

consummated on or shortly after February 23, 1996.

Applicant controls four other Class III rail carriers: Wyoming and Colorado Railroad Company, Inc. (WYCO); Oregon Eastern Railroad Company, Inc. (OER); Arizona Central Railroad, Inc. (AZCR); and Southwestern Railroad Company, Inc. (SWR).

The transaction is exempt from the prior approval requirements of 49 U.S.C. 11323 [formerly section 11343] because Applicant states that: (1) CVR, WYCO, OER, AZCR, and SWR will not connect with each other; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other; and (3) the transaction does not involve a Class I carrier.

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 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) [formerly section 10505(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. 32870, must be filed with the Office of the Secretary, Surface Transportation Board, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Walter T. Merrill, Durbano & Associates, 3340 Harrison Boulevard, Suite 200, Ogden, UT 84403.

Decided: February 27, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 96-7422 Filed 3-26-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 32863]^{1,2}

**Genesee & Wyoming, Inc.—
Continuance in Control Exemption—
Illinois & Midland Railroad, Inc.**

Genesee & Wyoming, Inc. (GWI), a noncarrier, has filed a verified notice under 49 CFR 1180.2(d)(2) to continue in control of Illinois & Midland Railroad, Inc. (IMR), upon IMR's becoming a Class III rail carrier. IMR, a noncarrier, has concurrently filed a notice of exemption in *Illinois & Midland Railroad, Inc.—Acquisition and Operation Exemption—Chicago & Illinois Midland Railway Company*, STB Finance Docket No. 32862, in which IMR seeks to acquire and operate 98 miles of rail lines of Chicago & Illinois Midland Railway Company (CIMR), in the State of Illinois. IMR also seeks to acquire the interest of CIMR in 25.4 miles of overhead trackage rights in the State of Illinois. The transaction was to have been consummated on or about February 8, 1996.

GWI also controls through stock ownership 9 other nonconnecting Class III rail carriers: Genesee & Wyoming Railroad Company; Dansville and Mount Morris Railroad Company; Rochester & Southern Railroad, Inc.; Louisiana & Delta Railroad, Inc.; Buffalo & Pittsburgh Railroad, Inc.; Bradford Industrial Rail, Inc.; Allegheny & Eastern Railroad, Inc.; Willamette & Pacific Railroad, Inc.; and GWI Switching Services.³

The transaction is exempt from the prior approval requirements of 49 U.S.C. 11323 [formerly section 11343] because: (1) the railroads will not connect with each other or with 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 with any railroad in their corporate

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323.

² A notice in this proceeding was previously served by the Board and published in the Federal Register on March 1, 1996. A corrected notice is being issued because the earlier notice imposed labor protective conditions that the Board may no longer impose under the Act for transactions such as this one that are the subject of notices of exemption filed after the January 1, 1996 effective date of the Act.

³ Also, GWI has in *Genesee & Wyoming Industries, Inc.—Continuance in Control Exemption—Portland & Western Railroad*, Finance Docket No. 32759, a pending petition for exemption to continue in control of a connecting Class III railroad.

family; and (3) the transaction does not involve a Class I carrier.

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 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) [formerly section 10505(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. 32863, must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Ave., N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.O. Box 796, 213 West Miner St., West Chester, PA 19381-0796.

Decided: February 22, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 96-7421 Filed 3-26-96; 8:45 am]

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[STB Finance Docket No. 32876 (Sub-No. 1)]¹

**Notre Capital Ventures II, LLC, and
Coach USA, Inc.—Control Exemption—
Arrow Stage Lines, Inc.; Cape Transit
Corp.; Community Coach, Inc.;
Community Transit Lines, Inc.;
Grosvenor Bus Lines, Inc.; H.A.M.L.
Corp.; Leisure Time Tours; Suburban
Management Corp.; Suburban Trails,
Inc.; and Suburban Transit Corp.**

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of Filing of Petition for Exemption.

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to an exemption of a motor passenger carrier acquisition of control transaction that is subject to Board jurisdiction under 49 U.S.C. 13541 and 14303.

SUMMARY: Notre Capital Ventures II, LLC, and Coach USA, Inc., both noncarriers, seek an exemption, under 49 U.S.C. 13541, from the prior approval requirements of 49 U.S.C. 14303(a)(4), to acquire control of 10 motor common carriers of passengers. Petitioners request expedition, asking that the exemption become effective no later than May 3, 1996.

DATES: Comments must be filed by April 11, 1996. Petitioners may file a reply by April 16, 1996.

ADDRESSES: Send an original and 10 copies of comments referring to STB Finance Docket No. 32876 (Sub-No. 1) to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, send one copy of comments to petitioners' representatives: Betty Jo Christian and David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Ave., NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Petitioners, Notre Capital Ventures II, LLC, and Coach USA, Inc., seek an exemption to acquire, through stock purchase, control over 10 motor carriers of passengers: Arrow Stage Lines, Inc.; Cape Transit Corp.; Community Coach, Inc. (Coach); Community Transit Lines, Inc. (Community Transit); Grosvenor Bus Lines, Inc.; H.A.M.L. Corp.; Leisure Time Tours; Suburban Management Corp. (Management); Suburban Trails, Inc. (Trails); and Suburban Transit Corp (Suburban Transit).

Petitioners also request that the exemption extend to the possible common control of Orange, Newark, Elizabeth Bus, Inc. (ONE Bus). ONE Bus is not part of the proposed transaction but is owned in part by persons who now control Coach and Community Transit, and who will own a small percentage of the new, consolidated entity after the transaction is consummated.

Petitioners request that this exemption become effective no later than May 3, 1996, to allow them to synchronize the exemption with a Securities and Exchange Commission registration statement that is intended to authorize an initial public offering (IPO) of \$45 million in stock to be issued in connection with the proposed transaction and future transactions of this nature. Petitioners state that a delay could increase their costs, make it impossible to complete the IPO as projected, and otherwise jeopardize their entire plan.

Petitioners state that the 10 carriers they seek to control are relatively small and operate in diverse markets across the country. The 10 carriers generally have no connection or control relationship with one another, except that Coach and Community Transit are under common control, and H.A.M.L., Management, Trails, and Suburban Transit are under common control.

Petitioners state that the only significant competition among the 10 carriers is in the limited area of charter and special operations.

Aside from charter and special operations, petitioners state that the 10 carriers operate regionally with a relatively small market share. While acknowledging that there are some overlapping routes, petitioners note that the 10 carriers do not compete with each other to any significant degree. Although several of them operate commuter bus services between New York City and points in New Jersey, their routes (with the exception of those operated by carriers already under common control) extend in different directions and serve different termini.

Petitioners assert that, in each of their respective markets, the 10 carriers confront significant competitive pressure from other bus lines and other transportation modes, including commercial airlines, Amtrak, commuter rail services, and the private automobile. Further, petitioners state that the 10 bus companies, whether considered as individual entities or as consolidated into what would be the nation's second largest group of passenger carriers, cannot compare, much less compete on any substantial basis, with Greyhound Lines, Inc., the only bus company providing nationwide, regular-route bus service.

Following the acquisition of control, the 10 carriers allegedly will continue to operate in their respective markets, each in its own name and in the same basic manner as before. Petitioners claim that the 10 carriers will benefit from centralized management, coordination of functions, financial support, and economies of scale and that improved services at lower costs will result.

Petitioners assert that prior review and approval of the transaction under 49 U.S.C. 14303 are not necessary to carry out the transportation policy of 49 U.S.C. 13101, that regulation is not needed to protect shippers from the abuse of market power, that the transaction is of limited scope, and that exempting the transaction from regulation is in the public interest.

Additional information may be obtained from petitioners' representatives.

Decided: March 21, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96-7423 Filed 3-26-96; 8:45 am]

BILLING CODE 4915-00-P

[Docket No. AB-453 (Sub-No. 1X)]¹

Georgia & Florida Railroad Co., Inc.— Abandonment Exemption—in Mitchell and Colquitt Counties, GA

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board, pursuant to 49 U.S.C. 10505, exempts Georgia & Florida Railroad Co., Inc. from the prior approval requirements of 49 U.S.C. 10903-04 to abandon service over 5.45 miles of rail line in Mitchell and Colquitt Counties, GA, subject to standard labor protective conditions. Specifically, the line runs 1.6 miles between mileposts 93.0 and 94.6 near Camilla, in Mitchell County, GA, and 3.85 miles between mileposts 23.25 and 27.1 near Moultrie, in Colquitt County, GA.

DATES: Provided no formal expression of intent to file a financial assistance offer has been received, this exemption will be effective on April 26, 1996. Formal expressions of intent to file financial assistance offers² under 49 CFR 1152.27(c)(2), requests for a notice of interim trail use/rail banking and petitions to stay must be filed by April 8, 1996. Requests for a public use condition and petitions to reopen must be filed by April 16, 1996.

ADDRESSES: Send pleadings referring to Docket No. AB-453 (Sub-No. 1X) to: (1) Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW., Washington, DC 20423; and (2) Petitioner's representative: Jo A.

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to section 10903. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former sections of the statute, unless otherwise indicated.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987).