

By the Commission, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.
[FR Doc. 95-31398 Filed 12-27-95; 8:45 am]
BILLING CODE 7035-01-P

[Finance Docket No. 32808]

Twin Cities & Western Railroad Company—Operation Exemption—Minnesota River Bridge Company

Twin Cities & Western Railroad Company (TCW) has filed a notice of exemption to operate approximately 1.11 miles of track owned by Minnesota River Bridge Company (MRBC),¹ between milepost 26.0 near the city of Bloomington, in Hennepin County, MN, to milepost 27.11 near the city of Savage, in Scott County, MN. The parties expected to enter into an operation agreement on or after December 13, 1995, and to consummate the transaction on or after December 14, 1995.

Concurrently with this notice, TCW filed a notice of exemption in *Twin Cities & Western Railroad Company—Trackage Rights Exemption—Soo Line Railroad Company d/b/a CP Rail System*, Finance Docket No. 32809, to obtain overhead trackage rights on 9.7 miles of track connected to the subject line. This track extends from milepost 17.23 at St. Louis Park, MN, to its connection with the subject line at milepost 26.00, near Bloomington, MN. It also connects with the line at milepost 27.11, and extends to milepost 28.04, near Savage, MN. The trackage rights were scheduled to become effective on or after December 14, 1995.

¹ MRBC filed a verified notice of exemption in *Minnesota River Bridge Company—Acquisition and Operation Exemption—Soo Line Railroad Company d/b/a CP Rail System*, Finance Docket No. 32807, to acquire and operate the line. MRBC will retain a residual obligation to provide common carrier service on the line. The parties expected to consummate the acquisition on or after December 13, 1995. The owners of MRBC concurrently filed a petition for exemption in *Douglas M. Head, Kent P. Shoemaker, and Charles H. Clay—Continuance in Control Exemption—Minnesota River Bridge Company*, Finance Docket No. 32810, to continue in control of MRBC when it becomes a rail carrier. Douglas M. Head, Kent P. Shoemaker, and Charles H. Clay, MRBC's stockholders, do not qualify for a class exemption under 49 CFR 1180.2(d)(2) because: (1) they hold controlling ownership of MRBC, TCW, and Red River Valley & Western Railroad Company; and (2) the subject line connects with a rail line owned by Soo Line Railroad Company d/b/a CP Rail System (CPRS) on which TCW, controlled by the above-named stockholders, anticipates acquiring trackage rights in Finance Docket No. 32809, as described above. Thus, the stockholders have established a voting trust to insulate themselves from authorized acquisition of control of MRBC until the petition for exemption for control is acted upon.

Any comments must be filed with the Commission² and served on: Jo A. Deroche, Esq., Weiner, Brodsky, Sidman & Kider, P.C., Suite 800, 1350 New York Avenue, N.W., Washington, DC 20005-4797.

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: December 20, 1995.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.
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[Finance Docket No. 32809]

Twin Cities & Western Railroad Company—Trackage Rights Exemption—Soo Line Railroad Company d/b/a CP Rail System

Soo Line Railroad Company d/b/a CP Rail System (CPRS) has agreed to grant overhead trackage rights to Twin Cities & Western Railroad Company (TCW) over approximately 9.7 miles of its rail line from milepost 17.23, at St. Louis Park, to milepost 26.0, near the city of Bloomington, in Hennepin County, MN, and from milepost 27.11 to milepost 28.04, near the city of Savage, in Scott County, MN. CPRS previously granted trackage rights to TCW within the Twin Cities Terminal.¹ CPRS will amend that trackage rights agreement to enable TCW to provide switching service to industries located in Savage. The trackage rights were scheduled to become effective on or after December 14, 1995.

Concurrently with this notice, TCW filed a notice of exemption in *Twin Cities & Western Railroad Company—Operation Exemption—Minnesota River Bridge Company*, Finance Docket No. 32808, to operate 1.11 miles of track owned by Minnesota River Bridge Company (MRBC).² MRBC's track

² Legislation to sunset the Commission on December 31, 1995, and transfer the remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address: Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, D.C. 20423.

¹ See *Twin Cities & Western Railroad Company—Trackage Rights Exemption—Soo Line Railroad Company*, Finance Docket No. 31914 (ICC served Aug. 14, 1991).

² MRBC filed a verified notice of exemption in *Minnesota River Bridge Company—Acquisition and*

connects to the subject line at milepost 26.00, near Bloomington, MN, and at milepost 27.11, near Savage, MN. TCW and MRBC expected to enter into an operation agreement on or after December 13, 1995, and expected to consummate that transaction on or after December 14, 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 automatically stay the transaction. Pleadings must be filed with the Commission³ and served on: Jo A. Deroche, Esq., Weiner, Brodsky, Sidman & Kider, P.C., Suite 800, 1350 New York Avenue, N.W. Washington, DC 20005-4797.

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: December 20, 1995.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

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Operation Exemption—Soo Line Railroad Company d/b/a CP Rail System, Finance Docket No. 32807, to acquire and operate the line. MRBC will retain a residual obligation to provide common carrier service on the line. The parties expected to consummate the acquisition on or after December 13, 1995. MRBC's owners concurrently filed a petition for exemption in *Douglas M. Head, Kent P. Shoemaker, and Charles H. Clay—Continuance in Control Exemption—Minnesota River Bridge Company*, Finance Docket No. 32810, to continue in control of MRBC when it becomes a rail carrier upon consummation of the transactions described in this notice. Douglas M. Head, Kent P. Shoemaker, and Charles H. Clay, MRBC's stockholders, do not qualify for a class exemption under 49 CFR 1180.2(d)(2) because: (1) they hold controlling ownership of MRBC, TCW, and Red River Valley & Western Railroad Company; and (2) the subject line connects with a rail line owned by Soo Line Railroad Company d/b/a CP Rail System (CPRS) on which TCW, controlled by the stockholders, anticipates acquiring trackage rights. Thus, the stockholders have established a voting trust to insulate themselves from authorized acquisition of control of MRBC until the petition for exemption for control is acted upon.

³ Legislation to sunset the Commission on December 31, 1995, and transfer the remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address: Interstate Commerce Commission, 1201 Constitution Avenue N.W., Washington, D.C. 20423.