

[Finance Docket No. 32636]

Baltimore and Annapolis Railroad Company—Acquisition and Operation Exemption—Mid Atlantic Railroad Co., Inc.

Baltimore and Annapolis Railroad Company (B&A), a non-operating entity,¹ has filed a notice of exemption to acquire and operate approximately 75.9 miles of rail line from Mid Atlantic Railroad Co., Inc. The lines extend: (1) From Mullins, SC (milepost AL 326.0) to Whiteville, NC (milepost AC 289.0); and (2) from Chadbourn, NC (milepost ACH 297.2) to Conway, SC (milepost ACH 336.1). B&A states that the acquired property will be operated by a division of B&A. Consummation was scheduled to take place on or before January 15, 1995.

Any comments must be filed with the Commission and served on: Kenneth Pippin, 100 West Maple Road, Linthicum, MD 21090.

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: February 2, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-3250 Filed 2-8-95; 8:45 am]

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[Docket No. AB-55 (Sub-No. 474X)]

CSX Transportation, Inc.—Abandonment Exemption—in Warren County, NC

CSX Transportation, Inc. (CSXT), has filed a notice of exemption under 49

¹ On January 11, 1973, B&A filed an application in Docket No. AB-71 requesting permission to abandon operations over its entire line of track of 21.1 miles, extending from Clifford Junction in Baltimore City, MD, to the City of Annapolis, MD. In Baltimore and Annapolis R. Co. Abandonment, 348 I.C.C. 678 (1976), B&A was permitted to abandon operations over a portion of its line of railroad between Glen Burnie, MD, and Annapolis (approximately 15 miles).

On September 29, 1989, the Maryland Mass Transit Administration filed a notice of intent in Docket No. AB-71 (Sub-No. 2) (request for involuntary abandonment authority) to abandon the remaining portion of B&A's trackage between Clifford Junction and Glen Burnie (approximately 5.78 miles), for the purpose of constructing and operating a regional light rail transit system. B&A adds that in May 1991, the State took its right-of-way through a condemnation proceeding and constructed a passenger line (Central Light Rail Transit Line). As such, B&A presently holds no authority from the Commission.

CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 3.28 miles of rail line extending (1) from milepost S-98.4 at Norlina to milepost S-100.9 at Ridgeway and (2) from milepost SA-115.55 at Norlina to the end of the track at milepost SA-114.77, in Warren County, NC.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on March 11, 1995 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file offers of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by February 21, 1995.³ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 1, 1995, with: Office of the Secretary, Case Control Branch,

¹ A stay will be issued routinely where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental grounds is encouraged to file promptly so that the Commission may act on the request before the effective date.

² See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

³ The Commission will accept late-filed trail use statements so long as it retains jurisdiction.

Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environmental or historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 14, 1995. Interested persons may obtain a copy of the EA from SEA by writing to it at (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEA at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: February 2, 1995.

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

Vernon A. Williams,
Secretary.

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[Docket No. AB-397 (Sub-No. 3X)]

Tulare Valley Railroad Company—Abandonment and Discontinuance Exemption—In Tulare and Fresno Counties, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission, pursuant to 49 U.S.C. 10505, exempts Tulare Valley Railroad Company (TVR) from the prior approval requirements of 49 U.S.C. 10903 et seq. to abandon 55.7 miles of rail line between: (1) Milepost 51.0 near Lac Jac and milepost 67.0 near Calwa, in Fresno County, CA, a distance of 16 miles; (2) milepost 49.8 near Reedley and milepost 38.5 near Cutler, in Tulare County, CA, a distance of 11.3 miles; (3) milepost 19.0 near Cutler and milepost 38.0 near Exeter, in Tulare County, a distance of 19.0 miles; and (4) milepost 20.6 near Wyeth and milepost 11.2 near Orange Cove, in Tulare County, a distance of 9.4 miles. In addition,