

Railroad Company (ERRC), upon its becoming a Class III rail carrier.

Although applicant does not indicate an expected consummation date, it is noted that the transaction could not be consummated before October 7, 1997, the effective date of this exemption.

This transaction is related to STB Finance Docket No. 33468, *Effingham Railroad Company—Operation Exemption—Line Owned by Agracel Corporation*, wherein ERRC seeks to operate over a certain rail line owned by the Agracel Corporation, in Effingham, IL.

Applicant controls one existing Class III railroad, Illinois Western Railroad Company (IWRC), operating in Greenville, IL.

Applicant states that: (i) The rail line to be operated by ERRC does not connect with IWRC; (ii) the transaction is not part of a series of anticipated transactions that would connect ERRC with IWRC; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is 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 sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified 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 automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33480, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John M. Robinson, 9616 Old Spring Road, Kensington, MD 20895.

Decided: October 14, 1997.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-27969 Filed 10-21-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33468]

Effingham Railroad Company— Operation Exemption—Line Owned by Agracel Corporation

Effingham Railroad Company (ERRC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate over approximately 206.05 feet¹ of railroad line owned by the Agracel Corporation (Agracel), located in a new industrial park in Effingham, IL. ERRC states that it is a substitute operator for Consolidated Rail Corporation, the previous operator of the line, and that it will operate the line under lease or operating agreement with Agracel after the transaction is completed.

This transaction is related to STB Finance Docket No. 33480, *Charles Barenfanger—Continuance in Control Exemption—Effingham Railroad Company*, wherein Charles Barenfanger has filed a verified notice of exemption to continue in control of ERRC, upon its becoming a Class III rail carrier.

The exemption became effective on September 25, 1997, but, because the related notice in the control proceeding was not filed simultaneously, the earliest date the transaction could be lawfully consummated was October 7, 1997.

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. 10502(d) may be filed at any time.² The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33468, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John M. Robinson, 9616 Old Spring Road, Kensington, MD 20895.

Decided: October 14, 1997.

¹ In an attachment to the verified notice, the length of the line is stated as approximately 206.8 feet, but all other references in this and related proceedings consistently specify the length as approximately 206.05 feet.

² On September 22, 1997, Joseph C. Szabo, on behalf of United Transportation Union-Illinois Legislative Board, filed a petition to stay the operation of the notice of exemption, as well as to reject or revoke the notice. By decision served September 24, 1997, in this matter, the petition for stay was denied. A subsequent decision will be issued by the Board on the request to reject or to revoke the exemption.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-27970 Filed 10-21-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Advisory Council on Transportation Statistics

AGENCY: Bureau of Transportation Statistics, (DOT).

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(A)(2) of the Federal Advisory Committee Act (Public Law 72-363; 5 U.S.C. App. 2), notice is hereby given of a meeting of the Bureau of Transportation Statistics (BTS) Advisory Council on Transportation Statistics (ACTS) to be held Wednesday, November 12, 1997, 10:00 a.m. to 4:00 p.m. The meeting will take place at the U.S. Department of Transportation, 400 7th Street, SW., Washington, DC, in conference room 10234-38 of the Nassif Building.

The Advisory Council, called for under Section 6007 of Public Law 102-240, Intermodal Surface Transportation Efficiency Act of 1991, December 18, 1991, and chartered on June 19, 1995, was created to advise the Director of BTS on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau are of high quality and are based upon the best available objective information.

The agenda for this meeting will include a review of the last meeting, identification of substantive issues, review of plans and schedule, other items of interest, discussion and agreement of date(s) for subsequent meetings, and comments from the floor.

Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify Ms. Carolee Bush, Council Liaison, on (202) 366-6946 prior to November 10.

Attendance is open to the interested public but limited to space available. With the approval of the Chair, members of the public may present oral statements at the meeting.

Noncommittee members wishing to present oral statements, obtain information, or who plan to access the building to attend the meeting should also contact Ms. Bush.

Members of the public may present a written statement to the Council at any time.