

Applicants certify that the pertinent carrier parties hold satisfactory safety ratings from the U.S. Department of Transportation; that they have sufficient liability insurance; that they are neither domiciled in Mexico nor owned or controlled by persons of that country; and that approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources. Additional information may be obtained from applicants' representatives.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) the effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If opposing comments are timely filed, this finding will be deemed vacated and a procedural schedule will be adopted to reconsider the application. If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on April 13, 1998, unless timely opposing comments are filed.

4. A copy of this notice will be served on the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: February 20, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98-5109 Filed 2-26-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC-F-20915]

Suburban Transit Corp., et al.— Pooling—American Limousine Service, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed coordinated service and revenue pooling application.

SUMMARY: Suburban Transit Corp. (Suburban Transit) and Suburban Trails, Inc. (Suburban Trails) (collectively Suburban), both of New Brunswick, NJ, and American Limousine Service, Inc. (American), of Hamilton Township, NJ, jointly seek approval of a coordinated service and revenue pooling agreement under 49 U.S.C. 14302, with respect to their motor passenger transportation services between a park and ride facility near Exit 8A of the New Jersey Turnpike and routes feeding that facility, and New York, NY (the "8A Area Service").

DATES: Comments on the proposed agreement may be filed with the Board in the form of verified statements on or before March 30, 1998. If comments are filed, applicants' rebuttal statement is due on or before April 20, 1998.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC-F-20915 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, send one copy of any comments to each of applicants' representatives: (1) Betty Jo Christian, Steptoe & Johnson LLP, 1330 Connecticut Avenue, N.W., Washington, DC 20036; and (2) Joseph J. Ferrara, Ferrara & Associates, 921 Bergen Avenue, #806, Jersey City, NJ 07306.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: Under the proposed pooling agreement, applicants seek approval to pool a portion of their services over routes which they both operate and to share the revenues derived from their operations over those routes.

Suburban Transit, a commuter bus carrier, holds operating authority in No. MC-115116 and operates from Middlesex, Somerset and Mercer counties in central New Jersey to New York City along numerous routes.

Suburban Trails holds operating authority in No. MC-149081 and operates two regular routes: the Route 9

corridor service, in coordination with New Jersey Transit, and the Hightstown "8A Area Service," the route involved in the instant pooling application. Suburban Trails also operates domestic and international charter service.

American holds operating authority in No. MC-186879 and operates, in addition to the routes involved here, two intrastate routes between points in Middlesex and Mercer Counties and Atlantic City, NJ, as well as interstate and intrastate charter service.

Applicants are competitors on the "8A Area Service" route. Because their competing services are performed at nearly the same scheduled times, which causes both carriers to operate only partially loaded buses, applicants claim that their operations are inefficient and costly. As a consequence, they state that they are unable to compete effectively with Amtrak, New Jersey Transit, van pools, and private automobiles.

Applicants assert that there is substantial intermodal competition on the pooled route to protect the public and that the pooling agreement does not threaten to produce an unreasonable restraint on competition. They note keen competition from other modes of passenger travel in the area, including 4 commuter hour trains operated by Amtrak, 12 commuter hour trains operated by New Jersey Transit, vanpools, and private automobiles.

Pooled services, according to applicants, will enable them to increase their passenger load per bus, thereby reducing their overall cost of operations, and, in turn, make their services more competitive. In addition, applicants point out that pooling their operations will benefit passengers by: (1) Providing a greater choice of departure times; (2) allowing applicants to honor each other's tickets; (3) arranging for PM departures from the same departure area; (4) utilizing a common dispatcher where feasible; and (5) accepting passengers from disabled buses in the event of a breakdown. By pooling their revenues, applicants expect to enhance their financial stability in a manner that neither could achieve alone through individual operations in the 8A Area Service. This, in turn, will improve service to the public by allowing applicants to better manage their pricing structures and capital improvements, including the replacement of vehicles.

Applicants state that they are not domiciled in Mexico and are not owned or controlled by persons of that country. Moreover, they assert that approval of the application will not significantly affect either the quality of the human environment or the conservation of energy resources. Rather, they claim that

the transaction will result in the conservation of fuel and the reduction of emissions.

Copies of the pooling application may be obtained free of charge by contacting applicants' representatives.

Alternatively, the pooling application may be inspected at the offices of the Surface Transportation Board, Room 755, during normal business hours. A copy of the notice will be served on the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: February 18, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98-4831 Filed 2-26-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33554]

Twin Cities & Western Railroad Company, Corporate Family Transaction Exemption, Minnesota River Bridge Company

Twin Cities & Western Railroad Company (TCW) and Minnesota River

Bridge Company (MRBC),¹ Class III railroads, have jointly filed a verified notice of exemption. The exempt transaction is a merger of MRBC into TCW, with TCW as the surviving corporation.

The transaction is expected to be consummated on or after February 24, 1998.

The proposed merger will enable the surviving carrier to operate the rail lines more efficiently without affecting the current operations over the rail lines.

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 transactions under sections 11324 and

¹ TCW and MRBC are owned and controlled by Douglas M. Head, Kent P. Shoemaker, and Charles H. Clay. TCW operates in the States of Minnesota and South Dakota, and MRBC operates in the State of Minnesota.

11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33554, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Jo A. DeRoche, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

Decided: February 23, 1998.

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

Vernon A. Williams,

Secretary.

[FR Doc. 98-5110 Filed 2-26-98; 8:45 am]

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