

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. 32890, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: John D. Heffner, Esq., Rea, Cross & Auchincloss, Suite 420, 1920 N Street, N.W., Washington, DC 20036.

Decided: April 4, 1996.

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

Vernon A. Williams,  
Secretary.

[FR Doc. 96-8849 Filed 4-9-96; 8:45 am]

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### Surface Transportation Board<sup>1</sup>

[STB Finance Docket No. 32889]

#### Rochelle Railroad Co.—Lease and Operation Exemption—City of Rochelle, IL

Rochelle Railroad Co. (RR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate approximately 2.06 miles of rail line (The Line) owned by the City of Rochelle, IL, from a connection with the Union Pacific Railroad Company's main line (at a point approximately 1,200 feet north and east of The Line's crossing of Creston Road) in a south and east direction to a point immediately north of Interstate 88. This 2.06-mile rail line is located entirely within Rochelle, Ogle County, IL.

The parties intend to consummate the proposed transaction on or about April 15, 1996.

This proceeding is related to *Pioneer Railcorp—Continuance in Control Exemption—Rochelle Railroad Co.*, STB Finance Docket No. 32890, wherein

<sup>1</sup>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.

Pioneer Railcorp has concurrently filed a verified notice to continue to control RR, upon its becoming a Class III rail carrier.

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 reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32889, must be filed with the Office of the Secretary, Surface Transportation Board, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on John D. Heffner, Esq., Rea, Cross & Auchincloss, Suite 420, 1920 N Street, NW., Washington, DC 20036.

Decided: April 4, 1996.

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

Vernon A. Williams,  
Secretary.

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### Surface Transportation Board<sup>1</sup>

[STB Docket No. AB-6 (Sub-No. 373X)]

#### Burlington Northern Railroad Company—Abandonment Exemption—in Griggs County, ND

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 25.09 miles of its line of railroad between milepost 26.19 near Hannaford and milepost 51.19 near Binford including the stations of Shepard at milepost 32.5, Cooperstown at milepost 36.5, and Binford at milepost 51.0, in Griggs County, ND.<sup>2</sup>

<sup>1</sup>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 the Board's jurisdiction pursuant to 49 U.S.C. 10903.

<sup>2</sup>BN has proposed a consummation date for the abandonment that is four months from the date of filing of its verified notice. This proposed consummation date is based on BN's reading of 49 U.S.C. 10904. The first sentence of 10904(c) provides, "Within 4 months after an application is filed under section 10903, any person may offer to subsidize or purchase the railroad line that is the subject of such application."

The Board recently addressed this provision in proposing revised abandonment regulations to implement 49 U.S.C. 10903-04, as established by the ICC Termination Act. In *Abandonment and*

BN has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted from the line; (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 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 use of 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 May 10, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>4</sup> and trail use/rail banking requests under 49

*Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903*, STB Ex Parte No. 537 (STB served Mar. 15, 1996) slip op. at 10 [61 FR 11174, 11176 (Mar. 19, 1996)]. The Board said "We see the 4-month statutory deadline as an outer limit, which does not require us to delay resolution of proceedings where the entire time is not needed."

Based on the Board's statement, the exemption in this proceeding will be scheduled to become effective on May 10, 1996, or 50 days after BN's filing of its verified notice of exemption. This is consistent with the existing rules at 49 CFR 1152.50. Offers of financial assistance will be due according to deadlines established in this notice. Potential offerors will not have until 4 months after the notice was filed by BN with the Board to make an offer of financial assistance.

While the exemption is scheduled to take effect on May 10, 1996, BN may of course delay consummation until a later date.

<sup>3</sup>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.

<sup>4</sup>See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).