

carrier and that its annual revenues are not projected to exceed \$5 million.

The parties propose to consummate the transaction on or about July 15, 2003.

This transaction is related to STB Finance Docket No. 34357, *Eyal Shapira—Continuance in Control Exemption—New York and Eastern Railway LLC and Raritan Central Railway, L.L.C.*, wherein Eyal Shapira has concurrently filed a verified notice to continue in control of NY&E, upon NY&E becoming a Class III rail carrier.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34358, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036.

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

Decided: June 23, 2003.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 03-16304 Filed 6-26-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34357]

Eyal Shapira—Continuance in Control Exemption—New York and Eastern Railway LLC and Raritan Central Railway L.L.C.

Eyal Shapira (Shapira), an individual, has filed a verified notice of exemption to continue in control of New York and Eastern Railway LLC (NY&E), upon NY&E becoming a Class III rail carrier.

This transaction is related to the concurrently filed verified notice of exemption in STB Finance Docket No. 34358, *New York and Eastern Railway LLC—Lease, Operation, and Future Purchase Exemption—New York Central Lines, LLC and CSX Transportation, Inc.*, wherein NY&E seeks to lease and operate (with an option to purchase) approximately 4.7 miles of rail line and associated property presently owned by

New York Central Lines, LLC and operated by CSX Transportation, Inc., in the Town and City of Poughkeepsie, Dutchess County, NY.

Shapira owns a majority interest and controls one existing Class III rail carrier: Raritan Central Railway, L.L.C., that operates in the Townships of Edison and Woodbridge, in Middlesex County, NJ.

Shapira states that: (1) The railroads do not connect with each other or any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

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. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34357, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036.

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

Decided: June 23, 2003.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket Nos. AB-55 (Sub-No. 635X) and AB-364 (Sub-No. 9X)]

CSX Transportation, Inc.—Abandonment Exemption—in Gratiot County, MI; Mid-Michigan Railroad, Inc.—Discontinuance of Service Exemption—in Gratiot County, MI

CSX Transportation, Inc. (CSXT) and Mid-Michigan Railroad, Inc. (MMR) have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* for CSXT to abandon and MMR to discontinue service over approximately 5.5 miles of railroad from milepost CBE-40.00 at Alma, to milepost CBE-45.5 at Elwell, in Gratiot County, MI. The line traverses United States Postal Service Zip Codes 48801 and 48832.

CSXT and MMR have 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 Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of 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 this exemption, any employee adversely affected by the abandonment or discontinuance 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. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on July 29, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any