

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.

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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).