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SERVICE DATE - MARCH 12, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33330]¹

Union County Industrial Railroad Company--Corporate Family
Transaction Exemption--West Shore Railway Services, Inc.

Union County Industrial Railroad Company (UCIR) and
West Shore Railway Services, Inc. (West Shore),² Class III
railroads, have jointly filed a verified notice of
exemption. The exempt transaction is a merger of West Shore
into UCIR.

The earliest the transaction could be consummated was
December 30, 1996, the effective date of the exemption (7
days after the exemption was filed).

UCIR will provide continuing rail common carrier
service on the lines to be acquired by West Shore Railroad
Corporation (WSRC) in STB Finance Docket No. 33329³ and

¹ This notice corrects and supersedes the notice in
this proceeding that was served on January 15, 1997, and
published the same date at 62 FR 2215.

² UCIR and West Shore are owned and controlled by
Richard D. Robey.

³ UCIR owns and operates approximately 3.9 miles of
rail line in the Commonwealth of Pennsylvania, which will be
acquired by WSRC in West Shore Railroad Corporation--
Acquisition Exemption--Union County Industrial Railroad

approximately 8.965 miles previously operated by West Shore in the Commonwealth of Pennsylvania. The merger will improve the overall efficiency of rail operations and reduce costs associated with two corporate entities.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

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.

Company, STB Finance Docket No. 33329 (STB served Jan. 15, 1997).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33330, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Richard R. Wilson, Esq., Vuono & Gray, 2310 Grant Building, Pittsburgh, PA 15219.

Decided: March 4, 1997.

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

Vernon A. Williams
Secretary