

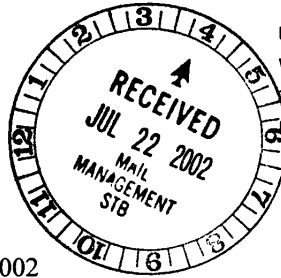
WEINER BRODSKY SIDMAN KIDER PC

ENTERED
Office of Proceedings

JUL 22 2002

Part of
Public Record

July 22, 2002



1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

BY HAND DELIVERY

205 905

The Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

Re: Finance Docket No. 34217; Hennepin County Regional Railroad Authority
- Acquisition Exemption - Soo Line Railroad Company

Dear Secretary Williams:

In connection with the above-referenced matter, on June 11, 2002, the Hennepin County Regional Railroad Authority (the "Authority") filed a verified notice of exemption to acquire 330 feet of rail line (the "Subject Line") from the Soo Line Railroad Company. The Subject Line extends from Soo Milepost 428.3 +/- Engineering Station 381.90 (at or near former Chicago North Western Transportation Company (CNW) Milepost 16.3) to at or near former CNW 16.2 where it connects to the Authority's Kenilworth Route in St. Louis Park, Minnesota. The Authority stated its filing that Twin Cities and Western Railroad Company ("TCW") would operate over the subject line. In its July 10, 2002 Federal Register notice in the matter, the Board stated that rail operations by a third party would be subject to Board approval or exemption, and as of that date no filing had been made at the Board.

This letter is to advise that TCW has obtained authority to operate over the line. See Twin Cities & Western Railroad Co., Acquisition and Operation Exemption; Soo Line Railroad Co., ICC Finance Docket No. 31912 (served Aug. 14, 1991) and TCW's supporting pleading in that matter, at footnote 2 (copies enclosed). See also Twin Cities & Western Railroad Co. - Co-Relocation Exemption - Hennepin County Regional Railroad Authority and the Burlington Northern and Santa Fe Railway Company, ICC Finance Docket No. 33646 (served Sept. 1, 1998) (copy enclosed).

WEINER BRODSKY SIDMAN KIDER PC

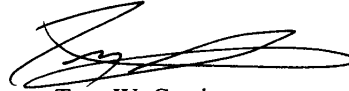
The Hon. Vernon A. Williams

- 2 -

July 22, 2002

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Sincerely,



Troy W. Garris

Enclosures

cc: Hennepin County Regional Railroad Authority (without enclosures)
Soo Line Railroad Company (without enclosures)
Charles H. Clay (without enclosures)
William F. Drusch (without enclosures)

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

ATTORNEYS AT LAW

SUITE 800

1350 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-4797

(202) 628-2000

TELECOPIER (202) 628-2011

July 19, 1991

HARVEY E. WEINER
R. LAWRENCE MCCAFFREY, JR.
JAMES A. BRODSKY
PETER E. KAPLAN
IRVING P. MARGULIES
MARK M. LEVIN
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JILL M. HAWKEN*
JONATHAN L. KATZ
STEPHEN W. MCVEARRY
JOHN M. CARRICK*
SUZANNE M. TeBEAU*

*NOT ADMITTED IN D.C.

BY HAND DELIVERY

The Hon. Sidney L. Strickland, Jr.
Secretary
Interstate Commerce Commission
Room 1324
12th Street & Constitution Avenue, N.W.
Washington, D.C. 20423

RECEIVED
JUL 19 1991
I.C.C. BUILDING
GUARD DESK

Re: Finance Docket No. 31912

Dear Mr. Strickland:

Enclosed are the original and ten copies of Twin Cities & Western Railroad Company's Verified Notice of Exemption Pursuant to 49 C.F.R. Section 1150.31. In addition, a check in the amount of \$1,100 is enclosed for the filing fee.

If you have any questions or comments concerning the enclosed, please contact me.

Respectfully submitted,

Suzanne M. Te Beau
Suzanne M. Te Beau

Enclosures

8659\1\tsmt50.let

TWIN CITIES & WESTERN RAILROAD COMPANY

VERIFIED NOTICE OF EXEMPTION

PURSUANT TO 49 C.F.R. § 1150.31

FINANCE DOCKET NO. 31912

RECEIVED
JUL 19 1991
I.C.C. BUILDING
GUARDIAN

Applicant's full name and current mailing address:

Twin Cities & Western Railroad Company
2110 First Bank Place West
Minneapolis, MN 55402
(612) 339-1601

Applicant's representative to receive correspondence:

Suzanne M. Te Beau
Weiner, McCaffrey, Brodsky, Kaplan
& Levin, P.C.
Suite 800
1350 New York Avenue, N.W.
Washington, D.C. 20005-4797
(202) 628-2000

Twin Cities & Western Railroad Company ("Twin Cities"), a Minnesota corporation, and Soo Line Railroad Company ("Soo"), (a Minnesota corporation with offices at 105 South Fifth Street, P.O. Box 530, Minneapolis, Minnesota 55402) have reached an agreement whereby Twin Cities will purchase, and Soo, will sell approximately 143 route miles of rail line in Swift, Chippewa, Renville, McLeod, Carver and Hennepin Counties, Minnesota. The line is located approximately between Milepost 435.06 near Hopkins, Minnesota and Milepost 578.93 near Appleton, Minnesota (the "Rail Line"). Twin Cities intends to provide common carrier rail service on the line.

Additionally, pursuant to separate agreements and an assignment, Twin Cities will acquire from Soo incidental trackage rights on lines connected to the Rail Line. The trackage rights include rail line located between Milepost 578.93 near Appleton, Minnesota and Milepost 612.74 near Milbank, South Dakota; and certain rail line in the Twin Cities Terminal.^{1/} Maps of the Rail Line including identification of the trackage rights are attached as Exhibit A and A-1, respectively.

The transaction is expected to be consummated on or soon after July 26, 1991.

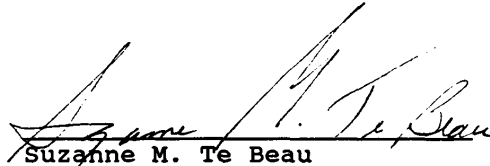
The undersigned hereby certifies that Twin Cities has provided, pursuant to 49 C.F.R § 1150.33(g), the appropriate State Historic Preservation Officer with identification of the sites and structures listed in the National Register of Historic Places and photographs of sites and structures at least 50 years old that will be transferred as a result of this transaction (Exhibit B).

The undersigned further certifies that Twin Cities' projected revenues do not exceed those that would qualify it as

^{1/} The trackage rights cover all of Soo's trackage in the Twin Cities Terminal including the following: from Tower E-14 (Milepost 435.06) near Hopkins, Minnesota, to Merriam Park (Milepost 416.43) together with certain rights for interchange at Soo's St. Paul Yard; from St. Louis Park (Milepost 17.23) to North Minneapolis near Camden (Milepost 0.85); the connecting track in St. Louis Park between the foregoing line segments; from St. Louis Park (Milepost 17.23) to Savage (28.04); and from Milepost 3.07 at Camden to Milepost 8.66 in New Brighton, including certain tracks at Shoreham.

a Class III carrier, and that Twin Cities has complied with the reporting requirements of 49 C.F.R. § 1105.7 (Exhibit C) and the notice requirements of 49 C.F.R. § 1105.11 (Exhibit D) in connection with this Verified Notice of Exemption.

Respectfully submitted,


Suzanne M. Te Beau

WEINER, McCAFFREY, BRODSKY,
KAPLAN & LEVIN, P.C.
Suite 800
1350 New York Avenue, N.W.
Washington, D.C. 20005-4797
(202) 628-2000

Dated: July 19, 1991

8659\1\ttjs165.brf

INTERSTATE COMMERCE COMMISSION

NOTICE OF EXEMPTION

FINANCE DOCKET NO. 31912

TWIN CITIES & WESTERN RAILROAD COMPANY

-- EXEMPTION ACQUISITION --

AND OPERATION

SOO LINE RAILROAD COMPANY

Twin Cities & Western Railroad Company ("Twin Cities") has filed a verified notice of exemption to acquire and operate Soo Line Railroad Company's line located between Milepost 435.06 near Hopkins, Minnesota and Milepost 578.93 near Appleton, Minnesota (the "Rail Line"). Twin Cities will acquire the Rail Line from Soo Line Railroad Company and will be the common carrier of the line after the notice of exemption becomes effective. Additionally, Twin Cities will acquire incidental trackage rights over rail line located between Milepost 578.93 near Appleton, Minnesota and Milepost 612.74 near Milbank, South Dakota; and rail line in the Twin Cities Terminal.

Comments must be filed with the Commission and served on: Suzanne M. Te Beau, Weiner, McCaffrey, Brodsky, Kaplan & Levin, P.C., Suite 800, 1350 New York Avenue, N.W., Washington, D.C. 20005-4797, (202) 628-2000.

(Concurrently, applicants Charles H. Clay, Douglas M. Head and Kent P. Shoemaker have filed a verified notice of exemption to control Twin Cities and the Red River Valley & Western Railroad Company, see Finance Docket No. 31913.)

The appropriate State Historic Preservation Officer has been provided with the identification of sites and structures (a) listed in the National Register of Historic Places, and (b) 50 or more years old, that will be subject to the transaction.

The notice was filed under 49 C.F.R. § 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. § 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

EXHIBIT A

TWIN CITIES & WESTERN RAILROAD CO.

A Portion of Minnesota

M.P. 435.06 to M.P. 578.93

Trackage Rights

M.P. 578.93

M.P. 435.06

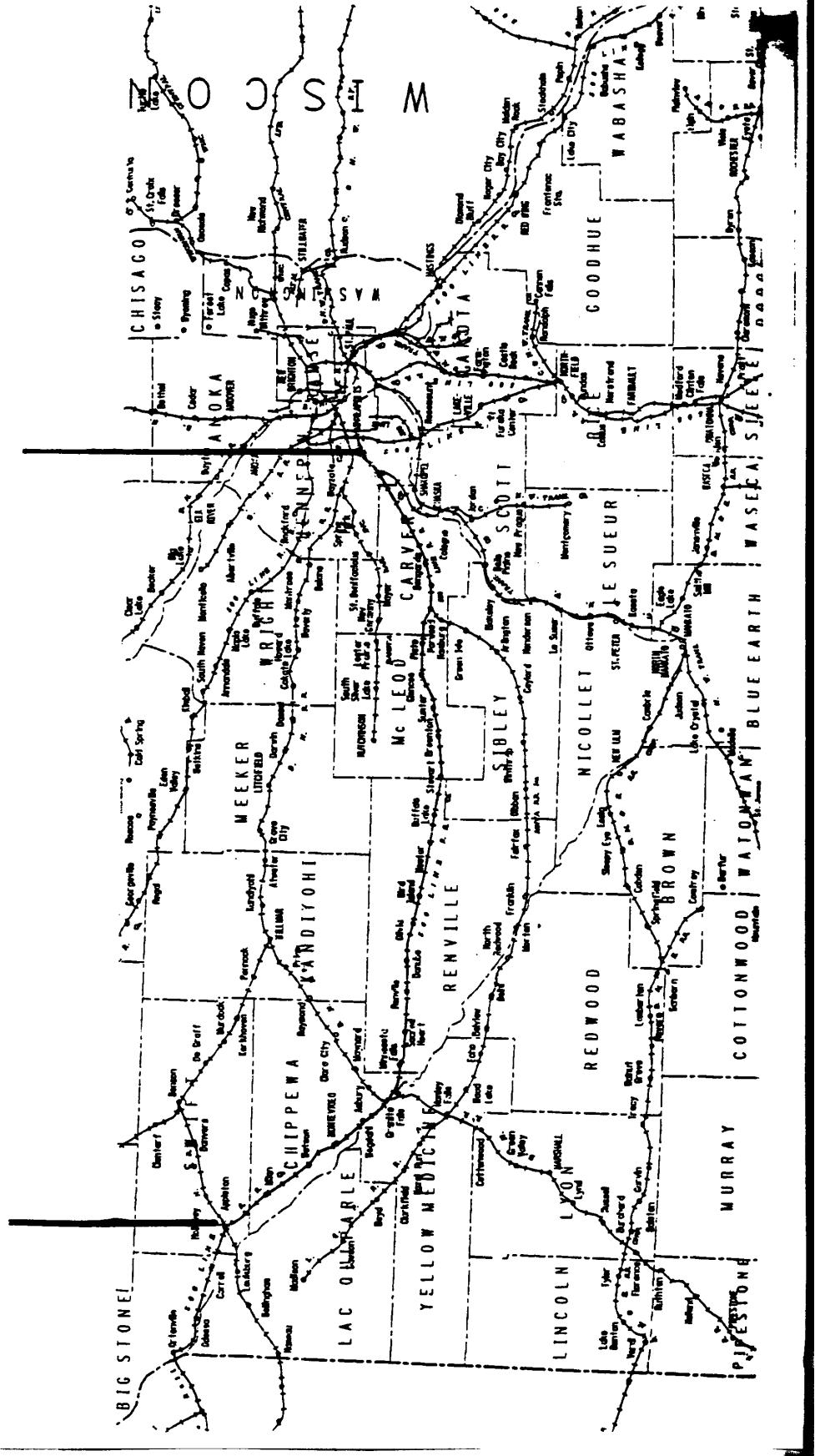
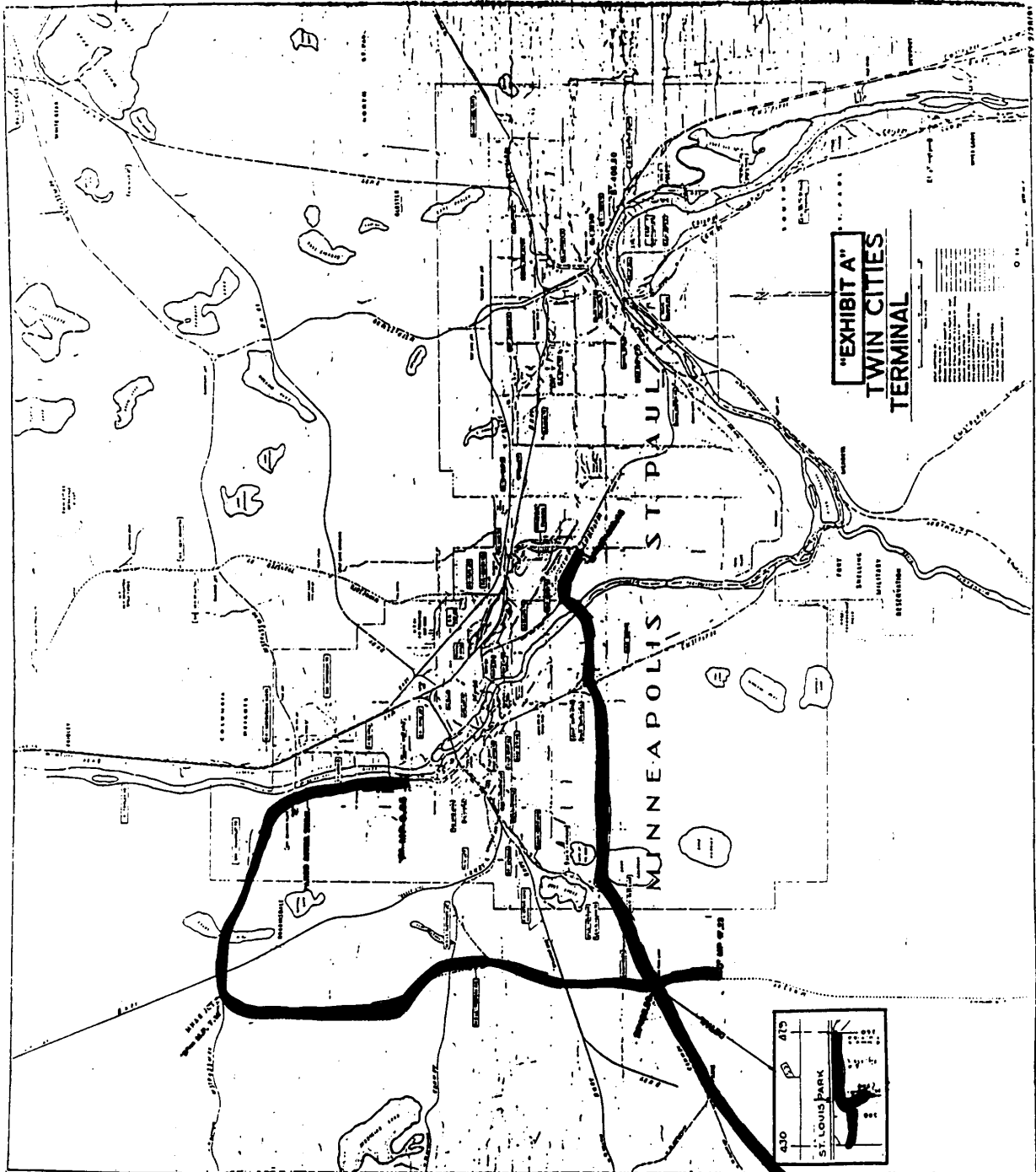


EXHIBIT A-1



"EXHIBIT A"
TWIN CITIES
TERMINAL

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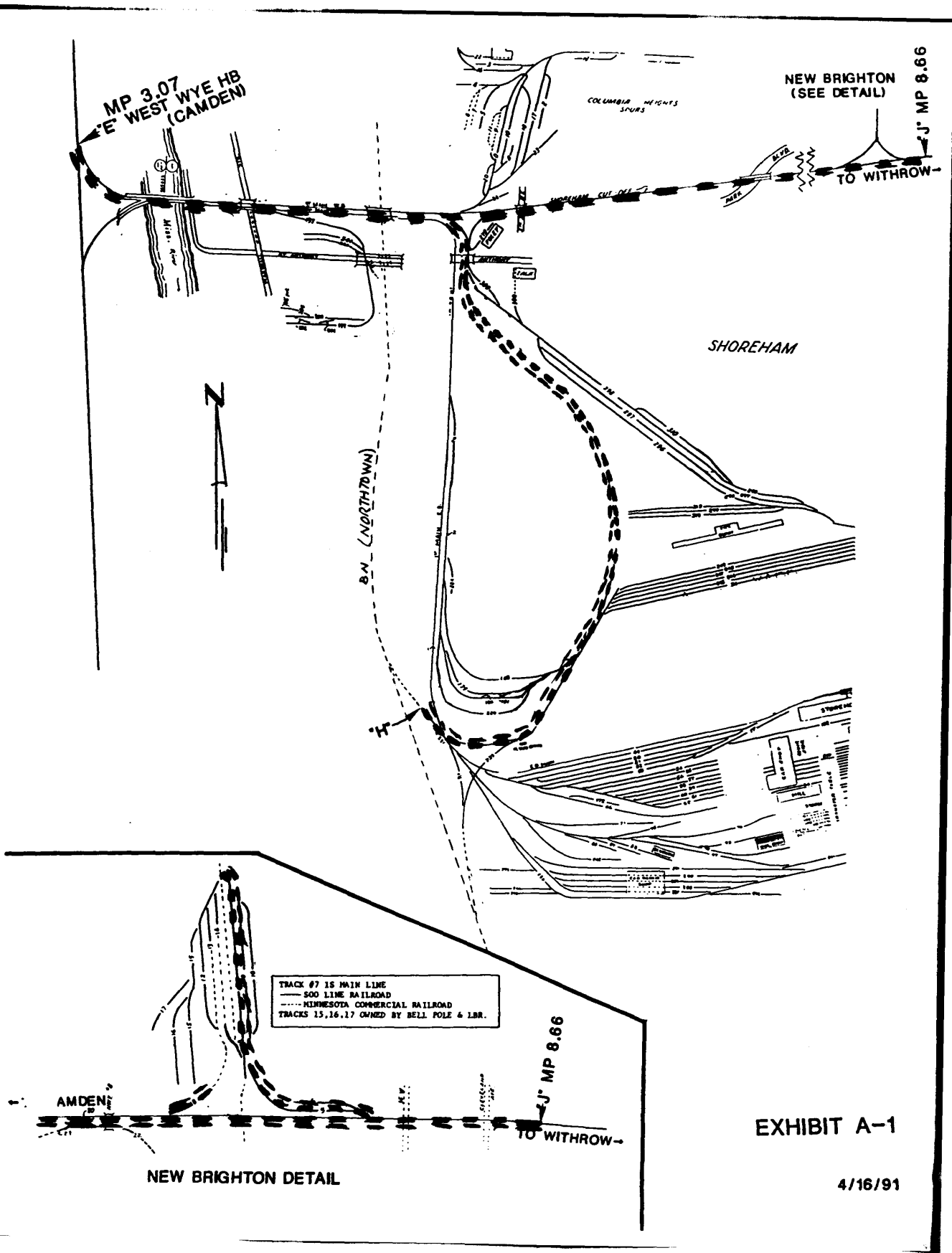


EXHIBIT A-1

4/16/91

EXHIBIT B

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

ATTORNEYS AT LAW

SUITE 800

1350 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-4797

(202) 628-2000

TELECOPIER (202) 628-2011

July 12, 1991

HARVEY E. WEINER
R. LAWRENCE MCCAFFREY, JR.
JAMES A. BRODSKY
PETER E. KAPLAN
IRVING P. MARGULIES
MARK M. LEVIN
PETER A. GILBERTSON
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JONATHAN L. KATZ
STEPHEN W. MCVEARRY
JOHN M. CARRICK*
SUZANNE M. TEBEAU*

*NOT ADMITTED IN D.C.

Ms. Nina M. Archabal
Director
Minnesota Historical Society
Historical Building
690 Cedar Street
St. Paul, MN 55101

Dear Ms. Archabal:

On or soon after July 19, 1991, Twin Cities & Western Railroad Company ("Twin Cities") will file a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150, Subpart D, for Interstate Commerce Commission authority to acquire and operate approximately 143 route miles of railroad line in Swift and Chippewa Counties, Minnesota (the "Rail Line"). Twin Cities will acquire the Rail Line from Soo Line Railroad Company. The Rail Line is located between milepost 435.06, near Hopkins, Minnesota and milepost 578.93, near Appleton, Minnesota. A map of the Rail Line is enclosed. Additionally, photographs of sites and structures 50 or more years old affected by the transaction, if any, shall be forthcoming.

A Verified Notice of Exemption pursuant to 49 C.F.R. 1180.2(d)(2) for common control of Twin Cities and another rail carrier, Red River Valley & Western Railroad Company simultaneously will be filed by Charles H. Clay, Douglas M. Head and Kent P. Shoemaker. See Finance Docket No. 31913. (Collectively, the "Notices").

Pursuant to 49 C.F.R. § 1105.7, an Environmental Report responding to questions concerning the impact of this transaction on the environment must be filed with the Notices. The purpose of this letter is to alert you to the transaction and to solicit information or comments your agency may have concerning the impact of such a transaction on the following issues.

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

Ms. Nina M. Archabal

- 2 -

July 12, 1991

The Environmental Report must address, inter alia, the issue(s) listed below which may be of interest to your agency:

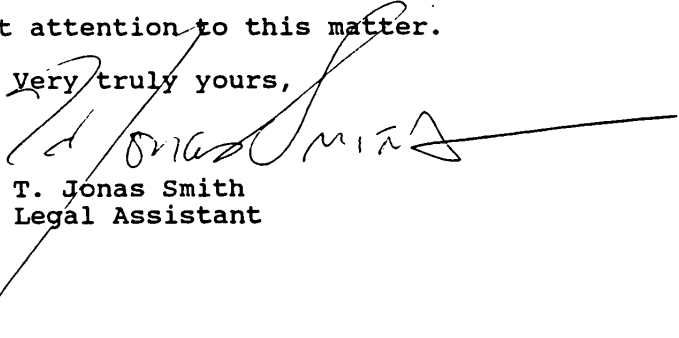
- o Are sites or structures listed in the National Register of Historic Places affected by the above-described transaction?
- o Will sites or structures 50 or more years old be affected by the above-described transaction?
- o Will culturally significant locations, archaeological sites, or unique land forms be affected by the above-described transaction?

Alternatively, if it is your opinion that the above-described transaction does not raise any concerns from the standpoint of your agency, please furnish me with a letter stating this view.

As we plan to file the Notices on July 19, 1991, a response from your agency by that date would be appreciated. All correspondence should be directed to the above-listed address.

Thank you for your prompt attention to this matter.

Very truly yours,


T. Jonas Smith
Legal Assistant

Enclosure

8659\1\TTJS157.LET

WEINER, McCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

ATTORNEYS AT LAW

SUITE 800

1350 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-4797

(202) 628-2000

TELECOPIER (202) 628-2011

July 18, 1991

HARVEY E. WEINER
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PETER E. KAPLAN
IRVING P. MARGULIES
MARK M. LEVIN
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JONATHAN L. KATZ
STEPHEN W. McVEARRY
JOHN M. CARRICK*
SUZANNE M. TeBEAU*

*NOT ADMITTED IN D.C.

Ms. Nina M. Archabal
Director
Minnesota Historical Society
Historical Building
690 Cedar Street
St. Paul, MN 55101

Re: Twin Cities & Western Railroad Company Acquisition

Dear Ms. Archabal:

By letter dated July 12, 1991, we notified your office of Twin Cities & Western Railroad Company's Verified Notice of Exemption to acquire approximately 143 route miles of railroad line in Minnesota.

As stated in that letter, please find enclosed lists and photographs of the sites and structures 50 or more years old, affected by the transaction. Since the transaction involves only a transfer of ownership of the rail line, none of the historic properties will be affected adversely.

Additionally, as we inadvertently failed to provide an accurate description or map of the railroad line, enclosed you will find a corrected map, identifying the line as crossing through the counties of Swift, Chippewa, Renville, McLeod, Carver, and Hennepin, Minnesota.

WEINER, McCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

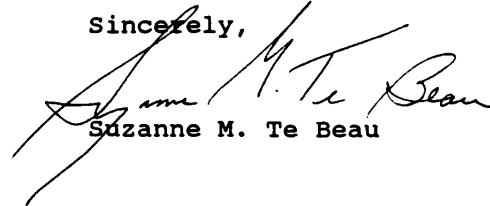
Ms. Nina M. Archabal

-2-

July 18, 1991

We apologize for any inconvenience on your part. If you have any questions or comments, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanne M. Te Beau". The signature is written in dark ink and is positioned above the printed name.

Suzanne M. Te Beau

Enclosures

8659\1\tsmt46.let

Soo Line Railroad Company



Suite 1000
Soo Line Building
Box 530
Minneapolis, Minnesota 55440
Telecopy (612) 347-8203

LARRY D. STARNES
General Attorney
Administrative Law
and Contracts
(612) 337-7543

July 17, 1991

Mr. Dennis A. Gimmestad
Government Programs and Compliance Officer
Historic Preservation, Field Services, and Grants
Department
Historic Sites and Field Programs Division
Minnesota Historical Society
Fort Snelling History Center
St. Paul, Minnesota 55111

Re: Historic Data Submission for Soo Line's Ortonville Line Sale

Dear Mr. Gimmestad:

Thank you for taking the time to meet today with myself, Gil Tyckoson of our Real Estate Department, and Leif Thorson of our Engineering Department concerning the upcoming submission of historic data concerning our "Ortonville Line."

As I indicated, I will be forwarding the data we reviewed to the attorneys for the purchaser, the Twin Cities & Western Railroad Company, and they will be formally submitting that data to Ms. Archabal shortly. As your review progresses, please let us know if we can be of further assistance.

Additionally, as your agency adds to its procedures and requirements respecting the submission of historical information by railroads in regulatory proceedings, I would appreciate receiving copies of any written guidelines.

Thank you.

Very truly yours,

cc: Ms. Suzanne M. Te Beau

EXHIBIT C

**TWIN CITIES & WESTERN RAILROAD COMPANY
2110 FIRST BANK PLACE WEST
MINNEAPOLIS, MN 55402**

July 19, 1991

The Honorable Arnold H. Carlson
Governor
Office of the Governor
75 Constitution Avenue
Room 130
State Capitol
St. Paul, MN 55155

Re: Environmental Notice

Dear Governor Carlson:

Simultaneously with this letter, Twin Cities is filing with the Interstate Commerce Commission a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150, Subpart D, for authority to acquire and operate over approximately 143 route miles of railroad line located in Swift, Chippewa, Renville, McLeod, Carver and Hennepin Counties, Minnesota; and incidental trackage rights on connecting line near Appleton, Minnesota and Milbank, South Dakota, and the Twin Cities Terminal (the "Rail Line"). A description of the filing maps of the affected areas are provided in the attachment to this letter.

A Verified Notice of Exemption pursuant to 49 C.F.R. 1180.2(d)(2) for common control of Twin Cities and another rail carrier, Red River Valley & Western Railroad Company simultaneously be filed by Charles H. Clay, Douglas M. Head and Kent P. Shoemaker. See Finance Docket No. 31913.

Pursuant to 49 C.F.R. § 1105.7, an Environmental Report responding to questions concerning the impact of this transaction on the environment must be filed. The purpose of this letter is to raise relevant environmental and energy matters.

July 19, 1991

Areas of concern, which you and other interested state and local agencies are invited to address, include but are not limited to the following:

- (1) local land use plans;
- (2) the existing transportation system including alternative transportation modes;
- (3) energy consumption;
- (4) air emissions, ambient conditions, and relevant federal, state and local standards;
- (5) bodies of water and overall water quality;
- (6) terrestrial and aquatic ecosystems, limited to unique resources and threatened or endangered species;
- (7) ambient noise levels;
- (8) existing or potential safety hazards;
- (9) cultural, historical, or archaeological sites listed or eligible for inclusion in the National Register of Historic Places;

We are providing this notice so that you may inform interested state and local agencies of the proposal, and so that you or they may investigate the affected area and provide the Commission with necessary information in timely fashion. This request for environmental information, however, is not related to any agency's rights to file administrative protests or appeals, which are governed by separate procedures.

Because the applicable statutes impose stringent deadlines for processing this action, response within three weeks would be appreciated. Please address the original of any comments directly to the Section of Energy and Environment, Room 4143, Interstate Commerce Commission, 12th Street and Constitution Avenue, Washington, D.C. 20423.

The information provided will be considered by the Commission together with other material received in evaluating the overall environmental and energy impact of the contemplated action. If there are any questions concerning the affected area or other matters related to the proposal, please contact our representative directly.

The Hon. Arnold H. Carlson -3-

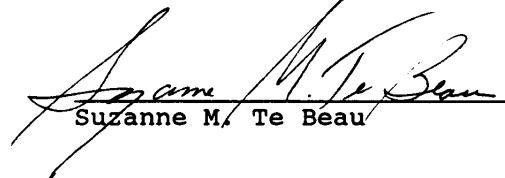
July 19, 1991

Questions regarding the form or content of any response to the notice should be referred to the Section of Energy and Environment at the above address. In any communication, please refer to the docket number assigned to these actions: F.D. 31912 -- Acquisition Notice or F.D. 31913 -- Control Notice. Our representative in this matter is Suzanne M. Te Beau, who may be contacted by telephone at (202) 628-2000 or by mail at 1350 New York Avenue, N.W., Suite 800, Washington, D.C. 20005-4797.

Sincerely,

TWIN CITIES & WESTERN
RAILROAD COMPANY

By its representative,


Suzanne M. Te Beau

8659\1\TTJS167.LET

EXHIBIT D

TWIN CITIES & WESTERN RAILROAD COMPANY

ENVIRONMENTAL REPORT

MADE PURSUANT TO 49 C.F.R. § 1105.7

FINANCE DOCKET NO. 31912

Twin Cities & Western Railroad Company ("Twin Cities"), a Minnesota corporation, has filed a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150.31, to acquire a line of rail and operating rights from Soo Line Railroad Company ("Soo"), covering approximately 143 route miles of rail line in Swift, Chippewa, Renville, McLeod, Carver and Hennepin Counties, Minnesota; and incidental trackage on connecting line near Appleton, Minnesota and Milbank, South Dakota, and the Twin Cities Terminal (the "Rail Line"). The Rail Line is also the subject of a Verified Notice of Exemption to Control pursuant to 49 C.F.R. 1180.2(d)(2), see Finance Docket No. 31913. After the acquisition, Twin Cities will be the common carrier of the Rail Line.

In preparation of this Environmental Report, Twin Cities has corresponded with certain federal and state agencies. (See Attachment 1 hereto which includes all correspondence to date.) All representations made herein are based upon information from such correspondence and information which was otherwise available to Twin Cities on the date of the Environmental Report. Pursuant to the requirements set forth in 49 C.F.R. § 1105.7, Twin Cities hereby submits its Environmental Report.

1. Alternatives. (§ 1105.7(c)(1))

Since Twin Cities' common carrier operation on the Rail Line will not involve changes to the Rail Line other than a different railroad operating on the existing track, no alternatives were considered.

2. Transportation. (§ 1105.7(c)(2))

Since the purpose of the transaction is to continue providing rail service on the Rail Line, existing regional or local transportation systems or patterns will not be adversely affected. Additionally, the transaction will not divert passenger or freight traffic to other transportation modes or systems.

3. Land Use. (§ 1105.7(c)(3))

According to available information, the transaction will be consistent with regional and/or local land use plans; a designated Coastal Zone Management area will not be involved; neither designated wetlands nor 100-year flood plains will be affected, and prime agricultural lands will not be affected.

4. Energy. (§ 1105.7(c)(4))

Since Twin Cities will be operating the existing Soo lines, the development of transportation of energy resources will not be adversely affected by the transaction. Similarly,

the movement and/or recovery of recyclable commodities will not be adversely affected and the transaction will not cause a diversion of traffic from rail to motor carriers. per mile per year for all or part of the affected Rail Line.

5. Air. (§ 1105.7(c)(5))

The transaction will not increase rail traffic more than fifty (50) percent or more than three trains per day nor increase rail yard activity more than twenty (20) percent as compared with Soo's operations. Furthermore, as there will be no increase in motor carrier traffic, the transaction will not exceed the ambient air pollution threshold in 49 C.F.R. § 1105.7(c)(5).

6. Noise. (§ 1105.7(c)(6))

As the thresholds identified in item 5 will not be surpassed, this factor is not applicable to this transaction.

7. Safety. (§ 1105.7(c)(7))

Neither public health nor safety will be adversely affected by the acquisition.

8. Wildlife. (§ 1105.7(c)(8))

Endangered or threatened species will not be affected, and critical habitats will not be destroyed or modified by the

transaction. Wildlife sanctuaries, refuges, national or state parks, and forests will not be affected by the transaction.

9. Water. (§ 1105.7(c)(9))

The transaction will be consistent with applicable federal, state and/or local water quality standards. Twin Cities has no information to suggest that permits under section 402 and 404 of the Federal Water Pollution Control Act will be required.

10. Historic. (§ 1105.7(c)(10))

Twin Cities has provided the Minnesota Historic Preservation Officer with a detailed map of the Rail Line and photographs of the sites and structures covered by 49 C.F.R. § 1105.7(c)(10). However, no such sites and structures will be adversely affected by this transaction.

ATTACHMENT 1

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

ATTORNEYS AT LAW

SUITE 800

1350 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-4797

(202) 628-2000

TELECOPIER (202) 628-2011

July 12, 1991

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MITCHEL H. KIDER
LAURENCE R. LATOURETTE

PATRICIA L. PAYNE
JAY A. STEPHENS
ANDREA LEE NEGRONI
OF COUNSEL

RANDAL D. SHIELDS
RICHARD J. ANDREANO, JR.
CHRISTOPHER E. HAGERUP
STEPHEN D. NILES
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PAUL A. MONDOR*
JILL M. HAWKEN*
JONATHAN L. KATZ
STEPHEN W. McVEARRY
JOHN M. CARRICK*
SUZANNE M. TEBEAU*

*NOT ADMITTED IN D.C.

Mr. James C. Gritman
Regional Director
U.S. Fish & Wildlife Service
Federal Building, Fort Snelling
Twin Cities, MN 55111

Dear Mr. Gritman:

On or soon after July 19, 1991, Twin Cities & Western Railroad Company ("Twin Cities") will file a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150, Subpart D, for Interstate Commerce Commission authority to acquire and operate approximately 143 route miles of railroad line in Swift and Chippewa Counties, Minnesota (the "Rail Line"). Twin Cities will acquire the Rail Line from Soo Line Railroad Company. The Rail Line is located between milepost 435.06, near Hopkins, Minnesota and milepost 578.93, near Appleton, Minnesota. A map of the Rail Line is enclosed.

A Verified Notice of Exemption pursuant to 49 C.F.R. 1180.2(d)(2) for common control of Twin Cities and another rail carrier, Red River Valley & Western Railroad Company simultaneously will be filed by Charles H. Clay, Douglas M. Head and Kent P. Shoemaker. See Finance Docket No. 31913. (Collectively, the "Notices").

Pursuant to 49 C.F.R. § 1105.7, an Environmental Report responding to questions concerning the impact of this transaction on the environment must be filed with the Notices. The purpose of this letter is to alert you to the transaction and to solicit information or comments your agency may have concerning the impact of such a transaction on fish and wildlife.

The Environmental Report must address, inter alia, the issue(s) listed below which may be of interest to your agency:

WEINER, McCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

Mr. James C. Gritman

- 2 -

July 12, 1991

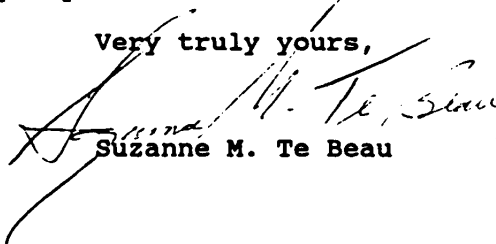
- o Will the above-described transaction endanger or threaten species or critical habitats adjacent to the Rail Line?
- o Will wildlife sanctuaries or national or state parks and forests be affected by the transaction?

Alternatively, if it is your opinion that the above-described transaction does not raise any concerns from the standpoint of your agency, please furnish me with a letter stating this view.

As we plan to file the Notices on July 19, 1991, a response from your agency by that date would be appreciated. All correspondence should be directed to the above-listed address.

Thank you for your prompt attention to this matter.

Very truly yours,



Suzanne M. Te Beau

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

ATTORNEYS AT LAW

SUITE 800

1350 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-4797

(202) 628-2000

TELECOPIER (202) 628-2011

July 12, 1991

HARVEY E. WEINER
R. LAWRENCE MCCAFFREY, JR.
JAMES A. BRODSKY
PETER E. KAPLAN
IRVING P. MARGULIES
MARK M. LEVIN
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JONATHAN L. KATZ
STEPHEN W. MCVEARRY
JOHN M. CARRICK*
SUZANNE M. TEBAU*

*NOT ADMITTED IN D.C.

Mr. J. Michael Valentine
Director
Division of Air Quality
Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

Dear Mr. Valentine:

On or soon after July 19, 1991, Twin Cities & Western Railroad Company ("Twin Cities") will file a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150, Subpart D, for Interstate Commerce Commission authority to acquire and operate approximately 143 route miles of railroad line in Swift and Chippewa Counties, Minnesota (the "Rail Line"). Twin Cities will acquire the Rail Line from Soo Line Railroad Company. The Rail Line is located between milepost 435.06, near Hopkins, Minnesota and milepost 578.93, near Appleton, Minnesota. A map of the Rail Line is enclosed.

A Verified Notice of Exemption pursuant to 49 C.F.R. 1180.2(d)(2) for common control of Twin Cities and another rail carrier, Red River Valley & Western Railroad Company will simultaneously be filed by Charles H. Clay, Douglas M. Head and Kent P. Shoemaker. See Finance Docket No. 31913. (Collectively, the "Notices").

Pursuant to 49 C.F.R. § 1105.7, an Environmental Report responding to questions concerning the impact of the transaction on the environment must be filed with the Notices. The purpose of this letter is to alert you to the transaction and to solicit information or comments your agency may have concerning the impact of such a transaction on air quality.

Alternatively, if it is your opinion that the above-described transaction does not raise any concerns from the

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

Mr. J. Michael Valentine - 2 -

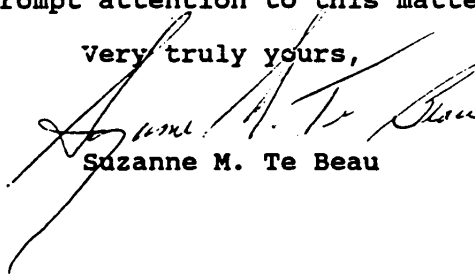
July 12, 1991

standpoint of your agency, please furnish me with a letter stating this view.

As we plan to file the Notices on July 19, 1991, a response from your agency by that date would be appreciated. All correspondence should be directed to the above-listed address.

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Suzanne M. Te Beau', is written over the typed name. The signature is fluid and cursive.

Suzanne M. Te Beau

8659\1\TTJS151.LET

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

ATTORNEYS AT LAW

SUITE 800

1350 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-4797

(202) 628-2000

TELECOPIER (202) 628-2011

July 12, 1991

HARVEY E. WEINER
R. LAWRENCE MCCAFFREY, JR.
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STEPHEN W. MCVEARRY
JOHN M. CARRICK*
SUZANNE M. TEBAU*

*NOT ADMITTED IN D.C.

The District Engineer
U.S. Army Engineer District
219 S. Dearborn Street
Chicago, IL 60604-1797
Attention: SACCO-P

Dear Sir/Madam:

On or soon after July 19, 1991, Twin Cities & Western Railroad Company ("Twin Cities") will file a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150, Subpart D, for Interstate Commerce Commission authority to acquire and operate approximately 143 route miles of railroad line in Swift and Chippewa Counties, Minnesota (the "Rail Line"). Twin Cities will acquire the Rail Line from Soo Line Railroad Company. The Rail Line is located between milepost 435.06, near Hopkins, Minnesota and milepost 578.93, near Appleton, Minnesota. A map of the Rail Line is enclosed.

A Verified Notice of Exemption pursuant to 49 C.F.R. 1180.2(d)(2) for common control of Twin Cities and another rail carrier, Red River Valley & Western Railroad Company simultaneously will be filed by Charles H. Clay, Douglas M. Head and Kent P. Shoemaker. See Finance Docket No. 31913. (Collectively, the "Notices").

Pursuant to 49 C.F.R. § 1105.7, an Environmental Report responding to questions concerning the impact of this transaction on the environment must be filed with the Notices. The purpose of this letter is to alert you to the transaction and to solicit information or comments your agency may have concerning the impact of such a transaction on the surrounding waterways.

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

The District Engineer

- 2 -

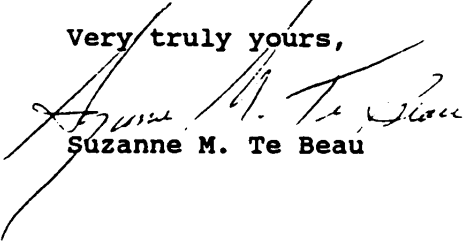
July 12, 1991

Alternatively, if it is your opinion that the above-described transaction does not raise any concerns from the standpoint of your agency, please furnish me with a letter stating this view.

As we plan to file the Notices on July 19, 1991, a response from your agency by that date would be appreciated. All correspondence should be directed to the above-listed address.

Thank you for your prompt attention to this matter.

Very truly yours,



Suzanne M. Te Beau

Enclosure

8659\1\TTJS156.LET

WEINER, McCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

ATTORNEYS AT LAW

SUITE 800

1350 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-4797

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July 12, 1991

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JOHN M. CARRICK*
SUZANNE M. TeBEAU*

*NOT ADMITTED IN D.C.

Mr. Cecil L. Selness
Director
Office of Railroads & Waterways
Division of Program Management
Department of Transportation
Transportation Building
Room 810
John Ireland Blvd.
St. Paul, MN 55155

Dear Mr. Selness:

On or soon after July 19, 1991, Twin Cities & Western Railroad Company ("Twin Cities") will file a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150, Subpart D, for Interstate Commerce Commission authority to acquire and operate approximately 143 route miles of railroad line in Chippewa and Swift Counties, Minnesota (the "Rail Line"). Twin Cities will acquire the Rail Line from Soo Line Railroad Company. The Rail Line is located between milepost 435.06, near Hopkins, Minnesota and milepost 578.93, near Appleton, Minnesota. A map of the Rail Line is enclosed.

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Pursuant to 49 C.F.R. § 1105.7, an Environmental Report responding to questions concerning the impact of this transaction on the environment must be filed with the Notices. The purpose of this letter is to alert you to the transaction and to solicit information or comments your agency may have concerning the impact of such a transaction. In addition,

WEINER, McCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

Mr. Cecil L. Selness

- 2 -

July 12, 1991

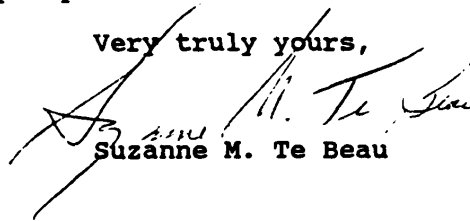
please confirm our understanding that the transaction will not affect a designated Coastal Zone Management Area, designated wetlands or 100-year flood plans.

Alternatively, if it is your opinion that the above-described transaction does not raise any concerns from the standpoint of your agency, please furnish me with a letter stating this view.

As we plan to file the Notices on July 19, 1991, a response from your agency by that date would be appreciated. All correspondence should be directed to the above-listed address.

Thank you for your prompt attention to this matter.

Very truly yours,



Suzanne M. Te Beau

Enclosure

8659\1\TTJS159.LET

WEINER, McCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

ATTORNEYS AT LAW

SUITE 800

1350 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-4797

(202) 628-2000

TELECOPIER (202) 628-2011

July 12, 1991

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STEPHEN W. McVEARRY
JOHN M. CARRICK*
SUZANNE M. TeBEAU*

NOT ADMITTED IN D.C.

Mr. Larry Shannon
Director
Division of Fish & Wildlife
Department of Natural Resources
Department of Natural Resources Building
500 Lafayette Road
St. Paul, MN 55155-4020

Dear Mr. Shannon:

On or soon after July 19, 1991, Twin Cities & Western Railroad Company ("Twin Cities") will file a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150, Subpart D, for Interstate Commerce Commission authority to acquire and operate approximately 143 route miles of railroad line in Swift and Chippewa Counties, Minnesota (the "Rail Line"). Twin Cities will acquire the Rail Line from Soo Line Railroad Company. The Rail Line is located between milepost 435.06, near Hopkins, Minnesota and milepost 578.93, near Appleton, Minnesota. A map of the Rail Line is enclosed.

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Pursuant to 49 C.F.R. § 1105.7, an Environmental Report responding to questions concerning the impact of this transaction on the environment must be filed with the Notices. The purpose of this letter is to alert you to the transaction and to solicit information or comments your agency may have concerning the impact of such a transaction on fish and wildlife in the region.

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

Mr. Larry Shannon

- 2 -

July 12, 1991

The Environmental Report must address, inter alia, the issues(s) listed below which may be of interest to your agency:

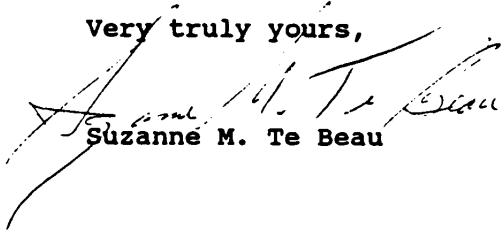
- o Will the above-described transaction endanger or threaten species or critical habitats adjacent to the Rail Line?
- o Will wildlife sanctuaries or national or state parks and forests be affected by the transaction?

Alternatively, if it is your opinion that the above-described transaction does not raise any concerns from the standpoint of your agency, please furnish me with a letter stating this view.

As we plan to file the Notices on July 19, 1991, a response from your agency by that date would be appreciated. All correspondence should be directed to the above-listed address.

Thank you for your prompt attention to this matter.

Very truly yours,



Suzanne M. Te Beau

Enclosure

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

ATTORNEYS AT LAW

SUITE 800

1350 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-4797

(202) 628-2000

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July 12, 1991

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JOHN M. CARRICK*
SUZANNE M. TEBEAU*

*NOT ADMITTED IN D.C.

Mr. A. J. Perpich
Commissioner
Energy Division
Department of Public Service
American Center Building
Room 790
150 E. Kellogg Blvd.
St. Paul, MN 55101

Dear Mr. Perpich:

On or soon after July 19, 1991, Twin Cities & Western Railroad Company ("Twin Cities") will file a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150, Subpart D, for Interstate Commerce Commission authority to acquire and operate approximately 143 route miles of railroad line in Swift and Chippewa Counties, Minnesota (the "Rail Line"). Twin Cities will acquire the Rail Line from Soo Line Railroad Company. The Rail Line is located between milepost 435.06, near Hopkins, Minnesota and milepost 578.93, near Appleton, Minnesota. A map of the Rail Line is enclosed.

A Verified Notice of Exemption pursuant to 49 C.F.R. 1180.2(d)(2) for common control of Twin Cities and another rail carrier, Red River Valley & Western Railroad Company simultaneously will be filed by Charles H. Clay, Douglas M. Head and Kent P. Shoemaker. See Finance Docket No. 31913. (Collectively, the "Notices").

Pursuant to 49 C.F.R. § 1105.7, an Environmental Report responding to questions concerning the impact of this transaction on the environment must be filed with the Notices. The Environmental Report must address, inter alia, the issues listed below which one or more may be of interest to your agency:

WEINER, McCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

Mr. A. J. Perpich

- 2 -

July 12, 1991

- o Is the above-described transaction consistent with applicable federal water quality control standards?
- o Will permits under the section 402 and/or 404 of the Federal Water Pollution Control Act (33 U.S.C. § 1342, 1344) be required?
- o Is the above-described transaction consistent with applicable state and/or local water quality standards?
- o Is a designated Coastal Zone Management Area involved? If so, is the transaction consistent with the State's Coastal Zone Management Program?
- o Are designated wetlands or 100-year plains affected? If so, describe the effects.

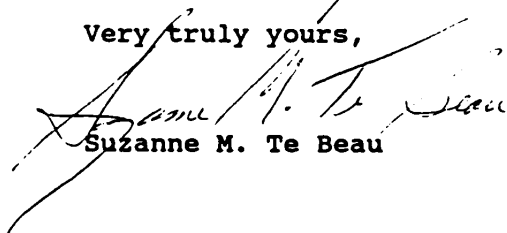
The purpose of this letter is to alert you to the transaction and solicit information or comments your agency may have concerning the impact of such a transaction.

Alternatively, if it is your opinion that the above-described transaction does not raise any concerns from the standpoint of your agency, please furnish me with a letter stating this view.

As we plan to file the Notices on July 19, 1991, a response from your agency by that date would be appreciated. All correspondence should be directed to the above-listed address.

Thank you for your prompt attention to this matter.

Very truly yours,


Suzanne M. Te Beau

Enclosure

8659\1\TTJS152.LET

WEINER, McCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

ATTORNEYS AT LAW

SUITE 800

1350 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-4797

(202) 628-2000

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July 12, 1991

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JOHN M. CARRICK*
SUZANNE M. TeBEAU*

*NOT ADMITTED IN D.C.

Ms. Nina M. Archabal
Director
Minnesota Historical Society
Historical Building
690 Cedar Street
St. Paul, MN 55101

Dear Ms. Archabal:

On or soon after July 19, 1991, Twin Cities & Western Railroad Company ("Twin Cities") will file a Verified Notice of Exemption pursuant to 49 C.F.R. § 1150, Subpart D, for Interstate Commerce Commission authority to acquire and operate approximately 143 route miles of railroad line in Swift and Chippewa Counties, Minnesota (the "Rail Line"). Twin Cities will acquire the Rail Line from Soo Line Railroad Company. The Rail Line is located between milepost 435.06, near Hopkins, Minnesota and milepost 578.93, near Appleton, Minnesota. A map of the Rail Line is enclosed. Additionally, photographs of sites and structures 50 or more years old affected by the transaction, if any, shall be forthcoming.

A Verified Notice of Exemption pursuant to 49 C.F.R. 1180.2(d)(2) for common control of Twin Cities and another rail carrier, Red River Valley & Western Railroad Company simultaneously will be filed by Charles H. Clay, Douglas M. Head and Kent P. Shoemaker. See Finance Docket No. 31913. (Collectively, the "Notices").

Pursuant to 49 C.F.R. § 1105.7, an Environmental Report responding to questions concerning the impact of this transaction on the environment must be filed with the Notices. The purpose of this letter is to alert you to the transaction and to solicit information or comments your agency may have concerning the impact of such a transaction on the following issues.

WEINER, MCCAFFREY, BRODSKY, KAPLAN & LEVIN, P.C.

Ms. Nina M. Archabal

- 2 -

July 12, 1991

The Environmental Report must address, inter alia, the issue(s) listed below which may be of interest to your agency:

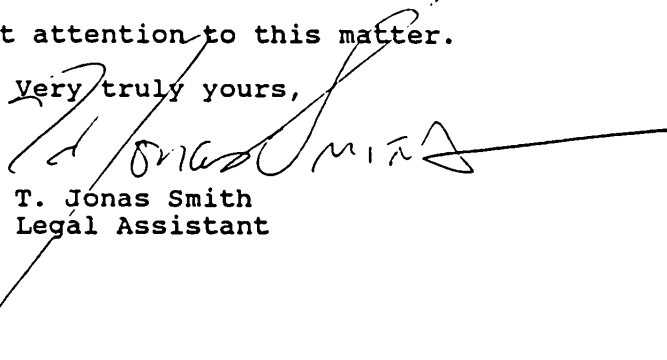
- o Are sites or structures listed in the National Register of Historic Places affected by the above-described transaction?
- o Will sites or structures 50 or more years old be affected by the above-described transaction?
- o Will culturally significant locations, archaeological sites, or unique land forms be affected by the above-described transaction?

Alternatively, if it is your opinion that the above-described transaction does not raise any concerns from the standpoint of your agency, please furnish me with a letter stating this view.

As we plan to file the Notices on July 19, 1991, a response from your agency by that date would be appreciated. All correspondence should be directed to the above-listed address.

Thank you for your prompt attention to this matter.

Very truly yours,

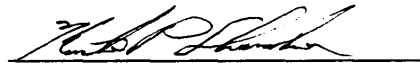

T. Jonas Smith
Legal Assistant

Enclosure

VERIFICATION

I, Kent P. Shoemaker, verify under penalty of perjury that the information contained in the foregoing Notice of Exemption is true and correct to the best of my knowledge, information and belief.

I further certify that I am qualified and authorized to file this Verified Notice of Exemption.



Kent P. Shoemaker
Chairman & CEO
TWIN CITIES & WESTERN
RAILROAD COMPANY

Dated: July 18, 1991

WEINER, McCAFFREY, BRODSKY,
KAPLAN & LEVIN, P.C.

1350 NEW YORK AVE., N.W., SUITE 800
WASHINGTON, D.C. 20005-4797

SOVRAN
BANK
NATIONAL

MAIN OFFICE
1801 K STREET, N.W.
WASHINGTON, D.C. 20006

15-120
540
D01

CHECK
NUMBER

013012

PAY THE SUM 1100 Dollars and 00 Cents

DATE
07-19-91

\$

*****1,100.00

TO THE INTERSTATE COMMERCE COMMISSION
ORDER
OF

⑈013012⑈ ⑆054001204⑆

⑈255220 5⑈

COUNTERSIGNATURE REQUIRED IF OVER \$3,500

AUTHORIZED SIGNATURE

FEDERAL REGISTER
Vol. 63, No. 169

Notices

DEPARTMENT OF TRANSPORTATION (DOT)
Surface Transportation Board

[STB Finance Docket No. 33646]

Twin Cities & Western Railroad Co.--Relocation Exemption--Hennepin County
Regional Railroad Authority and The Burlington Northern and Santa Fe Railway
Company

63 FR 46507

DATE: Tuesday, September 1, 1998

----- To view the next page, type .np* TRANSMIT.
To view a specific page, transmit p* and the page number, e.g. p*1
-----[*46507]

On August 3, 1998, Twin Cities & Western Railroad Co. (TCW), filed a notice of exemption under 49 CFR 1180.2(d)(5) to relocate certain overhead trackage rights in Hennepin County, MN. The transaction was expected to be consummated on or after August 10, 1998.

In 1991, as part of the purchase of its lines from Soo Line Railroad Company, doing business as Canadian Pacific Railway (CPR), TCW was granted incidental trackage rights over the Merriam Park Line, extending from the eastern terminus of TCW's line at Tower E-14 near Hopkins, MN (milepost 435.06), to milepost 416.43, and operating rights beyond to the St. Paul Yard, where it interchanges with CPR pursuant to an interchange agreement. The Merriam Park Line was purchased by the Hennepin County Regional Railroad Authority (HCRRA) pursuant to a Purchase Agreement dated December 23, 1992. As part of the Purchase Agreement, CPR and TCW were given a grant-back easement on the Merriam Park Line for continued rail operations.

The Merriam Park Line includes a portion of the Hiawatha/Cedar Avenue Wye, from milepost 423.59#, near the eastern edge of Cedar Avenue, to milepost 421.21#, near the eastern edge of Hiawatha Avenue (State Highway 55); the remainder of the wye is from milepost 423.59# to milepost 423.26#. Included in the Purchase Agreement is the condition that CPR will ultimately relocate those operations currently moving through the wye track to enable the Minnesota Department of Transportation to rehabilitate and upgrade Highway 55 and avoid restoration of two railroad crossings over a main highway artery to and from downtown Minneapolis. In Soo Line Railroad Company, d/b/a Canadian Pacific Railway-Abandonment Exemption-In Hennepin County, MN, STB Docket No. AB-57 (Sub-No. 40X) (STB served June 26, 1998), CPR was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to discontinue service over but not abandon the 1-mile wye until after TCW obtains approval or an exemption to discontinue its trackage rights and CPR informs any party requesting a public use condition or a NITU if and when those trackage rights are discontinued.

In TCW's Trackage Rights Agreement with CPR, dated July 26, 1991, there is a stipulation that if operations over the Merriam Park Line are interrupted, CPR will provide an alternate route over the Kenilworth Route, which is a line that extends between Hopkins and Cedar Lake/Minneapolis, MN. The Kenilworth Route is also owned by the HCRRA. CPR and TCW have existing trackage rights over the Kenilworth Route, which had been out-of-service and in disrepair. HCRRA has rehabilitated the Kenilworth Route and by this notice of exemption, CPR and TCW are relocating their overhead operations using the Kenilworth Route and their existing trackage rights over a line of The Burlington Northern and Santa Fe Railroad Company, between Minneapolis and St. Paul, MN, to reach the St. Paul Yard.

Incidental to the relocation, TCW is also discontinuing its trackage rights over the portion of the Merriam Park Line extending from milepost 428.0 to milepost 416.43. The transaction will simplify rail operations. TCW states that, because it operates only overhead trackage rights over the Merriam Park Line, no shippers will be affected by the relocation, and, thus, separate approval or an exemption is not required for the discontinuance of trackage rights.

The Board will exercise jurisdiction over the abandonment or construction components of a relocation project, and require separate approval or exemption, only where the removal of track affects service to shippers or the construction of new track involves expansion into new territory. See *City of Detroit v. Canadian National Ry. Co., et al.*, 9 I.C.C.2d 1208 (1993), aff'd sub nom., *Detroit/Wayne County Port Authority v. ICC*, 59 F.3d 1314 (D.C. Cir. 1995). Line relocation projects may embrace trackage rights transactions such as the one involved here. See *D.T.&I.R.-Trackage Rights*, 363 I.C.C. 878 (1981). Under these standards, the incidental abandonment, construction, and trackage rights components require no separate approval or exemption when the relocation project, as here, will not disrupt service to shippers and thus qualifies for the class exemption at 49 CFR 1180.2(d)(5).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.-Trackage Rights-BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.-Lease and Operate*, 360 I.C.C. 653 (1980).

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 STB Finance Docket No. 33646, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-[*46508] 0001. In addition, a copy of each pleading must be served on Jo A. DeRoche, Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Ave., N.W., Suite 800, Washington, DC 20005-4797.

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

Decided: August 25, 1998.

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

Vernon A. Williams,

Secretary.

[FR Doc. 98-23455 Filed 8-31-98; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Finance Docket No. **31912**]

56 FR 40345

August 14, 1991

Twin Cities & Western Railroad Co., Acquisition and Operation Exemption; Soo Line Railroad Co.

TEXT: Twin Cities & Western Railroad Company (TCW), a noncarrier, has filed a notice of exemption to acquire and operate 143.87 miles of rail line in Minnesota owned by Soo Line Railroad Company (S00). n1 The line extends between milepost 435.06, near Hopkins, and milepost 578.93, near Appleton. In addition, TCW will acquire trackage rights over Soo's connecting line between milepost 578.93 and milepost 612.74, near Milbank, SD, and Soo rail lines in the Twin Cities Terminal.

n 1 A notice of exemption has been filed in Finance Docket No. 31914 for TCW to grant trackage rights to Soo over the line to be acquired here. A notice of exemption has been filed in Finance Docket No. 31913 for Charles H. Clay, Douglas M. Head, and Kent P. Shoemaker to continue to control TCW and Red River Valley & Western Railroad Company upon consummation of this transaction.

Any comments must be filed with the Commission and served on: Suzanne M. Te Beau, Suite 800, 1350 New York Avenue, NW., Washington, DC 20005-4797.

TCW shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470. n2

n 2 TCW certifies that it has identified to the appropriate State Historic Preservation Officer all sites and structures 50 years old and older that will be transferred as a result of this transaction.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: August 8, 1991.

By the Commission, David M. Knoschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.
[FR Doc. 91-19340 Filed 8-13-91; 8:45 am]

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