

Requirements of 40 CFR 107.203(d) and 107.205.

Without waiving its objection to AWHMT's request to amend its petition, the City requests that in the event RSPA grants AWHMT's request to amend, the entire amended petition, including the new challenge to the minimum distance requirement as well as the challenges to the other provisions of the City's ordinances contained in the original petition filed in March of 1998, be the subject of a notice in the **Federal Register** and the subject to comments by interested parties, including the City of Cleveland, pursuant to 49 CFR 107.205. Opening up the entire petition to comments would allow a newly interested party to comment to all issues, not just the minimum distance requirement. Moreover, it would allow the City of Cleveland the opportunity to supplement its comments already submitted with affidavits, which it was not able to do previously because of time constraints.

This concludes the City of Cleveland's response to AWHMT's submission dated April 15, 1999. We appreciate this opportunity to comment. I hereby certify that a copy of this letter was sent to Cynthia Hilton, on behalf of the Applicant, the Association of Waste Hazardous Materials Transporters.

Very truly yours,

Joyce M. Dodrill,

Assistant Director of Law.

[FR Doc. 99-16623 Filed 6-29-99; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Discretionary Cooperative Agreements To Support Innovative Programs To Increase Booster Seat and Seat Belt Use Among Children

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of availability—discretionary cooperative agreements.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a discretionary cooperative agreement program to demonstrate and evaluate innovative programs designed to increase booster seat use among children, ages 4 to 8, who have outgrown their child safety seats but do not fit into adult seat belts, and to increase seat belt use among older children, ages 8 through 15.

DATES: Applications must be received at the office designated below before 2:00 p.m. (EST), on August 30, 1999.

ADDRESSES: Applications must be submitted to the DOT/National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD-30),

ATTN: Debra J. Crites, 400 7th Street S.W., Room 5301, Washington, D.C., 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Program Number DTNH22-99-H-05138.

FOR FURTHER INFORMATION CONTACT:

General administrative questions may be directed to Debra J. Crites, Office of Contracts and Procurement at (202) 366-9547, or by e-mail at dcrites@nhtsa.dot.gov. Programmatic questions relating to this cooperative agreement program should be directed to Lori A. Miller, Contracting Officer's Technical Representative (COTR), Occupant Protection Division (NTS-12), NHTSA, 400 7th Street, S.W., Washington, D.C., 20590, by e-mail at lmiller@nhtsa.dot.gov, or by phone at (202) 366-9835. Interested applicants are advised that no separate application package exists beyond the content of this announcement.

SUPPLEMENTARY INFORMATION:

Background

Traffic crashes are the leading cause of death to American children of every age from 5 through 15 years old. Restraint use and proper restraint use decreases as children get older. While restraint use for infants is 85 percent, restraint use for children ages 5 through 15 decreases to 64 percent. NHTSA's 1997 Fatal Analysis Reporting System shows that 52.6 percent of fatally injured 4 through 7 year-old passenger vehicle occupants were totally unrestrained and 65.7 percent of fatally injured 8 through 15 year-olds were unrestrained.

Studies also reveal that of the 4 to 8 year-olds who are restrained, most are in safety belts, not booster seats. In addition, a NHTSA observational study showed that, of the children who had outgrown their child seat, at about age 4 and 40 pounds, only 6 percent were in booster seats. Because of their size, children do not fit properly into adult seat belts until they are approximately eight years old and between 60 and 80 pounds. Booster seats help prevent injuries by helping to position lap and shoulder belts properly across the pelvis and shoulder. Booster seats also may help make safety belts more comfortable for children, decreasing the likelihood that children will place the shoulder belt under their arm, put it behind their back, or remove the safety belt altogether.

Despite targeted program and marketing efforts, many parents and caregivers of 4 through 15 year-olds continue to let children ride unrestrained or in inappropriate

restraints or seating positions. Research studies, focus group testing, and low usage rates suggest that many parents, even those who have secured younger children in child safety seats, do not know what a booster seat is. Therefore, parents move their children, when they have outgrown their child safety seat, into safety belts or leave them totally unrestrained. Many 8 to 12 year-olds continue to ride unrestrained and in the front seat, even in airbag-equipped vehicles.

Low usage rates and lack of booster seat use may in part be attributed to gaps in child passenger safety laws and seat belt laws which often leave children ages 4 through 15 unprotected. Under most states' provisions, a 10 year-old can ride legally in the back seat unrestrained because laws only apply to front seat occupants. Many states fail to address the issue of children as passengers in the cargo area of pickup trucks. Other gaps, such as exemptions for out-of-state vehicles and overcrowded vehicles (car pooling from school) and exemptions if the driver is not the child's legal guardian, make it even more difficult to reduce injuries.

Programs Addressing Older Child Passengers

The Standardized Child Passenger Safety Training Program, developed by NHTSA in 1997, a program aimed at increasing booster seat and seat belt use among children, is currently being delivered nationwide. This technical training program provides child passenger safety professionals essential information and skills necessary to educate the public and to participate in child safety seat clinics. The program includes hands-on installations and educational information regarding all child restraints, including booster seats and seat belts. To date, over 2,500 technicians across the country have been certified. New classes are available on a regular basis.

The National SAFE KIDS Campaign, in partnership with NHTSA, developed and implemented a grassroots program known as Give Kids a Boost. This program offers educational information regarding booster seats, and in some cases, issues booster seats to parents with age-appropriate children. The delivery system was coordinated through health clinics. When families visit the clinics to receive immunizations and booster shots for their children, parents are provided with the information or the booster seats necessary to protect the children as passengers in a motor vehicle.

Programs addressing the older child passenger have been developed by

national and local organizations across the country. For example, the National Peer Helpers Association (NPHA) and the National Federation of State High School Associations (NFHS), with assistance from NHTSA, successfully piloted a cross-age mentoring program in four states. Research has shown that peer education is a particularly effective tool for communicating traffic safety messages to youth. In this nontraditional program, high school student leaders send prevention messages to junior high school and middle high school students, as well as their own peers. The prevention messages include: avoiding alcohol, tobacco and other drugs; not riding with a driver who has been drinking alcohol, or using other drugs; and always wearing safety belts.

Many other new and innovative approaches exist to increase booster seat use and seat belt use among children. To make an impact on the occupant protection problem, it is necessary to identify both innovative and effective strategies and make this information available to those interested in increasing the use of and the proper use of child restraints and/or seat belts.

Purpose and Objectives

The purpose of this cooperative agreement program is to support the development, implementation, and evaluation of up to six (6) projects designed to reduce injuries and fatalities among children ages 4 through 15, due to failure to use booster seats or seat belts. Projects may include increasing booster seat use among children, ages 4 to 8, who have outgrown their child safety seat but do not yet fit into an adult seat belt, and/or innovative approaches to increase seat belt use among older children, ages 8 through 15.

Specific objectives for this cooperative agreement program are as follows:

1. Identify communities that demonstrate the potential for successful implementation and evaluation of innovative approaches to increase booster seat use among children, ages 4 to 8, who have outgrown their child safety seat but do not yet fit into an adult seat belt, and/or innovative approaches to increase seat belt use among older children, ages 8 through 15.

2. Use community data to define the problem, as appropriate. These data are to extend beyond police crash reports, to the extent possible.

3. Actively engage the community to define the problem and potential solutions to the problem. The

community may include, but should not be limited to, parents, caregivers, children, law enforcement officials, legislators, traffic safety officials, and health care and injury prevention professionals. The grantee shall develop strategies for ensuring community involvement in the process.

4. Implement a program to increase the use of booster seats among children ages 4 to 8 and/or seat belts among children ages 8 through 15. The intervention should be creative, based on data and citizen input, and comprehensive in nature. The intervention should be designed to allow for easy implementation and replication.

5. Evaluate the effectiveness of the intervention. The evaluation plan should include process and outcome measures. The evaluation may include, but should not be limited to, the following: what works, what does not work, how to engage partners, methods of overcoming barriers or challenges, and ways to turn challenges into opportunities.

NHTSA Involvement

NHTSA will be involved in all activities undertaken as part of the cooperative agreement program and will:

1. Provide a Contracting Officer's Technical Representative (COTR) to participate in the planning and management of the cooperative agreement and to coordinate activities between the Grantee and NHTSA.

2. Provide information and technical assistance from government sources within available resources and as determined appropriate by the COTR.

3. Serve as a liaison between NHTSA Headquarters, Regional Offices, and others (Federal, state and local) interested in increasing restraint use and the activities of the grantee.

4. Review and provide comments on program content, materials, and evaluation activities.

5. Stimulate the transfer of information among grant recipients and others engaged in child and youth occupant protection activities.

Period of Support

Up to six (6) cooperative agreements will be awarded for an initial project period of twelve (12) months. Contingent on the availability of funds and satisfactory performance, each cooperative agreement may be extended for an additional twelve (12) months. A total of approximately \$500,000 is available for all awarded cooperative agreements for up to a two (2) year period. It is anticipated that individual

award amounts, based on demonstrated need, may range between \$50,000 and \$100,000. Given the amount of funds available for this effort, applicants are strongly encouraged to seek other funding opportunities to supplement the Federal funds. Preference may be given to applicants with cost sharing proposals. At the discretion of the government, funds may be obligated fully at the time of award of the cooperative agreement or incrementally over the period of the cooperative agreement.

Eligibility Requirements

Applications may be submitted by public and private, nonprofit and not-for-profit organizations, and governments and their agencies or a consortium of the above. Thus, universities, colleges, research institutions, hospitals, other public and private (non- or not-for-profit) organizations, and State and local governments are eligible to apply. Interested applicants are advised that no fee or profit will be allowed under this cooperative agreement program. Preference may be given to applicants that have proposed cost-sharing strategies and/or other proposed funding sources in addition to those in this announcement.

Application Procedure

Each applicant must submit one (1) original and two (2) copies of the application package to: NHTSA, Office of Contracts and Procurement (NAD-30), ATTN: Debra J. Crites, 400 7th Street S.W., Room 5301, Washington, D.C. 20590. Applications must include a completed Application for Federal Assistance (Standard Form 424—Revised 4/88). An additional three (3) copies will facilitate the review process, but are not required.

Only complete packages postmarked on or before 2:00 p.m. (EST) on August 30, 1999, will be considered. No facsimile transmissions will be accepted. Applications must be typed on one side of the page only and a reference to NHTSA Cooperative Agreement Number DTNH22-99-H-05138 must be included. Unnecessarily elaborate applications beyond what is sufficient to present a complete and effective response to this invitation are not desired. Please direct questions regarding the application process to Debra J. Crites, at (202) 366-9547, or by e-mail dcrites@nhtsa.dot.gov. Programmatic questions should be directed to Lori A. Miller, by e-mail at lmiller@nhtsa.dot.gov or by phone at (202) 366-9835.

Application Contents

1. The application package must be submitted with OMB Standard Form 424, (REV. 4-88, including 424A and 424B), Application for Federal Assistance, with the required information filled in and the assurances signed (SF 424B). The OMB Standard Forms (SF) 424, SF 424 A, and SF 424 B may be downloaded directly from the OMB Internet web site

www.whitehouse.gov/WH/EOP/OMB/grants/. While the Form 424-A deals with budget information, and Section B identifies Budget Categories, the available space does not permit a level of detail which is sufficient to provide for a meaningful evaluation of the proposed total costs. A supplemental sheet shall be provided which presents a detailed breakdown of the proposed costs (detail labor, including labor categories, level of effort, and rate; direct materials, including itemized equipment; travel and transportation, including projected trips and number of people traveling; subcontractors/subgrants, with similar detail, if known; and overhead), as well as any costs the applicant proposes to contribute or obtain from other sources in support of the projects in the innovative project plan. The estimated budget should be separated and proposed on the basis of a twelve (12) month effort with submission of a second twelve (12) month effort to cover the possible continuation for an additional year.

2. Funding sources other than the funds being provided through this cooperative agreement are encouraged. Since activities may be performed with a variety of financial resources, applicants need to fully identify all project costs and their funding sources in the proposed budget. The proposed budget must identify all funding sources in sufficient detail to demonstrate that the overall objectives of the project will be met.

3. Program Narrative Statement: In no more than 20 pages, the program narrative statement must fully describe the scope of the project, detailing the activities and costs for which funding is being requested. Also, applications for this program must include the following information in the program narrative statement:

a. A table of contents including page number references.

b. A description of the community in which the grantee proposes to implement a program to increase booster seat use among children ages 4 to 8 and/or to increase seat belt use for children in the age group 8 through 15. For the purpose of this program, a

community includes a city, town or county, small metropolitan area or a group of cities, towns or counties in a particular region. It should be large enough so that the program can have a demonstrable effect on booster seat and/or seat belt usage among the applicable age group. The description of the community should include, at a minimum, community demographics including population of children and youth, the community's child and/or youth restraint use problem, data sources available, existing traffic safety programs, occupant protection programs and community resources.

c. A description of the program's goals and how the grantee plans to establish a booster seat and/or youth occupant protection program in the proposed site. How will the grantee solicit the assistance of and seek partnerships with local organizations, such as law enforcement agencies and other safety and health groups? How will children, parents and/or youth become part of the process of problem identification and proposed solutions?

d. An implementation plan including a description of the interventions or specific activities proposed to achieve the objectives of the program. What actions will be undertaken to increase booster seat use and/or seat belt use? How will parents, children, youth, teachers, etc., be involved with these activities? What groups are needed to ensure program success? To what degree has the buy-in of these groups been secured? How will the interventions be delivered? How will delivery be monitored? What are the expected results of the intervention?

e. A description of the process and outcome evaluation plan including the types of data that will be collected and all data collection procedures. A description of the data analysis procedures that will be conducted should be included.

f. A staffing plan that describes how the project will be managed, both at the grantee-level and at the community level. The application shall identify the proposed project manager and other personnel considered critical to the successful accomplishment of this project, including a brief description of their qualifications and respective organizational responsibilities. The roles and responsibilities of the grantee, the community and any others included in the application package shall be specified. The proposed level of effort in performing the various activities shall also be identified.

g. A detailed explanation of time schedules, milestones, and product deliverables, including quarterly reports

and draft and final reports. (See Terms and Conditions of Award section of this announcement.)

4. Commitment and Support: A complete set of letters (form letters are not acceptable) from major partners, organizations, and groups proposed for involvement with this project shall detail what each partner is willing to do over the course of the project period. A written endorsement/support for the project from the State Highway Safety Agency shall also be included.

Evaluation Criteria and Review Process

1. Each application package will be reviewed initially to confirm that the applicant is an eligible recipient, and has complied with the Application Procedures section of this announcement. Each complete application from an eligible recipient will then be evaluated by an Evaluation Committee. The applications will be evaluated using the following criteria:

a. *Program Concept and Innovation* (30 percent).

The extent to which the applicant is knowledgeable about child passenger safety and/or youth occupant protection programs. The extent to which the applicant clearly identifies and explains creative approaches to address booster seat use and/or youth occupant protection. If building on an existing approach or program, what are the innovative, new, or creative features that make this project different from what has been tried in the past?

Has the applicant identified potential barriers associated with developing and implementing the new, creative approach? Has the applicant offered solutions for addressing the barriers? Has the applicant involved child and/or youth organizations, traditional traffic safety partners, and new non-traditional highway safety partners in the project? Has the applicant involved media outreach efforts? Has the applicant demonstrated how the project is adaptable to other jurisdictions at a reasonable cost? Has the applicant obtained written endorsement/support from the State Highway Safety Agency to insure coordination with the State's overall Highway Safety Plan?

b. *Goals, Objectives, and Work Plan* (30 percent).

The extent to which the applicant's goals are clearly articulated and the objectives are time-phased, specific, action-oriented, measurable, and achievable. The extent to which the work plan will achieve an outcome-oriented result that will increase booster seat use among 4 to 8 year-olds and/or seat belt use among the 8 through 15 year old age group. The work plan must

address what the applicant proposes to develop and implement; how this will be accomplished; and must include the major tasks/milestones necessary to complete the project. This involves identification of, and solutions to, potential technical problems and critical issues related to successful completion of the project. This also involves the extent to which the applicant has demonstrated an understanding of the proposed community, including the community's demographics, traffic safety problem, and resources (including data). Data sources must include local data sets and should (to the degree possible) extend beyond police crash reports to include booster seat and seat belt use, non-use, and injury data. The work plan will be evaluated with respect to its feasibility, realism, and ability to achieve desired outcomes.

c. Project Management and Staffing (20 percent).

The extent to which the proposed staff are clearly described, appropriately assigned, and have adequate skills and experience. The extent to which the applicant has the capacity and facilities to design, implement, and evaluate the proposed project. The extent to which the applicant has provided details regarding the level of effort and allocation of time for each staff position. The applicant must furnish an organizational chart and resume of each proposed staff member. Is the applicant's staffing plan reasonable for accomplishing the objectives of the project within the time frame set forth in the announcement? Has the applicant's financial budget provided sufficient detail to allow NHTSA to determine that the estimated costs are reasonable and necessary to perform the proposed effort? Has financial or in-kind commitment of resources by the applicant's organization or other supporting organizations to support the project been clearly identified?

d. Evaluation Plan (20 percent).

The extent to which the evaluation plan clearly articulates the project's potential to make a significant impact on increasing booster seat use among 4 to 8 year-olds and/or seat belt use among older children, and on decreasing motor vehicle fatalities and injuries. The extent to which the evaluation plan will measure the effectiveness of the innovative, creative project. The extent to which the evaluation plan will synthesize, summarize, and report results which are useable and decision-oriented. Has the applicant described the proposed evaluation design and the methods for measuring the outcomes of the proposed

interventions (countermeasures)? Are there sufficient data sources and is access ensured from appropriate owners or collectors of data to collect and appropriately analyze quantitative and qualitative data to measure the effectiveness of the innovative project?

2. Depending upon the results of the evaluation process, NHTSA may suggest revisions to applications as a condition of further consideration to ensure the most efficient and effective performance consistent with the objectives of increased booster seat use, and increased seat belt use among older children.

Special Award Selection Factors

While not a requirement of this announcement, applicants are strongly urged to seek funds from other Federal, state, local, and private sources to augment those available under this announcement. For those applications that are evaluated as meritorious for consideration for award, preference may be given to those that have proposed cost-sharing strategies and/or other proposed funding sources in addition to those in this announcement.

Terms and Conditions of Award

1. Prior to award, each grantee must comply with the certification requirements of 49 CFR part 20, Department of Transportation New Restrictions on Lobbying, and 49 CFR part 29, Department of Transportation government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirement for Drug Free Work Place (Grants).

2. Reporting Requirements and Deliverables:

a. Quarterly Progress Reports must include a summary of the previous quarter's activities and accomplishments, as well as the proposed activities for the upcoming quarter. Any decisions and actions required in the upcoming quarter shall be included in the report. Any problems and issues that may arise and need the attention of the Contracting Officer's Technical Representative (COTR) or Contracting Officer (CO) shall be clearly identified in the quarterly report in a specific, identified section. The grantee shall supply the progress report to the COTR every ninety (90) days, following date of award.

b. Initial and Subsequent Meetings with COTR: The grantee shall meet with the COTR and appropriate NHTSA staff in Washington, D.C. at NHTSA's offices or as part of a COTR site visit to discuss and refine the development, implementation, and evaluation of the project. The grantee will prepare a 20 to

30 minute presentation describing the project and must be prepared to answer questions from the COTR and others present at the briefing. After this initial meeting with the COTR, the grantee shall meet at least once a year with the COTR in Washington, D.C. at NHTSA's offices to discuss the project's progress and results. These meetings will be a minimum of 4 hours in length.

c. Revised Implementation and Evaluation Plan: The grantee will submit a revised program implementation and evaluation plan incorporating verbal and written comments from the COTR. This revised plan is due no more than one (1) month from date of the initial meeting with the COTR.

d. Draft Final Report: The grantee will prepare a Draft Final Report that includes a description of the innovative project, intervention strategies, program implementation, evaluation methodology, and findings from the program evaluation. With regard to technology transfer, it is important to know what worked and what did not work, under what circumstances, and what can be done to enhance replication in similar communities and what can be done to avoid potential problems for future replication of the project. The grantee will submit Draft Final Report to the COTR 60 days prior to the end of the performance period. The COTR will review the draft report and provide comments to the grantee within 30 days of receipt of the document.

e. Final Report: The grantee will revise the Draft Final Report to reflect the COTR's comments. The revised final report will be delivered to the COTR along with the following:

The print materials shall be provided to NHTSA in both camera ready and appropriate media formats (disk, CD-ROM) with graphics and printing specifications to guide NHTSA's printing office and any outside organization implementing the program. Printing Specifications follow:

- Digital artwork for printing shall be provided to NHTSA on diskette (100MG Zip disk or 1GB Jaz disk). Files should be in current desktop design and publication programs, for example, Adobe Illustrator, Adobe Photoshop, Adobe Pagemaker, Macromedia Freehand, QuarkXPress. The grantee shall provide all supporting files and fonts (both screen and printers) needed for successful output, black and white laser separations of all pages, disk directory(s) with printing specifications provided to the Government Printing Office (GPO) on GPO Form 952 to guide NHTSA's printing office, GPO, and any outside organizations assisting with

program production. The grantee shall confer with the COTR to verify all media format and language.

- Additionally, the program materials shall be submitted in the following format for placement on NHTSA's website on the world wide web;
- Cooperative agreement number
- Original application format, for example, *.pm5; *.doc; *.ppt; etc
- HTML level 3.2 or later
- A PDF file for viewing with Adobe Acrobat

All HTML deliverables must be delivered on either a standard 3.5" floppy disk or on a Windows 95 compatible formatted Iomega zip disk and labeled with the following information:

- Cooperative Agreement Number
- Grantee's name and phone number
- Names of relevant files
- Application program and version used to create the file(s).

If the files exceed the capacity of a high density floppy, a Windows 95 compatible formatted Iomega zip disk is acceptable.

Graphics must be saved in Graphic Interchange Format (GIF) or Joint Photographic Expert Group (JPEG). Graphics should be prepared in the smallest size possible, without reducing the usefulness or the readability of the figure on the screen. Use GIF for solid color or black and white images, such as bar charts, maps, or diagrams. Use JPEG (highest resolution and lowest compression) for photographic images having a wider range of color or grey-scale tones. When in doubt, try both formats and use the one that gives the best image quality for the smallest file size. Graphic files can be embedded in the body of the text or linked form the body text in their own files: the latter is preferable when a figure needs to be viewed full screen (640 X 480 pixels) to be readable.

Tabular data must be displayed in HTML table format.

List data must be displayed in HTML list format.

Pre-formatted text is not acceptable.

Currently, frames are not acceptable.

JAVA, if used, must not affect the readability or usefulness of the document, only enhance it.

Table background colors may be used, but must not be relied upon (for example, a white document background with a table with colored background may look nice with white text, but the colored background doesn't show up on the user's browser the text shall be white against white and unreadable.)

All HTML documents must be saved in PC format and tested on a PC before delivery.

f. Final project briefing to NHTSA and a presentation to a national meeting: The grantee will deliver a briefing in Washington, D.C. at NHTSA's offices to the COTR and appropriate NHTSA staff to review the project implementation, evaluation, and results. This presentation shall last no less than 30 minutes and the grantee shall be prepared to answer questions from the briefing's attendees.

In consultation with the COTR, the grantee will select a national meeting to deliver a presentation of the project and its effectiveness.

g. An electronic Microsoft PowerPoint (97) presentation that NHTSA staff shall be able to use to brief senior staff or traffic safety partners at various meetings and conference.

3. During the effective performance period of the cooperative agreements awarded as a result of this announcement, the agreement as applicable to the grantee, shall be subject to the NHTSA's General Provisions for Assistance Agreement, dated July 1995.

Issued on: June 22, 1999.

R.E. Engle,

Acting Associate Administrator for Traffic Safety Programs.

[FR Doc. 99-16356 Filed 6-29-99; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33754]

Michigan Southern Railroad Company, Inc.—Acquisition Exemption—Branch & St. Joseph Counties Rail Users Association, Inc.

Michigan Southern Railroad Company, Inc. (MSRR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire (by purchase) 24.34 miles of rail line owned by the Branch & St. Joseph Counties Rail Users Association, Inc. (RUA), between milepost 382.5 at or near Coldwater, MI, and milepost 406.84 at or near Sturgis, MI. Wabash & Western Railway Co., an affiliate of MSRR, will continue to operate the line of railroad under the name Michigan Southern Railroad.¹

¹ See *Southwestern Michigan Railroad Company, Inc.—Acquisition and Operation Exemption—Branch & St. Joseph Counties Rail Users Association, Inc.*, Finance Docket No. 31525 (ICC served Dec. 14, 1990); *Michigan Southern Railroad Company, Inc.—Operation Exemption—Branch & St. Joseph Counties Rail Users Association, Inc.*, Finance Docket No. 31779 (ICC served Dec 14, 1990); and *Wabash & Western Railway Co.—Lease and Operation Exemption—Morris Leasing Co.*,

The transaction is scheduled to be consummated on or before July 20, 1999.²

If this 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. 33754, 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 John D. Heffner, Esq., REA, CROSS & AUCHINCLOSS, Suite 570, 1707 L Street, NW, Washington, DC 20036, and Daniel A. LaKemper, Esq., General Counsel, Pioneer RailCorp, 1318 South Johanson Road, Peoria, IL 61607-1130.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.

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

Decided: June 24, 1999.

Vernon A. Williams,
Secretary.

[FR Doc. 99-16652 Filed 6-29-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33766]

The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Illinois Central Railroad Company

Illinois Central Railroad Company (IC) has agreed to grant limited overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) over IC's rail line

Ltd., and Michigan Southern Railroad, Inc., STB Finance Docket No. 33306 (STB served (Dec. 24, 1996).

MSRR certifies that its annual revenue will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed \$5 million.

² In a filing in a separate proceeding (STB Finance Docket No. 33760), MSRR reported that it was attempting to purchase the line between Coldwater and Sturgis through exercise of an option it asserts it has. In that proceeding, RUA disputes MSRR's right to exercise an option to purchase this line and observes that any authority MSRR obtains in this proceeding (STB Finance Docket No. 33754) under 49 CFR 1150.41 is permissive only. RUA is correct that the exemption in this proceeding is permissive only and does not give MSRR the legal right to purchase the line in the absence of an agreement between the parties or a court order to that effect.