

was also scheduled to be consummated on or after December 27, 1996. MNR has also filed a related notice of exemption for 2 miles of trackage rights from BN in Erskine, MN, in *Minnesota Northern Railroad, Inc.—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33337.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423.³ A copy of all pleadings must be served on petitioner's representative: Edward D. Greenberg, Esq., Galland, Kharasch, & Garfinkle, P.C., Canal Square, 1054 Thirty-First St., N.W., Washington, DC 20007.

Decided: February 28, 1997.

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

[FR Doc. 97-6032 Filed 3-11-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33337]¹

**Minnesota Northern Railroad, Inc.—
Trackage Rights Exemption—The
Burlington Northern and Santa Fe
Railway Company**

AGENCY: Surface Transportation Board.
ACTION: Notice of exemption.

SUMMARY: The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Minnesota Northern Railroad, Inc. (MNR) over a line of railroad between mileposts 31.0 and 33.0 near Erskine, MN. The transaction was expected to be consummated on January 15, 1997.

This transaction arises out of an agreement between BNSF and MNR

³ The Board is relocating on March 16, 1997. See *Surface Transportation Board—1997 Office Relocation Business Plan*, STB Ex Parte No. 546 (STB served Feb. 21, 1997).

¹ Minnesota Northern Railroad, Inc. (MNR) filed the notice of exemption on January 8, 1997. MNR also filed a motion for a protective order on January 9, 1997. On January 13, 1997, the United Transportation Union (UTU) filed a petition to revoke the exemption, reject the notice, and/or stay the effectiveness of the notice. On January 14, 1997, a decision was served denying UTU's stay petition. The petition to reject or revoke and the motion for a protective order will be handled in separate decisions.

whereby MNR has acquired 204.1 miles of track, as well as certain incidental trackage rights. See the notice of exemption filed in *Minnesota Northern Railroad, Inc.—Acquisition and Operation Exemption—Burlington Northern Railroad Company*, STB Finance Docket No. 33315, and a related notice of exemption filed in *RailAmerica, Inc.—Continuance in Control Exemption—Minnesota Northern Railroad, Inc.*, STB Finance Docket No. 33316. These transactions were scheduled to be consummated on or after December 27, 1996.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423.² A copy of all pleadings must be served on petitioner's representative: Edward D. Greenberg, Esq., Galland, Kharasch, & Garfinkle, P.C., Canal Square, 1054 Thirty-First St., N.W., Washington, DC 20007.

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: February 28, 1997.

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

[FR Doc. 97-6033 Filed 3-11-97; 8:45 am]

BILLING CODE 4915-00-P

² The Board is relocating on March 16, 1997. See *Surface Transportation Board—1997 Office Relocation Business Plan*, STB Ex Parte No. 546 (STB served Feb. 21, 1997).

[Finance Docket No. 32173 et al.¹]

**Orange County Transportation
Authority/ Riverside County
Transportation Commission/ San
Bernardino Associated Governments/
San Diego Metropolitan Transit
Development Board/ North San Diego
County Transit Development Board—
Acquisition Exemption—The Atchison,
Topeka And Santa Fe Railway
Company**

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the ICCTA), 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). Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10502 and other remaining regulatory provisions of 49 U.S.C. Subtitle IV. The Board grants the petition of southern California transit agencies for: (1) a blanket exemption from 49 U.S.C. Subtitle IV to operate 9 rail lines acquired from The Atchison, Topeka and Santa Fe Railway Company subject to future compliance with requirements for the protection of employees and the environment; (2) clarification of the ICC's decision in *Orange County Transp.—Exempt.—Atchison, T. & S.F. Ry. Co.*, 10 I.C.C. 2d 78 (1994); and (3) establishment of procedures to implement actions taken under blanket exemptions from 49 U.S.C. Subtitle IV.

DATES: The Board's decision will be effective on April 11, 1997. Petitions to stay must be filed by March 24, 1997. Petitions to reopen must be filed by April 1, 1997.

ADDRESSES: Send pleadings referring to Finance Docket No. 32173 et al. to: (1) Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) petitioners' representative: Charles A. Spitulnik,

¹ This proceeding includes Finance Docket No. 32172, *Los Angeles County Transportation Commission—Acquisition Exemption—The Atchison, Topeka and Santa Fe Railway Company*.

Hopkins & Sutter, 888 16th Street, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Joseph Dettmar, (202) 565-1600. (TDD for the hearing impaired: (202) 565-1695.)

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's full decision. To purchase a copy of the full decision, write to, call, or pick up in person from DC News & Data, Inc., Suite 210, 1925 K Street, N.W., Washington, DC 20006. Telephone: (202) 289-4357. (Assistance for the hearing impaired is available through TDD services at (202) 565-1695.)

Decided: February 28, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary,

[FR Doc. 97-6201 Filed 3-11-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33316]¹

RailAmerica, Inc.; Continuance in Control Exemption; Minnesota Northern Railroad, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: RailAmerica, Inc. (RailAmerica) has filed a notice of exemption under 49 CFR 1180.2(d) and 1180.4(g) from the prior approval requirements of 49 U.S.C. 11323 to continue in control of Minnesota Northern Railroad, Inc. (MNR) upon MNR's becoming a Class III rail carrier. The transaction was scheduled to be consummated on or about December 27, 1996.

MNR is a corporation newly formed for the purpose of acquiring and operating 204.10 miles of rail line from Burlington Northern Railroad Company (BN)² in Minnesota. MNR has

¹ RailAmerica, Inc. (RailAmerica) originally filed the notice of exemption on December 11, 1996. On December 16, 1996, the United Transportation Union (UTU) filed a petition to revoke the exemption, reject, and/or stay the effectiveness of the notice. On December 18, 1996, RailAmerica filed a notice of withdrawal. On December 20, 1996, RailAmerica filed an amended notice of exemption. On December 24, 1996, UTU filed a supplemental petition to revoke, reject, and/or stay. The stay was filed too close to the consummation date for it to be acted on. The petition to reject or revoke will be handled in a subsequent decision.

² On December 31, 1996, The Atchison, Topeka and Santa Fe Railway Company merged with and into the Burlington Northern Railroad Company. The name of the surviving corporation is The Burlington Northern and Santa Fe Railway Company. In this notice we will continue to refer to this entity as BN.

concurrently filed a notice of exemption in *Minnesota Northern Railroad, Inc.—Exemption—Acquisition, Operation, and Incidental Trackage Rights Exemption, Burlington Northern Railroad Company*, STB Finance Docket No. 33315, to acquire and operate the rail lines together with incidental overhead trackage rights. MNR has also filed a notice of exemption for 2 miles of trackage rights from BN in Erskine, MN, in *Minnesota Northern Railroad, Inc.—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33337.

RailAmerica controls 10 Class III railroads in addition to MNR. These other carriers are: Evansville Terminal Company, Inc.; Huron & Eastern Railway Company, Inc.; Saginaw Valley Railway Company, Inc.; West Texas & Lubbock Railroad Company, Inc.; Plainview Terminal Company; Dakota Rail, Inc.; South Central Tennessee Railroad Company; Cascade and Columbia River Railroad Company; Gettysburg Railway Company; and Otter Tail Valley Railroad.

RailAmerica states that: (1) MNR does not connect with any other railroads in its corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect MNR with any other railroad in its corporate family; and (3) the transaction does not involve a Class I carrier. The transaction is thus exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under section 11324 and 11325 that involve only Class III railroad carriers. Because this transaction involves Class III railroad carriers only, the Board, under statute, may not impose labor protective conditions for this transaction.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings that are filed up to and including March 12, 1997 referring to STB Finance Docket No. 33316, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW, Washington, DC 20423.

Pleadings filed after March 18, 1997, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20006.³ A copy of all pleadings must be served on petitioner's representative: Edward D. Greenberg, Esq., Galland, Kharasch, & Garfinkle, P.C., Canal Square, 1054 Thirty-First St., N.W., Washington, DC 20007.

Decided: February 28, 1997.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-6198 Filed 3-11-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33330]¹

Union County Industrial Railroad Company—Corporate Family Transaction Exemption—West Shore Railway Services, Inc.

Union County Industrial Railroad Company (UCIR) and West Shore Railway Services, Inc. (West Shore),² Class III railroads, have jointly filed a verified notice of exemption. The exempt transaction is a merger of West Shore into UCIR.

The earliest the transaction could be consummated was December 30, 1996, the effective date of the exemption (7 days after the exemption was filed).

UCIR will provide continuing rail common carrier service on the lines to be acquired by West Shore Railroad Corporation (WSRC) in STB Finance Docket No. 33329³ and approximately 8.965 miles previously operated by West Shore in the Commonwealth of Pennsylvania. The merger will improve the overall efficiency of rail operations and reduce costs associated with two corporate entities.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction

³ Because the Board is relocating between March 13 and March 18, 1997, mail will not be received until March 19, 1997. See *Surface Transportation Board—1997 Office Relocation Business Plan*, STB Ex Parte No. 546 (served February 21, 1997).

¹ This notice corrects and supersedes the notice in this proceeding that was served on January 15, 1997, and published the same date at 62 FR 2215.

² UCIR and West Shore are owned and controlled by Richard D. Robey.

³ UCIR owns and operates approximately 3.9 miles of rail line in the Commonwealth of Pennsylvania, which will be acquired by WSRC in *West Shore Railroad Corporation—Acquisition Exemption—Union County Industrial Railroad Company*, STB Finance Docket No. 33329 (STB served Jan. 15, 1997).