

Pennsylvania/Maryland state line near Sylmar, MD.¹

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

East Penn states that it proposes to consummate the transaction on or after April 20, 2005.

Concurrently with this filing, East Penn has filed notices in two separate proceedings to acquire segments of track connecting to the subject line. *See East Penn Railways, Inc.—Acquisition and Operation Exemption—ISG Railways, Inc.*, STB Finance Docket No. 34678, and *East Penn Railways, Inc.—Acquisition and Operation Exemption—Reading Company*, STB Finance Docket No. 34679.

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. 34677, 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 John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036.

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

Decided: April 26, 2005.

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

Vernon A. Williams,
Secretary.

[FR Doc. 05-8956 Filed 5-5-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34679]

East Penn Railways, Inc.—Acquisition and Operation Exemption—Reading Company

East Penn Railways, Inc. (East Penn), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from the Wilmington & Northern Railroad Company (W&N) and its corporate parent, Reading

¹ See *East Penn Railways, Inc.—Modified Rail Certificate*, STB Finance Docket No. 34618 (STB served Dec. 21, 2004).

Company (collectively, Reading) and operate a line of railroad known as the W&N right-of-way or Line 939. The line extends from the Pennsylvania/Delaware State line at approximately milepost 12.66± to milepost 1.89 near Elsmere Junction, DE, a distance of approximately 10.77 miles. The line is currently operated by ISG Railways, Inc. (ISG).¹

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

East Penn states that it proposes to consummate the transaction on or after April 20, 2005.

Concurrently with this filing, East Penn has filed notices in two separate proceedings to acquire segments of track connecting to the subject line. *See East Penn Railways, Inc.—Acquisition Exemption—Southeastern Pennsylvania Transportation Authority*, STB Finance Docket No. 34677, and *East Penn Railways, Inc.—Acquisition and Operation Exemption—ISG Railways, Inc.*, STB Finance Docket No. 34678.

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. 34679, 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 John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036.

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Decided: April 26, 2005.

¹ East Penn states that, pursuant to an agreement with ISG, it is also acquiring all of ISG's rights to operate the subject line. East Penn notes that ISG and its predecessors previously leased and operated the subject line per agreement with Reading. *See ISG Railways, Inc.—Acquisition of Control Exemption—Assets of Keystone Railroad LLC d/b/a Philadelphia, Bethlehem and New England Railroad Company, Conemaugh & Black Lick Railroad Company LLC, Steelton & Highspire Railroad Company LLC, Lake Michigan & Indiana Railroad Company LLC, Brandywine Valley Railroad Company LLC, Upper Merion & Plymouth Railroad Company LLC, Patapsco & Back Rivers Railroad Company LLC, and Cambria and Indiana Railroad, Inc.*, STB Finance Docket No. 34344 (STB served May 22, 2003), and *Brandywine Valley Railroad Company LLC—Acquisition and Operation Exemption—Brandywine Valley Railroad Company*, STB Finance Docket 34154 (STB served Jan. 10, 2002) and cases cited therein.

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

Vernon A. Williams,
Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34678]

East Penn Railways, Inc.—Acquisition and Operation Exemption—ISG Railways, Inc.

East Penn Railways, Inc. (East Penn), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from ISG Railways, Inc. (ISG)¹ and operate a line of railroad known as Line 907 extending between approximately milepost 12.66± to the Delaware/Pennsylvania state line and milepost 29.72 at Modena, PA, a distance of 17.02 miles.²

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

East Penn states that it proposes to consummate the transaction on or after April 20, 2005.

Concurrently with this filing, East Penn has filed notices in two separate proceedings to acquire segments of track connecting to the subject line. *See East Penn Railways, Inc.—Acquisition Exemption—Southeastern Pennsylvania Transportation Authority*, STB Finance Docket No. 34677, and *East Penn Railways, Inc.—Acquisition and Operation Exemption—Reading Company*, STB Finance Docket No. 34679.

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)

¹ See *ISG Railways, Inc.—Acquisition of Control Exemption—Assets of Keystone Railroad LLC d/b/a Philadelphia, Bethlehem and New England Railroad Company, Conemaugh & Black Lick Railroad Company LLC, Steelton & Highspire Railroad Company LLC, Lake Michigan & Indiana Railroad Company LLC, Brandywine Valley Railroad Company LLC, Upper Merion & Plymouth Railroad Company LLC, Patapsco & Back Rivers Railroad Company LLC, and Cambria and Indiana Railroad, Inc.*, STB Finance Docket No. 34344 (STB served May 22, 2003), and *Brandywine Valley Railroad Company LLC—Acquisition and Operation Exemption—Brandywine Valley Railroad Company*, STB Finance Docket 34154 (STB served Jan. 10, 2002) and cases cited therein.

² East Penn states that previous filings and decisions describing this line variously identify the milepost at the state line as being milepost 12.66 or milepost 12.7.

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. 34678, 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 John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036.

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

Decided: April 26, 2005.

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

Vernon A. Williams,

Secretary.

[FR Doc. 05-8957 Filed 5-5-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-70 (Sub-No. 4X)]

Florida East Coast Railway, L.L.C.— Abandonment Exemption—in Miami- Dade County, FL

On April 19, 2005, Florida East Coast Railway, L.L.C. (FEC), a Class II rail carrier, filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a portion of its South Little River Branch Line, extending from milepost LR 13.0± to milepost LR 18.0±, a distance of approximately 5 miles in

Miami-Dade County, FL (the line). No stations or terminals are located on the line. The line traverses United States Postal Service Zip Codes 33143, 33144, 33155, and 33156.

The line does not contain federally granted rights-of-way. Any documentation in FEC's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by August 5, 2005.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,200 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than May 31, 2005. Each trail use request must be accompanied by a \$200 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-70 (Sub-No. 4X) and must be sent to: (1) Surface Transportation Board, 1925 K

Street, NW., Washington, DC 20423-0001; and (2) Terence M. Hynes, Sidley Austin Brown & Wood LLP, 1501 K Street, NW., Washington, DC 20005.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. (Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.)

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparation.

Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

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

Decided: April 27, 2005.

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

Vernon A. Williams,

Secretary.

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