

and to generate input in the project as it advances through the development/EIS process. A Partners Committee, made up of sponsoring agencies and municipalities in the area, has been formed to cooperatively deal with issues as they arise.

Announcements describing the proposed action and soliciting input on the project will be sent to the appropriate Federal, State, and local agencies, affected Indian Tribes, private organizations, and citizens who have previously expressed or are known to have an interest in this proposal. A series of open houses will be scheduled during the project development process as a part of the EIS public involvement plan. Input from these open houses and scoping meetings will be used to help identify the design alternatives for study in the EIS. A public hearing will be held after the release of the Draft EIS to receive public and agency comments. There will be public notice announcing the time and place of future meetings and the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed, and all significant issues have been identified, comments and suggestion are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or WSDOT at the addresses and phone numbers provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: June 25, 1999.

James Leonard,

*Transportation and Environmental Engineer,
FHWA Washington Division.*

[FR Doc. 99-16853 Filed 7-1-99; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC-F-20947]

**Francis Tedesco, Mark Tedesco, Frank Tedesco Trust, Francis Tedesco Trust and Mark Tedesco Trust—
Acquisition—Red Apple Transit, Inc., Hoboken Transportation Company, Inc., Willow Bus Line, Inc., and Agresta Bus Company, Inc.**

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving finance application.

SUMMARY: Applicants, Francis Tedesco, Mark Tedesco, Frank Tedesco Trust, Francis Tedesco Trust and Mark Tedesco Trust, noncarrier individuals who control several motor passenger carriers and a noncarrier, No. 22 Hillside Corp. (No. 22 Hillside), seek approval under 49 U.S.C. 14303 to acquire, through No. 22 Hillside, certain properties and the operating authorities of the following motor passenger carriers: Red Apple Transit, Inc. (Red Apple), Hoboken Transportation Company, Inc. (Hoboken), Willow Bus Line, Inc. (Willow), and Agresta Bus Company, Inc., d/b/a Red Apple Transit, Inc. (Agresta) (collectively referred to as the acquired carriers). Persons wishing to oppose the application must follow the rules at 49 CFR 1182. The Board has tentatively approved the transaction and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by August 16, 1999. Applicants may file a reply by August 31, 1999. If no comments are filed by August 16, 1999, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC-F-20947 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, send one copy of comments to applicants' representative: Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, NW, Washington, DC 20005-3934.

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

SUPPLEMENTARY INFORMATION:

Applicants directly control Academy Bus Tours, Inc. (Academy Bus),¹ Academy Express, Inc. (Academy Express),² Academy Lines, Inc. (Academy Lines)³ (the Academy

companies), Asbury Park Transit Lines (Asbury),⁴ Commuter Bus Line, Inc. (Commuter),⁵ and No. 22 Hillside. Under the proposed transaction, applicants will indirectly acquire, through No. 22 Hillside, certain properties and the interstate and New Jersey intrastate operating authorities of Red Apple,⁶ Hoboken,⁷ and Willow,⁸ and the New Jersey intrastate operating authority of Agresta.⁹

Applicants state that the aggregate gross operating revenues of the motor passenger carriers that they control exceeded \$2 million in calendar year 1998. Applicants also state that No. 22 Hillside will continue to provide the same operations that were provided by the acquired carriers; that applicants will incur no debt in their acquisition so there will be no increase in fixed charges; and that the employees of the acquired carriers will be offered the opportunity to apply for positions with the motor passenger carriers controlled by applicants.

Applicants submit that the proposed transaction will benefit the traveling public. According to applicants, the frequency of schedules will be increased, giving the public a greater choice of buses, and the schedules will be coordinated with those of the other Academy companies, reducing the need for transfers and making passenger service more convenient. Applicants also submit that their motor passenger carriers have regularly scheduled safety training programs and employ a full-time safety director to supervise their operations. They operate fleets of approximately 600 buses, cooperate to make volume purchases of fuel, tires and other supplies, and operate two large garages in Secaucus and Hoboken, NJ, where their buses routinely are inspected, repaired and maintained. In addition, applicants have access to

⁴ Asbury holds federally issued operating authority in Docket No. MC-1002 to provide passenger service between New York City and various points in New Jersey and to conduct nationwide special and charter operations.

⁵ Commuter holds federally issued operating authority in Docket No. MC-162133 to provide passenger service between New York City and various points in New Jersey and to conduct nationwide special and charter operations.

⁶ Red Apple holds federally issued operating authority in Docket No. MC-182453 to provide passenger service between New York City and various points in New Jersey.

⁷ Hoboken holds federally issued operating authority in Docket No. MC-54000 to provide passenger service between New York City and various points in New Jersey.

⁸ Willow holds federally issued operating authority in Docket No. MC-240453 to provide passenger service between New York City and various points in New Jersey.

⁹ Agresta holds intrastate operating authority to provide passenger service in New Jersey.

¹ Academy Bus holds federally issued operating authority in Docket No. MC-165004 to provide passenger service and other regular-route operations principally between New York City and various points in New Jersey, Pennsylvania, and New York, and to conduct nationwide special and charter operations.

² Academy Express holds federally issued operating authority in Docket No. MC-145482 to provide passenger service between New York City and various points in New Jersey and to conduct nationwide special and charter operations.

³ Academy Lines holds federally issued operating authority in Docket No. MC-106207 to provide passenger service and other regular-route operations principally between New York City and various points in New Jersey and Pennsylvania and to conduct nationwide special and charter operations.

financial resources and profess to possess management skills that will permit the operations by the acquired carriers to grow.

Applicants certify that: (1) the motor passenger carriers controlled by the applicants and Red Apple, Hoboken, and Willow hold satisfactory safety ratings from the U.S. Department of Transportation; (2) the carriers have the requisite liability insurance; (3) no carrier is domiciled in Mexico or owned or controlled by persons of that country; and (4) approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources.

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 is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application.¹⁰ 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.

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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 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 to be vacated.

3. This decision will be effective on August 16, 1999, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW, Washington, DC 20530; and (2) the U.S. Department of Transportation, Office of Motor Carriers-HIA 30, 400 Virginia Avenue, SW, Suite 600, Washington, DC 20024.

Decided: June 28, 1999.

By the Board.

Vernon A. Williams,

Secretary.

[FR Doc. 99-16896 Filed 7-1-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-32 (Sub-No. 87X)]

Boston and Maine Corporation— Abandonment Exemption—in Rockingham and Hillsborough Counties, NH

Boston and Maine Corporation (B&M) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* to abandon an approximately 5.78-mile line of railroad on the Manchester to Lawrence Branch between engineering station 2474+75 and engineering station 2780+36 in Rockingham and Hillsborough Counties, NH. The line traverses United States Postal Service Zip Codes 03101, 03103 and 03053.

B&M has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—*

Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 1, 1999, unless stayed pending reconsideration. Petitions to stay that do not involve

environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 12, 1999. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 22, 1999, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Robert B. Culliford, Esq., Boston and Maine Corporation, Law Department, Iron Horse Park, North Billerica, MA 01862.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

B&M has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by July 7, 1999. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), B&M shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by B&M's filing of a notice of consummation by July 2, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: June 25, 1999.

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).

¹⁰ Under 49 CFR 1182.6(c), a procedural schedule will not be issued if we are able to dispose of opposition to the application on the basis of comments and the reply.