

Railway Company (NSR) to lease and operate over approximately 1.2 miles of The Burlington Northern and Santa Fe Railway Company (BNSF) line, known as the Norwood Hill Track, extending between mileposts BNSF 734.4 = NSR 800.6 ("Block One") and BNSF 735.6 = NSR 799.4 ("Block Two") at Birmingham, in Jefferson County, AL.

**DATES:** This exemption will be effective March 17, 2002. Petitions to stay must be filed by March 4, 2002, and petitions to reopen must be filed by March 12, 2002.

**ADDRESSES:** Send an original and 10 copies of pleadings referring to STB Finance Docket No. 34132 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 pleadings to petitioners' representatives: James R. Paschall, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510-2191 and Peter M. Lee, The Burlington Northern and Santa Fe Railway Company, 2500 Lou Menk Drive, 3rd Floor, P.O. Box 961039, Fort Worth, TX 76161-0039.

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

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Da 2 Da Legal, Room 405, 1925 K Street, NW, Washington, DC 20006. Telephone: (202) 293-7776. [Assistance for the hearing impaired is available through TDD Services 1-800-877-8339.]

Board decisions and notices are available on our web site at "[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV)."

Decided: February 8, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 02-3784 Filed 2-14-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34167]

#### Richard J. Corman-Continuance in Control Exemption-R.J. Corman Equipment Company, LLC

Richard J. Corman (Corman), a noncarrier individual, has filed a verified notice of exemption to continue in control of R.J. Corman Equipment

Company, LLC (RJCE), upon RJCE's becoming a Class III rail carrier.

The transaction was scheduled to be consummated on or after January 24, 2002, the effective date of the exemption.

This transaction is related to two simultaneously filed notices of exemption: STB Finance Docket No. 34165, *R.J. Corman Equipment Company, LLC—Acquisition Exemption—Line of CSX Transportation, Inc.*, wherein RJCE seeks to acquire the Dawkins Subdivision from CSXT Transportation, Inc.; and STB Finance Docket No. 34166, *R.J. Corman Railroad Company/Bardstown Line—Lease and Operation Exemption—Line of R.J. Corman Equipment Company, LLC*, wherein R.J. Corman Railroad Company/Bardstown Line (RJCR) seeks to lease and operate the rail line being acquired by RJCE in STB Finance Docket No. 34165. RJCR is an existing Class III rail carrier operating in the State of Kentucky.

Corman controls through stock ownership seven Class III rail carriers: R.J. Corman Railroad Company/Pennsylvania Lines, Inc., operating in Pennsylvania; R.J. Corman Railroad Company/Memphis Line, operating in Tennessee and Kentucky; R.J. Corman Railroad Company/Western Ohio Line, operating in Ohio; R.J. Corman Railroad Company/Cleveland Line operating in Ohio; R.J. Corman Railroad Company/Bardstown Line, operating in Kentucky; R.J. Corman Railroad Company/Allentown Lines, Inc., operating in Pennsylvania and New York; and Clearfield and Mahoning Railway Company, operating in Pennsylvania.

Corman states that the rail line to be acquired by RJCE will not connect with the rail lines of any existing rail carrier in their corporate family, this control transaction is not part of a series of anticipated transactions that would result in such a connection, and this control transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval of 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. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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. 34167, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our website at "[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV)."

Decided: February 8, 2002.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 02-3672 Filed 2-14-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34165]

#### R.J. Corman Equipment Company, LLC—Acquisition Exemption—Line of CSX Transportation, Inc.

R.J. Corman Equipment Company, LLC (RJCE), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire approximately 36.08 miles of rail line known as the Dawkins Subdivision from CSX Transportation, Inc. (CSXT) located between approximately milepost 0.05 at or near Dawkins, KY, and approximately milepost 36.13 at or near Evanston, KY, in Johnson, Magoffing and Breathitt Counties, KY. RJCE certifies that its projected revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier.

The transaction was scheduled to be consummated on or after January 24, 2002, the effective date of the exemption.

This transaction is related to two simultaneously filed notices of exemption: STB Finance Docket No. 34167, *Richard J. Corman—Continuance in Control Exemption—R.J. Corman Equipment Company, LLC*, wherein Richard J. Corman seeks to continue in control of RJCE, upon its becoming a Class III rail carrier; and