

Issued in Washington, D.C. on September 7, 1996.

Kendall L. Ball,

Acting Manager, Passenger Facility Charge Branch.

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BILLING CODE 4910-13-M

Surface Transportation Board¹

[STB Finance Docket No. 32986]

Missouri Pacific Railroad Company— Trackage Rights Exemption—Elgin, Joliet and Eastern Railway Company

Elgin, Joliet and Eastern Railway Company (EJ&E) has agreed to grant overhead trackage rights to Missouri Pacific Railroad Company (MP) over approximately 130 miles of rail lines extending from milepost 0 in South Chicago, IL, through Gary, IN (milepost 12 and milepost 45, including Kirk Yard), including EJ&E's City Track Line between Gary and Goff, IN, and EJ&E's Whiting Line from Cavanaugh, IN, to Calumet Tower, IN, through milepost 25 at Chicago Heights, IL, milepost 0 at Joliet, IL, and milepost 29 at West Chicago, IL, to Waukegan, IL, to the end of EJ&E's ownership near milepost 74.² The trackage rights were scheduled to become effective on the date of final agreement of the parties but not sooner than August 28, 1996, the effective date of the exemption.³

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. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission 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. 11323-24.

² In addition to describing the proposed trackage rights, MP has recited that operation of those rights may require construction of some connecting track between the EJ&E and either the MP or another railroad. MP states that the construction would not require Board authorization and "none is sought by this notice." Publication of this notice should not be deemed to be acquiescence by the Board in MP's characterization of the Board's jurisdiction over any such construction.

³ A Petition to Reject, to Revoke, And/Or to Stay was filed in this proceeding (and also relates to STB Finance Docket No. 32985) on August 27, 1996, by Joseph C. Szabo, for and on behalf of United Transportation Union-Illinois Legislative Board (UTU-IL). The City of West Chicago and the Brotherhood of Locomotive Engineers join with UTU-IL in separate petitions filed on August 27, 1996, and August 29, 1996, respectively. The petitions will be addressed in a separate decision or decisions.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32986, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Joseph D. Anthofer, General Attorney, 1416 Dodge Street, #830, Omaha, NE 68179.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *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 4, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-23118 Filed 9-9-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 32985]

Union Pacific Railroad Company— Trackage Rights Exemption—Elgin, Joliet and Eastern Railway Company

Elgin, Joliet and Eastern Railway Company (EJ&E) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over approximately 130 miles of rail lines extending from Waukegan, IL, on the north at the beginning of EJ&E's ownership near milepost 74, through milepost 29 at West Chicago, milepost 0 at Joliet, and milepost 25 at Chicago Heights, IL, and Gary, IN (milepost 12 and milepost 45, including Kirk Yard), to milepost 0 at South Chicago, IL, including EJ&E's City Track Line between Gary and Goff, IN, and EJ&E's Whiting Line from Cavanaugh, IN, to Calumet Tower, IN.² The trackage rights were scheduled to become effective on the date of final agreement of the parties

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission 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. 11323-24.

² In addition to describing the proposed trackage rights, UP has recited that operation of those rights may require construction of some connecting track between the EJ&E and either the UP or another railroad. UP states that the construction would not require Board authorization and "none is sought by this notice." Publication of this notice should not be deemed to be acquiescence by the Board in UP's characterization of the Board's jurisdiction over any such construction.

but not sooner than August 28, 1996, the effective date of the exemption.³

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. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32985, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Joseph D. Anthofer, General Attorney, 1416 Dodge Street, #830, Omaha, NE 68179.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *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 4, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-23119 Filed 9-9-96; 8:45 am]

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[STB Docket No. AB-290 (Sub-No. 185X)]

Norfolk Southern Railway Company— Abandonment Exemption—in Des Moines, Polk County, IA

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 1.1 mile of its line of railroad between milepost SD-339.7 and SD-340.8 in Des Moines, Polk County, IA.

NS has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on

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