

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.¹

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

¹ 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)¹ 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.²

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,

¹ DRGW is within SPT's consolidated group of companies.

² 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]

BILLING CODE 7035-01-P

[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.¹ 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.

¹ 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.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-1511 Filed 1-19-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32642]

Rail Partners, L.P., Panama City Beach Office Park, Ltd., K. Earl Durden, Green Bay Packaging, Inc., and Rail Management and Consulting Corporation—Continuance in Control Exemption—Western Kentucky Railway, L.L.C.

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) (collectively, Owners), all noncarriers, have filed a notice of exemption to continue to control Western Kentucky Railway, L.L.C. (WKR),¹ a noncarrier, upon WKR's becoming a carrier. WKR has concurrently filed a notice of exemption in *Western Kentucky Railway, L.L.C.—Acquisition and Operation Exemption—Rail Lines of Costain Coal, Inc., and Tradewater Railway Company*, Finance Docket No. 32641, to acquire and operate approximately 93 miles of rail line owned by Costain Coal, Inc., and operated by Tradewater Railway Company between milepost 28.0, at Princeton, KY, and milepost 97.25, at Waverly, KY; between milepost 0.0, at Blackford, KY, and milepost 3.8, at Pyro Wye, KY; between milepost 0.0, at the Costain Prep Plant and milepost 13.5, at Providence, KY; between milepost 0.0, at the Costain Prep Plant and milepost 5.5, at Caney Creek, KY; and the 1-mile looptrack at Wheatcroft, KY.

Owners jointly control 12 other nonconnecting class III rail carriers.²

¹ WKR is 97% owned and controlled by Partners, a Delaware limited partnership. The remaining ownership rights are as follows: 1% by Office Park, a Florida limited partnership, 1% by Durden, a citizen of the state of Florida, and 1% by GBP, a Wisconsin Corporation.

Partners, Office Park, Durden and GBP are noncarriers. Partners is jointly owned and controlled by Durden, GBP, and RMCC, and with them jointly owns and controls twelve class III railroads, and awaits Commission exemption of its acquisition of direct control of a thirteenth carrier upon the dissolution of an independent voting trust agreement. See *Rail Partners, L.P., Panama City Beach Office Park, Ltd., K. Earl Durden, Green Bay Packaging, Inc. and Rail Management and Consulting Corporation—Acquisition of Control Exemption—A&G Railroad, L.L.C.*, Finance Docket No. 32437 (Sub-No. 1).

² See *Green Bay Packaging, Inc.; K. Earl Durden; Galveston Railway, Inc.; Rail Management and Consulting Corporation; and Rail Management and Consulting Corporation; and Rail Partners, L.P.—*

Durden individually controls another short line, the Lakeside Transportation Co.³ These nonconnecting affiliated rail carriers operate in the States of Alabama, Florida, North Carolina, Georgia, Texas, Missouri, Arizona, Tennessee, Kentucky, Wisconsin, and Arkansas. Owners indicate that: (1) WKR does not connect with any other railroad controlled by Owners; (2) the continuance in control is not a part of a series of anticipated transactions that would connect WKR with any other railroad controlled by Owners; 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: Patricia E. Dietrich, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

Decided: January 17, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-1631 Filed 01-19-95; 8:45 am]

BILLING CODE 7035-01-P

Continuance in Control Exemption—Galveston Railroad, L.P.—Continuance in Control Exemption—Galveston Railroad, L.P.; LRW RY, L.P.; ET RY, L.P.; ATW RY, L.P.; KWT Railway, Inc.; Copper Basin Railway, Inc.; and Wilmington Terminal Railroad, Inc., Finance Docket No. 31869 (ICC served July 5, 1991); *K. Earl Durden, Green Bay Packaging, Inc., Rail Management and Consulting Corporation, and Wilmington Terminal Railroad, Inc.—Continuance in Control Exemption—Wilmington Terminal Railroad, L.P., and Georgia Central Railway, L.P.*, Finance Docket No. 31948 (ICC served Nov. 21, 1991); *Rail Management and Consulting Corporation, Green Bay Packaging, Inc., an K. Earl Durden—Continuance in Control Exemption—Tomahawk Railway, L.P. and Valdosta Railway, L.P.*, Finance Docket No. 31996 (ICC served Jan. 28, 1992); *Rail Management and Consulting Corp., Green Bay Packaging, Inc., K. Earl Durden and Rail Partners, L.P.—Continuance in Control Exemption—The Bay Line Railroad, L.L.C.*, Finance Docket No. 32436 (ICC served Jan. 24, 1994); and *Rail Management and Consulting Corporation, Green Bay Packaging, Inc., K. Earl Durden, Panama City Beach Office Park, Ltd. and Rail Partners, L.P.—Corporate Family and Control Exemptions—Lakeside Transportation, L.L.C.*, Finance Docket No. 32414 (Sub-No. 2) (ICC served Feb. 14, 1994).

³ See *K. Earl Durden—Continuance in Control Exemption—Lakeside Transportation Co.*, Finance Docket No. 32414 (Sub-No. 1) (ICC served Dec. 17, 1993).

[Finance Docket No. 32641]

Western Kentucky Railway, L.L.C.—Acquisition and Operation Exemption—Rail Lines of Costain Coal, Inc. and Tradewater Railway Company

Western Kentucky Railway, L.L.C. (WKR),¹ a noncarrier, has filed a notice of exemption to acquire and operate approximately 93 miles of rail line owned by Costain Coal, Inc. (Costain) and operated under a lease agreement by Tradewater Railway Company (Tradewater) between milepost 28.0, at Princeton, KY, and milepost 97.25, at Waverly, KY; between milepost 0.0, at Blackford, KY, and milepost 3.8, at Pyro Wye, KY; between milepost 0.0, at the Costain Prep Plant and milepost 13.5, at Providence, KY; between milepost 0.0, at the Costain Prep Plant and milepost 5.5, at Caney Creek, KY; and the 1-mile looptrack at Wheatcroft, KY, together with substantially all of the other railroad operating assets and certain contract rights of Costain and Tradewater. WKR will interchange traffic with Paducah & Louisville Railway, Inc., at Princeton, KY, and with CSX Transportation, Inc., at Providence, KY. The proposed transaction is expected to be consummated shortly after the effective date of this exemption which will result in WKR's becoming a carrier.

This proceeding is related to *Rail Partners, L.P., Panama City Beach Office Park, Ltd., K. Earl Durden, Green Bay Packaging, Inc. and Rail Management and Consulting Corporation—Continuance in Control Exemption—Western Kentucky Railway, L.L.C.*, Finance Docket No. 32642, wherein the owners of WKR have concurrently filed a notice of exemption to continue in control of WKR, upon WKR's becoming a carrier.

Any comments must be filed with the Commission and served on: Patricia E.

¹ WKR is 97% owned and controlled by Rail Partners, L.P. (Partners), a Delaware limited partnership. The remaining ownership rights are as follows: 1% by Panama City Beach Office Park, Ltd. (Office Park), a Florida limited partnership, 1% by Mr. K. Earl Durden (Durden), a citizen of the state of Florida, and 1% by Green Bay Packaging, Inc. (GBP), a Wisconsin corporation.

Partners, Office Park, Durden and GBP are noncarriers. Partners is jointly owned and controlled by Durden, GBP, and Rail Management and Consulting Corporation (RMCC), and with them jointly owns and controls twelve class III railroads, and awaits Commission exemption of its acquisition of direct control of a thirteenth carrier upon the dissolution of an independent voting trust agreement. See *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.*, Finance Docket No. 32437 (Sub-No. 1).