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SERVICE DATE – JANUARY 12, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. MC-F-21035

STAGECOACH GROUP PLC AND COACH USA, INC., ET AL.–
ACQUISITION OF CONTROL–TWIN AMERICA, LLC

Decided: January 11, 2010

On August 19, 2009, Stagecoach Group PLC (Stagecoach), a noncarrier, its noncarrier intermediate subsidiaries (Stagecoach Transport Holdings plc, SCUSI Ltd., Coach USA Administration, Inc.), Coach USA, Inc. (Coach USA), International Bus Services (IBS), a motor passenger carrier (MC-155937) controlled by Coach USA, City Sights Twin, LLC (City Sights Twin), a noncarrier, and Mr. Zev Marmurstein (collectively, Applicants) filed an application under 49 U.S.C. 14303 to acquire control of Twin America, LLC (Twin America) when it becomes a carrier.¹ In a notice served and published in the Federal Register on September 18, 2009 (74 FR 47985-86), we requested comments.

Copies of the notice were served on the U.S. Department of Transportation, Federal Motor Carrier Safety Administration and Office of the General Counsel, the U.S. Department of Justice, Antitrust Division, and the New York State Office of the Attorney General. On November 2, 2009, the New York State Attorney General (NYSAG) filed comments. On November 17, 2009, Applicants replied to the comments of NYSAG. On November 25, 2009, NYSAG filed a letter requesting that the Board give the NYSAG the opportunity to respond to Applicants' reply. On December 1, 2009, Applicants filed a letter arguing that the Board should deny NYSAG's request, and that, if the Board were to permit NYSAG to file a reply, that Applicant be permitted to reply to that filing. On December 15, 2009, the Transport Workers Union of America (TWU) submitted a letter to the Board requesting the opportunity to present additional information.²

¹ Twin America is in the process of applying with the Federal Motor Carrier Safety Administration (FMCSA) to be a registered motor passenger carrier. It holds USDOT number 1924173 and has been assigned docket number MC-688284 by FMCSA.

² This letter does not appear to have been served on all parties and thus was not submitted in compliance with the Board's filing requirements. See 49 CFR 1104 and 1182. Every document filed with the Board should include a certificate showing simultaneous service upon all parties in a proceeding. The Board has placed TWU's December 13, 2009 letter in the public docket.

On the basis of the application and comments received, the Board will adopt a procedural schedule to allow interested persons to submit additional comments and evidence. See 49 CFR 1182.6(c). Under the procedural schedule, all comments in opposition to the application, including those of the NYSAG and TWU, must be filed by February 1, 2010, and responses to comments must be filed by February 22, 2010. Interested persons wishing to submit comments or responses must comply with the Board's general filing requirements under 49 CFR 1104, and the requirements for comments and pleadings under 49 CFR 1182.

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

It is ordered:

1. The Board is adopting a procedural schedule pursuant to 49 CFR 1182.6(c).
2. Comments must be filed by February 1, 2010. Responses to comments must be filed by February 22, 2010.
3. This decision is effective on its service date.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham.