

By the Board, Chairman Nottingham, Vice Chairman Buttrey, and Commissioner Mulvey.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-13533 Filed 7-12-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. MC-F-21021]

#### FirstGroup plc—Acquisition—Cognisa Transportation, Inc.

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice Tentatively Approving Finance Transaction.

**SUMMARY:** On June 13, 2007, FirstGroup plc (FirstGroup), a noncarrier in control of one or more motor carriers of passengers, filed an application under 49 U.S.C. 14303 to acquire Board authorization of its indirect purchase of the properties of Cognisa Transportation, Inc. (Cognisa). Persons wishing to oppose this application must follow the rules at 49 CFR 1182.5 and 1182.8. 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 27, 2007. Applicant may file a reply by September 11, 2007. If no comments are filed by August 27, 2007, this notice is effective on that date.

**ADDRESSES:** Send an original and 10 copies of any comments referring to STB Docket No. MC-F-21021 to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, send one copy of comments to applicant's representative: Fritz R. Kahn, 1920 N Street, NW., 8th Floor, Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Julia Farr (202) 245-0359 [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339].

**SUPPLEMENTARY INFORMATION:** FirstGroup is a public limited company organized under the laws of Scotland, U.K. FirstGroup states that it has three North American operating divisions: (1) First Student, Inc., (2) First Transit, Inc., and (3) First Services, Inc. FirstGroup America, Inc., a wholly owned subsidiary of FirstGroup USA, Inc., controls First Student, Inc. and First Transit, Inc. (First Transit). First Services, Inc., a wholly owned subsidiary of FirstGroup USA, Inc.,

controls First Vehicle Services, Inc. and First Support Services, Inc.<sup>1</sup>

According to FirstGroup, First Transit (MC 576222) purchased the properties of Cognisa, effective January 1, 2007, without the advice of commerce counsel or the approval of the Board. The Board informed FirstGroup that it must file a complete application under 49 CFR 1182 seeking authorization for First Transit's acquisition of Cognisa.<sup>2</sup> We will consider the application here.

Cognisa (MC-548215) was a motor common carrier of passengers rendering special and charter operations, primarily in the airport, university, and corporate passenger shuttle market.

The gross operating revenues of FirstGroup and Cognisa exceed \$2 million annually. Through the transaction, First Transit acquired the buses, assignable contracts, customer lists, and good will of Cognisa. All of these assets have been merged into First Transit. Cognisa remains a corporate entity but without transportation assets.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction found to be 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.

FirstGroup has submitted information, as required by 49 CFR 1182.2, including the information to demonstrate that the transaction is consistent with public interest under 49 U.S.C. 14303(b). Applicant has shown that the transaction has had no adverse impact on the adequacy of transportation services available to the public, that the transaction has not had an adverse effect on the total fixed charges, and that the interests of employees of Cognisa were not adversely impacted. Additional information, including a copy of the application, may be obtained from the applicant's representative.

On the basis of the application, we find that the acquisition of control 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. See 49 CFR 1182.6(c). If no opposing comments are filed by the

<sup>1</sup> FirstGroup's corporate organization chart is attached as Exhibit 1 to its application.

<sup>2</sup> See *FirstGroup plc—Acquisition—Laidlaw International, Inc.*, STB Docket No. MC-F-21020 (STB served Apr. 5, 2007).

expiration of the comment period, this notice will take effect automatically and will be the final Board action.

Board decisions and notices are available on our Web site at: <http://www.stb.dot.gov>.

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

*It is ordered:*

1. The finance transaction is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this notice will be deemed as having been vacated.

3. This notice will be effective August 27, 2007, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Dated: July 5, 2007.

By the Board, Chairman Nottingham, Vice Chairman Buttrey, and Commissioner Mulvey.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-13540 Filed 7-12-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35059]

#### The Indiana Rail Road Company—Trackage Rights Exemption—CSX Transportation, Inc.

Pursuant to a written draft trackage rights agreement, CSX Transportation, Inc. (CSXT) has agreed to grant limited overhead trackage rights to The Indiana Rail Road Company (INRD) over CSXT's line of railroad known as the CE&D Subdivision, between CSXT's connection with INRD's trackage at approximately CSXT milepost OZA 181.70 at Belt Junction, Terre Haute, IN, and at approximately CSXT milepost 204.20 at Sullivan, IN, a distance of approximately 22.5 miles.<sup>1</sup>

<sup>1</sup> Pursuant to 49 CFR 1180.6(a)(7)(ii), INRD states that it will file the executed trackage rights agreement with the Board within 10 days of the date of its execution.

The transaction is scheduled to be consummated on July 29, 2007. The trackage rights are necessary, for economy and efficiency of operation, to permit CSXT and INRD to interchange at Terre Haute unit coal trains and empty hopper trains moving to and from Ameren Energy Generating Company at Lis, IL, on INRD's line of railroad west of Sullivan, using its own trains (locomotives or cars) with its own crews.<sup>2</sup>

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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 effectiveness of the exemption. Stay petitions must be filed by July 20, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35059, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on John Broadley, 1054 31st Street, NW., Suite 200, Washington, DC 20007.

Board decisions and notices are available on our Web site at: <http://www.stb.dot.gov>.

Dated: July 6, 2007.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35058]

#### CSX Transportation, Inc.—Trackage Rights Exemption—The Indiana Rail Road Company

Pursuant to a written trackage rights agreement, The Indiana Rail Road

<sup>2</sup> INRD states that it is contemplating rehabilitating its own line or railroad between Terre Haute and Sullivan within the next 5 years so that it can operate the Ameren trains entirely via lines of INRD between Terre Haute and Lis.

Company (INRD) has agreed to grant limited overhead trackage rights to CSX Transportation, Inc. (CSXT), over a line of railroad known as INRD's Chicago Subdivision, between the connection of CSXT and INRD trackage at ConMil at approximate INRD milepost 175.5 and the connection of CSXT and INRD trackage at approximate INRD milepost 181.7, a distance of 6.2 miles, all in Terre Haute, Vigo County, IN.

This transaction is scheduled to be consummated on July 29, 2007, the effective date of the exemption (30 days after the exemption was filed).

This transaction is related to a concurrently filed notice of exemption in STB Finance Docket No. 35059, *The Indiana Rail Road Company—Trackage Rights Exemption—CSX Transportation, Inc.*, wherein INRD seeks to acquire and operate over 22.5 miles of rail line over CSXT's CE&D Subdivision, between the connection of CSXT and INRD trackage at Belt Junction, Terre Haute, at approximate milepost OZA 181.70, and the connection of CSXT and INRD trackage at Sullivan, IN, at approximate milepost OZA 204.20.

The purpose of the trackage rights is to enable CSXT crews to operate trains in overhead movements between points on CSXT's CE&D Subdivision, south of Terre Haute, and points on CSXT's St. Louis Line Subdivision, west of Terre Haute, in order to improve traffic flow (including reduction of railroad and vehicular congestion) and further improve the safety of CSXT operations in and around Terre Haute.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). 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 effectiveness of the exemption. Stay petitions must be filed by July 20, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35058, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Steven C. Armbrust, Esq., CSX Transportation,

Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

Board decisions and notices are available on our Web site at: <http://www.stb.dot.gov>.

Decided: July 5, 2007.

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

**Vernon A. Williams,**  
*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35056]

#### John C. Nolan, Penn Eastern Rail Lines, Inc., and East Penn Railways, Inc.—Corporate Family Transaction Exemption

John C. Nolan, a noncarrier individual (Mr. Nolan), Penn Eastern Rail Lines, Inc. (PRL), and East Penn Railways, Inc. (EPRY), jointly have filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for a transaction within a corporate family. Mr. Nolan currently controls PRL and EPRY, which are Class III rail carriers operating in Pennsylvania and Delaware.<sup>1</sup> As part of the proposed transaction, Mr. Nolan will merge PRL and EPRY into East Penn Railroad, LLC (EPLLC), which he also controls, with EPLLC being the surviving corporation.

The transaction is scheduled to be consummated on or shortly after July 27, 2007, the effective date of the exemption.

The purpose of the transaction is to simplify the corporate structure of Mr. Nolan's railroads and eliminate costs associated with separate accounting, tax, bookkeeping, and reporting functions.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

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

<sup>1</sup> See *John C. Nolan-Control Exemption-Penn Eastern Rail Lines, Inc.*, STB Finance Docket No 34322 (STB served July 22, 2002).