

Yard, in Ayer, MA. The trackage rights are to become effective on July 9, 1995.<sup>2</sup>

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. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: John J. Paylor, Consolidated Rail Corporation, 2001 Market Street, 16A, P.O. Box 41416, Philadelphia, PA 19101-1416.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *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).

Decided: June 30, 1995.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-16723 Filed 7-6-95; 8:45 am]

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**[Docket No. AB-55 (Sub-No. 509X)]**

**CSX Transportation, Inc.—  
Abandonment Exemption—in Belmont  
County, OH**

CSX Transportation, Inc. (CSXT), has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon 15.04 miles of rail line between milepost BP-0.19 at Bellaire and milepost BP-15.23 at Lamira, in Belmont County, OH.<sup>1</sup>

CSXT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on 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 Commission or with any U.S. District Court or has been decided in favor of the 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 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. 10505(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 August 6, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>4</sup> must be filed by July 17, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 27, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

CSXT filed an environmental report which addresses the effects of the abandonment, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by July 12, 1995. Interested persons may obtain

a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: June 27, 1995.

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

**Vernon A. Williams,**  
Secretary.

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**[Finance Docket No. 32306]**

**Wertheim Schroder & Co.,  
Incorporated, and Gateway Western  
Railway Company—Continuance in  
Control Exemption—Gateway Eastern  
Railway Company**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** Under 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 11343-11345 the assumption of direct control of Gateway Eastern Railway Company (Gateway Eastern) by petitioners Gateway Western Railway Company (Gateway Western), Gateway Management Partners, L.P. (Partners), McCarren Corporation, and J. Reilly McCarren, upon dissolution of the current independent voting trust.<sup>1</sup> The control is subject to standard labor protective conditions.

**DATES:** The exemption is effective on July 27, 1995. Petitions to stay must be filed by July 17, 1995, and petitions to reopen must be filed by July 27, 1995.

**ADDRESSES:** Send pleadings, referring to Finance Docket No. 32306, to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington,

<sup>2</sup> The United Transportation Union (UTU) has petitioned to revoke the notice of exemption or, in the alternative, to stay the exemption. Because the exemption became effective 7 days after filing, the UTU filing will be handled as a petition to revoke in a separate decision.

<sup>1</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Commission at least 50 days before the abandonment or discontinuance is to be consummated. The applicant, in its verified notice, indicated a proposed consummation date of June 28, 1995. Because the verified notice was not filed until June 19, 1995, consummation should not have been proposed to take place before August 8, 1995. Applicant's representative has corrected the notice on June 27, 1995, and stated that the proposed consummation date is August 14, 1995.

<sup>2</sup> A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request prior to the effective date of this exemption.

<sup>3</sup> See *Exempt. of Rail Abandonment Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>4</sup> The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

<sup>1</sup> Gateway Western, a connecting class II carrier, is Gateway Eastern's corporate parent. When the exemption petition was originally filed, Wertheim Schroder & Co., Inc. (WSI), was the noncarrier parent of both Gateway Western and Gateway Eastern. Gateway Western is now owned by Partners, of which McCarren Corporation is the sole general partner and WSI is one of several non-voting limited partners. Mr. McCarren, Gateway Western's president, is the sole shareholder of McCarren Corporation. Thus, Partners, McCarren Corporation, and Mr. McCarren are substituted as parties for WSI.