy of each pleading must be served on David H. Anderson, Attorney at Law, 288 Littleton Road, Suite 21, Westford, MA 01886.

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Decided: April 8, 1999.

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

Vernon A. Williams,

Secretary.

[FR Doc. 99-9438 Filed 4-15-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33728]

State of New Hampshire Department of Transportation—Acquisition Exemption—New Hampshire and Vermont Railroad Company

The State of New Hampshire Department of Transportation (NHDOT), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire (by purchase) approximately 36.0 miles of rail line owned by the New Hampshire and Vermont Railroad Company (NHVT). The lines being acquired by NHDOT are known as the Berlin Branch and the Groveton Branch and extend: (a) from milepost 113.0 at Littleton, NH (Valuation Station 995+66), to milepost 125.0 at Whitefield, NH (Valuation Station 1629+30); (b) from milepost 125.0 at Whitefield, NH (Valuation Station 1629+30), to milepost 130.9 at Jefferson (Waumbec Junction), NH (Valuation Station 325+03.2); and (c) from milepost 130.9 at Jefferson (Waumbec Junction), NH (Valuation Station 325+03.2), to a point in Groveton (Northumberland), NH, where said line intersects with a line of railroad owned by the St. Lawrence & Atlantic Railroad Company (Valuation Station 2715+83). NHVT will operate the property.

The transaction was scheduled to be consummated on or after March 30, 1999.

This transaction is related to STB Finance Docket No. 33727, *New Hampshire and Vermont Railroad Company—Operation Exemption—Certain Lines of the State of New Hampshire*, wherein NHVT has filed a notice of exemption to operate over the lines once they are owned by NHDOT. Thus, NHVT will continue as the primary common carrier freight operator of the subject lines.

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. 33728, must be filed with

¹ The parties state that NHVT and the State of New Hampshire, by its Department of Transportation, entered into an operating agreement on March 15, 1999, providing for NHVT's operation of the subject line.

² NHVT certifies that its annual revenue will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed \$5 million.