

3. This decision will be effective on June 22, 1998, unless timely opposing comments are filed.

Decided: May 27, 1998.

By the Board, Vernon A. Williams,
Secretary.

Vernon A. Williams,

Secretary.

[FR Doc. 98-14470 Filed 6-1-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33591]

The Indiana & Ohio Rail Passenger Corporation—Trackage Rights Exemption—Indiana & Ohio Railway Company, Inc.

Indiana & Ohio Railway Company, Inc. (IORY) has agreed to grant local trackage rights to The Indiana & Ohio Rail Passenger Corporation (IORP), for the operation of rail passenger service over the following points: (1) from milepost 39.8, near Diann, MI, to milepost 107.3, near Leipsic, OH; (2) from milepost 110.8 to milepost 114.9 in Ottaway, OH; and (3) from milepost 128.3, near Lima, OH, to milepost 202.7, near Springfield, OH, a distance of approximately 146.02 miles.¹

The parties expected to consummate the transaction on or about May 26, 1998. The earliest the transaction could be consummated was May 22, 1998, the effective date of the exemption (7 days after the notice of exemption was filed).

The purpose of the trackage rights is to extend IORP's passenger operations over newly-acquired IORY lines.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.

This notice is filed under 49 CFR 1180.2(d)(7). If it 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. 33591, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Robert L. Calhoun, Esq., Redmon, Boykin & Braswell, L.L.P., 510 King Street, Suite 301, Alexandria, VA 22314.

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Decided: May 26, 1998.

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

Vernon A. Williams,

Secretary.

[FR Doc. 98-14467 Filed 6-1-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33587]

City of Rochelle, Illinois; Notice of Exemption; Commencement of Rail Common Carrier Operations

The City of Rochelle, IL (the City), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to commence operations over 2.06 miles of track located within the limits of Rochelle, IL.¹ The City states that its projected revenues will not exceed those of a Class III railroad.

The effective date of the exemption was May 5, 1998 (7 days after the exemption was filed).²

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.³ The filing of a petition to

¹ The line was not further described in the notice filed by the City, but a map included with the filing indicates that it begins at a switch near the intersection of Caron Road and Creston Road and ends in a stub east of Gredco Drive.

² Under 49 CFR 1150.32(b), a notice of exemption becomes effective 7 days after filing.

³ By petition filed on May 1, 1998, the Rochelle Railroad Company requests that the Board reject

revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33587, 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 counsel for the City: John W. Robinson, 9616 Old Spring Road, Kensington, MD 20895.

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

Decided: May 27, 1998.

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

Vernon A. Williams,

Secretary.

[FR Doc. 98-14571 Filed 6-1-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33600]

Wisconsin Central Ltd.—Trackage Rights Exemption—Wisconsin & Southern Railroad Company

Wisconsin & Southern Railroad Company (WSOR), a Class III rail carrier, has agreed to grant non-exclusive overhead trackage rights to Wisconsin Central Ltd (WCL), a Class II rail carrier, over WSOR's line of railroad between milepost 112.6, at Rugby Junction, WI, and milepost 93.4, at North Milwaukee, WI, including trackage connecting with Fox Valley & Western Ltd.'s (FVW) main line at DBR Junction (milepost 103.1), a distance of approximately 19.2 miles.

The purpose of the trackage rights is to interchange cars between WCL and the Canadian Pacific and Union Pacific and between WCL and FVW, as well as connecting various WCL and FVW lines and trackage rights.

As a condition to this exemption, any employees affected by the trackage rights will be protected as required by 49 U.S.C. 11326(b), subject to the procedural interpretations of the analogous statutory provisions at 49 U.S.C. 10902 contained in the Board's decision in *Wisconsin Central Ltd.—Acquisition Exemption—Lines of Union Pacific Railroad Company*, STB Finance Docket No. 33116 (STB served Apr. 17, 1997) (*WCL Exemption*).¹

and or revoke this exemption. That petition will be addressed in a decision to be issued by the Board.

¹ WCL has stated that it is alternatively willing to accept the conditions set out in *Norfolk and*

¹ The agreement that is the subject of this notice is a confirmation of and an amendment to an earlier trackage rights agreement between IORP and IORY and certain other Class III railroads affiliated with the IORY. See STB Finance Docket No. 32976, *The Indiana & Ohio Rail Passenger Corporation—Acquisition by Trackage Rights and Operation Exemption—Cincinnati Terminal Railway Corp., Indiana and Ohio Railroad Company, Indiana & Ohio Railway Company, Inc., and Indiana & Ohio Central Railroad Company, Inc.*, (STB served June 21, 1996).

² See STB Finance Docket No. 33180, *Indiana & Ohio Railway Company—Acquisition Exemption—Lines of The Grand Trunk Railroad Inc.*, (STB served Feb. 10, 1997).