

will lease approximately 15.1 miles of rail line previously leased by RJCM from CSX Transportation, Inc.<sup>1</sup> between milepost 74.6 at Dover, OH (including certain switching tracks at Dover)<sup>2</sup> and milepost 59.5 at Uhrichsville, OH. The proposed acquisition and operation transactions were expected to be consummated on or after December 29, 1994.

This proceeding is related to *Richard J. Corman—Continuance in Control Exemption—R.J. Corman Railroad Company/Cleveland Line*, Finance Docket No. 32644, wherein Richard J. Corman has concurrently filed a notice of exemption to continue in control of RJCC when RJCC becomes a rail carrier upon consummation of the transaction described in this notice.

Any comments must be filed with the Commission and served on: Kevin M. Sheys, 1020 Nineteenth Street, NW, Suite 400, Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: January 11, 1995.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-1507 Filed 1-19-95; 8:45 am]

BILLING CODE 7035-01-P

**[Finance Docket No. 32635]**

**Morris H. Kulmer, Kern W. Schumacher, Troy W. Schumacher and Michael J. Van Wagenen—Continuance in Control Exemption—V&S Railway, Inc.**

Morris H. Kulmer, Kern W. Schumacher, Troy W. Schumacher and Michael J. Van Wagenen, noncarrier individuals (applicants), have filed a notice of exemption to continue in control of V&S Railway, Inc. (V&S) upon V&S's becoming a carrier. V&S has concurrently filed a related notice of exemption, *V&S Railway, Inc.—Acquisition and Operation Exemption—Rail Line of St. Louis Southwestern Railway Company*, in Finance Docket

<sup>1</sup> See *R.J. Corman Railroad Company/Memphis Line—Purchase and Lease—CSX Transportation, Inc. Line Between Warwick and Uhrichsville, OH*, Finance Docket No. 31388 (Sub-No. 1), (ICC served June 23, 1989).

<sup>2</sup> TC&O D-2 Track (V.S. 22+81 to V.S. 17+19), Strasburg D-2 Track (V.S. 0+00 to V.S. 86+48), C&P D-2 Track (V.S. 1555+00 to V.S. 1502+50) and Canal Dover D-2 Track (V.S. 0+00 to V.S. 1548+90).

No. 32634, in which V&S is seeking to acquire and operate approximately 65.0 miles of rail line in Franklin, Hopkins, Delta, Titus and Hunt Counties, TX.

The control transaction was to have been consummated on or about December 30, 1994.

Applicants also control two other nonconnecting class III rail carriers: Tulare Valley Railroad Company, operating in California, and SF&L Railway, Inc., operating in Texas.

Applicants state that: (1) the properties operated by these three carriers do not connect with each other; (2) the control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Mark H. Sidman, Suite 800, 1350 New York Ave., NW., Washington, DC 20005-4797.

Decided: January 11, 1995.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-1510 Filed 1-19-95; 8:45 am]

BILLING CODE 7035-01-P

**[Finance Docket No. 32595]**

**The Maryland and Delaware Railroad Company Modified Rail Certificate**

On October 3, 1994, as supplemented November 4, 1994 and December 1, 1994, The Maryland and Delaware Railroad Company (MDDE) filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150, subpart C, to operate two lines of railroad owned by the State of Delaware in Sussex County, DE: (1) The Lewes Running Track, a distance of 16.23 miles between milepost 24.16 at Georgetown Yard and milepost 40.39 at Henlopen; and (2) The Milton Industrial Track, a distance of 6.60 miles between milepost 0.00 at Ellendale and milepost 6.60 at Milton.

The line segments comprising the Lewes Running Track (#159 Lewes-Lewes Beach, #160 Broadkill-Lewes, and #161 Georgetown-Lewes) were formerly owned and operated by the Penn Central Corp. MDDE states that the line was not included in the United States Railway Association Final System Plan when the Consolidated Rail Corporation (Conrail) was established, and was abandoned in accordance with Section 304 of the Regional Rail Reorganization Act of 1973, 45 U.S.C. 744. The Milton Industrial Track was formerly owned and operated by Conrail. In *Conrail Abandonment Between Ellendale and Milton, DE*, Docket No. AB-167 (Sub-No. 188N) (ICC served Mar. 26, 1982), the Commission authorized Conrail to abandon this track. The Delaware Department of Transportation acquired both lines, and, effective October 1, 1982, contracted with The Delaware Coast Line Railroad (DCLR) to operate them. The contract with DCLR expired on September 30, 1994, and MDDE commenced operations under a new contract effective October 1, 1994.

The Commission will serve a copy of this notice on the Association of American Railroads (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreement, 50 F Street, NW, Washington, DC 20001, and on the American Short Line Railroad Association, 1120 G Street, NW, Suite 520, Washington, DC 20005.

Decided: January 11, 1995.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-1506 Filed 1-19-95; 8:45 am]

BILLING CODE 7035-01-P

**[Finance Docket No. 32437 (Sub-No. 1)]**

**Rail Partners, L.P., Panama City Beach Office Park, Ltd., K. Earl Durden, Green Bay Packaging, Inc., and Rail Management and Consulting Corporation—Control Exemption—A&G Railroad, L.L.C.**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** Pursuant to 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 11343-11345 the assumption of direct control of A&G Railroad, L.L.C., by petitioners Rail Partners, L.P. (Partners), Panama City Beach Office Park, Ltd. (Office Park), K. Earl Durden (Durden),

Green Bay Packaging, Inc. (GBP), and Rail Management and Consulting Corporation (RMCC), subject to standard labor protective conditions, upon dissolution of an independent voting trust.<sup>1</sup>

**DATES:** The exemption is effective on February 19, 1995. Petitions to stay must be filed by January 30, 1995, and petitions to reopen must be filed by February 9, 1995.

**ADDRESSES:** Send pleadings, referring to Finance Docket No. 32437 (Sub-No. 1), to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) petitioners' representatives, Donald G. Avery and Patricia E. Dietrich, Slover & Loftus, 1224 17th Street, N.W., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's Decision. To purchase a copy of the full Decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Avenue, NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: January 5, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

**Vernon A. Williams,**

Secretary.

[FR Doc. 95-1509 Filed 1-19-95; 8:45 am]

BILLING CODE 7035-01-P

<sup>1</sup> Partners is jointly owned and controlled by Durden, GBP, and RMCC. Together, these entities jointly own and control several class III rail carriers. See *North Carolina Ports Railway Commission—Purchase and Operation—Rail Line of CSX Transportation, Inc. in Wilmington, North Carolina—Exemption from 49 U.S.C. 11343*, Finance Docket No. 32345 (ICC served Nov. 17, 1993); *Wilmington Terminal Railroad, L.P.—Lease and Operation—Rail Line of North Carolina Ports Railway Commission in Wilmington, North Carolina—Exemption from 49 U.S.C. 11343*, Finance Docket No. 32345 (Sub-No. 1) (ICC served Nov. 17, 1993); *Tomahawk Railway, L.P.—Acquisition and Operation Exemption—Marinette, Tomahawk and Western Railroad Company*, Finance Docket No. 31996 (Sub-No. 1) (ICC served Dec. 17, 1992); *Valdosta Railway, L.P.—Acquisition and Operation Exemption—Valdosta Southern Railroad Company*, Finance Docket No. 31996 (Sub-No. 2) (ICC served Dec. 17, 1992); and *Wilmington Term. RR, Inc.—Pur. & Lease—CSX Transp. Inc.*, 6 I.C.C.2d 799 (1990).

[Finance Docket No. 32649]

**Southern Pacific Transportation Company—Corporate Family Transaction Exemption—The Denver and Rio Grande Western Railroad Company**

Southern Pacific Transportation Company (SPT) and The Denver Rio Grande Railroad Company (DRGW)<sup>1</sup> common carriers by railroad, have jointly filed a notice of exemption to exempt a transaction whereby (1) SPT will purchase DRGW's right-of-way, together with adjoining property and improvements, between DRGW milepost 160.8 at or near Canon City, CO, and DRGW milepost 628.8 at or near Utah Railway Junction, UT; and (2) SPT will purchase DRGW's right-of-way, together with adjoining property and improvements, between DRGW milepost 4.8 at or near C&S Junction, CO, and DRGW milepost 128.8 at or near Orestod, CO, and between DRGW milepost 128.8 and DRGW milepost 231.7 at or near Craig, CO.<sup>2</sup>

The parties state they intended to consummate these transactions on or after December 30, 1994.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. The stated purpose of the transaction is for corporate finance reasons and is intended to result in the prospective reduction of SPT's consolidated income and combined property tax liabilities, thereby improving SPT's financial condition.

As a condition to use of this exemption, any employees adversely affected by this transaction will be protected by conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Louis P. Warchot, Southern Pacific Building,

<sup>1</sup> DRGW is within SPT's consolidated group of companies.

<sup>2</sup> DRGW is retaining an easement for rail operations in which DRGW will continue to provide freight rail service over the properties being transferred to SPT. Under the purchase and sale agreements entered into by SPT and DRGW, SPT may not commence rail operations over these rail lines without obtaining additional authorization from the Commission.

Room 815, One Market Plaza, San Francisco, CA 94105.

Decided: January 17, 1995.

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

**Vernon A. Williams,**

Secretary.

[FR Doc. 95-1527 Filed 1-19-95; 8:45 am]

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[Finance Docket No. 32634]

**V&S Railway, Inc.—Acquisition and Operation Exemption—Rail Line of St. Louis Southwestern Railway Company in Franklin, Hopkins, Delta, Titus and Hunt Counties, TX**

V&S Railway, Inc. (V&S), a noncarrier, has filed a notice of exemption to acquire and operate approximately 65.0 miles of railroad from St. Louis Southwestern Railway Company (SSW), in Franklin, Hopkins, Delta, Titus and Hunt Counties, TX.<sup>1</sup> V&S will acquire by quitclaim deed or easement the line of railroad known as The Commerce Line, between milepost 490.00, near Winfield, TX, and milepost 555.0, near Simtrott, TX. V&S will acquire trackage rights only over that portion of the line from milepost 535.96 to milepost 537.26, incidental to its acquisition of the remainder of the line from milepost 490.0 to milepost 555.0.

The proposed transaction was to have been consummated on December 31, 1994.

This transaction is related to a concurrently filed notice of exemption, *Morris H. Kulmer, Kern W. Schumacher, Troy W. Schumacher and Michael J. Van Wagenen—Control Exemption—V&S Railway, Inc.*, Finance Docket No. 32635, in which the applicants seek to acquire control of V&S and to continue in control of Tulare Valley Railroad Company and SF&L Railway, Inc., upon V&S becoming a carrier.

Any comments must be filed with the Commission and served on: Mark H. Sidman, Suite 800, 1350 New York Ave., NW, Washington, DC 20005-4797.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: January 11, 1995.

<sup>1</sup> V&S will contract with an agent to assist it in providing rail freight service over this line, and V&S will be the sole common carrier on the line.