

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33500]

Rutland Line, Inc.—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

Rutland Line, Inc. (RLI), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire approximately 23 miles of rail line from The Burlington Northern and Santa Fe Railway Company (BNSF) from milepost 42.67, at Geneseo Junction, ND, to milepost 65.60, at the North Dakota/South Dakota border (subject line).¹ RLI will also acquire BNSF's interest in certain spur trackage and real estate at Hankinson and Lidgerwood, ND. In addition, RLI will obtain incidental operating rights to operate overhead rail freight services on BNSF's lines from milepost 212.32, at Breckenridge, MN, to milepost 195.6, at Aberdeen Line Junction, MN, and from milepost 0.00, at Aberdeen Line Junction, to milepost 0.60, at BN Junction, MN. Further, BNSF will also assign to RLI its operating rights under a July 5, 1955 agreement from BNSF milepost 0.60, at BN Junction, to CPRS² milepost 205.6, at Hankinson, and its operating rights under a September 18, 1959 agreement from CPRS milepost 205.6, at Hankinson, to BNSF milepost 42.67, at Geneseo Junction.

The transaction was scheduled to be consummated on or after October 30, 1997. Because the exemption was filed on October 24, 1997, the transaction could not have been consummated sooner than October 31, 1997.

This transaction is related to STB Finance Docket No. 33501, *Douglas M. Head, Kent P. Shoemaker and Charles H. Clay—Continuance in Control Exemption—Rutland Line, Inc.*, wherein the named individuals have concurrently filed a petition for exemption to continue in control of RTI, upon its becoming a Class III rail carrier.

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. 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. 33500, 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 Jo A. DeRoche, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

Decided: November 14, 1997.

By the Board, Beryl Gordon, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97-30669 Filed 11-20-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-303 (Sub-No. 17X)]

Wisconsin Central Ltd.—Abandonment Exemption—in Marquette and Alger Counties, MI

Wisconsin Central Ltd. (WCL) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* abandon approximately 37.3-mile line of railroad on the Marquette-Munising Line, between milepost 154, at a point east of Marquette, and milepost 116.7 in Munising Junction, in Marquette and Alger Counties, MI. The line traverses United States Postal Service Zip Codes 49806, 49822, 49855 and 49862.

WCL has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (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 Surface Transportation Board (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 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 December 21, 1997, unless stayed pending reconsideration.¹ Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 1, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 11, 1997, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Michael J. Barron, Jr., Wisconsin Central Ltd., P.O. Box 5062, Rosemont, IL 60017-5062.

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

WCL has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by November 26, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. 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

¹ WCL has stated that it will not consummate the proposed abandonment until the pending petition to revoke in *Sault Ste. Marie Bridge Company—Acquisition and Operation Exemption—Lines of Union Pacific Railroad Company*, STB Finance Docket No. 33290, has been resolved, but that in no event will it consummate the abandonment before January 5, 1998.

² 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.

³ Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$900. See 49 CFR 1002.2(f)(25).

¹ RLI will enter into an agency agreement with Red River Valley & Western Railroad (RRVW) whereby RRVW will perform operations in RLI's name and for RLI's account on the subject line. However, RLI will retain the obligation to provide common carrier service on the subject line.

² This abbreviation refers to joint BNSF/Soo Line Railroad Company track.