

scheduled to become effective on September 15, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). 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 stay the transaction. Pleadings must be filed with the Commission and served on: Gary A. Laakso, Southern Pacific Transportation Company, One Market Plaza, Room 846, San Francisco, CA 94105.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: September 18, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-24100 Filed 9-27-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32770]

**Union Pacific Railroad Company—Trackage Rights Exemption—The Atchison, Topeka and Santa Fe Railway Company and Burlington Northern Railroad Company**

The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) has agreed to grant overhead trackage rights to the Union Pacific Railroad Company (UP) over a rail line between milepost 59+550 near Abilene, KS, and milepost 154+1980, near Superior, NE.<sup>1</sup> Also, the Burlington Northern Railroad Company (BN) has agreed to grant local trackage rights over a rail line between milepost 169.7 and milepost 171.0, near Superior, NE. The total distance is approximately 97 miles.<sup>2</sup> The trackage rights transaction is located in Dickinson, Clay, Ottawa, Cloud, Republic and Jewell Counties, KS, and Nucholls County, NE. The trackage rights will allow UP overhead trackage rights operation over the Santa Fe line between Abilene, KS, and Superior, NE, and permit UP's local service to

<sup>1</sup> The parties have agreed that 97 miles is the average distance between Abilene and all locations in Superior. Accordingly, a subtraction of the mileposts may provide a slightly different figure.

<sup>2</sup> UP has the option to use Kyle Railroad Company (Kyle) as its operating agent. Kyle has the right of ingress and egress at Concordia, KS, in order to move both UP and its own traffic to and from points on former UP trackage which is now part of Kyle.

facilities in Superior that are served by BN and Santa Fe. The trackage rights were to become effective on or after September 22, 1995.<sup>3</sup>

This notice is filed under 49 CFR 1180.2(d)(7). 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 stay the transaction. Pleadings must be filed with the Commission and served on: Louise A. Rinn, General Attorney, 1416 Dodge Street, #830, Omaha, NE 68179.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: September 22, 1995.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-24102 Filed 9-27-95; 8:45 am]

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[Docket No. AB-55 (Sub-No. 512X)]

**CSX Transportation, Inc.; Abandonment Exemption; in Ohio County, KY**

CSX Transportation, Inc. (CSXT) has filed a verified notice under 49 CFR part 1152 subpart F—Exempt Abandonments to abandon 5.38-miles of rail line between milepost LHE-114.22 at Kronos and milepost LHE-108.84 at Centertown, in Ohio County, KY.

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 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 complainant's favor within the last 2 years; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49

<sup>3</sup> This date coincides with the effective date of the merger in *Burlington Northern, Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32549 (ICC served Aug. 23, 1995). The trackage have been granted pursuant to a settlement agreement dated March 27, 1995, entered into in connection with the merger proceeding.

CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) 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 employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective on October 25, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,<sup>1</sup> statements 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 October 5, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 16, 1995. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. In addition, one copy must be served on Charles M. Rosenberger, 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 environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by August 29, 1995. A copy of the EA may be obtained by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser 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

<sup>1</sup> The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

<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 late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.