

30315

SERVICE DATE - JUNE 25, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33764]

Rock & Rail, Inc.—Acquisition and Operation Exemption—Railroad Lines near Kelker, El Paso County, CO

Rock & Rail, Inc. (R&R), a Class III rail common carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate sections of track it has purchased from several non-railroad owners.¹ The railroad lines are approximately a mile in length, beginning at a turnout from a siding paralleling the line of The Burlington Northern Santa Fe Railway Company at milepost 658.45, near Kelker, El Paso County, CO.

The transaction is scheduled to be consummated on or after June 17, 1999.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33764, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit,

¹ R&R represents that the sellers of the track are Kappa Sizma's Gamma-O Educational Foundation, First United Methodist Church, and Ochs Brothers, a Partnership.

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1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Fritz R. Kahn, Esq., 1100 New York Avenue, N.W., Suite 750 West, Washington, D.C. 20005-3934.

Decided: June 17, 1999.

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

Vernon A. Williams

Secretary