

Decided: August 6, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 96-20482 Filed 8-9-96; 8:45 am]

BILLING CODE 4915-00-P

Surface Transportation Board ¹

[Docket No. AB-8 (Sub-No. 39)]

The Denver and Rio Grande Western Railroad Company—Discontinuance—Malta-Cañon City Line in Lake, Chaffee, and Fremont Counties, CO

[Docket No. AB-12 (Sub-No. 188)]²

Southern Pacific Transportation Company—Abandonment—Malta-Cañon City Line in Lake, Chaffee, and Fremont Counties, CO

AGENCY: Surface Transportation Board.
ACTION: Notice of findings.

SUMMARY: The Board has found that the public convenience and necessity permit the Southern Pacific Transportation Company and The Denver and Rio Grande Western Railroad Company to discontinue operations on a line of railroad extending from milepost 271.0 near Malta to milepost 162.0 near Cañon City, a distance of 109 miles in Lake, Chaffee, and Fremont Counties, CO, subject to standard employee protective conditions and environmental conditions set forth in Decision No. 44, served on August 12, 1996, in Finance Docket No. 32760. Accordingly, the application of the Southern Pacific Transportation Company to abandon and discontinue service over this line is granted in part (discontinuance

authority is granted) and denied in part (abandonment authority is denied).

DATES: The Board's decision will be effective on September 11, 1996. Any financial assistance offer must be filed with the Board and the railroad(s) no later than August 22, 1996. Any offer previously made must be remade by the due date. A certificate will be issued unless the Board also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to continue; and (2) it is likely that the assistance would fully compensate the railroad.

ADDRESSES: Send offers referring to Docket Nos. AB-8 (Sub-No. 39) and AB-12 (Sub-No. 188) to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Gary A. Laakso, Southern Pacific Building, One Market Plaza, Room 846, San Francisco, CA 94105. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Office of Proceedings, AB-OFA."

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 927-5352. [TDD for the hearing impaired: (202) 927-5721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's Decision No. 44 in Finance Docket No. 32760. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: August 6, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 96-20468 Filed 8-9-96; 8:45 am]

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Surface Transportation Board ¹

[Docket No. AB-8 (Sub-No. 36X)]²

The Denver and Rio Grande Western Railroad Company—Discontinuance Exemption—Sage-Malta-Leadville Line in Eagle and Lake Counties, CO

[Docket No. AB-12 (Sub-No. 189X)]

Southern Pacific Transportation Company—Abandonment Exemption—Sage-Malta-Leadville Line in Eagle and Lake Counties, CO

AGENCY: Surface Transportation Board.
ACTION: Notice of exemption.

SUMMARY: The Board, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 10903-04 the discontinuance of operations by the Denver and Rio Grande Western Railroad Company and by the Southern Pacific Transportation Company over a 69.1-mile line of railroad between milepost 335.0 near Sage and milepost 270.0 near Malta, and between milepost 271.0 near Malta and milepost 276.1 near Leadville, in Eagle and Lake Counties, CO, subject to standard labor protective conditions and continued access for Viacom International, Inc. to the Eagle Mine site to facilitate ongoing remediation activities, as set forth in Decision No. 44, served on August 12, 1996, in Finance Docket No. 32760. In Decision No. 44, the Board is granting the petition in Docket No. AB-12 (Sub-No. 187X), in part (discontinuance authority is being granted) and denying it in part (abandonment authority is being denied). No trail use or public use conditions can be imposed because only authority for discontinuances is being granted.

DATES: Provided no formal expression of intent to file an offer of financial

¹ The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former section of the statute, unless otherwise indicated.

² These proceedings are embraced in Finance Docket No. 32760, *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.*

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² This exemption is related to Finance Docket No. 32760, *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.*