

commonly owned, in May 2000 and placed the stock of each into separate, independent voting trusts.⁵ Applicants further state that Coach also purchased all of the outstanding stock of Express in April 2000 and placed that stock into an independent voting trust.⁶ According to applicants, these transactions did not involve any transfer of the federal or state operating authorities held by any of these carriers and will not entail any change in their operations.

Applicants have submitted information, as required by 49 CFR 1182.2(a)(7), to demonstrate that the proposed transactions are consistent with the public interest under 49 U.S.C. 14303(b). Applicants state that the proposed transactions will not reduce competitive transportation options, adversely impact fixed charges, or adversely impact the interests of the employees of the acquired carriers. In addition, applicants have submitted all of the other statements and certifications required by 49 CFR 1182.2. Additional information, including a copy of the application, may be obtained from applicants' representative.

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;

⁵ B&A, Dillon's, and McMahon are Maryland corporations with integrated operations involving a fleet of approximately 28 buses and employing approximately 80 persons. B&A holds federally-issued operating authority in Docket No. MC-170895, authorizing it to provide charter and special services between points in the United States. Its revenues for the 12-month period ended December 31, 1999, were \$98,641. Dillon's holds federally-issued operating authority in Docket No. MC-36788, authorizing it to provide regular route services between points in Maryland and Washington, DC, as well as charter and special services between points in the United States. For the twelve month period ended December 31, 1999, Dillon's operating revenues were approximately \$5.1 million. McMahon holds federally-issued operating authority in Docket No. MC-788, authorizing it to provide regular route service between points in Maryland and nearby states. It also holds authority to provide charter and special services between points in the United States. McMahon's operating revenues for the twelve months ended December 31, 1999, were \$117,911.

⁶ Express is a North Dakota corporation that operates a fleet of approximately 20 vehicles and employs 73 persons. Its operations consist of the contract transportation of railroad crews between points in North Dakota or other nearby states pursuant to an ICC permit issued in Docket No. MC-254884. Express also holds a federally-issued certificate authorizing the transportation of property between points in the United States as a common carrier. For the fiscal year ended December 31, 1999, Express (together with Bismark Transportation, a related non-federally regulated carrier) had annual revenues in excess of \$2 million.

and (3) the interest of affected carrier employees.

On the basis of the application, we find that the proposed transactions are 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.

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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 acquisitions of control are 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 as having been vacated.

3. This decision will be effective on September 11, 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, SW, Suite 600, Washington, DC 20024; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW, Washington, DC 20590.

Decided: July 24, 2000.

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

Vernon A. Williams,

Secretary.

[FR Doc. 00-19168 Filed 7-27-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33905]

Lackawanna County Railroad Authority—Acquisition Exemption—F&L Realty, Inc.

Lackawanna County Railroad Authority (LCRA), a political

subdivision and nonoperating Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire 4.96 route miles of track (track) in Lackawanna County, PA, from F&L Realty, Inc. (F&L). The track consists of two small segments described as follows: (1) The Diamond Branch, of the former Delaware, Lackawanna & Western Railroad (DL&W), extending 0.85 miles from milepost 144.75 to milepost 145.6, in Scranton; and (2) the Laurel Line, of the former DL&W, extending 4.11 miles from LC 6253 milepost 0.7 (South Abutment of Roaring Brook Bridge) to milepost 4.81, at Montage Road, in the Borough of Moosic.¹ Delaware-Lackawanna Railroad Co., Inc. (D-L) will be the operator of the track.

This transaction is related to a simultaneously filed verified notice of exemption in STB Finance Docket No. 33906, *Delaware-Lackawanna Railroad Co., Inc.—Operation Exemption—Lackawanna County Railroad Authority*, wherein D-L seeks to operate the track being acquired by LCRA.

The parties report that they intend to consummate the transaction on or about July 28, 2000. The earliest the transaction can be consummated is July 24, 2000, the effective date of the exemption (7 days after the exemption was filed).

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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33905, 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 Keith G. O'Brien, Esq., Rea, Cross & Auchincloss, 1707 L Street, NW., Suite 570, Washington, DC 20036.

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

Decided: July 21, 2000.

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

Vernon A. Williams,

Secretary.

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¹ According to the verified notice of exemption, Pocono Northeast Railway, a now defunct corporate affiliate of F&L, formerly provided service over the track but stopped providing that service some years ago without obtaining any regulatory approval.