

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Finance Docket No. 35043]

Four Rivers Transportation, Inc., Paducah and Louisville Railway, Inc., and Evansville Western Railway, Inc.—Corporate Family Transaction Exemption

Four Rivers Transportation, Inc. (Four Rivers), Paducah & Louisville Railway, Inc. (P&L), and Evansville Western Railway, Inc. (EVWR) (collectively, parties) have filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for a transaction within a corporate family. The proposed transaction involves the restructuring of the Four Rivers corporate family.

Four Rivers, a noncarrier, currently directly owns and controls P&L and the Appalachian & Ohio Railroad, Inc. (A&O). P&L directly owns and controls EVWR. Through P&L, Four Rivers indirectly controls EVWR. P&L is a Class II rail carrier that owns and operates approximately 262 miles of rail line, all within the Commonwealth of Kentucky, and EVWR is a Class III rail carrier that operates approximately 124 miles of rail line in Illinois and Indiana. A&O is a Class III rail carrier that leases and operates over 158 miles of rail line, all located within West Virginia.¹

The parties propose to consummate the transaction on or after August 23, 2007.

The restructuring will allow the transfer of direct control of EVWR from P&L to Four Rivers and provide a more efficient corporate structure.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval of 49 CFR 1180.2(d)(3). According to the parties, the transaction will not result in adverse changes in service levels, significant operational changes, or changes 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. Because the transaction involves the control of one Class II and one or more Class III rail carriers, the exemption is subject to the labor protection requirements of 49 U.S.C. 11326(b).

If the verified 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 no later than August 15, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35043, 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 William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue, NW., Suite 300, Washington, DC 20037.

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

Decided: July 31, 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 Docket No. AB-290 (Sub-No. 293X)]

Norfolk Southern Railway Company—Abandonment Exemption—in Norfolk and Virginia Beach, VA

On July 19, 2007, Norfolk Southern Railway Company (NSR) filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon an approximately 15.34-mile line of railroad, extending between milepost VB-0.12 in Norfolk, VA, and milepost VB-15.46 in Virginia Beach, VA. The line traverses United States Postal Service Zip Codes 23451, 23452, 23453, 23454, 23455, 23456, 23457, 23462, 23502, 23504, 23509, and 23510, and includes the stations of Park Ave., Tidewater, Glenrock, Greenwich, Euclid, Thalia, Rosemont, Lynnhaven, Oceana Wye, London Bridge, and Oldfield.

The line does not contain federally granted rights-of-way. Any

documentation in NSR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 6, 2007.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,300 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than August 28, 2007. Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-290 (Sub-No. 293X), and must be sent to: (1) Surface Transportation Board, 395 E. Street, SW., Washington, DC 20423-0001; and (2) James R. Paschall, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510-2191. Replies to the petition are due on or before August 28, 2007.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 245-0230 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

¹ See *Paducah & Louisville Railway, Inc.—Acquisition—CSX Transportation, Inc.*, STB Finance Docket No. 34738 (STB served Nov. 18, 2005); *Evansville Western Railway, Inc.—Acquisition and Operation Exemption—Paducah & Louisville Railway, Inc.*, STB Finance Docket No. 34738 (Sub-No. 1) (STB served Nov. 18, 2005); *Four Rivers Transportation, Inc. and Paducah & Louisville Railway, Inc.—Continuance in Control Exemption—Evansville Western Railway, Inc.*, STB Finance Docket No. 34738 (Sub-No. 2) (STB served Nov. 18, 2005); and *Four Rivers Transportation, Inc.—Control Exemption—Appalachian & Ohio Railroad, Inc.*, STB Finance Docket No. 34856 (STB served May 23, 2006).