

**Restricted Areas**

Spruce Reach is located approximately three miles east of Reedsport, Oregon, adjacent to Oregon State Highway 38 and Dean Creek Elk Viewing Area and is further described as follows:

Township 21 South, Range 11 West,  
Willamette Meridian

Sec. 32 M&B within lot 8

Sec. 33 M&B of lots 5, 6, and 7 and  
S½SW¼ and SW¼SE¼

All north of Oregon State Highway 38.

**FOR FURTHER INFORMATION CONTACT:**

Larry Johnston, Park Ranger, Umpqua Resource Area, Coos Bay District, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459, Telephone: (541) 756-0100.

Daryl L. Albiston,

*Umpqua Area Manager.*

[FR Doc. 95-31350 Filed 12-27-95; 8:45 am]

BILLING CODE 4310-33-M

**INTERSTATE COMMERCE COMMISSION**

[Finance Docket No. 32818]

**Coast Enterprises, Inc.—Acquisition Exemption—Sierra Pacific Coast Railway, Inc.; Sierra Railroad, a Division of Coast Enterprises, Inc.—Operation Exemption—Coast Enterprises, Inc.**

Coast Enterprises, Inc. (Coast) and Sierra Railroad, a Division of Coast Enterprises, Inc. (SSR), have filed a verified notice under 49 CFR Part 1150, Subpart D—Exempt Transactions for Coast to acquire from Sierra Pacific Coast Railway, Inc. (SPCR) and for SSR to operate, approximately 49 miles of rail line, between milepost 0.0 at Oakdale, in Stanislaus County, CA, and the end of the line at milepost 49.0 at Fassler, in Tuolumne County, CA.<sup>1</sup>

The transaction was consummated on or about September 29, 1995. The notice of exemption was filed on November 27, 1995, and became effective, pursuant to 49 CFR 1150 Subpart D, on December 4, 1995. On or about July 1, 1995, SRR filed a small carrier transfer application with the Commission seeking approval for SRR's acquisition of the line from SPCR. That application was rejected.<sup>2</sup> In addition, Coast's and SRR's representative informed the

<sup>1</sup> Although the verified notice was filed by SRR, it is signed by Michael G. Hart in his capacity as President of Coast. This is sufficient to treat the verified notice as having been filed by both SRR and Coast.

<sup>2</sup> A small carrier transfer application is for motor carriers. This procedure is not available for rail transactions.

Commission staff that their original representative that handled this case left the firm, and the case had to be handled by another representative with guidance from our Office of Public Assistance. It would appear that Coast and SSR were unaware that consummation should not have occurred before the effective date of the exemption.

If the 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 revoke will not stay the exemption's effectiveness. An original and 10 copies of all pleadings, referring to Finance Docket No. 32818, must be filed with the Office of the Secretary, Case Control Branch, Interstate Commerce Commission,<sup>3</sup> Washington, DC 20423. In addition, a copy of each pleading must be served on Michael G. Hart, President, Coast Enterprises, Inc. 17516 Old Summit Road, Los Gatos, CA 95030.

Decided: December 20, 1995.

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

Vernon A. Williams,

*Secretary.*

[FR Doc. 95-31401 Filed 12-27-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32807]

**Minnesota River Bridge Company—Acquisition and Operation Exemption—Soo Line Railroad Company d/b/a CP Rail System**

Minnesota River Bridge Company (MRBC), a noncarrier, has filed a notice of exemption to acquire and operate approximately 1.11 miles of track, including a railroad bridge over the Minnesota River, owned by the Soo Line Railroad Company d/b/a CP Rail System (CPRS), 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. As part of the agreement between MRBC and CPRS, CPRS will retain trackage rights over the line. The parties expected to consummate the acquisition on or after December 13, 1995.

This proceeding is related to Twin Cities & Western Railroad Company—Operation Exemption—Minnesota River Bridge Company, Finance Docket No. 32808, wherein Twin Cities & Western

<sup>3</sup> Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

Railroad Company (TCW) filed a notice of exemption to operate the line.<sup>1</sup> MRBC will retain a residual obligation to provide common carrier service on the line. 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. Also related to this proceeding is Douglas M. Head, Kent P. Shoemaker, and Charles H. Clay—Continuance in Control Exemption—Minnesota River Bridge Company, Finance Docket No. 32810, in which the owners of MRBC have concurrently filed a petition of exemption to continue in control of MRBC when it becomes a rail carrier upon consummation of the transactions described in this notice.<sup>2</sup>

Any comments must be filed with the Commission<sup>3</sup> 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.

<sup>1</sup> Concurrently with Finance Docket No. 32808, TCW filed a verified 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 track which connects with the subject line. The connecting track is owned by CPRS, extends from milepost 17.23 at St. Louis Park, MN, and connects at milepost 26.00, near Bloomington, MN. It also connects with the subject 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.

<sup>2</sup> Douglas M. Head, Kent P. Shoemaker, and Charles H. Clay, the stockholders of MRBC, 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 1.11 mile line to be acquired here from CPRS connects with a rail line owned by CPRS, on which TCW, controlled by the above-named stockholders, anticipates acquiring trackage rights in Finance Docket No. 32809. 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.

<sup>3</sup> 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, DC 20423.