

ADDRESSES: Send an original plus 10 copies of all pleadings, referring to STB Finance Docket No. 33601, to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001, ATTN: STB Finance Docket No. 33601. In addition, pleadings must certify that a copy has been served on GTW's representatives: Robert P. vom Eigen and Jamie Palter Rennert, Hopkins & Sutter, 888 Sixteenth Street, N.W., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: By petition filed on May 20, 1998, GTW requests that we issue an order under 5 U.S.C. 554(e) and 49 U.S.C. 721(a) declaring that certain tracks located near the Renaissance Center in Detroit, MI, are "spur, industrial, team, switching, or side tracks" that are, under 49 U.S.C. 10906, exempt from Board authority over the abandonment and purchase of lines of railroad. The tracks at issue extend from GTW's Dequindre Line at mileposts 0.57, 0.71, and 0.81, respectively, near the Detroit riverfront. GTW has requested expedited consideration of its petition so that plans for the sale and development of the parcels of land underlying these tracks may proceed promptly. According to GTW, this land is to be developed to support (a) relocation of General Motors Corporation's global headquarters to the Renaissance Center on the Detroit riverfront and (b) a casino district designated by the City of Detroit. By this notice, the Board is requesting comments on GTW's petition.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: May 28, 1998.

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

Vernon A. Williams,
Secretary.

[FR Doc. 98-14730 Filed 6-3-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

[STB Finance Docket No. 32760 (Sub-No. 26)]

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; (Houston/Gulf Coast Oversight)

AGENCY: Surface Transportation Board.

ACTION: Decision No. 5; Notice of extension to file requests for additional conditions to the UP/SP merger for the Houston, Texas/Gulf Coast area, and revisions to procedural schedule.

SUMMARY: The Board is granting a motion filed May 20, 1998, by the Texas Mexican Railway Company, the Kansas City Southern Railway Company, the Chemical Manufacturers Association, the Society of the Plastics Industry, Inc., the Texas Chemical Council, and the Railroad Commission of Texas, collectively requesting an extension until July 8, 1998, to file requests and supporting evidence for additional remedial conditions to the UP/SP merger¹ as they pertain to rail service in the Houston, Texas/Gulf Coast region. As a result, the Board is issuing the revised procedural schedule set forth at the end of this decision.

DATES: Under the revised schedule, the proceeding will now commence on July 8, 1998. On that date, all interested parties must file requests for new remedial conditions to the UP/SP merger regarding the Houston/Gulf Coast area, along with all supporting evidence. The Board will publish a notice of acceptance of requests for new conditions in the **Federal Register** by August 7, 1998. Notices of intent to participate in the oversight proceeding are due August 28, 1998. All comments, evidence, and argument opposing the requested new conditions are due September 18, 1998. Rebuttal in support of the requested conditions is due October 16, 1998.

ADDRESSES: An original plus 25 copies of all documents, referring to STB Finance Docket No. 32760 (Sub-No. 26),

must be sent to the Office of the Secretary, Case Control Unit, ATTN: STB Finance Docket No. 32760 (Sub-No. 26), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: On March 31, 1998, the Board instituted an oversight proceeding to consider requests for additional conditions to the UP/SP Merger for the Houston/Gulf Coast area, including those that seek divestiture of certain of the merged carriers' property.² All interested persons were directed to file their requests, along with all supporting evidence, by June 8, 1998.

On May 20, 1998, the above-named parties moved for a 30-day extension of that date to July 8, 1998. They state that they are working toward a consensus with respect to conditions that they may request, and that additional time is needed to coordinate their proposal and prepare all supporting evidence. The Burlington Northern and Santa Fe Railway Company (BNSF) and the National Industrial Transportation League filed letters stating that they do not oppose the extension. If the Board grants the motion, however, BNSF urges that the revised due date for filing requests for conditions, and other adjustments to the procedural schedule, be made applicable for all interested persons. UP has asked the Board to adhere to the present schedule.

We do not believe that a 30-day extension for filing requested conditions will unduly burden UP or delay our disposition of these matters. Accordingly, we will extend the deadline for filing requested conditions, make other related adjustments to the procedural schedule, and make them applicable for all other interested persons.

As set forth in the revised procedural schedule, parties that wish to request new remedial conditions to the UP/SP merger as they pertain to the Houston/Gulf Coast region must file them, along with their supporting evidence, by July 8, 1998; the remainder of the procedural

¹ 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, Finance Docket No. 32760 (UP/SP Merger), Decision No. 44 (STB served Aug. 12, 1996).

² The Board instituted this proceeding in Finance Docket No. 32760 (Sub-No. 21), Decision No. 12 (published in the **Federal Register** on April 3, 1998 (63 FR 16628)), pursuant to the 5-year oversight condition that it imposed upon its approval of the UP/SP Merger. By decision served May 19, 1998, the Board corrected the March 31 decision by designating the docket number for the Houston/Gulf Coast Oversight proceeding as Finance Docket No. 32760 (Sub-No. 26) rather than (Sub-No. 21), and designating Decision No. 12 in Sub-No. 21 as Decision No. 1 in Sub-No. 26.

schedule is adjusted accordingly. In all other respects, the March 31 decision instituting this proceeding (as corrected on May 19) remains essentially the same.³

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

Decided: May 29, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

Revised Procedural Schedule

July 8, 1998

Requests for new remedial conditions (with supporting evidence) filed.

August 7, 1998

Board notice of acceptance of requests for new conditions published in the **Federal Register**.

August 28, 1998

Notice of intent to participate in proceeding due.

September 18, 1998

All comments, evidence, and argument opposing requests for new remedial conditions to the merger due. Comments by U.S. Department of Justice and U.S. Department of Transportation due.

October 16, 1998

Rebuttal evidence and argument in support of requests for new conditions due.

The necessity of briefing, oral argument, and voting conference will be determined after the Board's review of the pleadings.

[FR Doc. 98-14833 Filed 6-3-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 117X)]

Union Pacific Railroad Company— Abandonment Exemption—in Lake County, CO

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon an

approximately 1.8-mile portion of the Leadville Branch from milepost 274.3 near McWethy Drive to the end of the line at milepost 276.1 at the rail yard near U.S. Highway 24, in Leadville, Lake County, CO.¹ The line traverses United States Postal Service Zip Code 80461.

UP 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 July 4, 1998, unless stayed

¹ This notice of 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*.

The Denver and Rio Grande Western Railroad Company (DGRW) previously owned the involved line of railroad, which became a line on the UP after DRGW was merged into UP on June 30, 1997. However, the Board granted discontinuance authority rather than full abandonment over the Sage-Leadville Line in Docket No. AB-8 (Sub-No. 36X), *The Denver and Rio Grande Western Railroad Company—Discontinuance Exemption—Sage-Leadville Line in Eagle and Lake Counties, CO* and Docket No. AB-8 (Sub-No. 39), *The Denver and Rio Grande Western Railroad Company—Discontinuance—Malta-Canon City Line, In Lake, Chaffee and Fremont Counties, CO*, See Finance Docket No. 32760 (ICC served Aug. 12, 1996). In this filing, UP is seeking to abandon the stub end of the line.

The Lake County Board of County Commissioners (Lake County) filed a request for issuance of a notice of interim trail use (NITU) for the entire line pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d). The Board will address Lake County's trail use request, and any others that may be filed, in a subsequent decision.

pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 15, 1998. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 24, 1998, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Joseph D. Anthofer, General Attorney, Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

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

UP 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 June 9, 1998. 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 after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by June 4, 1999, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: May 28, 1998.

² 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.

³ Each offer of financial assistance must be accompanied by the filing fee, which is currently set at \$1000. See 49 CFR 1002.2(f)(25).

³ The only change in the timing of the presentations is that comments in opposition to requests for conditions will be due approximately six weeks after the Board's notice of acceptance of such requests is published in the **Federal Register**, rather than the approximately five weeks afforded in the initial schedule. That is because the oral argument in No. 96-1373, *Western Coal Traffic League v. STB* (D.C. Cir.), the proceeding reviewing the Board's UP/SP merger decision, will be held on September 11, 1998.