

The transaction is scheduled to be consummated on July 29, 2007. The trackage rights are necessary, for economy and efficiency of operation, to permit CSXT and INRD to interchange at Terre Haute unit coal trains and empty hopper trains moving to and from Ameren Energy Generating Company at Lis, IL, on INRD's line of railroad west of Sullivan, using its own trains (locomotives or cars) with its own crews.²

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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 effectiveness of the exemption. Stay petitions must be filed by July 20, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35059, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on John Broadley, 1054 31st Street, NW., Suite 200, Washington, DC 20007.

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

Dated: July 6, 2007.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. E7-13524 Filed 7-12-07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35058]

CSX Transportation, Inc.—Trackage Rights Exemption—The Indiana Rail Road Company

Pursuant to a written trackage rights agreement, The Indiana Rail Road

² INRD states that it is contemplating rehabilitating its own line or railroad between Terre Haute and Sullivan within the next 5 years so that it can operate the Ameren trains entirely via lines of INRD between Terre Haute and Lis.

Company (INRD) has agreed to grant limited overhead trackage rights to CSX Transportation, Inc. (CSXT), over a line of railroad known as INRD's Chicago Subdivision, between the connection of CSXT and INRD trackage at ConMil at approximate INRD milepost 175.5 and the connection of CSXT and INRD trackage at approximate INRD milepost 181.7, a distance of 6.2 miles, all in Terre Haute, Vigo County, IN.

This transaction is scheduled to be consummated on July 29, 2007, the effective date of the exemption (30 days after the exemption was filed).

This transaction is related to a concurrently filed notice of exemption in STB Finance Docket No. 35059, *The Indiana Rail Road Company—Trackage Rights Exemption—CSX Transportation, Inc.*, wherein INRD seeks to acquire and operate over 22.5 miles of rail line over CSXT's CE&D Subdivision, between the connection of CSXT and INRD trackage at Belt Junction, Terre Haute, at approximate milepost OZA 181.70, and the connection of CSXT and INRD trackage at Sullivan, IN, at approximate milepost OZA 204.20.

The purpose of the trackage rights is to enable CSXT crews to operate trains in overhead movements between points on CSXT's CE&D Subdivision, south of Terre Haute, and points on CSXT's St. Louis Line Subdivision, west of Terre Haute, in order to improve traffic flow (including reduction of railroad and vehicular congestion) and further improve the safety of CSXT operations in and around Terre Haute.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). 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 effectiveness of the exemption. Stay petitions must be filed by July 20, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35058, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Steven C. Armbrust, Esq., CSX Transportation,

Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

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

Decided: July 5, 2007.

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

Vernon A. Williams,
Secretary.

[FR Doc. E7-13330 Filed 7-12-07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35056]

John C. Nolan, Penn Eastern Rail Lines, Inc., and East Penn Railways, Inc.—Corporate Family Transaction Exemption

John C. Nolan, a noncarrier individual (Mr. Nolan), Penn Eastern Rail Lines, Inc. (PRL), and East Penn Railways, Inc. (EPRY), jointly have filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for a transaction within a corporate family. Mr. Nolan currently controls PRL and EPRY, which are Class III rail carriers operating in Pennsylvania and Delaware.¹ As part of the proposed transaction, Mr. Nolan will merge PRL and EPRY into East Penn Railroad, LLC (EPLLC), which he also controls, with EPLLC being the surviving corporation.

The transaction is scheduled to be consummated on or shortly after July 27, 2007, the effective date of the exemption.

The purpose of the transaction is to simplify the corporate structure of Mr. Nolan's railroads and eliminate costs associated with separate accounting, tax, bookkeeping, and reporting functions.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

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

¹ See *John C. Nolan-Control Exemption-Penn Eastern Rail Lines, Inc.*, STB Finance Docket No 34322 (STB served July 22, 2002).