

Street, N.W., Washington, DC 20423-0001; and (2) Karl Morell, Suite 225, 1455 F Street, N.W., Washington, DC 20005.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695].

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: February 5, 1998.

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

Vernon A. Williams,

Secretary.

[FR Doc. 98-3546 Filed 2-11-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-532X]

The Cincinnati Terminal Railway Co.¹ (Indiana & Ohio Railway Co., Successor)—Discontinuance of Service Exemption—In Cincinnati, Hamilton County, OH

The Cincinnati Terminal Railway Company (CTER) has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances*, to discontinue service

¹ The Cincinnati Terminal Company was merged into IORY in a transaction that was the subject of a notice of exemption in *RailTex, Inc., Indiana & Ohio Rail Corp., Cincinnati Terminal Railway Company, Indiana and Ohio Railroad, Inc., Indiana & Ohio Railway Company and Indiana & Ohio Central Railroad, Inc.—Corporate Family Transaction Exemption*, STB Finance Docket No. 33530 (STB served Jan. 9, 1998). We have accepted the notice of exemption as filed with an amended caption to reflect CTER's merger into Indiana and Ohio Railway Company because no party will be prejudiced and because the lease had terminated while CTER was still the party in interest.

under a lease that has been terminated.² The lease was limited to certain overhead movements over a line of railroad owned by the Norfolk and Western Railway Company (NW) that traveled the entire Riverfront Running Track, extending between Survey Station 84+80± and Survey Station 4+20± (former milepost LM-119+1756 feet±), a distance of approximately 1.5 miles, in Cincinnati, Hamilton County, OH.³ The line traverses United States Postal Service Zip Codes 45202 and 45203. There are no stations on the line.

CTER has certified that: (1) No local traffic has moved via CTER pursuant to the lease rights for at least 2 years; (2) any overhead traffic that previously moved over the line can be rerouted over other lines; (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 of 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.⁴

As a condition to this exemption, any employee adversely affected by the discontinuance 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) to subsidize continued rail service has been received, this exemption will be effective on March

² See *The Cincinnati Terminal Railway Co.—Lease Exemption—Norfolk and Western Railway Company*, Finance Docket No. 32519 (ICC served Aug. 31, 1994). The lease, dated June 24, 1994, became effective on July 1, 1994, and was later terminated by NW on May 31, 1996, effective July 1, 1996.

³ Concurrent filings were made in: STB Docket No. AB-290 (Sub-No. 184X), *Norfolk and Western Railway Company—Abandonment Exemption—In Cincinnati, Hamilton County, OH*; STB Docket No. AB-167 (Sub-No. 1180X), *Consolidated Rail Corporation—Discontinuance of Trackage Rights Exemption—In Cincinnati, Hamilton County, OH*; and STB Docket No. AB-31 (Sub-No. 30), *Grand Trunk Western Railroad Incorporated—Adverse Discontinuance of Trackage Rights Application—A Line of Norfolk and Western Railway Company in Cincinnati, Hamilton County, OH*.

⁴ No environmental or historical documentation is required here, pursuant to 49 CFR 1105.6(b)(3).

14, 1998,⁵ unless stayed pending reconsideration. Petitions to stay that do not involve a formal expression of intent to file an OFA under 49 CFR 1152.27(c)(2),⁶ must be filed by February 23, 1998. Petitions to reopen must be filed by March 4, 1998, 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: Karl Morrell, Ball Janik, LLP, 1455 F Street, NW, Suite 225, Washington, DC 20005.

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

Decided: February 6, 1998.

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

Vernon A. Williams,

Secretary.

[FR Doc. 98-3619 Filed 2-11-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-167 (Sub-No. 1180X)]

Consolidated Rail Corporation—Discontinuance of Trackage Rights Exemption—In Cincinnati, Hamilton County, OH

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Trackage Rights*, for the discontinuance of trackage rights over Norfolk and Western Railway Company's entire Riverfront Running Track, extending from a Point A near the Oasis Block Station to Point B in the southern line of Front Street near its intersection with Smith Street, a distance of approximately 1.5 miles, in Cincinnati, Hamilton County, OH.¹ The line traverses United States Postal Service ZIP Codes 45202 and 45203. There are no stations on the line.²

⁵ Because this is a discontinuance proceeding and not an abandonment, there is no need to provide for trail use/rail banking or public use conditions.

⁶ 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 Conrail had acquired the trackage rights pursuant to the Final System Plan under the Regional Rail Reorganization Act of 1973.

² Concurrent filings were made in: STB Docket No. AB-290 (Sub-No. 184X), *Norfolk and Western Railway Company—Abandonment Exemption—In Cincinnati, Hamilton County, OH*; STB Docket No. AB-532X, *The Cincinnati Terminal Railway Company (Indiana & Ohio Railway Company)*.

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