

**ACTION:** Notice tentatively approving finance transaction.

**SUMMARY:** Global Passenger Services, L.L.C. (Global), Student Transportation of America, Inc. (STA), and Travelways, Inc. (Travelways) (collectively, applicants), noncarriers, filed an application under 49 U.S.C. 14303 for Global to acquire indirect control and STA to acquire direct control of one motor passenger carrier, Davis Bus Lines, Inc. (Davis), and for Global to acquire indirect control and Travelways to acquire direct control of two motor passenger carriers, VIP Tours & Charters Sightseeing Corporation (VIP) and Coach America Corporation (CAC). Persons wishing to oppose the application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by June 12, 2000. Applicants may file a reply by June 27, 2000. If no comments are filed by June 12, 2000, this notice is effective on that date.

**ADDRESSES:** Send an original and 10 copies of any comments referring to STB Docket No. MC-F-20966 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, send one copy of comments to applicants' representative: Mark J. Andrews, Barnes & Thornburg, 1401 Eye Street, N.W., Suite 500, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** Global, a Delaware limited liability company, indirectly controls 16 motor passenger carriers and holds majority stock interest in STA and Travelways.<sup>1</sup> The direct control of the 16 motor passenger carriers is divided between STA and Travelways, both Delaware corporations. STA controls the Global affiliates that provide primarily school bus service and Travelways controls the affiliates that provide primarily leisure transportation and intercity airport shuttle services, which is not involved here. Davis<sup>2</sup> will be added to the STA-

controlled affiliates and VIP<sup>3</sup> and CAC<sup>4</sup> will be added to the Travelways-controlled affiliates. According to applicants, the acquisition of control of these three additional motor passenger carriers will permit a modest expansion of Global's service and client base in two markets that it already serves—school bus transportation in Pennsylvania and leisure transportation in southern California—without reducing competition in either market.

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

Applicants have submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). Specifically, applicants have shown that the proposed transaction will have a positive effect on the adequacy of transportation to the public and will result in no increase in fixed charges and no changes in employment. See 49 CFR 1182.2(a)(7). Additional information, including a copy of the application, may be obtained from applicants' representative.

On the basis of the application, we find that the proposed transaction is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). 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.

points in the United States. It conducts limited charter and tour services which are incidental to its school transportation operation based in Pennsylvania, and which extend only to points in immediately adjacent States.

<sup>3</sup> VIP is a Delaware corporation holding federally issued operating authority in MC-277612 to provide charter and special operations and contract carrier services between points in the United States. The actual operations of VIP and its predecessor company involve primarily vacation charters and organized tours beginning and ending in southern California and extending to points in California and immediately adjacent States.

<sup>4</sup> CAC is a Delaware corporation holding federally issued operating authority in MC-330527 to provide charter and special operations between points in the United States. The operations of CAC and its predecessor company historically have resembled those of VIP.

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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 of control 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 vacated.

3. This decision will be effective on June 12, 2000, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration—HMCE-20, 400 Virginia Avenue, S.W., Suite 600, Washington, DC 20024; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, S.W., Washington, DC 20590.

Decided: April 20, 2000.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-501 (Sub-No. 3X)]

### Central of Tennessee Railway and Navigation Company, Incorporated—Discontinuance of Service Exemption—In Bastrop, Burnet, Lee, Llano, Travis and Williamson Counties, TX

On March 24, 2000<sup>1</sup>, Central of Tennessee Railway and Navigation Company, Incorporated, d.b.a. The Longhorn Railway Company (Longhorn), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903

<sup>1</sup> Petitioner's initial filing on March 24, 2000, lacked necessary zip code and station information. A complete petition was not obtained until April 24, 2000. Accordingly, we have treated that date as the actual filing date and the dates for issuance of a final decision and for the filing of any offers of financial assistance in this matter have been extended, respectively to August 12 and August 22, 2000.

<sup>1</sup> See *Global Passenger Services, L.L.C., et al.—Control—Gongaware Tours, Inc., et al.*, STB Docket No. MC-F-20954 (STB served Sept. 16, 1999, corrected decision served Sept. 20, 1999); and *Global Passenger Services, L.L.C.—Control—Bortner Bus Company, et al.*, STB Docket No. MC-F-20924 (STB served July 17, 1998).

<sup>2</sup> Davis is a Pennsylvania corporation holding federally issued operating authority in MC-233595 to provide charter and special operations between

to discontinue service over a rail line owned by Capital Metropolitan Transportation Authority (CMTA) extending between milepost 0.0 west of Giddings, TX, and milepost 154.07 at Llano, TX, including the Marble Falls Branch (6.43 miles), the Scobee Spur (3.3 miles), and the Burnett Spur (.93 miles), a distance of approximately 162 miles in Bastrop, Burnet, Lee, Llano, Travis and Williamson Counties, TX.<sup>2</sup>

The lines traverse U.S. Postal Service Zip Codes 78605, 78611, 78613, 78639, 78641, 78642, 78643, 78650, 78653, 78654, 78701, 78702, 78705, 78717, 78721, 78722, 78723, 78727, 78728, 78729, 78751, 78753, 78756, 78757,

<sup>2</sup> According to petitioner, disputes between CMTA and it resulted in: (1) The filing by Longhorn of a petition for declaratory order alleging and requesting a finding that CMTA is violating its common carrier obligation; (2) termination by CMTA of its operating contract with Longhorn; and (3) the filing by CMTA on March 13, 2000, of a notice of intent to seek an adverse discontinuance of Longhorn's service. Also according to petitioner, however, the parties have recently settled their differences in regard to matters within the jurisdiction of the Board. In fact, in a decision served April 3, 2000, in *Central of Tennessee Railway & Navigation Company, Incorporated, d.b.a. The Longhorn Railway Company—Petition for Declaratory Order*, STB Finance Docket No. 33820, the Board granted Longhorn's request to withdraw the declaratory order petition with prejudice. Moreover, CMTA's notice of intent to seek adverse discontinuance of Longhorn's service is presumably moot and no application will be filed in light of petitioner's filing here. Finally, we note that in a notice served on April 4, 2000, in *Trans-Global Solutions, Inc., d.b.a. Austin Area Terminal Railroad—Operation Exemption—Capital Metropolitan Transportation Authority*, STB Finance Docket No. 33860, a new operator has been authorized to replace Longhorn on the line.

78758, 78759, and 78959. The line includes the stations of Giddings, Hills, Paige, McDade, Butler, Stacks, Elgin, Manor, Milby, Decker, Smoot, Austin Depot, Austin Junction, Buttercrust, Abercrombie, Fromme, McNeil, Rutledge, Whitestone, Leander, Liberty Hill, Bertram, Summit, Burnet, Gandy, DeMarco, Sudduth, Fairland, Scobee, Kingsland.

The line does not contain federally granted rights-of-way. Any documentation in Longhorn's possession will be made available promptly to those requesting it.

Longhorn is proposing to discontinue all of its regulated rail operations. In this situation, the Board does not impose labor protection, except in specifically enumerated circumstances. See *Northampton and Bath R. Co.—Abandonment*, 354 I.C.C. 784, 785–86 (1978) (*Northampton*). Therefore, if the Board grants the petition for exemption, in the absence of a showing that one or more of the exceptions articulated in *Northampton* is present, no labor protective conditions would be imposed.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by August 12, 2000.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

This proceeding is exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under 1105.8(b).

All filings in response to this notice must refer to STB Docket No. AB-501 (Sub-No. 3X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001; and (2) Thomas F. McFarland, Jr., McFarland and Herman, 20 North Wacker Dr., Suite 1330, Chicago, IL 60602-2902.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at 1-800-877-8339.]

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Decided: April 25, 2000.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

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