

which a pending request for confidentiality has been filed by petitioner with NHTSA's Office of Chief Counsel under 49 CFR part 512.

Standard No. 301 *Fuel System Integrity*: The petitioner states that the vehicle will meet the standard with fuel system modifications made in conjunction with those necessary to meet Environmental Protection Agency (EPA) requirements that are more fully described in a submission for which a pending request for confidentiality has been filed by petitioner with NHTSA's Office of Chief Counsel under 49 CFR part 512. The petitioner further states that it conducted dynamic tests that demonstrate the vehicle's compliance with the standard.

The petitioner additionally states that a vehicle identification number (VIN) plate must be attached to the left windshield post and a reference and certification label must be added in the left front door post area to meet 49 CFR part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the 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 April 12, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 99-9546 Filed 4-15-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33722]

Brandywine Valley Railroad Company—Modified Rail Certificate

On March 17, 1999, Brandywine Valley Railroad Company (Brandywine), filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150, Subpart C, *Modified*

Certificate of Public Convenience and Necessity, to operate the following lines of railroad: (a) between milepost 12.7 at the Delaware/Pennsylvania state line and milepost 30.29 at Modena, PA, a distance of 17.59 miles; and (b) between milepost 18.0 at Wawa, PA, and milepost 54.50 at the Pennsylvania/Maryland state line near Sylmar, MD, a distance of 36.50 miles.¹

The lines of railroad are owned by the Pennsylvania Department of Transportation (PennDOT) and by the Southeastern Pennsylvania Transportation Authority (SEPTA), respectively. The lines were not included in the final system plan at the time the Consolidated Rail Corporation was formed and, as such, were authorized to be abandoned without further approval of the Interstate Commerce Commission (ICC) pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. No. 94-210. PennDOT acquired its line segment from the trustees of the Reading Railroad, while SEPTA acquired its segment from the trustees of the Penn Central Transportation Company, after the respective lines were abandoned in 1976.

Brandywine states that, when the notice was filed, the lines were being operated by the Delaware Valley Railroad Company (DV) under an arrangement with PennDOT pursuant to a modified certificate. Brandywine further states that PennDOT gave DV a notice of termination (in December 1998, according to Brandywine) effective March 19, 1999, and DV stopped operating on that date. PennDOT contracted with Brandywine to assume operations, which began on March 22, 1999.² Under an interim operating agreement between Brandywine and PennDOT, service is to be provided by Brandywine until September 30, 1999.³

The rail segment qualifies for a modified certificate of public

¹ In a decision served March 26, 1999, the Board's Chairman denied a petition filed March 19, 1999, by the Delaware Valley Railroad Company (DV), the former operator of the line, to stay the effectiveness of this notice. Under our rules, carriers can begin operating immediately on the filing of the notice. 49 CFR 1150.23(a).

² On March 23, 1999, Brandywine filed a petition for prescription of alternative rail service under 49 CFR part 1146 over a line of track owned by the Wilmington and Northern Railroad Company and operated by DV as a designated operator between milepost 12.7 at the Delaware/Pennsylvania border and milepost 2.9 at Elsmere Jct., DE. See *Brandywine Valley Railroad Company—Petition for Prescription of Alternative Rail Service—Line Operated by Delaware Valley Railway Company*, STB Finance Docket No. 33732. That petition will be addressed in a separate Board decision.

³ Brandywine is also negotiating to purchase the line.

convenience and necessity. See *Common Carrier Status of States, State Agencies and Instrumentalities and Political Subdivisions*, Finance Docket No. 28990 (ICC served July 16, 1981).

Brandywine indicates that no subsidy is involved and that there are no preconditions for shippers to meet in order to receive rail service.

This notice will be served on the Association of American Railroads (Car Service Division) as agent for all railroads subscribing to the car-service and car-hire agreement: Association of American Railroads, 50 F Street, NW, Washington, DC 20001; and on the American Short Line Railroad Association: American Short Line Railroad Association, 1120 G St., NW, Suite 520, Washington, DC 20005.

Decided: April 13, 1999.

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

Vernon A. Williams,
Secretary.

[FR Doc. 99-9701 Filed 4-15-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33652]

Union Pacific Railroad Company—Acquisition and Operation Exemption—Mid Michigan Railroad, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the prior approval requirements of 49 U.S.C. 11323-25 filed by Union Pacific Railroad Company for its acquisition of the 107.3-mile line of railroad owned by Mid Michigan Railroad, Inc., between Saint Joseph, MO, and Upland, KS, subject to employee protective and environmental conditions.

DATES: This exemption was effective on April 13, 1999. Petitions to reopen must be filed by May 5, 1999.

ADDRESSES: An original and 10 copies of all pleadings referring to the exemption granted in STB Finance Docket No. 33652 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 all pleadings must be served on applicant's representative, Joseph D. Anthofer, 1416 Dodge Street, #830, Omaha, NE 68179.