

Issued on: June 23, 2000.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

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**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. MC-F-20968]

#### National Express Group plc, et al.— Control Exemption—School Services and Leasing, Inc., et al.

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of filing of petition for exemption.

**SUMMARY:** National Express Group plc (NEG) and National Express Corporation (NEC), noncarriers, seek an exemption under 49 U.S.C. 13541 from the prior approval requirements of 49 U.S.C. 14303(a)(5) to acquire control of five motor passenger carriers. Expedited action has been requested.

**DATES:** Comments must be filed by July 17, 2000. Petitioners may file a reply by July 20, 2000.

**ADDRESSES:** Send an original and 10 copies of any comments referring to STB Docket No. MC-F-20968 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, send one copy of comments to petitioner's representative: Frank M. Putman, Gardere Wynne Sewell & Riggs, L.L.P., 1000 Louisiana, Suite 3400, Houston, TX 77002.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** NEG, an English corporation, and NEC, a Delaware corporation controlled by NEG (collectively petitioners),<sup>1</sup> request an exemption under 49 U.S.C. 13541 from the prior approval requirements of 49 U.S.C. 14303(a)(5) to acquire control of the following five motor passenger carriers (collectively carriers): School

Services and Leasing, Inc.;<sup>2</sup> School Services and Leasing of Massachusetts, Inc.;<sup>3</sup> Student Bus Services, Inc.;<sup>4</sup> Helweg and Farmer Transportation Company, Inc.;<sup>5</sup> and Swope Farm & Livestock Company, Inc.<sup>6</sup>

Petitioners will acquire control of the carriers through the acquisition by NEC of all of the issued and outstanding capital stock of School Services of Kansas and Helweg. Indirect control of the other three carriers, School Services of Massachusetts, Student Bus Services, and Swope, will result from the acquisition of the stock of their parent corporations.<sup>7</sup> The transaction will be accomplished pursuant to a Share Purchase and Sale Agreement dated May 26, 2000, by and between NEC and Graydon J. Kincaid, Jr., the registered and beneficial owner of all of the issued and outstanding shares of capital stock of School Services of Kansas and Helweg. Upon completion of the acquisition of the stock, NEC will operate the carriers.

A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration-HMCE-20, 400 Virginia Avenue, SW., Suite 600, Washington, DC 20024; (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

<sup>2</sup> School Services and Leasing, Inc. (School Services of Kansas), is a Kansas corporation. It holds federally issued operating authority in Docket No. MC-250907, which authorizes it to carry passengers for hire in interstate commerce, but it primarily provides non-regulated school transportation services.

<sup>3</sup> School Services and Leasing of Massachusetts, Inc. (School Services of Massachusetts), is a Massachusetts corporation and is a wholly owned subsidiary of School Services of Kansas. It is primarily a provider of non-regulated school transportation services.

<sup>4</sup> Student Bus Services, Inc. (Student Bus Services), is a Connecticut corporation and is a wholly owned subsidiary of School Services of Kansas. It is primarily a provider of non-regulated school transportation services.

<sup>5</sup> Helweg and Farmer Transportation Company, Inc. (Helweg), is a New Mexico corporation. It holds federally issued operating authority in Docket No. MC-337007 and has applied to the Federal Motor Carrier Safety Administration for authority to operate as a motor passenger contract carrier, but it is primarily a provider of non-regulated school transportation services.

<sup>6</sup> Swope Farm & Livestock Company, Inc. (Swope), is a New Mexico corporation and is a wholly owned subsidiary of Helweg. It holds federally issued operating authority in Docket No. MC-128026, but it is primarily a provider of non-regulated school transportation services.

<sup>7</sup> The appropriate filing has been made under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. 18a, with respect to that portion of the transaction that involves NEG's control of non-federally regulated entities.

Counsel, 400 7th Street, SW., Washington, DC 20590.

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Decided: June 23, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Burkes, and Commissioner Clyburn.

**Vernon A. Williams,**

*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33883]

#### Iowa Interstate Railroad, Ltd. and Union Pacific Railroad Company— Joint Relocation Project Exemption— in Council Bluffs, Pottawattamie County, IA

On June 13, 2000, Iowa Interstate Railroad, Ltd. (IAIS) and Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1180.2(d)(5) to relocate certain lines of railroad in Council Bluffs, Pottawattamie County, IA. The transaction was scheduled to be consummated on or after June 20, 2000.<sup>1</sup>

Under the joint relocation project, IAIS and UP propose the following transactions:

(1) IAIS will grant UP trackage rights between IAIS milepost 488.0 and IAIS milepost 486.8.

(2) UP will grant IAIS trackage rights between UP milepost 503.6 and UP milepost 504.05, and over the connecting track between this UP track segment and the IAIS near IAIS milepost 486.8.

(3) UP's operations north and west of UP milepost 504.05 will be moved to the IAIS trackage described in (1) above. The UP track between UP milepost 504.05 and UP milepost 505.2 will be abandoned and removed.

The proposed joint relocation project will not disrupt service to shippers.<sup>2</sup> Its purpose is to consolidate UP and IAIS operations on the IAIS line described above, to abandon the parallel UP track, and to eliminate 11 public grade crossings in metropolitan Council Bluffs. In addition, the project will facilitate expansion of a shipper facility

<sup>1</sup> The representatives of both IAIS and UP have acknowledged by telephone that the earliest the transaction could go forward was June 20, 2000.

<sup>2</sup> There are no shippers served by the UP track to be abandoned.

<sup>1</sup> Petitioners' existing subsidiaries include: ATC Vancom, Inc., Kenneth E. Bauman Bus, Inc., Durham Transportation, Inc., Crabtree-Harmon Corporation, Forsythe & Associates, Inc., Multisystems, Inc., and Robinson Bus Service, Inc. All of these subsidiaries provide non-regulated transportation services, although Robinson Bus Service, Inc., holds motor carrier authority in Docket No. MC-2844 (Sub-No. 7). NEG conducts a portion of its operations in North America through its wholly owned subsidiary, Nexus Investment General Partnership (NIGP), a Nevada general partnership, in which the only partners are two United Kingdom companies, both of which are wholly owned by NEG.