

0001. Also, send one copy of comments to petitioner's representatives: Betty Jo Christian and David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Ave., N.W., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** Coach seeks an exemption to acquire stock control over America Charters (MC-153814), a motor passenger carrier that operates in interstate and intrastate commerce.<sup>1</sup> Coach states that America Charters, which provides exclusively charter and special bus services, has a relatively small market share in the markets in which it operates.

Coach currently controls 27 motor passenger carriers.<sup>2</sup> Coach states that

<sup>1</sup> The stock of America Charters was placed in an independent voting trust to avoid any unlawful control pending disposition of this proceeding.

<sup>2</sup> In Notre Capital Ventures II, LLC and Coach USA, Inc.—Control Exemption—Arrow Stage Lines, Inc.; Cape Transit Corp.; Community Coach, Inc.; Community Transit Lines, Inc.; Grosvenor Bus Lines, Inc.; H.A.M.L. Corp.; Leisure Time Tours; Suburban Management Corp.; Suburban Trails, Inc.; and Suburban Transit Corp., STB Finance Docket No. 32876 (Sub-No. 1) (STB served May 3, 1996), Coach was exempted from the prior approval requirements of 49 U.S.C. 14303(a)(4) to acquire control of Arrow Stage Lines, Inc. (MC-29592), Cape Transit Corp. (MC-161678), Community Coach, Inc. (MC-76022), Community Transit Lines, Inc. (MC-145548), Grosvenor Bus Lines, Inc. (MC-157317), H.A.M.L. Corp. (MC-194792), Leisure Time Tours (MC-142011), Suburban Management Corp. (MC-264527), Suburban Trails, Inc. (MC-149081), and Suburban Transit Corp. (MC-115116).

In Coach USA, Inc.—Control Exemption—American Sightseeing Tours, Inc.; California Charters, Inc.; Texas Bus Lines, Inc.; Gulf Coast Transportation, Inc.; and K-T Contract Services, Inc., STB Finance Docket No. 33073 (STB served Nov. 8, 1996), Coach was exempted from the prior approval requirements of 49 U.S.C. 14303(a)(5) to acquire control of American Sightseeing Tours, Inc., d/b/a ASTI (MC-252353), California Charters, Inc. (MC-241211), Texas Bus Lines, Inc. (MC-37640), Gulf Coast Transportation, Inc., d/b/a Gray Line Tours of Houston (MC-201397), and K-T Contract Services, Inc. (MC-218583).

In Coach USA, Inc.—Control Exemption—Progressive Transportation, Inc.; Powder River Transportation Services, Inc.; Worthen Van Service, Inc.; and PCSTC, Inc., STB Finance Docket No. 33343 (STB served May 15, 1997), Coach was exempted from the prior approval requirements of 49 U.S.C. 14303(a)(5) to acquire control of Progressive Transportation Services, Inc. (MC-247074), Powder River Transportation Services, Inc. (MC-161531), Worthen Van Service, Inc. (MC-142573), and PCSTC, Inc., d/b/a Pacific Coast Sightseeing/Gray Line of Anaheim-Los Angeles (MC-184852).

In Coach USA, Inc.—Control Exemption—Airport Bus of Bakersfield; Antelope Valley Bus, Inc.; Desert Stage Lines, Inc.; Bayou City Coaches, Inc.; Kerrville Bus Company, Inc.; Red & Tan Charter, Inc.; Red & Tan Tours, Inc.; and Rockland Coaches, Inc., STB Finance Docket No. 33377 (STB served May 15, 1977), Coach was exempted from the prior approval requirements of 49 U.S.C. 14303(a)(5) to acquire control of Airport Bus of Bakersfield (MC-163191), Antelope Valley Bus, Inc. (MC-125057),

America Charters does not compete with any of the bus companies controlled by Coach and, therefore, that its acquisition of control of America Charters will have no significant impact on competition.

Following the acquisition of control, America Charters will continue to operate under its own name and in the same basic manner as before. Coach states that it will provide certain services to America Charters, including legal and accounting functions and coordinated purchasing services. In addition, Coach states that it will facilitate vehicle sharing arrangements and provide coordinated driver training services. Coach projects the annual efficiency savings generated by the proposed acquisition of control of America Charters to be \$125,000, representing primarily interest, insurance and vehicle equipment cost savings. Over the long term, Coach states that it will provide centralized marketing and reservation services for the bus firms that it controls, thereby further enhancing the benefits resulting from the transaction. Coach submits that all collective bargaining agreements will be honored, that employee benefits will improve, and that no change in management personnel is planned. Additional information may be obtained from petitioner's representatives.

A copy of this notice will be served on the Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: May 15, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**  
*Secretary*

[FR Doc. 97-13634 Filed 5-22-97; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB No. MC-F-20909]

#### East West Resort Express, LLC— Control—Resort Express, Inc.

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice tentatively approving finance application.

**SUMMARY:** East West Resort Express, LLC (East West), a noncarrier in control of Colorado Mountain Express (CME), and

Desert Stage Lines, Inc. (MC-140919), Bayou City Coaches, Inc. (MC-245246), Kerrville Bus Company, Inc. (MC-27530), Red & Tan Charter, Inc. (MC-204842), Red and Tan Tours (MC-162174), and Rockland Coaches, Inc. (MC-29890).

Resort Express, Inc. (REI) jointly seek approval under 49 U.S.C. 14303(a)(5) for East West to acquire control, through purchase, of the assets and properties of REI, together with certain leases of motor vehicle equipment, and to assume certain liabilities of REI. In addition, Harry H. Frampton, III, John C. Goff, Gerald W. Haddock, and Charles I. Madison (collectively, the Control Persons) have joined in the application for approval under 49 U.S.C. 14303(a)(5) as persons in control, either through ownership, management, or the right to control management, of both REI and CME. Persons wishing to oppose the transaction must follow the rules at 49 CFR 1182, subpart B. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action. If opposing comments are timely filed, this tentative grant of authority will be deemed vacated, and the Board will consider the comments and any replies and will issue a further decision on the application.

**DATES:** Unless opposing comments are filed, this notice will be effective July 7, 1997. Comments are due by July 7, 1997 and, if any are filed, applicants may reply by July 22, 1997.

**ADDRESSES:** Send an original and 10 copies of comments referring to STB No. MC-F-20909 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, Room 713, 1925 K Street, N.W., Washington, DC 20423-0001. Also, send one copy of comments to applicants' representatives: Thomas J. Burke, Jr., 1625 Broadway, Suite 1600, Denver, CO 80202; and Lee E. Lucero, 651 Chambers Road, Suite 203, Aurora, CO 80011-7127.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** Approval of the transaction is required under 49 U.S.C. 14303(a)(5) because East West controls CME, a motor common carrier, through its relationship to the Control Persons and its affiliations with following entities: East West Resorts Transportation, LLC, East West Resorts Transportation II, LLC, HF Holding Corp., Crescent Development Management Corp., and East West Resorts Management II, LLC.

REI (MC-181367), a motor common carrier of passengers, holds regular route interstate and intrastate operating rights authorizing operations between: (1) Denver International Airport at or near Denver, CO, and Breckenridge, CO, and various Colorado ski resorts; (2) Copper Mountain ski resort and Avon, CO; and (3) Cheyenne, WY, and Albuquerque,

NM, and Denver, CO; (4) Walsenburg, CO, and Santa Fe, NM; and (5) Raton, NM, and Taos, NM.

CME (MC-169174),<sup>1</sup> a motor common carrier of passengers, holds interstate and intrastate operating rights authorizing: (a) charter and special operations within CO; and (b) regular route service between Denver and Grand Junction and Aspen, CO.

Applicants state that the aggregate gross operating revenues conducted by REI and CME, for the 12-month period that ended on December 31, 1996, exceeded \$2 million. They assert that the proposed transaction will not affect competition in the involved market because REI and CME do not compete materially in the same territory. They state that the availability of needed capital and management expertise from East West will improve REI's ability to meet the needs of the traveling public in the area. Additionally, applicants state that the transaction's total fixed charges are approximately \$4.9 million, and East West anticipates offering employment to all of REI's employees.

REI holds a satisfactory safety rating from the U.S. Department of Transportation. Applicants certify that: (1) they have sufficient insurance to cover the services they intend to offer; (2) no party to the transaction is either domiciled in Mexico or owned or controlled by persons of that country; and (3) approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction that we find consistent with the public interest, taking into consideration at least: (1) the effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result from the proposed transaction; and (3) the interest of carrier employees affected by the proposed transaction. We find, based on the application, that the proposed transaction is consistent with

<sup>1</sup> CME holds certificates of public convenience and necessity issued to CME's predecessor, Colorado Mountain Express Investors Inc., formerly known as Colorado Mountain Express, Inc., in Docket No. MC-169174 and subnumbers thereunder. In Airport Shuttle Colorado, Inc.-Control-Aspen Limousine Service, Inc., d/b/a Vans To Vail, Inc., Docket No. MC-F-20786 (ICC served Dec. 19, 1995), CME acquired certificates issued to Airport Shuttle Colorado, Inc., in Docket No. MC-174332 and subnumbers thereunder. In Colorado Mountain Express, Inc., and Airport Shuttle Colorado, Inc., d/b/a Aspen Limousine Service, Inc.—Consolidation and Merger—Colorado Mountain Express, STB No. MC-F-20902 (STB served Nov. 27, 1996), CME's predecessor, Colorado Mountain Express Investors, Inc., was authorized to be merged into CME.

the public interest and should be authorized.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. This notice will be effective on July 7, 1997, but will be deemed vacated if opposing comments are filed on or before that date.

3. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Office of Motor Carriers-HIA 30, 400 Virginia Avenue, SW, Suite 600, Washington, DC 20024; and (2) the Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: May 15, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**  
Secretary.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-471 (Sub-No. 1X)]

#### South Kansas and Oklahoma Railroad, Inc.—Abandonment Exemption—in Neosho and Wilson Counties, KS

South Kansas and Oklahoma Railroad, Inc. (SKO) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 19-mile portion of its line of railroad between milepost 130.0, near Chanute, and milepost 149.0, near Fredonia, in Neosho and Wilson Counties, KS. The line traverses United States Postal Service Zip Codes 66720, 66714, 66726 and 66710.

SKO has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (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 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, this exemption will be effective on June 22, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by June 2, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 12, 1997, with: Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Karl Morel, Ball Janik LLP, 1455 F St., N.W., Suite 225, Washington, DC 20005.

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

SKO has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by May 28, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days

<sup>1</sup> 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 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 request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$900. See 49 CFR 1002.2(f)(25).

<sup>3</sup> The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.