

would: (1) provide the procedures for the adoption of a plan of partial redemption or partial liquidation of corporate assets upon recommendation of the board of directors and an affirmative membership vote; (2) provide the procedures for the adoption of a plan for complete liquidation and dissolution upon the recommendation of the board of directors and an affirmative vote of the membership; and (3) provide the formula for distribution to member carriers which were members during the 12-month period prior to the adoption of a plan of partial or complete liquidation.

**DATES:** Comments from interested persons are due May 30, 1997. Replies are due June 24, 1997. If no timely filed adverse comments are received, the sought relief will automatically become effective at the close of the comment period. If opposition comments are filed, the comments and any reply will be considered, and the Board will issue a further decision.

**ADDRESSES:** An original and 10 copies of comments referring to STB Section 5a Application No. 70 (Amendment No. 11) should be sent to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. A copy of any comments filed with the Board must also be served on applicant's representative: Leo Franey, 1920 N Street, N.W., Washington, D.C. 20036.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695].

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision. To purchase a copy of the decision, write to, call, or pick up in person from: DC News & Data, Inc., 1925 K Street, N.W., Suite 210, Washington, DC 20006.

Telephone: (202) 289-4357.  
[Assistance for the hearing impaired is available through TDD services (202) 565-1695.]

Decided: April 18, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 97-11031 Filed 4-28-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33380]

#### The Indiana Rail Road Company— Trackage Rights Exemption— Consolidated Rail Corporation

Consolidated Rail Corporation (Conrail) has agreed to grant trackage rights to The Indiana Rail Road Company (INRD) between INRD's connection with Conrail's Indianapolis Belt Running Track (Belt Track) near Raymond Street, Indianapolis, IN, at approximately milepost 5.3 and the end of Conrail's Belt Track at the connection with the former Norfolk and Western Railway Company at approximately milepost 13.5, a distance of approximately 8.2 miles.<sup>1</sup>

In its notice, INRD stated its intention that the trackage rights would become effective on April 20, 1997. On April 18, 1997, Joseph C. Szabo, for and on behalf of United Transportation Union-Illinois Legislative Board (UTU-IL), filed a petition to reject INRD's notice of exemption because the notice, filed on April 14, 1997, purported to give only 6 days' notice of the transaction when the Board's rules require that the notice be filed with the Board at least 7 days prior to consummation of an exempt transaction. See 49 CFR 1180.4(g). INRD replied on April 22, 1997, in opposition to the petition to reject. INRD argues that the trackage rights should be allowed to become effective on April 20, 1997, because it mailed its notice of exemption on April 10, 1997, and that it "could reasonably assume that the Notice of Exemption would get from Jacksonville, Florida to Washington, D.C. in three days via first-class U.S. mail service."

The notice of exemption was not received by the Board until Monday, April 14, 1997, and hence was not filed

until April 14, 1997.<sup>2</sup> The earliest the exemption could take effect, therefore, was Monday, April 21, 1997, and INRD's intended consummation date of April 20, 1997, was premature. While this is not a basis for rejection, UTU-IL is correct that INRD could not lawfully consummate the trackage rights transaction that is the subject of its notice until April 21, 1997.

If INRD consummated the trackage rights transaction (for which it invoked the class exemption) prior to April 21, 1997, it will need to pursue after-the-fact relief by means of a petition for exemption that would permit effectiveness of the exemption sooner than 7 days after the filing of its notice of exemption. The petition should be filed with an appropriate filing fee.<sup>3</sup>

The purpose of the trackage rights is to allow INRD to continue to interchange with Norfolk Southern Railway Company, at milepost 13.5, and with CSXT near State Street, at approximately milepost 8.9.

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 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33380, 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 Charles M. Rosenberger, Esq., 500 Water Street, Jacksonville, FL 32202.

Decided: April 23, 1997.

<sup>2</sup> The April 14, 1997 date of receipt at the Board is controlling. Moreover, there is no merit to INRD's argument that it could reasonably have expected a document mailed via first class in Jacksonville on Thursday, April 10, 1997, to have been received for filing at the Board in Washington, D.C., on or before April 13, 1997. If a document filed by mail had been received by the Board on April 13 (a Sunday) or even on April 12 (a Saturday), it would not have been processed in any event until the next business day (Monday, April 14, 1997).

<sup>3</sup> See *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—1997 Update*, STB Ex Parte No. 542 (Sub-No. 1) (STB served Jan. 23, 1997). Specific questions concerning filing fees should be directed to the Office of the Secretary, (202) 565-1650.

<sup>1</sup> INRD, Conrail, and CSX Transportation, Inc. (CSXT), are surviving parties to an agreement dated September 20, 1883, whereby all three maintained the right to operate over property owned by the former Indianapolis Union Railway Company (IU). IU's properties were conveyed to Conrail in 1976 by the United States Railway Administration. The track over which INRD operates consists of Conrail's 13.5-mile Belt Track and approximately 1.1 miles in downtown Indianapolis through the Indianapolis Union Station area. The surviving parties have agreed to terminate the 1883 agreement because many of its provisions have become obsolete. INRD has filed a notice of exemption to discontinue its trackage rights over the remainder of the Belt Track between mileposts 0.0 and milepost 5.3, as well as over the 1.1 miles of trackage in the Indianapolis Union Station area in *The Indiana Rail Road Company—Discontinuance of Trackage Rights Exemption—in Marion County, IN*, STB Docket No. AB-295 (Sub-No. 3).

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-11030 Filed 4-28-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33389]

#### **The Land Conservancy of Seattle and King County—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company**

The Land Conservancy of Seattle and King County, a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate approximately 12.45 miles of rail line from The Burlington Northern and Santa Fe Railway Company between milepost 7.30, near Redmond, and milepost 19.75, at Issaquah, in King County, WA.

The transaction was scheduled to be consummated on or after the April 22, 1997 effective date of the exemption.

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 revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33389, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Charles H. Montange, 426 NW 162d Street, Seattle, WA 98177.

Decided: April 23, 1997.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-11029 Filed 4-28-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33391]

#### **South Carolina Central Railroad Inc., Carolina Piedmont Division—Acquisition Exemption—Greenville & Northern Railway**

South Carolina Central Railroad Inc., Carolina Piedmont Division (CPD), a Class III rail common carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire and operate 11.8 miles of rail line from the Greenville & Northern Railway (G&NR) between milepost 0.0, at Greenville, SC, and milepost 11.8, at Traveler's Rest, SC. In addition, CPD will acquire, by assignment, G&NR's overhead trackage rights over 1.65 miles of a rail line owned by CSX Transportation, Inc. between milepost AKJ-591.53 and milepost AKL-57.35, in Greenville, SC.

The transaction is expected to be consummated on or shortly after April 24, 1997.

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. 33391, 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 Karl Morell, Esq., BALL JANIK LLP 1455 F Street, N.W., Washington, DC 20005.

Decided: April 23, 1997.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-11033 Filed 4-28-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-406 (Sub-No. 7X)]

#### **Central Kansas Railway, Limited Liability Company—Abandonment Exemption—in Barton, Ellsworth and Rice Counties, KS**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of exemption.

**SUMMARY:** Under 49 U.S.C. 10502, the Board exempts from the requirements of 49 USC 10903 the abandonment by Central Kansas Railway, Limited Liability Company (CKR) of a 53.2-mile portion of its Little River Subdivision from milepost 577.1 near Lyons to milepost 594.1 near Lorraine, thence from milepost 20.7 near Lorraine to milepost 56.9 near Galatia, in Barton, Ellsworth and Rice Counties, KS, subject to standard labor protective conditions and an historic preservation condition.

**DATES:** The exemption will be effective May 29, 1997 unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Statements of intent to file an OFA under 49 CFR 1152.27(c)(2) must be filed by May 9, 1997; petitions to stay must be filed by May 14, 1997; requests for a public use condition under 49 CFR 1152.28 and requests for a notice of interim trail use/rail banking under 49 CFR 1152.29 must be filed by May 19, 1997; and petitions to reopen must be filed by May 27, 1997.

**ADDRESSES:** An original and 10 copies of all pleadings referring to STB Docket No. AB-406 (Sub-No. 7X) must be filed with: Surface Transportation Board, Office of the Secretary, Case Control Unit, Mercury Building, 1925 K Street, NW, Washington, DC 20423-0001; a copy of all pleadings must be served on petitioner's representative: Michael J. Ogborn, Manager, Central Kansas Railway, Limited Liability Company, 252 Clayton Street, 4th Floor, Denver, CO 80206.

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

#### **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., 1925 K Street, NW, Suite 210, Washington, DC 20006 [Telephone: (202) 289-4357]. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.]

Decided: April 15, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-11027 Filed 4-28-97; 8:45 am]

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