

0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street, N.W., Suite 400, Washington, DC 20036-6105.

Decided: December 18, 1997.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-33856 Filed 12-29-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33528]

#### Effingham Railroad Company, Operation Exemption—Line Owned by Total Quality Warehouse

Effingham Railroad Company (ERRC), a Class III rail carrier,<sup>1</sup> has filed a verified notice of exemption under 49 CFR 1150.31 to operate over approximately 9,201 feet of railroad line that will be constructed for and acquired by Total Quality Warehouse (TQW), located in an industrial park in Effingham, IL,<sup>2</sup> connecting TQW's facility with the Illinois Central Railroad Company.

Construction of the track is expected to begin in January 1998, and ERRC will begin operations under agreement with TQW, as soon as construction is completed.

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.<sup>3</sup> 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

<sup>1</sup> ERRC became a carrier pursuant to a notice of exemption in *Effingham Railroad Company—Operation Exemption—Line Owned by Agracel Corporation*, STB Finance Docket No. 33468 (STB served Oct. 22, 1997), when it became the operator of approximately 206.05 feet of track, owned by the Agracel Corporation, which connects with a Consolidated Rail Corporation line and serves a facility in the Effingham industrial park.

<sup>2</sup> ERRC states that it will also operate an additional 400 feet of track, within the industrial park, connecting its existing line of railroad with TQW's facility, as a side track, exempt from regulation pursuant to 49 U.S.C. 10906.

<sup>3</sup> On December 9, 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 the notice or to revoke the exemption. By decision served December 16, 1997, 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.

Docket No. 33528, 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: December 19, 1997.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-33857 Filed 12-29-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33516]

#### Illinois Railnet, Inc.; Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

Illinois Railnet, Inc. (IR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from The Burlington Northern and Santa Fe Railway Company (BNSF) and to operate approximately 56.67 miles of rail line between milepost 40.73, near Montgomery, and milepost 97.40, at Streator, in Kendall and LaSalle Counties, IL. In addition, IR will acquire for a 99-year period incidental overhead trackage rights from BNSF between milepost 40.73, near Montgomery, and milepost 33.4, near Eola, including operations over tracks 1, 2, and 3 in the Sheep Yard near milepost 40.0, in the vicinity of Montgomery and over all tracks in the Eola rail yard.<sup>1</sup>

The earliest the transaction could be consummated was December 9, 1997, the effective date of the exemption (7 days after the exemption was filed).

This transaction is related to STB Finance Docket No. 33517, *North American Railnet, Inc.—Continuance in Control Exemption—Illinois Railnet, Inc.*, wherein North American Railnet, Inc. has concurrently filed a verified notice to continue in control of IR 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

<sup>1</sup> On December 11, 1997, a petition to stay operation of the exemption filed by IR was filed by Joseph C. Szabo, on behalf of United Transportation Union-Illinois Legislative Board. The petition for stay was denied by the Board in *Illinois Railnet, Inc.—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33516 (STB served Dec. 16, 1997).

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. 33516, 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 D. Heffner, Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20036.

Decided: December 16, 1997.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-33858 Filed 12-29-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33517]

#### North American Railnet, Inc.; Continuance in Control Exemption—Illinois Railnet, Inc.

North American Railnet, Inc. (Railnet) has filed a notice of exemption to continue in control of the Illinois Railnet, Inc. (IR), upon IR's becoming a Class III railroad.

The earliest the transaction could be consummated was December 9, 1997, the effective date of the exemption (7 days after the exemption was filed).

This transaction is related to STB Finance Docket No. 33516, *Illinois Railnet, Inc.—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway*, wherein IR seeks to acquire and operate a rail line from The Burlington Northern and Santa Fe Railway.

Applicant controls one existing Class III railroad: Nebraska, Kansas, & Colorado Railnet, Inc., operating in the States of Kansas, Nebraska, and Colorado.

Applicant states that: (i) The rail lines to be operated by IR do not connect with any railroad in the corporate family; (ii) the transaction is not part of a series of anticipated transactions that would connect IR's lines with any railroad in the corporate family; 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).