

The purpose of the trackage rights is to allow BNSF to deliver or receive RoadRailer equipment in interchange to and from IC, GTW and Canadian National Railway Company, and to make available RoadRailer equipment available for BNSF customers at IC's Harvey Yard.

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

This notice is filed under 49 CFR 1180.2(d)(7). If it 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. 33958 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, one copy of each pleading must be served on Michael E. Roper, The Burlington Northern and Santa Fe Railway Company, 2500 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161-0039.

Board decisions and notices are available on our website at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: November 14, 2000.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 00-29611 Filed 11-20-00; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33957]

#### **Kern W. Schumacher and Morris H. Kulmer—Continuance in Control Exemption—Kern Valley Railroad Company**

Kern W. Schumacher and Morris H. Kulmer, individuals (collectively applicants), have filed a verified notice of exemption to continue in control of the Kern Valley Railroad Company (KVR), upon KVR's becoming a Class III railroad.

consummation could not take place before November 15, 2000.

The transaction is scheduled to be consummated on or after November 13, 2000.

This transaction is related to STB Finance Docket No. 33956, *Kern Valley Railroad Company—Acquisition and Operation Exemption—Trinidad Railway, Inc.*, wherein KVR seeks to acquire an approximate 30.0-mile line of railroad (line) in Las Animas County, CO, from Trinidad Railway, Inc. (TRI) and has agreed to assume TRI's common carrier railroad obligations pending the line's abandonment.<sup>1</sup>

Applicants currently indirectly control one existing Class III railroad: Tulare Valley Railroad Company, operating in the State of California.

Applicants state that (i) the rail line of KVR will not connect with any other lines of a railroad under their control or within their corporate family, (ii) the transaction is not part of a series of transactions that would connect the railroads with each other or any railroad in applicants' corporate family, and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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. 33957, 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 Fritz R.

<sup>1</sup>The line is the subject of a notice of exemption for its abandonment in *Trinidad Railway, Inc.—Abandonment Exemption—in Las Animas County, CO*, STB Docket No. AB-573X (STB served Sept. 21, 2000). By decision served October 20, 2000, the Board postponed the effective date of that exemption until November 30, 2000, pending completion of the offer of financial assistance (OFA) process or, if the OFA process terminated, a period to provide for interim trail use negotiations.

Kahn, Esq., 1920 N Street, NW., 8th Floor, Washington, DC 20036-1601.

Board decisions and notices are available on our website at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: November 13, 2000.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 00-29608 Filed 11-20-00; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33956]

#### **Kern Valley Railroad Company—Acquisition and Operation Exemption—Trinidad Railway, Inc.**

Kern Valley Railroad Company (KVR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire the railroad lines and other assets (line) of Trinidad Railway, Inc. (TRI) and has agreed to assume TRI's common carrier railroad obligations pending the line's abandonment.<sup>1</sup> The line extends from milepost 2.0, at Jensen, to the end of the line at milepost 30.0, at the former New Elk Mine, east of Stonewall, in Las Animas County, CO, a distance of approximately 30.0 miles.<sup>2</sup>

The transaction is scheduled to be consummated on or after November 13, 2000.

This transaction is related to STB Finance Docket No. 33957, *Kern W. Schumacher and Morris H. Kulmer—Continuance in Control Exemption—Kern Valley Railroad Company*, wherein Kern W. Schumacher and Morris H. Kulmer have concurrently filed a verified notice to continue in control of KVR upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption

<sup>1</sup>The line is the subject of a notice of exemption for abandonment in *Trinidad Railway, Inc.—Abandonment Exemption—in Las Animas County, CO*, STB Docket No. AB-573X (STB served Sept. 21, 2000). By decision served October 20, 2000, the Board postponed the effective date of that exemption until November 30, 2000, pending completion of the offer of financial assistance (OFA) process or, if the OFA process terminated, a period to provide for interim trail use negotiations.

<sup>2</sup>TRI has retained a real estate interest in the right-of-way between milepost 15.11, in Segundo, and the end of the line subject to a permanent and irrevocable easement to KVR to fulfill its common carrier obligation, pending abandonment of the line, including access to the line for work on the tracks, ties and other track materials.