

29387

SERVICE DATE - JULY 15, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33608]

Rock & Rail, Inc.—Lease and Operation Exemption—Royal Gorge Express, LLC

Rock & Rail, Inc., a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from Royal Gorge Express, LLC, and to operate, approximately 11.75 miles of rail line in Fremont County, CO, between milepost 171.90, at Parkdale, and milepost 160.15, at Canon City.<sup>1</sup>

The transaction was scheduled to be consummated on or after July 6, 1998.

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 revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33608, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 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, Washington, DC 20005-3934.

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<sup>1</sup> The lease of the line is subject to a permanent, irrevocable overhead trackage rights easement retained by the Union Pacific Railroad Company. See Royal Gorge Express, LLC—Acquisition and Operation Exemption—Union Pacific Railroad Company, STB Finance Docket No. 33622 (STB served July 15, 1998).

STB Finance Docket No. 33608

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Decided: July 8, 1998.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams

Secretary