

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Finance Docket No. 34147]****Paula J. Mudge-Gibson and Don L. Gibson—Continuance in Control Exemption—Chicago Heights Switching Company**

Paula J. Mudge-Gibson and Don L. Gibson, noncarrier individuals (applicants), have filed a verified notice of exemption to continue in control of Chicago Heights Switching Company (CHSC), upon CHSC's becoming a carrier.

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 34146, *Chicago Heights Switching Company—Operation Exemption—Bulkmatic Railroad Corporation*, wherein CHSC seeks to operate a line of railroad subleased by Bulkmatic Railroad Corporation.¹

The transaction was expected to be consummated on or shortly after December 28, 2001, the effective date of the exemption (7 days after the notice of exemption was filed).

Applicants own and control the Central Illinois Railroad Company (CIRY), which operates in the State of Illinois. Applicants state that: (i) The properties of CIRY and CHSC will not connect with each other or any railroads in their corporate family; (ii) the continuance in control is not part of a series of anticipated transactions that would connect the rail lines of CIRY and CHSC with each other or any railroads in their 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

¹ See *Bulkmatic Railroad Corporation—Acquisition Exemption—Bulkmatic Transport Company*, STB Finance Docket No. 34145 (STB served Jan. 15, 2002).

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. 34147, 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 Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1194.

Board decisions and notices are available on our website at www.stb.dot.gov.

Decided: January 4, 2002.

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

Vernon A. Williams,
Secretary.

[FR Doc. 02-764 Filed 1-14-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Finance Docket No. 34145]****Bulkmatic Railroad Corporation—Acquisition Exemption—Bulkmatic Transport Company**

Bulkmatic Railroad Corporation, a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire by sublease from Bulkmatic Transport Company approximately 3.9 miles of railroad right-of-way and trackage known as Bulkmatic Distribution Center, at Chicago Heights, IL (line).¹

The transaction was scheduled to be consummated on January 1, 2002.²

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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. 34145, must be filed with

¹ Chicago Heights Switching Company will be the operator of the line. See *Chicago Heights Switching Company—Operation Exemption—Bulkmatic Railroad Corporation*, STB Finance Docket No. 34146 (STB served Jan. 15, 2002).

² On December 26, 2001, a petition to stay the effective dates of the exemptions in both STB Finance Docket No. 34145 and STB Finance Docket No. 34146 was filed by Joseph C. Szabo, for and on behalf of the United Transportation Union-Illinois Legislative Board. By decision served December 27, 2001, the petition for stay was denied.

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 David C. Dillon, Esq., Dillon & Nash, 111 West Washington Street, Suite 719, Chicago, IL 60602.

Board decisions and notices are available on our website at www.stb.dot.gov.

Decided: January 4, 2002.

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

Vernon A. Williams,
Secretary.

[FR Doc. 02-763 Filed 1-14-02; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Finance Docket No. 34146]****Chicago Heights Switching Company—Operation Exemption—Bulkmatic Railroad Corporation**

Chicago Heights Switching Company (CHSC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate, pursuant to an operating agreement with Bulkmatic Railroad Corporation (BRC), approximately 3.9 miles of railroad right-of-way and trackage known as Bulkmatic Distribution Center, at Chicago Heights, IL (line).¹

The transaction was scheduled to be consummated on January 1, 2002.² This transaction is related to STB Finance Docket No. 34147, *Paula J. Mudge-Gibson and Don L. Gibson—Continuance in Control Exemption—Chicago Heights Switching Company*, wherein Paula J. Mudge-Gibson and Don L. Gibson have filed a verified notice of exemption to continue in control of CHSC upon its becoming a Class III rail carrier.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to

¹ BRC has subleased the line from Bulkmatic Transport Company. See *Bulkmatic Railroad Corporation—Acquisition Exemption—Bulkmatic Transport Company*, STB Finance Docket No. 34145 (STB served Jan. 15, 2002).

² On December 26, 2001, a petition to stay the effective dates of the exemptions in both STB Finance Docket No. 34146 and STB Finance Docket No. 34145 was filed by Joseph C. Szabo, for and on behalf of the United Transportation Union-Illinois Legislative Board. By decision served December 27, 2001, the petition for stay was denied.