

milepost 1650.2, in Wenatchee, WA, including over any and all tracks in BN's Wenatchee, WA, rail yard for the sole purpose of interchanging freight cars and equipment between CCR and BN and no other party at the Wenatchee rail yard.

The transaction was expected to be consummated on or after the September 4, 1996 effective date of the exemption. This transaction is related to STB Finance Docket No. 33048, *RailAmerica, Inc.—Continuance in Control Exemption—Cascade and Columbia River Railroad Company*, wherein RailAmerica, Inc. has concurrently filed a verified notice to continue in control of CCR, 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 revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33047, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Edward D. Greenberg, Esq., Galland, Kharasch, Morse & Garfinkle, P.C., Canal Square, 1054 Thirty-First Street, N.W., Washington, DC 20007.

Decided: September 5, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.  
Vernon A. Williams,  
Secretary.

[FR Doc. 96-23501 Filed 9-12-96; 8:45 am]

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**[STB Finance Docket No. 33048]**

**RailAmerica, Inc.—Continuance in Control Exemption—Cascade and Columbia River Railroad Company**

RailAmerica, Inc. (RailAmerica), a noncarrier, has filed a notice of exemption to continue in control of Cascade and Columbia River Railroad Company (CCR), upon CCR's becoming a Class III rail carrier.

<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. 11323-24.

The transaction was expected to be consummated on or after the September 4, 1996 effective date of the exemption.

This transaction is related to STB Finance Docket No. 33047, *Cascade and Columbia River Railroad Company—Acquisition and Operation Exemption—Lines of Burlington Northern Railroad Company*, wherein CCR seeks to acquire and operate certain rail lines from Burlington Northern Railroad Company.

RailAmerica owns and controls seven existing Class III common carrier railroads operating in six states: Evansville Terminal Company, Inc.; Huron & Eastern Railway Company, Inc.; Saginaw Valley Railway Company, Inc.; West Texas & Lubbock Railroad Company, Inc.; Plainview Terminal Company; the Dakota Rail, Inc.; and the South Central Tennessee Railroad Company.

RailAmerica states that: (i) the railroads will not connect with each other or any railroads in their corporate family; (ii) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 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. 33048, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Edward D. Greenberg, Esq., Galland, Kharasch, Morse & Garfinkle, P.C., Canal Square, 1054 Thirty-First Street, N.W., Washington, DC 20007.

Decided: September 5, 1996.

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

Vernon A. Williams,  
Secretary.

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**[Finance Docket No. 32760 (Sub-No. 18)]**

**Utah Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., the Denver & Rio Grande Western Railroad Company; [Decision No. 54]**

Union Pacific Railroad Company (UPRR), Missouri Pacific Railroad Company (MPRR),<sup>2</sup> Southern Pacific Transportation Company (SPT), St. Louis Southwestern Railway Company (SSW), SPCSL Corp. (SPCSL), The Denver & Rio Grande Western Railroad Company (DRGW),<sup>3</sup> have agreed to grant overhead trackage rights, with certain local access rights, over a line of railroad of DRGW to Utah Railway Company (UTAH). These trackage rights are related to the recently approved UP/SP merger in *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company*. See Finance Docket No. 32760 (STB served Aug. 12, 1996) (Decision No. 44). The overhead trackage rights extend from milepost 628.8, near Utah Railway Junction, UT, to milepost 450.0, near Grand Junction, CO, a total distance of approximately 178.8 miles, in Carbon, Emory and Grand Counties, UT, and Mesa County, CO. Utah will have the right to interchange at Utah Railway Junction and Grand Junction with UP/SP and the Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company. The local rights are for Utah to have access to the coal loading facility of Savage Industries, Inc., Savage Coal

<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. 11323-24.

<sup>2</sup> UPRR and MPRR are referred to collectively as UP.

<sup>3</sup> SPT, SSW, SPCSL and DRGW are referred to collectively as SP.