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SERVICE DATE - OCTOBER 3, 1997

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33456]

East Penn Railways, Inc.--Lease and Operation Exemption--Southeastern Pennsylvania
Transportation Authority

East Penn Railways, Inc. (East Penn), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and operate a total of approximately 14.9 miles of rail line owned by Southeastern Pennsylvania Transportation Authority, known as the Bethlehem Branch, which includes the portion of the Quakertown Line extending from MP 30.5+/- at Telford, Montgomery County, PA, and MP 45.4+/- at Quakertown, Bucks County, PA, and the right to interchange with Consolidated Rail Corporation south of MP 30.5+/- . The transaction was expected to be consummated on or after September 15, 1997.¹

If the 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. 33456, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit,

¹ Under 49 CFR 1150.41(b), the exemption is effective 7 days after the notice is filed. Although applicant indicated that the proposed transaction would be consummated on September 8, 1997, the notice was not filed until September 8, 1997, and thus the proposed transaction could not be consummated before the September 15, 1997 effective date of the exemption. Counsel for East Penn has acknowledged that September 15 was the earliest that the transaction could be consummated.

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1925 K Street, N.W., Washington, DC 20423-0001 and served on: John K. Fiorilla, Watson,
Stevens, Fiorilla & Rutter, 390 George Street, P. O. Box 1185, New Brunswick, NJ 08903.

Decided: September 26, 1997.

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

Vernon A. Williams

Secretary