

Petitions to reopen must be filed by January 11, 2007.

**ADDRESSES:** An original and 10 copies of all pleadings referring to STB Finance Docket No. 34942 must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of all pleadings must be served on petitioner's representative: Edward J. Krug, 401 First Street SE, Suite 330, P.O. Box 186, Cedar Rapids, IA 52406-0186.

**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:** Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, e-mail, or call: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail: [asapdc@verizon.net](mailto:asapdc@verizon.net); telephone: (202) 306-4004. [Assistance for the hearing impaired is available through FIRS at 1-800-877-8339.]

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

Decided: December 15, 2006.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

**Vernon A. Williams,**  
Secretary.

[FR Doc. E6-21948 Filed 12-21-06; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34967]

#### Iowa Pacific Holdings, LLC and Permian Basin Railways, Inc.—Continuance in Control Exemption—Chicago Terminal Railroad

Iowa Pacific Holdings, LLC (IPH) and its subsidiary Permian Basin Railways, Inc. (Permian), both noncarriers, have filed a verified notice of exemption to continue in control of Chicago Terminal Railroad (CTR), upon CTR's becoming a Class III rail carrier.

IPH owns 100 percent of the common stock of Permian. IPH presently controls four other Class III short line railroads through Permian: the West Texas and Lubbock Railway Company, Inc., the Austin & Northwestern Railroad Company, Inc., d/b/a Texas New Mexico Railroad, the Arizona Eastern Railway Company, Inc., and the San Luis & Rio

Grande Railroad Company, Inc. Otherwise, IPH does not directly or indirectly own any other railroad properties subject to Board jurisdiction.

The transaction is scheduled to be consummated on or after December 21, 2006.

This transaction is related to the concurrently filed verified notice of exemption in STB Finance Docket No. 34968, *Chicago Terminal Railroad—Acquisition and Operation Exemption—Soo Line Railroad Company d/b/a Canadian Pacific Railway*, wherein noncarrier CTR seeks to purchase and operate a 4.5-mile line of railroad in Chicago, Cook County, IL, known as the C&E Line currently owned by the Soo Line Railroad Company d/b/a Canadian Pacific Railway.

Applicant states that: (1) The railroads do not connect with each other or any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) 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 interest of its employees. Section 11326(c), however, does not provide for labor protection for transactions under section 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

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 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. 34967, 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: December 14, 2006.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. E6-21900 Filed 12-21-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-192 (Sub-No. 2X)]

#### Birmingham Southern Railroad Company—Abandonment Exemption—in Jefferson County, AL

Birmingham Southern Railroad Company (BSRC) has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 0.18-mile line of railroad known as the Old Port Branch, extending from Survey Station 936+04.07 of Turnout P-63 A, over Trestle 17.9, to a connection with Ergon Terminaling, Inc.'s (Ergon) rail line at Survey Station 945+52.55 in Jefferson County, AL. The line traverses United States Postal Service Zip Code 35118.<sup>1</sup>

BSRC has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of

<sup>1</sup> BSRC intends to convey to Ergon its interest in the line, including Trestle 17.9 and all the rails and ties associated therewith, for a distance of 423.59 feet extending from Survey Station 936+04.07, which will provide Ergon with the potential for a future rail connection should the need arise. If the trestle is not conveyed to Ergon, it will be conveyed to the State of Alabama or dismantled.

