

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Finance Docket No. 35094]****The Kansas City Southern Railway Company—Acquisition and Operation Exemption—Columbus and Greenville Railway Company****AGENCY:** Surface Transportation Board, DOT.**ACTION:** Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the prior approval requirements of 49 U.S.C. 11323 *et seq.*, for The Kansas City Southern Railway Company (KCSR), a Class I rail carrier, to acquire and operate a 2.23-mile rail line owned by Columbus and Greenville Railway Company (CAGY), a Class III rail carrier, subject to CAGY's reservation of nonexclusive limited local trackage rights.¹ The rail line extends between, at one end, a connection between KCSR's Artesia Subdivision and CAGY's main track near KCSR milepost 230.4 and, at the other end, two connections between CAGY's main track and KCSR's Louisville Subdivision near KCSR milepost 88.5, near West Point, MS.²

DATES: Petitioner has asked for expedited consideration of the petition. Consequently, the exemption will be effective on December 20, 2007. Petitions to stay must be filed by December 19, 2007. Petitions to reopen must be filed by January 14, 2008.

ADDRESSES: An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35094, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of all pleadings must be served on petitioner's representative: William A. Mullins, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 245-0395. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

¹ Pursuant to an agreement between petitioners, CAGY would be permitted to traverse the involved line via its reserved nonexclusive local trackage rights, but it would not be permitted to serve shippers on the line that had not been previously served when CAGY owned the line.

² The terminal mileposts are points on separate KCSR subdivisions to which the line connects at either end (CAGY has indicated that the line does not have mileposts of its own). The mileposts therefore cannot be used for purposes of calculating the actual mileage of the line.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision served on December 13, 2007. To purchase a copy of the full decision, write, e-mail, or call: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail: 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 www.stb.dot.gov.

Decided: December 6, 2007.

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

Vernon A. Williams,
Secretary.

[FR Doc. E7-24037 Filed 12-12-07; 8:45 am]

BILLING CODE 4915-01-P**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 35104]****East Penn Railroad, LLC—Operation Exemption—Kutztown Transportation Authority**

East Penn Railroad, LLC (ESPN), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to operate a 4.12-mile rail line owned by Kutztown Transportation Authority (KTA), a municipal authority organized under the Pennsylvania Municipal Authorities Act of 1954. The line is located between milepost 0.17 at Topton, PA, and milepost 4.29 at Kutztown, PA.

ESPN advises that its predecessors, Penn Eastern Rail Lines, Inc. (PERL), and East Penn Railway, Inc. (EPRY), had entered into an agreement with KTA dated July 25, 2005, to replace the previous lease agreement for the line, but had failed to obtain prior approval for the new agreement. However, ESPN indicates that it or one of its predecessors has been the operator on the line for over 10 years.¹

¹ The subject line was acquired by PERL and was formerly leased and operated by EPRY. *See* Penn Eastern Rail Lines, Inc.—Acquisition and Operation Exemption—Lines of Lancaster Northern Railway, Inc., Chester Valley Railway, Inc., East Penn Railways, Inc., and Bristol Industrial Terminal Railway, Inc., STB Finance Docket No. 33512 (STB served Dec. 1, 1997). Also, Mr. John C. Nolan, an individual, controlled EPRY and obtained authority to control PERL. *See* John C. Nolan—Control Exemption—Penn Eastern Rail Lines, Inc., STB Finance Docket No. 34223 (STB served July 22, 2002). Mr. Nolan merged PERL and EPRY into ESPN. *See* John C. Nolan, Penn Eastern Rail Lines, Inc., and East Penn Railways, Inc.—Corporate

ESPN certifies that its projected annual revenues as a result of the transaction will not exceed \$5 million and will not result in the creation of a Class II or Class I carrier. The earliest this transaction could have been consummated was on or after the December 27, 2007 effective date of the exemption (30 days after the exemption was filed).

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. Petitions for stay must be filed no later than December 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. 35104, must be filed with the Surface Transportation Board, 395 E Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Of Counsel, Ball Janik LLP, Suite 225, 1455 F Street, NW., Washington, DC 20005.

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

Decided: December 7, 2007.

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

Vernon A. Williams,
Secretary.

[FR Doc. E7-24155 Filed 12-12-07; 8:45 am]

BILLING CODE 4915-01-P**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 35097]****Massachusetts Coastal Railroad, LLC—Modified Rail Certificate**

On November 29, 2007,¹ Massachusetts Coastal Railroad, LLC (MC)² filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150, Subpart C, *Modified Certificate of Public*

Family Transaction Exemption, STB Finance Docket No. 35056 (STB served July 13, 2007). According to ESPN, Mr. Nolan subsequently sold ESPN to Regional Rail, LLC, a noncarrier, which does not control any other rail carriers.

¹ This notice was initially filed on November 9, 2007, but a substantial amendment thereto was subsequently filed on November 29. *See infra* note 3. November 29 will therefore be considered the filing date.

² MC is a Massachusetts Limited Liability Company and a wholly owned subsidiary of noncarrier Cape Rail, Inc.