

32903 published at 61 FR 20551 on May 7, 1996.

DATES: This exemption will be effective on July 21, 1996. Petitions to stay must be filed July 1, 1996. Petitions to reopen must be filed by July 11, 1996.

ADDRESSES: An original and 10 copies of pleadings, referring to STB Finance Docket No. 32904 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of all pleadings must be served on William P. Quinn, Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381-0796.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data Inc., 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: June 6, 1996.

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

Vernon A. Williams,
Secretary.

[FR Doc. 96-15894 Filed 6-20-96; 8:45 am]

BILLING CODE 4915-00-P

Surface Transportation Board¹

[STB Finance Docket No. 32976]

The Indiana & Ohio Rail Passenger Corporation; Acquisition by Trackage Rights and Operation Exemption; Cincinnati Terminal Railway Corp., Indiana and Ohio Railroad Company, Indiana & Ohio Railway Company, Inc., and Indiana & Ohio Central Railroad Company, Inc.

The Indiana & Ohio Rail Passenger Corporation (IORP), a noncarrier, has filed a verified notice of exemption, as clarified and corrected by letter dated June 12, 1996, from Counsel for IORP,

under 49 CFR 1150.31² to acquire, and operate over, local and overhead trackage rights from Cincinnati Terminal Railway Corp., the Indiana and Ohio Railroad Company, the Indiana & Ohio Railway Company, Inc., and the Indiana & Ohio Central Railroad Company, Inc. all Class III rail carriers. The trackage over which IORP's operations will be conducted are: (1) Over Cincinnati Terminal Railway Corp., from MP 0.4 in Cincinnati, OH, to MP 16.4 at Evendale, OH, for a total of 16 miles; (2) over Indiana and Ohio Railroad Company, from MP 17.75 at Valley Junction, OH, to MP 43.90 at Brookville, IN, for a total of approximately 26.2 miles; (3) over Indiana & Ohio Railway Company, Inc., from (a) MP 5.9 near Monroe, OH, to MP 12.0 near Hageman, OH, (b) MP 31.1 near Hageman, OH, to MP 36.9 at South Mason, OH, (c) MP 26.7 at Lebanon, OH, to MP 31.1 near Hageman, OH, and (d) MP 39.76 at Brecon, OH, to MP 50.5 at Norwood, OH, for a total of approximately 26 miles; and (4) over Indiana & Ohio Central Railroad Company, Inc., from (a) MP 44.96 at Midland City, OH, to MP 74.45 near Thrifton, OH, (b) MP 9.1 near Columbus, OH, to MP 52.56 near Logan,

² A notice of exemption for a similar transaction was served and published previously in *The Indiana & Ohio Rail Passenger Corporation; Acquisition by Trackage Rights and Operation Exemption; Cincinnati Terminal Railway Corp., Indiana and Ohio Railroad Company, Indiana & Ohio Railway Company, Inc., and Indiana & Ohio Central Railroad Company, Inc.*, STB Finance Docket No. 32893 (STB served Apr. 30, 1996) (61 FR 19112). Contrary to an erroneous, but harmless, assertion in that proceeding, IORP was, until June 4, 1996, a wholly owned noncarrier subsidiary of the Indiana & Ohio Rail Corp. (IORC), the noncarrier parent holding company for the four Class III carriers from which IORP is obtaining trackage rights in the present proceeding. IORP, in fact, was a wholly owned, noncarrier subsidiary of the IORC. Because IORP did not act on the exemption authorized in STB Finance Docket No. 32893 (nor on the exemption authorized in *The Indiana & Ohio Rail Passenger Corporation; Trackage Rights Exemption; Cincinnati Terminal Railway Corp., Indiana and Ohio Railroad Company, Indiana & Ohio Railway Company, Inc., and Indiana & Ohio Central Railroad Company, Inc.*, STB Finance Docket No. 32894 (STB served Apr. 30, 1996) (61 FR 19112), it did not become a carrier until June 4, 1996. On that date, the stock of IORC was sold to RailTex, Inc., pursuant to a notice of exemption filed on May 28, 1996, and effective on June 4, 1996, in *RailTex, Inc.; Control Exemption; Indiana & Ohio Rail Corp.*, STB Finance Docket No. 32975 (STB served June 21, 1996). With the sale of IORC's stock, the control of all four carrier subsidiaries of IORC passed to RailTex, but the ownership and control of IORP, under the sale agreement, was retained by Thomas B. McOwen, one of the prior owners of IORC. IORP is thus not presently affiliated with any other rail carrier, and it was never a carrier while it was affiliated with the other rail carriers. Thus, at no time did IORC, Mr. McOwen, or RailTex, require Board approval or exemption to control IORP while in control of rail carriers.

OH, (c) MP 200.57 at Springfield, OH, to MP 228.83 at Fayne, OH, (d) MP 129.4 near Bell, OH, to MP 130.1 near Springfield, OH, (e) MP 0.0 near Bell, OH, to MP 17.2, near Mechanicsburg, OH, (f) MP 98.8 at Bellfontaine, OH, to MP 129.4 at Bell, OH; and (g) MP 124.5 at Glen Echo, to Cold Springs. The total mileage for all segments is approximately 215.8.

The exemption became effective, and, according to Counsel for IORP, the transaction was consummated, on June 4, 1996.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32976, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on: Robert L. Calhoun, Sullivan & Worcester, LLP, 1025 Connecticut Avenue, N.W., Suite 1000, Washington, DC 20036.

Decided: June 14, 1996.

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

[FR Doc. 96-15892 Filed 6-20-96; 8:45 am]

BILLING CODE 4915-00-P

Surface Transportation Board¹

[STB Finance Docket No. 32861]

R.J. Corman Railroad Company/ Pennsylvania Lines Inc.; Lease Exemption; Clearfield & Mahoning Railway Company

AGENCY: Surface Transportation Board.
ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the lease by R.J. Corman Railroad Company/ Pennsylvania Lines Inc. of 8.4 miles of rail line of the Clearfield & Mahoning Railway Company (C&M) between milepost 17.4 at East Bickford and milepost 25.8 at Clearfield, in Clearfield County, PA, is exempted from the prior

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 functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901.

¹ The ICC Termination Act of 1995, Pub. L. 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 functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323.

approval requirements of 49 U.S.C. 11323-25.

This proceeding is related to *Richard J. Corman—Control Exemption—Clearfield & Mahoning Railway Company*, STB Finance Docket No. 32854, where a concurrently filed petition for exemption to acquire a controlling stock interest in C&M is also being granted.

DATES: This exemption will be effective July 21, 1996. Petitions to stay must be filed by July 8, 1996. Petitions to reopen must be filed by July 16, 1996.

ADDRESSES: Send pleadings referring to STB Finance Docket No. 32861 to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Ave., NW., Washington, DC 20423, and (2) Petitioner's representative: Kevin M. Sheys, Oppenheimer Wolff & Donnelly, 1020 19th St., NW., Suite 400, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., Room 2229, 1201 Constitution Ave., NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: June 6, 1996.

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

Vernon A. Williams,
Secretary.

[FR Doc. 96-15897 Filed 6-20-96; 8:45 am]

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Surface Transportation Board¹

[STB Finance Docket No. 32975]

RailTex, Inc.; Control Exemption; Indiana & Ohio Rail Corp.

RailTex, Inc. (RailTex), a noncarrier holding company, has filed a notice of

exemption to acquire control through stock ownership of Indiana & Ohio Rail Corp. (I&O), a noncarrier holding company.² I&O controls four separate Class III railroads as follows: Cincinnati Terminal Railway Company; Indiana and Ohio Railroad, Inc.; Indiana & Ohio Railway Company; and Indiana & Ohio Central Railroad, Inc. These four I&O rail carrier subsidiaries are separate corporate entities comprising a single rail system operating in the States of Indiana and Ohio as the Indiana & Ohio Rail System (I&O Rail System).

The exemption became effective, and it was reported in a letter filed in *The Indiana & Ohio Rail Passenger Corporation—Acquisition by Trackage Rights and Operation Exemption—Cincinnati Terminal Railway Corp., Indiana and Ohio Railroad Company, Indiana & Ohio Railway Company, Inc., and Indiana & Ohio Central Railroad Company, Inc.*, STB Finance Docket No. 32976 (STB served June 21, 1996), that the transaction was consummated, on June 4, 1996.

RailTex controls 16 existing Class III railroad subsidiaries: San Diego & Imperial Valley Railroad Company, Inc., operating in California; North Carolina & Virginia Railroad Company, Inc. (including Virginia Southern Division), operating in North Carolina and Virginia; South Carolina Central Railroad Company, Inc. (including Carolina Piedmont Division), operating in South Carolina; Mid-Michigan Railroad, Inc. (including Northeast Kansas & Missouri Division and Texas Northeastern Division) operating in Texas, Kansas, Missouri and Michigan. Chesapeake & Albemarle Railroad Company, Inc., operating in Virginia and North Carolina; Michigan Shore Railroad Company, Inc., operating in Michigan; New Orleans Lower Coast Railroad Company, Inc., operating in Louisiana; Dallas, Garland & Northeastern Railroad, Inc., operating in Texas; Indiana Southern Railroad, Inc., operating in Indiana;³ Missouri & Northern Arkansas Railroad Company, Inc., operating in Kansas, Missouri and Arkansas; Salt Lake City Southern Railroad Company, Inc., operating in Utah; Grand Rapids Eastern Railroad, Inc., operating in Michigan; Central Oregon & Pacific Railroad, Inc.,

operating in Oregon and California; New England Central Railroad, Inc., operating in Vermont, New Hampshire, Massachusetts, and Connecticut; Georgia Southwestern Railroad, Inc. (including Georgia & Alabama Division and Georgia Southwestern Division), operating in Alabama and Georgia; and Austin & Northwestern Railroad Company, Inc. (including Texas-New Mexico Division), operating in Texas and New Mexico.

RailTex states that: (i) the I&O Rail System will not connect with any railroad in the RailTex corporate family; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the I&O Rail System with any railroad in the RailTex corporate family; and (iii) 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 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 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. 32975, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Karl Morell, Ball, Janik & Novack, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Decided: June 14, 1996.

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

[FR Doc. 96-15893 Filed 6-20-96; 8:45 am]

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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 functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323-24.

² RailTex is acquiring all of the issued and outstanding capital stock of I&O.

³ The Indiana Southern Railroad, Inc. operates in the State of Indiana but does not connect with the I&O Rail System.