

Railroad Corporation, a Class III railroad.

DATES: The exemption will be effective March 31, 1996. Petitions to stay must be filed by March 19, 1996. Petitions to reopen must be filed by March 25, 1996.

ADDRESSES: Send pleadings, referring to STB Finance Docket No. 32754 to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue NW., Washington, DC 20423; and (2) petitioner's representative: Kevin M. Sheys, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street NW., Suite 400, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., 1201 Constitution Avenue NW., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: March 5, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 96-5693 Filed 3-8-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-406 (Sub-No. 5X)]

Central Kansas Railway, Limited Liability Company—Abandonment Exemption—in Clark and Comanche Counties, KS

Central Kansas Railway, Limited Liability Company (CKR)² has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 30.3-mile portion of its line

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903.

² CKR is a subsidiary of OmniTRAX, Inc., a noncarrier holding company. OmniTRAX was authorized to control CKR, pursuant to the notice of exemption in *Patrick D. Broe, The Broe Companies, The Great Western Railway Company, Railco, Inc., Chicago West Pullman Transportation Corp., et al.—Corporate Family Reorganization Exemption*, Finance Docket No. 32531 (ICC served July 12, 1994).

of railroad known as the Englewood Subdivision from milepost 136 at or near Protection to milepost 166 plus 1846 feet at or near Englewood, in Clark and Comanche Counties, KS.³

CKR has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic has been rerouted over other lines; (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 Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic 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. 10502(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 April 10, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,⁴ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),⁵ and trail use/rail banking requests under 49 CFR 1152.29⁶ must be filed by March 21, 1996. Petitions to reopen or requests

³ Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. The applicant in its verified notice, indicated a proposed consummation date of April 8, 1996. Because the verified notice was not filed until February 20, 1996, however, consummation should have not been proposed to take place prior to April 10, 1996. Applicant's representative has been contacted and informed of the correct consummation date.

⁴ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis 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 Board may take appropriate action before the exemption's effective date.

⁵ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁶ The Board 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.

for public use conditions under 49 CFR 1152.28 must be filed by April 1, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Michael J. Ogborn, Manager, Central Kansas Railway, Limited Liability Company, 252 Clayton Street, 4th Floor, Denver, CO 80206.

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

CKR has filed an environmental report which addresses the abandonment effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 15, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, 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 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 29, 1996.

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

Vernon A. Williams,
Secretary.

[FR Doc. 96-5695 Filed 3-8-96; 8:45 am]

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[STB Docket No. AB-459 (Sub-No. 1X)]

Central Railroad Company of Indiana—Abandonment Exemption—in Dearborn County, IN

Central Railroad Company of Indiana (CIND) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 2.3-miles of its rail line from milepost 22.4 near Lawrenceburg Junction to milepost 24.7 near Dearborn Junction, in Dearborn County, IN.

CIND has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) arrangements have

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