

The trackage rights acquired under these agreements permitted CNW to use WCL's lines to access its yards and industries at both Nekoosa and Port Edwards, WI, from Wisconsin Rapids, WI.

Under the proposed relocation: (1) CNW's trackage rights operations in the Port Edwards and Nekoosa, WI area will be consolidated on the former Milwaukee Road track; (2) the emergency use restriction in the original Milwaukee Agreement will be deleted permitting CNW to serve Port Edwards and Nekoosa from the former Milwaukee trackage; (3) CNW will be granted additional trackage rights over short segments of WCL's track to reach its Nekoosa and Port Edwards Yards from the former Milwaukee Road track under the amended Milwaukee Agreement; and (4) the Soo Agreement will be canceled, and the trackage rights over the former Soo trackage rights not covered by the amended Milwaukee Agreement will be discontinued. CNW and WCL state that service to shippers will not be disrupted.

The Commission will exercise jurisdiction over the abandonment or construction components of a relocation project, and require separate approval or exemption, only where the removal of track affects service to shippers or the construction of new track involves expansion into new territory. See *City of Detroit v. Canadian National Ry. Co., et al.*, 9 I.C.C.2d 1208 (1993). The Commission has determined that line relocation projects may embrace trackage rights transactions such as the one involved here. See *D.T.&I.R.—Trackage Rights*, 363 I.C.C. 878 (1981). Under these standards, any incidental abandonment, construction, and trackage rights components require no separate approval or exemption when the relocation project, as here, will not disrupt service to shippers and thus

Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Reorganization—Acquisition by Grand Trunk Corporation, 2 I.C.C.2d 161 (1984). In 1987, WCL acquired certain assets of Soo, including the line between Necedah and Wisconsin Rapids, WI, and the Soo Agreement in *Wisconsin Central Ltd.—Exemption Acquisition and Operation—Certain Lines of Soo Line Railroad Company*, Finance Docket No. 31102 (ICC served July 28, 1988).

The trackage rights were acquired by CNW pursuant to approval granted in *Chicago and North Western Transportation Company—Trackage Rights Between Wisconsin Rapids and Necedah in Wood and Juneau Counties, WI*, Finance Docket No. 27748 (ICC served Nov. 3, 1975), *Chicago and North Western Transportation Company—Construction of a Line of Railroad at Necedah, Juneau County, WI*, Finance Docket No. 27749 (ICC served Nov. 3, 1975), and *Chicago and North Western Transportation Company—Trackage Rights—Over Soo Line Railroad Company Between Wisconsin Rapids and Nekoosa, Wood County, WI*, Finance Docket No. 28323 (ICC served Feb. 16, 1977).

qualifies for the class exemption at 49 CFR 1180.2(d)(5).

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

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: Janet H. Gilbert, Wisconsin Central Limited, P.O. Box 5062, Rosemont, IL 60017-5062, and Robert T. Opal, Chicago and North Western Railway Company, 165 North Canal Street, Chicago, IL 60606.

Decided: July 17, 1995.

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

Vernon A. Williams,

Secretary.

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[Finance Docket No. 32737]

Southwest Pennsylvania Railroad Company—Lease and Operation Exemption—Lines of Westmoreland County Industrial Development Corporation and Fay-Penn Land Trust

Southwest Pennsylvania Railroad Company (SWP), a noncarrier, has filed a notice of exemption to lease and operate a rail line owned in part by Westmoreland County Industrial Development Corporation (WCIDC), and in part by Fay-Penn Land Trust (FPLT), both non-profit corporations. The line extends between milepost 0.0+/- at Broad Ford and milepost 9.56+/- at Mt. Pleasant (Broad Ford Line), in Westmoreland and Fayette Counties, PA. The total distance of the rail line is approximately 9.56 miles.¹ Consummation of the proposed transaction took place on June 28, 1995.

This transaction is related to a simultaneously filed notice of exemption in Finance Docket No.

¹ FPLT holds title to the Broad Ford Line between milepost 0.0+/- at Broad Ford and Survey Station 174+56 (approximately milepost 3.3+/-). WCIDC holds title to the remainder, from Survey Station 174+56 (milepost 3.3+/-) to milepost 9.56+/- at Mt. Pleasant.

The Broad Ford Line connects at Everson, PA, with rail lines that SWP seeks simultaneously to acquire from Consolidated Rail Corporation and operate in Finance Docket No. 32692, *Southwest Pennsylvania Railroad Company—Acquisition and Operation Exemption—Lines of Consolidated Rail Corporation*.

32734, *Phillip C. Larson, Russell A. Peterson and Dennis E. Larson—Continuance in Control Exemption—Southwest Pennsylvania Railroad Company*, in which SWP's shareholders seek to continue in control of SWP and Camp Chase Industrial Railroad Corporation, a class III shortline railroad, when SWP becomes a carrier.²

Any comments must be filed with the Commission and served on: Keith G. O'Brien, 1920 N St., NW., Suite 420, Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. 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 automatically stay the transaction.

Decided: July 13, 1995.

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

Vernon A. Williams,

Secretary.

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[Docket No. AB-167 (Sub-No. 1149X)]

Consolidated Rail Corporation—Abandonment Exemption—in Indiana and Cambria Counties, PA

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon 2.6± miles of its line of railroad, known as the Kin Industrial Track, from approximately milepost 35.80 ± to approximately milepost 38.40±, in Indiana and Cambria Counties, PA.

Conrail has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over 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

² Notice of an acquisition and operation exemption was given by the Commission in *Camp Chase Industrial Railroad Corporation—Acquisition and Operation Exemption—Line of Consolidated Rail Corporation*, Finance Docket No. 32581 (ICC served Oct. 21, 1994).