

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 95-16268 Filed 6-30-95; 8:45 am]

BILLING CODE 7035-01-P

**[Finance Docket No. 32711 (Sub-No. 1)]**

**Ohio & Pennsylvania Railroad  
Company—Acquisition, Lease and  
Operation Exemption**

Ohio & Pennsylvania Railroad Company (OPRC), a noncarrier, has filed an amended verified notice<sup>1</sup> under 49 CFR part 1150, Subpart D—*Exempt Transactions* to: (1) lease from P&LE Properties, Inc., 39.24 miles of rail line between milepost 0.0, at Youngstown, OH, and milepost 35.7, at Darlington, PA, including short segments of line in Youngstown (1.9 miles) and Negley (1.0 mile), OH, and between Youngstown and Struthers, PA (0.64 mile); (2) purchase from Consolidated Rail Corporation (Conrail) a 0.26-mile segment of line between mileposts 0.96 and 1.22 in Youngstown; and (3) acquire incidental trackage rights over an approximately 8-mile line between Youngstown and Boardman, OH.<sup>2</sup> OPRC will transport local traffic and will interchange overhead traffic with CSX Transportation, Inc., or Conrail at Youngstown. The exemption was made effective on June 23, 1995, by decision served that day.

This proceeding is related to *Summit View Corporation—Continuance in Control Exemption—Ohio & Pennsylvania Railroad Company*, Finance Docket No. 32712, wherein Summit View Corporation filed a verified notice to continue to control OPRC upon its becoming a rail carrier.

If the amended verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to reopen will not stay the exemption's effectiveness. An original and 10 copies of all pleadings, referring to Finance Docket No. 32711 (Sub-No. 1), must be filed with the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. In addition, a copy of each pleading must be served on Kelvin J.

<sup>1</sup> OPRC's original verified notice, filed in the lead docket, inadvertently omitted certain aspects of the involved transaction, necessitating a refiling.

<sup>2</sup> The transactions described in (2) and (3) will be accomplished by assignment of a contract between P&LW Railroad, Inc., and Conrail to OPRC for consideration.

Dowd, SLOVER & LOFTUS, 1224  
Seventeenth Street, N.W., Washington,  
DC 20036.

Decided: June 27, 1995.

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

**Vernon A. Williams,**  
*Secretary.*

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**[Docket No. AB-3 (Sub-No. 124X)]**

**Missouri Pacific Railroad Company—  
Abandonment Exemption—in  
Johnson, Pulaski and Massac  
Counties, IL (Joppa Branch)**

Missouri Pacific Railroad Company (MP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a portion of rail line, known as the Joppa Branch, in Johnson, Pulaski and Massac Counties, IL. The trackage extends from milepost 339.70 near Vienna Junction to milepost 359.50 near Joppa, a total distance of approximately 19.80 miles.

MP 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 by 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 (environmental reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely 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 (OFA) has been received, this exemption will be effective on August 2, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup>

<sup>1</sup> A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by July 13, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 24, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Joseph D. Anthofer, 1416 Dodge St., #830, Omaha, NE 68179.

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

MP has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by July 7, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is 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: June 26, 1995.

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

**Vernon A. Williams,**  
*Secretary.*

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**[Docket No. AB-254 (Sub-No. 6X)]**

**Providence and Worcester Railroad  
Company—Abandonment Exemption—  
in New Haven, CT**

Providence and Worcester Railroad Company (P&W), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon

(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 concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

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

<sup>3</sup> The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.