

the trends in rail rates into and out of the Buffalo area during this period.<sup>5</sup> Comprehensive filings addressing the matters discussed above are due from CSX and NS by January 14, 2000.

We are also requesting comments from shippers and their representatives, from other railroads serving the Buffalo area, and from other interested parties, seeking their views and evidence concerning trends in Buffalo-area rail rates and information to help us determine if local businesses and other railroads have available the switching rates to which they are entitled. Comments from all interested parties are due by February 14, 2000; and CSX and NS replies to comments are due by February 29, 2000.

Later next year, consistent with the June 1, 1999 division date, we will rebase this Buffalo Rate Study on a fiscal year ending May 31st of each year. Updates of the carriers' rail 100% waybill files for rail movements into and out of the Buffalo area for the period ending May 31, 2000, should be made available, subject to the protective order discussed below, to all interested parties and to Board staff by June 30, 2000. CSX and NS comprehensive filings are due by July 14, 2000; comments from other parties are due by August 14, 2000; and CSX and NS replies to comments are due by August 29, 2000.

**Protective Order.** Parties may submit filings (including waybill data and computer data), as appropriate, under seal marked Confidential or Highly Confidential pursuant to the Protective Order entered in STB Finance Docket No. 33388 in Decision No. 1 (served April 16, 1997), as modified in various respects in Decision No. 4 (served May 2, 1997), Decision No. 15 (served August 1, 1997), Decision No. 22 (served August 21, 1997), Decision No. 46 (served October 17, 1997), and Decision No. 87 (served June 11, 1998). Waybill files being made available to interested parties shall be subject to this Protective Order.

**Service List.** A copy of this decision is being served on all persons designated as POR, MOC, or GOV on the service list in STB Finance Docket No. 33388. This decision will serve as a notice that persons who were parties of

record in STB Finance Docket No. 33388 will not automatically be placed on the service list as parties of record for this Buffalo Rate Study proceeding. Any persons interested in being on the STB Finance Docket No. 33388 (Sub-No. 90) service list and receiving copies of CSX and NS filings relating to the Buffalo Rate Study must send us written notification with copies to the railroads' representatives.

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

Decided: December 10, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 99-32902 Filed 12-17-99; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33829]

#### **Green Mountain Railroad Corporation—Acquisition and Operation Exemption—Certain Rights of Boston and Maine Corporation**

Green Mountain Railroad Corporation (GMRC), a Class III common carrier by rail, has filed a verified notice of exemption under 49 CFR 1150, Subpart D—*Exempt Transactions*, to acquire from Boston and Maine Corporation (B&M) an exclusive freight railroad operations easement (Freight Easement) over a line of railroad extending between approximately milepost 123 in White River Junction, VT, and approximately milepost 163 in Wells River, VT, a total distance of approximately 40 rail miles, in Windsor and Orange Counties, VT (Subject Line).

This transaction is related to a concurrently filed verified notice of exemption filed in STB Finance Docket No. 33830, *State of Vermont—Acquisition Exemption—Certain Assets of Boston and Maine Corporation and Springfield Terminal Railway Company*.<sup>1</sup>

Pursuant to a Purchase and Sale Agreement to be entered into by and between Vermont, B&M, and Springfield Terminal Railway Company (STR), Vermont will acquire B&M's right, title,

and ownership interest, and STR's leasehold interest, in the right-of-way, trackage, and other physical assets associated with the Subject Line. GMRC will acquire the freight operating easement retained by B&M and provide freight service over the Subject Line.

Consummation of this transaction is expected to occur on or after December 10, 1999, the effective date of the exemption.

This notice is filed under 49 CFR 1150.41. 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. 33829, 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 Andrew P. Goldstein, McCarthy Sweeney & Harkaway PC, 1750 Pennsylvania Avenue NW, Suite 1105, Washington, DC 20006.

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

Decided: December 10, 1999.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 99-32901 Filed 12-17-99; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33821]

#### **Union Pacific Railroad Company—Trackage Rights Exemption—Elgin, Joliet and Eastern Railway Company**

Elgin, Joliet and Eastern Railway Company (EJ&E) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) from Joliet, IL (milepost 1.8), through West Chicago, IL (milepost 29), to the end of EJ&E's ownership at Waukegan, IL (milepost 75), a distance of approximately 76 miles.<sup>1</sup>

<sup>1</sup> A redacted version of the trackage rights agreement between EJ&E and UP was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order [which was granted in a decision served December 14, 1999.]

<sup>5</sup> Our understanding is that information contained in the rail 100% waybill files for the period ending November 30, 1999, should be available by December 30, 1999. Proper documentation for these files, including a way to translate from Conrail's (old) freight station codes to CSX's and NS' (new) freight station codes, should also be made available at that time. Further, to facilitate the continued use of waybill data in this proceeding, CSX and NS should be prepared to provide updates to their original waybill submissions on a quarterly basis.

<sup>1</sup> The State of Vermont (Vermont) simultaneously filed a motion to dismiss the notice of exemption. The Board will address the jurisdictional issue raised by the motion to dismiss in a separate decision.

The transaction could have been consummated on or after December 7, 1999,<sup>2</sup> the effective date of the exemption.

The purpose of the trackage rights is to permit UP to improve operation of its trains and expedite interchange of traffic with UP's connecting railroads in the Chicago area by permitting UP to use the EJ&E trackage for some of its traffic to avoid routes through the Chicago gateway.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease & Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). 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. 33821, 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 T.

<sup>2</sup> Pursuant to 49 CFR 1180.4(g), a railroad must file a verified notice with the Board at least 7 days before the trackage rights are to be consummated. In its verified notice, UP indicated a proposed consummation date of "as soon as possible after December 1, 1999." Because the verified notice was filed on November 30, 1999, however, consummation could not have taken place prior to December 7, 1999. UP's representative has been contacted and has confirmed that consummation would not take place before December 7, 1999.

On December 3, 1999, the City of West Chicago and Joseph Szabo, for and on behalf of the United Transportation Union-Illinois Legislative Board, filed petitions to stay the scheduled effective date of the subject trackage rights. By decision served December 6, 1999, the petitions for stay were denied.

Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179.

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Decided: December 14, 1999.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 99-32900 Filed 12-17-99; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33830]

#### State of Vermont—Acquisition Exemption—Certain Assets of Boston and Maine Corporation

The State of Vermont (Vermont), acting through its Agency of Transportation, has filed a verified notice of exemption under 49 CFR 1150, Subpart D—*Exempt Transactions*, to acquire from Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (STR) certain assets of a line of railroad extending between approximately milepost 123 in White River Junction, VT, and approximately milepost 163 in Wells River, VT, a total distance of approximately 40 rail miles, in Windsor and Orange Counties, VT (Subject Line).<sup>1</sup>

Pursuant to a Purchase and Sale Agreement to be entered into by and between Vermont, B&M, and STR, Vermont will acquire B&M's right, title, and ownership interest, and STR's leasehold interest, in the right-of-way, trackage, and other physical assets associated with the Subject Line.

<sup>1</sup> Vermont simultaneously filed a motion to dismiss this notice of exemption. The Board will address the jurisdictional issue raised by the motion to dismiss in a separate decision.

Vermont will not acquire the right or obligation to conduct any freight rail operations on the Subject Line. B&M has retained the exclusive freight operating easement. This transaction is related to a concurrently filed verified notice of exemption filed in STB Finance Docket No. 33829, *Green Mountain Railroad Corporation—Acquisition and Operation Exemption—Certain Rights of Boston and Maine Corporation*, wherein Green Mountain Railroad Corporation proposes to acquire the freight operating easement to be retained by B&M and provide freight service over the Subject Line.

Consummation of this transaction is expected to occur on or after December 10, 1999, the effective date of the exemption.

This notice is filed under 49 CFR 1150.41. 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. 33830, 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 Kevin M. Sheys, Oppenheimer Wolff Donnelly & Bayh LLP, 1350 Eye Street, N.W., Suite 200, Washington, DC 20005.

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Decided: December 10, 1999.

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

**Vernon A. Williams,**  
Secretary.

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**BILLING CODE 4915-00-P**