

Issued in Washington, DC, on January 30, 2004.

**Richard D. Huriaux,**

*P.E., Manager, Regulations, Office of Pipeline Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34453]

#### **Genesee & Wyoming Inc.—Control Exemption—Arkansas, Louisiana & Mississippi Railroad Company and Fordyce & Princeton Railroad Company**

**AGENCY:** Surface Transportation Board, Transportation.

**ACTION:** Notice of exemption.

**SUMMARY:** Under 49 U.S.C. 10502, the Board exempts from the prior approval requirements of 49 U.S.C. 11323 *et seq.* the acquisition by Genesee & Wyoming Inc. (GWI) of control of two Class III rail carriers (Arkansas, Louisiana & Mississippi Railroad Company (AL&M) and Fordyce & Princeton Railroad Company (F&P)) by purchase of all of the stock of each from Georgia Pacific Corporation. GWI is a noncarrier holding company that directly controls Buffalo & Pittsburgh Railroad, Inc., a Class II carrier operating in New York and Pennsylvania. GWI also directly controls 13 Class III carriers (Chattahoochee Industrial Railroad, Corpus Christi Terminal Railroad, Inc., Dansville and Mount Morris Railroad Company, Genesee & Wyoming Railroad Company, Inc., Golden Isles Terminal Railroad, Inc., Illinois & Midland Railroad, Inc., Louisiana & Delta Railroad, Inc., Portland & Western Railroad, Inc., Rochester & Southern Railroad, Inc., Savannah Port Terminal Railroad Inc., South Buffalo Railway Company, Utah Railway Company, and Willamette & Pacific Railroad, Inc.). GWI also indirectly controls 10 additional Class III carriers (Commonwealth Railway, Inc., Talleyrand Terminal Railroad, Inc., St. Lawrence & Atlantic Railroad Company, St. Lawrence & Atlantic Railroad (Quebec) Inc., York Railway Company, Salt Lake City Southern Railroad Company, Allegheny & Eastern Railroad, LLC, Pittsburg & Shawmut Railroad, LLC, Maryland and Pennsylvania Railroad, LLC, and Yorkrail, LLC).

**DATES:** The exemption will be effective on March 6, 2004. Petitions for stay must be filed by February 20, 2004.

Petitions for reconsideration must be filed by March 1, 2004.

**ADDRESSES:** Send an original and 10 copies of any pleadings referring to STB Finance Docket No. 34453 to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, send one copy of any pleading to GWI's representative: Troy W. Garris, Weiner Brodsky Sidman Kider PC, 1300 Nineteenth Street, NW., Fifth Floor, Washington, DC 20036-1609.

#### **FOR FURTHER INFORMATION CONTACT:**

Beryl Gordon, (202) 565-1616. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. Copies of the decision may be purchased from: ASAP Document Solutions, Suite 103, 9332 Annapolis Rd., Lanham, MD 20706. E-mail address: [asapmd@verizon.net](mailto:asapmd@verizon.net). Telephone: (202) 293-7779. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

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

Decided: January 29, 2004.

By the Board, Chairman Nober.

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

[FR Doc. 04-2273 Filed 2-4-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 27590 (Sub-No. 3)]

#### **TTX Company, et al.—Application for Approval of Pooling of Car Service With Respect to Flatcars**

**AGENCY:** Surface Transportation Board, Transportation.

**ACTION:** Notice of pooling application and request for public comments.

**SUMMARY:** On January 6, 2004, TTX Company (TTX) and certain participating railroads filed an application to extend for 15 years TTX's flatcar pooling authority, which the Board's predecessor, the Interstate Commerce Commission (ICC), originally granted in 1974, extended in 1989, and extended again in 1994. Unless further extended, TTX's current pooling authority under the ICC's 1994 order will expire on October 1, 2004.

**DATES:** Any comments on the application must be filed by March 22, 2004. If comments are filed, applicants' rebuttal is due by April 21, 2004. A decision on the merits of the application is due to be issued by September 1, 2004.

**ADDRESSES:** As required under 49 CFR 1104.3, commenting parties must file with the Board an original and 10 copies (and electronic copies as necessary) of their respective comments. Comments must refer to STB Finance Docket No. 27590 (Sub-No. 3) and be sent to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each comment must be sent to each of applicants' representatives: (1) David L. Meyer, Covington & Burling, 1201 Pennsylvania Avenue, NW., Washington, DC 20004; and (2) Patrick B. Loftus, TTX Company, 101 North Wacker Drive, Chicago, IL 60606.

#### **FOR FURTHER INFORMATION CONTACT:**

Joseph H. Dettmar (202) 565-1600. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** TTX and the railroad applicants seek the Board's approval of a 15-year extension of their pooling of flatcar service. Under 49 U.S.C. 11322(a), the Board may approve a pooling agreement if it finds that the proposal: (1) Will be in the interest of better service to the public or of economy of operation, and (2) will not unreasonably restrain competition. The proposed pooling agreement was originally approved by the ICC in *American Rail Box Car Co.—Pooling*, 347 I.C.C. 862 (1974). In 1989, the ICC extended TTX's pooling authority for another five years. *See Trailer Train Co.—Pooling—Car Service*, 5 I.C.C.2d 552 (1989). The ICC last approved TTX's pooling agreement in 1994 for a 10-year term, which expires on October 1, 2004. *See TTX Company et al.—Application for Approval of the Pooling of Car Service With Respect to Flat Cars*, Finance Docket No. 27590 (Sub-No. 2) (ICC served August 31, 1994). The application seeks to extend TTX's authority to continue the flatcar pool under the same pooling agreement—with minor, technical updates—for an additional 15 years.

In addition to TTX, the applicants are:

The Burlington Northern and Santa Fe Railway Company;  
CSX Transportation, Inc.;  
Florida East Coast Railway Company;  
Guilford Rail System;  
Grand Trunk Western Railroad Company;  
Illinois Central Railroad Company;