

all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1991–1995 BMW 8 Series passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that non-U.S. certified 1991–1995 BMW 8 Series passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S.-certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1991–1995 BMW 8 Series passenger cars are identical to their U.S.-certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence* \* \* \*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that non-U.S. certified 1991–1995 BMW 8 Series passenger cars comply with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked “Brake” for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) replacement of the speedometer with one calibrated in miles per hour. The petitioner stated that the entire instrument cluster on the vehicles will be replaced with a U.S.-model component.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model headlamps and front sidemarker lights; (b) installation of U.S.-model taillamp assemblies and associated rear

sidemarker lights; (c) installation of a U.S.-model high mounted stop light assembly.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: Replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection*: Installation of a warning buzzer microswitch in the steering lock assembly and a warning buzzer.

Standard No. 118 *Power Window Systems*: Installation of a relay in the power window system so that the window transport mechanism is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection*: (a) Installation of a seat belt warning buzzer, wired to the driver’s seat belt latch; (b) replacement of the driver’s side air bag and knee bolster on 1991–1992 model vehicles, the driver’s and passenger’s side air bags and knee bolsters on 1993–1995 model vehicles, and the control unit, sensors, and seat belts on all model year vehicles, with U.S.-model components if the vehicle is not already so equipped. The petitioner states that all model year vehicles covered by the petition are equipped with combination lap and shoulder restraints which adjust by means of an automatic retractor and release by means of a single red push button in all front and rear outboard designated seating positions.

Standard No. 214 *Side Impact Protection*: Inspection of all vehicles and installation of U.S.-model door bars on vehicles that are not already so equipped.

The petitioner also states that a vehicle identification number plate must be affixed to the vehicle to meet the requirements of 49 CFR Part 565.

Additionally, the petitioner states that non-U.S. certified 1991–1995 BMW 8 Series passenger cars will be inspected prior to importation to ensure that they are equipped to comply with the Theft Prevention Standard found in 49 CFR Part 541 and that a U.S.-model anti-theft device will be installed on vehicles that are not already so equipped.

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 on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: November 16, 2000.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 00–29756 Filed 11–20–00; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33958]

#### **The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Illinois Central Railroad Company and Grand Trunk Western Railroad Company**

Illinois Central Railroad Company (IC) and Grand Trunk Western Railroad Company (GTW) have agreed to grant limited overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) between: (1) A point near GTW’s milepost 8.6 near 49th Street and Central Park in Chicago, IL, where GTW and BNSF connect, and a point near GTW’s milepost 23.2 near 154th Street and Lathrop in Harvey, IL, to a point near IC’s milepost 22 near IC’s Harvey Yard, a distance of approximately 16.6 miles; (2) a point near IC’s milepost 8.3 (Belt Crossing), where IC and the Belt Railway Company of Chicago connect in Chicago, IL, and a point near IC’s milepost 22 at IC’s Harvey Yard, a distance of approximately 27.3 miles; and (3) a point near IC’s milepost 2.3, where IC and BNSF connect on the West end of the St. Charles Airline Bridge and milepost 22 at IC’s Harvey Yard, a distance of approximately 21 miles. The total amount of trackage involved is approximately 64.9 miles.

The transaction is scheduled to be consummated on November 15, 2000.<sup>1</sup>

<sup>1</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, BNSF indicated that it proposed to consummate the transaction on or about November 14, 2000. Because the verified notice was filed on November 8, 2000, consummation could not take place until November 15, 2000, at the earliest. BNSF’s representative has been contacted and has confirmed that the

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.

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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]

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## 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.

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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]

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## 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.