

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC-F-20919 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, send one copy of any comments to applicants' representative: Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, NW., Washington, DC 20005-3934.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION:

Greyhound holds nationwide, motor passenger carrier operating authority under Docket No. MC-1515.¹ SITA holds no operating authority, but controls Americanos (MC-309813)² and proposes to acquire ATR through Americanos. SITA also controls three other motor passenger carriers: Gonzalez, Inc., d/b/a Golden State Transportation Company (Gonzalez) (MC-173837), operating in the Southwest; Los Rapidos, Inc. (MC-293638), operating in California, Nevada, and Arizona; and Autobuses Amigos, L.L.C. (Amigos) (MC-340462), operating between Mexican border crossing points in Texas and points throughout the United States. ATR holds authority in Docket No. MC-181016, to conduct scheduled, regular-route, passenger operations in California, Colorado, New Mexico, Arizona, and Texas. According to applicants, their purchase of ATR has already been consummated, but SITA has placed all of its "membership interests" in Americanos into a voting trust established pursuant to 49 CFR part 1013.

Applicants state that the aggregate gross operating revenues for Greyhound

¹ In Laidlaw, Inc. and Laidlaw Transit Acquisition Corp.—Merger—Greyhound Lines, Inc., STB Docket No. MC-F-20940 (STB served Dec. 17, 1998) (63 FR 69710), we tentatively approved the merger of Greyhound with Laidlaw Transit Acquisition Corp., a wholly owned subsidiary of Laidlaw Inc.

Greyhound also controls several regional motor passenger carriers: Valley Transit Company, Inc. (MC-74), operating in Texas; Carolina Coach Company, Inc. (MC-1330), operating in Delaware, Virginia, and North Carolina; Texas, New Mexico & Oklahoma Coaches, Inc. (MC-61120), operating in Texas, New Mexico, Colorado, Kansas, and Oklahoma; Continental Panhandle Lines, Inc. (MC-8742), operating in Oklahoma and Texas; Vermont Transit Co., Inc. (MC-45626), operating in Maine, Vermont, Massachusetts, and New York; and PRB Acquisition, LLC, doing business as Peoria Rockford Bus Co. (MC-66810), operating in Illinois.

² Americanos is authorized to conduct scheduled, regular-route, passenger operations between border crossing points such as San Ysidro/Tijuana, Calexico/Mexicali, and Nogales/Nogales, and such cities as Los Angeles, Seattle, Dallas, Houston, Chicago, Atlanta, and Miami, but it did not conduct any passenger transportation operations before consummation of the purchase of ATR's properties.

and its affiliates exceeded \$2 million during the 12 months preceding the filing of this application. They assert that access to applicants' financial resources will permit ATR's business, specializing in transportation markets addressing Spanish speaking passengers, to grow and will strengthen its competitive position. They state that this will improve service to the traveling public, integrate ATR's services with those of Greyhound, permit both carriers to offer reasonable and reduced fares, and enhance competition.³ They indicate that the transaction will have little or no effect on Greyhound's total fixed charges, and that ATR's drivers and other employees will be offered the opportunity to apply for positions with Americanos.

Applicants certify that: (1) Greyhound and its affiliates hold "satisfactory" safety ratings (except for Americanos and Amigos, which have not yet been rated, and Gonzalez, which has a "conditional" rating); (2) Americanos and Greyhound have appointed appropriate agents for service of process in each state in which they operate, in accordance with 49 U.S.C. 13303 and 13304 and 49 CFR part 366.1 *et seq.*, and maintain sufficient liability insurance as required by 49 U.S.C. 13906 and 40 CFR part 387.1, *et seq.*; (3) Greyhound, SITA, Americanos, and ATR are not domiciled in Mexico and are not owned or controlled by a person of that country; and (4) approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction that we find consistent with the public interest, taking into consideration at least: (1) the effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result from the proposed transaction; and (3) the interest of carrier employees affected by the proposed transaction.

On the basis of the application, we find that the proposed acquisition is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed to be vacated, and unless a final decision can be made on the record as developed, a procedural

³ According to applicants, SITA has minority ownership interests in two Mexican motorbus operators that connect with Americanos at the Mexican/U.S. border crossing points and this transaction will permit SITA, through Americanos, to use the operating authority and other property of ATR to ease and simplify Mexico/U.S. transborder passenger transportation.

schedule will be adopted to reconsider the application. If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

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This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed acquisition is approved and authorized, subject to the filing of opposing comments.
2. If timely opposing comments are filed, the findings made in this decision will be deemed to be vacated.
3. This decision will be effective on March 22, 1999, unless timely opposing comments are filed.
4. A copy of this notice will be served on: (1) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (2) the U.S. Department of Transportation, Office of Motor Carriers-HIA 30, 400 Virginia Avenue, SW., Suite 600, Washington, DC 20024.

Decided: February 1, 1999.

By the Board, Chairman Morgan and Vice Chairman Clyburn.

Vernon A. Williams,
Secretary.

[FR Doc. 99-2812 Filed 2-4-99; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33699
(Sub-No. 1)]

The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, exempts the trackage rights described in STB Finance Docket No. 33699¹ to permit the trackage rights to

¹ On January 5, 1999, BNSF filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by Union Pacific Railroad Company (UP) to grant temporary overhead trackage rights to The Burlington Northern and Santa Fe Railway Company over UP's rail line between (1) Kern Junction, CA, in the vicinity of UP's milepost 313.6 (Fresno Subdivision), and Calwa, CA, in the vicinity of UP's milepost 209.1

expire on February 12, 1999, in accordance with the agreement of the parties.

DATES: This exemption is effective on February 12, 1999.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 33699 (Sub-No. 1) must be filed with the Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on petitioners' representatives (1) Yolanda M. Grimes, The Burlington Northern and Santa Fe Railway Company, 3017 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161-0039, and (2) Joseph D. Anthofer, Esq., Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565-1600. [TDD for the hearing impaired (202) 565-1695.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Suite 210, 1925 K Street, N.W., Washington, DC 20006. Telephone: (202) 289-4357. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.]

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

Decided: February 1, 1999.

By the Board, Chairman Morgan and Vice Chairman Clyburn.

Vernon A. Williams,

Secretary.

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(Fresno Subdivision); and (2) Los Angeles, CA, in the vicinity of UP's milepost 485.0 (Wilmington Subdivision), and San Jose, CA, in the vicinity of milepost 45.7 (Coast Subdivision). See *The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company*, STB Finance Docket No. 33699 (STB served Jan. 21, 1999). The trackage rights operations under the exemption became effective and were scheduled to be consummated on January 12, 1999.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33686]

Dallas, Garland & Northeastern Railroad, Inc.—Lease Exemption—Union Pacific Railroad Company

Dallas, Garland & Northeastern Railroad, Inc. (DGNO), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to lease from Union Pacific Railroad Company (UP) approximately 54.74 miles of rail lines located in the State of Texas:¹ (i) between milepost 741.3, at Carrollton, and milepost 729.5, at Lake Dallas; (ii) between milepost 285.1, near Spring Creek Parkway, and milepost 324.84, at South Sherman Junction; and (iii) the industrial lead between UP's Mockingbird Yard and the Brookhollow Industrial Park, in Dallas.

In conjunction with the lease of these rail lines, DGNO will acquire approximately 117.76 miles of incidental trackage rights over rail lines located in the State of Texas as follows: (1) local trackage rights over rail lines owned by Dallas Area Rapid Transit: (a) between milepost 758.04, at Dallas, and milepost 741.3, at Carrollton; (b) between milepost 603.5, at Carrollton, and milepost 580.19, at Wylie; and (c) between milepost 281.1, at Plano, and milepost 285.1, at Spring Creek Parkway; (2) overhead trackage rights over a rail line owned by The Burlington Northern and Santa Fe Railway Company (BNSF) between BNSF milepost 646.39, at Sherman, and BNSF milepost 711.0, at Irving; and (3) overhead trackage rights over a rail line owned by RAILTRAN between milepost 634.7, at Irving, and milepost 643.8, at North Junction.

Because the projected revenues of the rail lines to be operated will exceed \$5 million, DGNO certified to the Board, on December 1, 1998, that the required notice of its rail line acquisition was sent to the national offices of all labor unions representing employees on the lines and was posted at the workplace of the employees on the affected lines on December 1, 1998. See 49 CFR 1150.42(e). The transaction is expected to be consummated on January 30, 1999.

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 does not automatically stay the transaction.

¹ DGNO will be the operator of the property.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33686, 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 Karl Morell, Esq., BALL JANIK LLP, 1455 F Street, NW, Suite 225, Washington, DC 20005.

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Decided: January 29, 1999.

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

Vernon A. Williams,

Secretary.

[FR Doc. 99-2665 Filed 2-4-99; 8:45 am]

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DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 27, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW, Washington, DC 20220.

DATES: Written comments should be received on or before March 8, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-0203.

Form Number: IRS Form 5329.

Type of Review: Extension.

Title: Additional Taxes Attributable to IRAs, Other Qualified Retirement Plans, Annuities, Modified Endowment Contract, and MSAs.

Description: This form is used to compute and collect taxes related to early distributions from individual retirement arrangements (IRAs) and other qualified retirement plans; distributions from education (ED) IRAs not used for educational expenses; excess contributions to traditional IRAs, ED IRAs, and medical savings accounts (MSAs); and excess accumulations in qualified retirement plans.

Respondents: Individuals or households.