

docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on May 11, 1998.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 98-13014 Filed 5-14-98; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33589]

#### **Gulf & Ohio Railways Holding Co., Inc.—Continuance in Control Exemption—Knoxville & Holston River Railroad Co., Inc.**

Gulf & Ohio Railways Holding Co., Inc. has filed a notice of exemption to continue in control of the Knoxville & Holston River Railroad Co., Inc. (KHRR), upon KHRR's becoming a Class III railroad.

The transaction is/was scheduled to be consummated on or after May 7, 1998.

This transaction is related to STB Finance Docket No. 33588, *Knoxville & Holston River Railroad Co., Inc.—Acquisition and Operation Exemption—Norfolk Southern Railway Company*, wherein KHRR seeks to acquire and operate 2 lines of track and incidental overhead trackage rights from the Norfolk Southern Railway Company.

Applicant controls eight existing Class III railroads: Albany Bridge Company, operating in the State of Georgia; Georgia & Florida Railroad Co., Inc., operating in the States of Georgia and Florida; Gulf & Ohio Railways, Inc.,<sup>1</sup> operating in the State of Mississippi and Georgia; Lexington & Ohio Railroad Co., Inc., operating in the State of Kentucky; Live Oak, Perry & Georgia Railroad Company, Inc., operating in the States of Georgia and Florida; Piedmont & Atlantic Railroad, Inc., operating in the State of North Carolina; Rocky Mount & Western Railroad Co., Inc., operating in the State of North Carolina; and Wiregrass Central

Railroad Company, Inc., operating in the State of Alabama.

Applicant states that: (i) the rail lines to be operated by KHRR 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 KHRR'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).

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 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. 33589, 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.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: May 6, 1998.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 98-12694 Filed 5-13-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33588]

#### **Knoxville & Holston River Railroad Co., Inc.—Acquisition and Operation Exemption—Norfolk Southern Railway Company**

Knoxville & Holston River Railroad Co., Inc. (KHRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Norfolk Southern Railway Company (NS) and operate 2 lines of track in the State of Tennessee as follows: (1) the North Belt/River Extension, extending from milepost 67.1CG (former) = 0.4RFE, in Knoxville, to the end of the line in Marbledale, a distance of approximately 15.18 miles; and (2) the K&A Belt (formerly the South Knoxville Spur), extending from milepost 0.1, in Knoxville, to the end of the line, also in Knoxville, a distance of approximately 3.8 miles. In addition, KHRR will also acquire incidental overhead trackage rights on 4 segments of NS's trackage in Knoxville as follows: (1) from milepost 0.0C to milepost 3.0C; (2) from milepost 130.0A to milepost 132.4A; (3) from milepost 0.0KA to milepost 1.1KA; and (4) approximately 0.1-mile between NS's K&A Line and its K&A Belt.

The transaction is scheduled to be consummated on or after May 7, 1998.

This transaction is related to STB Finance Docket No. 33589, *Gulf & Ohio Railways Holding Co., Inc.—Continuance in Control Exemption—Knoxville & Holston River Railroad Co., Inc.*, wherein Gulf & Ohio Railways Holding Co., Inc. has concurrently filed a verified notice to continue in control of KHRR 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. 33588, 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.

<sup>1</sup> Gulf & Ohio Railways, Inc., operates in the State of Mississippi under the trade name of Mississippi Delta Railroad and in the State of Georgia under the trade name of Atlantic & Gulf Railroad.