

the subsequent decision on the merits of the transaction based upon supplemental or further legal argument.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, copies may be obtained upon request from applicants' representatives named above.

Any interested person, including government entities, may participate in the proceeding by submitting written comments. Any person who filed timely written comments shall be considered a party of record if the person's comments so request. In this event, no petition for leave to intervene need be filed.

Consistent with 49 CFR 1180.4(d)(1)(iii), written comments must contain:

(a) The docket number and title of the proceeding;

(b) The name, address, and telephone number of the commenting party and its representative upon whom service shall be made;

(c) The commenting party's position, i.e., whether it supports or opposes the proposed transaction;

(d) A statement of whether the commenting party intends to participate formally in the proceeding or merely comment upon the proposal;

(e) If desired, a request for oral hearing with reasons supporting this request; the request must indicate the disputed material facts that can only be resolved at a hearing; and

(f) A list of all information sought to be discovered from applicant carriers.

Because we have determined that this constitutes a minor transaction, no responsive applications will be permitted. We are adopting applicants' proposed schedule for processing this transaction. The proposed schedule cuts 60 days from the usual 180-day schedule set forth at 49 U.S.C. 11345(d) for processing minor transactions. See 49 CFR 1180.4.

Discovery may begin immediately. We admonish parties to resolve all discovery matters expeditiously and amicably.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This application is accepted for consideration as a minor transaction under 49 CFR 1180.2(c). Applicants' alternative petition for a generic finding of cause for a supplemental order under 49 U.S.C. 11351 is denied.

2. The petition of the Unions for handling as a major transaction is

denied, and the petition of BLE for rejection and its alternative motion to dismiss are denied except that supplemental or further argument may be submitted as to the latter.

3. Applicants' request to waive the information requirements of 49 CFR 1180.6 (a)(2)(v) and (a)(5), (6), and (7)(v) is granted with respect to the other specified carriers not directly related to the proposed transaction.

4. The parties shall comply with all provisions stated above.

Decided: January 13, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 95-1395 Filed 1-18-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32567]

Central Oregon & Pacific Railroad, Inc.—Lease, Operation, and Acquisition Exemption—Southern Pacific Transportation Company

Central Oregon & Pacific Railroad, Inc. (CORP), a noncarrier, has filed a verified notice under 49 CFR Part 1150, Subpart D—*Exempt Transactions* to lease, acquire and operate certain lines owned by the Southern Pacific Transportation Company (SPT) and to acquire certain incidental trackage rights in connection therewith for a total distance of approximately 446.05 miles in Coos, Douglas, Jackson, Josephine, and Lane Counties, OR and Siskiyou County, CA. The notice filed by CORP erroneously reported the total mileage as 446.37. Counsel for CORP has confirmed that this figure should be 446.05. CORP will (1) lease and operate (a) 23.37 miles of SPT's rail line between milepost 786.500 at or near Coquille, OR and milepost 763.130 at or near Cordes, OR; (b) .250 miles between milepost 644.300 at or near Springfield Junction, OR and milepost 644.020 and between milepost 644.020 and milepost 621.300 on the SPT's Cascade Line; and (c) 79.0 miles between milepost 425.290 at or near Bellview, OR and milepost 346.00 at or near Black Butte, CA; (2) acquire and operate (a) 111.016 miles between milepost 763.13 at or near Cordes, OR and milepost 652.114 at or near Danebo, OR, (b) 218.730 miles between milepost 644.020 at or near Springfield Jct., and milepost 425.290 at or near Bellview, OR to milepost 346.000 and (c) 5.87 miles between milepost 450.5 at or near Tolo, OR and milepost 456.374 at or near White City, OR (White City Branch); and (3) acquire

7.814 miles of incidental trackage rights between milepost 652.114 at or near Danebo, OR and milepost 644.300 at or near Springfield Jct., OR, including access to SPT's Eugene, OR Yard.

The proposed transaction was expected to be consummated on December 31, 1994.

This proceeding is related to *RailTex, Inc.—Continuing in Control Exemption—Central Oregon & Pacific Railroad, Inc.*, Finance Docket No. 32568, wherein RailTex seeks an exemption for its continuance in control of CORP once it acquires or leases rail lines from SPT and becomes a rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to reopen will not stay the exemption's effectiveness. Pleadings must be filed with the Commission and served on Robert L. Calhoun, Sullivan & Worcester, Suite 1000, 1025 Connecticut Ave., N.W., Washington, DC 20036.

Decided: January 13, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-1513 Filed 1-18-95; 8:45 am]

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[Finance Docket No. 32639 and Finance Docket No. 32639 (Sub-No. 1)]

Metro North Commuter Railroad Company—Acquisition Exemption—The Maybrook Line and Metro North Commuter Railroad Company—Exemption—From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts: (1) from the requirements of 49 U.S.C. 11343-11345, the acquisition by Metro North Commuter Railroad Company from Maybrook Properties, Inc., of the Maybrook Line, between milepost 71.2 on the Connecticut/New York State Line and approximately milepost 0.0¹ at Beacon, NY, a distance of 41.1 miles, subject to standard employee protective conditions and (2) Metro North Commuter Railroad

¹ The connecting branches that form the Maybrook Line also retain their original milepost designations used by the former New York Central and New York, New Haven & Hartford, which are milepost 12.8 and milepost 42.9.