

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 34260]****Aliquippa & Ohio River Railroad Co.—  
Acquisition and Operation  
Exemption—Lines In Aliquippa, PA**

Aliquippa & Ohio River Railroad Co. (AORR),<sup>1</sup> a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate approximately 21 miles of rail line owned by Aliquippa & Southern Railroad (A&S), in the vicinity of Aliquippa, PA.<sup>2</sup> In addition, AORR will purchase from A&S certain parcels of real estate, various items of equipment and shop machinery, three locomotives, and a number of shops, buildings, and vehicles. AORR certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier, and further certifies that its projected annual revenues will not exceed \$5 million.

The transaction was expected to be consummated on or shortly after October 10, 2002, the effective date of the exemption (7 days after the notice was filed).

This transaction is related to STB Finance Docket No. 34261, *Summit View, Inc.—Continuance in Control Exemption—Aliquippa & Ohio River Railroad Co.*, wherein Summit has concurrently filed a verified notice of exemption to continue in control of AORR upon its becoming a Class III rail carrier.

AORR will operate as a switching and terminal railroad, interchanging traffic with CSX Transportation, Inc., at Aliquippa. The major commodities to be handled are steel billets and beams, steel slabs and scrap.

If the verified 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 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. 34260, must be filed with the Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kelvin J. Dowd, Slover & Loftus, 1224

<sup>1</sup> AORR is controlled by Summit View, Inc. (Summit), a noncarrier, which, at the time of filing this notice, controlled nine Class III carriers.

<sup>2</sup> A&S is a subsidiary of LTV Steel Corp., a company currently under bankruptcy protection.

Seventeenth Street, NW., Washington, DC 20036.

Board decisions and notices are available on our Web site at "www.stb.dot.gov."

Decided: October 22, 2002.

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

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

[FR Doc. 02-27481 Filed 10-29-02; 8:45 am]

**BILLING CODE 4915-00-P**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 34268]****Carolina Rail Service, LLC—  
Acquisition and Operation  
Exemption—Beaufort & Morehead  
Railway, Inc.**

Carolina Rail Service, LLC (CRS), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire by assignment any and all operating authority that the Beaufort & Morehead Railway, Inc. (BMRI) has over a specified rail line in North Carolina. The subject rail line extends from the connection with the Norfolk Southern Railway Company (Atlantic & East Carolina Railway) at milepost 0.0 in Morehead City, NC, to milepost 0.87 at Gallants Channel near Morehead City, a distance of .87 miles in Carteret County, NC, serving the intermediate stations of Marsh Island and Radio Island, and includes all trackage incidental thereto. CRS will operate over those lines pursuant to an operating agreement with the North Carolina State Ports Authority (SPA)<sup>1</sup> and a permanent and exclusive easement granted by the North Carolina Ports Railway Commission (PRC).<sup>2</sup>

CRS states that the impetus for this transaction is new legislation enacted by the State of North Carolina legislature, SB 1115, ratified September 20, 2002. This legislation, among other things, requires the transfer of PRC's assets and liabilities, except its common carrier obligation, to SPA, and abolishes PRC.

<sup>1</sup> In a related matter, SPA filed a notice of exemption in STB Finance Docket No. 34258, *North Carolina State Port Authority—Acquisition Exemption—North Carolina Ports Railway Commission*, wherein SPA seeks to acquire the right-of-way, trackage, and other rail assets of these rail lines. SPA also filed a motion to dismiss that notice on jurisdictional grounds.

<sup>2</sup> Our predecessor, the Interstate Commerce Commission exempted PRC from regulation under the Interstate Commerce Act, but determined that PRC had a residual common carrier obligation over these lines. See *North Carolina Ports Railway Commission—Petition for Declaratory Order or Prospective Abandonment Exemption*, Finance Docket No. 31248 (ICC served Sept. 30, 1988).

CRS also filed a notice of exemption on October 1, 2002, in STB Finance Docket No. 34256, *Carolina Rail Service, LLC—Acquisition and Operation Exemption—North Carolina Ports Railway Commission and North Carolina State Ports Authority*, wherein CRS seeks to acquire a permanent and exclusive easement over this .87-mile line as well as over approximately 4 miles of intra-terminal track at the Morehead City terminal from PRC, and the right to operate over those rail lines pursuant to an operating agreement with SPA.

CRS certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and that its projected annual revenues will not exceed \$5 million.

CRS indicates that it expects to consummate the transaction by November 20, 2002, but not before the October 22, 2002 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. 34268, must be filed with the Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Karl Morell, Ball Janik LLP, 1455 F Street NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: October 24, 2002.

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

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

[FR Doc. 02-27586 Filed 10-29-02; 8:45 am]

**BILLING CODE 4915-00-P**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 34256]****Carolina Rail Service, LLC—  
Acquisition and Operation  
Exemption—North Carolina Ports  
Railway Commission and North  
Carolina State Ports Authority**

Carolina Rail Service, LLC (CRS), a Class III rail carrier, has filed a notice of

exemption under 49 CFR 1150.41 to acquire a permanent and exclusive easement over approximately 4.87 miles of rail line from the North Carolina Ports Railway Commission (PRC), and to operate over those lines pursuant to an operating agreement with the North Carolina State Ports Authority (SPA).<sup>1</sup> The subject rail line extends from the connection with the Norfolk Southern Railway Company (Atlantic & East Carolina Railway) at milepost 0.0 in Morehead City, NC, to milepost 0.87 at Gallants Channel near Morehead City, a distance of .87 miles in Carteret County, NC, serving the intermediate stations of Marsh Island and Radio Island, and includes all of the railroad tracks on the Port of Morehead City, whether denominated as spurs, side tracks, industrial tracks, or otherwise, together with all of PRC's yard and interchange tracks.<sup>2</sup> The subject lines include approximately 4 miles of intra-terminal track at the Morehead City terminal over which CRS currently operates a terminal switching railroad.

CRS states that the impetus for this transaction is new legislation enacted by the State of North Carolina legislature, SB 1115, ratified September 20, 2002. This legislation, among other things, requires the transfer of PRC's assets and liabilities, except its common carrier obligation, to SPA, and abolishes PRC.

On October 15, 2002, CRS filed a related notice of exemption in STB Finance Docket No. 34268, *Carolina Rail Service, LLC—Acquisition and Operation Exemption—Beaufort & Morehead Railway, Inc.*, wherein CRS seeks to acquire the Beaufort & Morehead Railway, Inc.'s operating authority over the .87 miles of rail line listed above in Carteret County, NC.

CRS certifies that its projected revenues will not exceed those that would qualify it as a Class III rail carrier and that the annual revenues are not projected to exceed \$5 million.

CRS indicates that it expects to consummate the transaction by November 20, 2002, but not before the October 8, 2002 effective date of the

<sup>1</sup> In a related matter, SPA filed a notice of exemption in STB Finance Docket No. 34258, *North Carolina State Port Authority—Acquisition Exemption—North Carolina Ports Railway Commission*, wherein SPA seeks to acquire the right-of-way, trackage, and other rail assets of these rail lines. SPA also filed a motion to dismiss that notice on jurisdictional grounds.

<sup>2</sup> Our predecessor, the Interstate Commerce Commission, exempted PRC from regulation under the Interstate Commerce Act, but determined that PRC had a residual common carrier obligation over these lines. See *North Carolina Ports Railway Commission—Petition for Declaratory Order or Prospective Abandonment Exemption*, Finance Docket No. 31248 (ICC served Sept. 30, 1988).

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. 34256, must be filed with the Surface Transportation Board, 1925 K Street NW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Karl Morell, Ball Janik LLP, 1455 F Street NW, Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: October 24, 2002.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02–27584 Filed 10–29–02; 8:45 am]

**BILLING CODE 4915–00–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34257]

#### **Wilmington Terminal Railroad, L.P.— Acquisition and Operation Exemption—North Carolina Ports Railway Commission and North Carolina State Ports Authority**

Wilmington Terminal Railroad, L.P. (WTR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire a permanent and exclusive easement over approximately 18 miles of rail line from the North Carolina Ports Railway Commission (PRC), and to operate over those lines pursuant to an operating agreement with the North Carolina State Ports Authority (SPA).<sup>1</sup> The subject lines are located in Wilmington, New Hanover County, NC, and include the following: (1) The Front Street Spur, from the east line of Third Street at CSX Rail Valuation Station 91+37.3 and extending generally in a northerly direction, a distance of approximately 0.66 miles, to CSX Rail Valuation Station 56+39; (2) the New River Spur, from the CSX Rail Valuation

<sup>1</sup> In a related matter, SPA filed a notice of exemption in STB Finance Docket No. 34258, *North Carolina State Port Authority—Acquisition Exemption—North Carolina Ports Railway Commission*, wherein SPA seeks to acquire the right-of-way, trackage, and other rail assets of these rail lines. SPA also filed a motion to dismiss that notice on jurisdictional grounds.

Station 0+00, (also known as Rail Valuation Station 86+20) on the Front Street Spur at the west line of Second Street and extending generally in a southerly direction a distance of approximately 3.5 miles, to CSX Rail Valuation Station 185+00; and (3) the line from the north entrance to the Port of Wilmington at Transit Road, near its intersection with Burnett Blvd., to the south entrance to the Port, at River Road near its intersection with Shipyard Blvd., through and including the classification yards and including all of the railroad tracks on the Port, whether denominated as spurs, side tracks, industrial tracks, or otherwise (but excluding crane rails).<sup>2</sup> WTR currently operates the subject lines.

WTR states that the impetus for this transaction is new legislation enacted by the State of North Carolina legislature, SB 1115, ratified September 20, 2002. This legislation, among other things, requires the transfer of PRC's assets and liabilities, except its common carrier obligation, to SPA, and abolishes PRC.

WTR certifies that its projected revenues will not exceed those that would qualify it as a Class III rail carrier and that the annual revenues are not projected to exceed \$5 million.

WTR indicates that it expects to consummate the transaction by November 20, 2002, but not before the October 8, 2002 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. 34257, must be filed with the Surface Transportation Board, 1925 K Street NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Donald G. Avery, Slover & Loftus, 1224 Seventeenth Street NW., Washington, DC 20036.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: October 24, 2002.

<sup>2</sup> Our predecessor, the Interstate Commerce Commission, exempted PRC from regulation under the Interstate Commerce Act, but determined that PRC had a residual common carrier obligation over these lines. See *North Carolina Ports Railway Commission—Petition for Declaratory Order or Prospective Abandonment Exemption*, Finance Docket No. 31248 (ICC served Sept. 30, 1988).