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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33353]

Clarkdale Arizona Central Railroad, L.C.--Acquisition and
Operation Exemption--Arizona Central Railroad, Inc.

Clarkdale Arizona Central Railroad, L.C. (CACR) has filed a verified notice of exemption under 49 CFR 1150.31 to acquire approximately 38.74 miles of rail line owned by Arizona Central Railroad, Inc. (AZCR), between milepost 0 + 15 feet at Drake, AZ, to the Phoenix Cement Plant at milepost 38 + 3940.3 feet near Clarkdale, AZ (the Clarkdale Branch).¹ CACR will become a Class III rail carrier.² Consummation was expected to occur on or shortly after February 7, 1997. Although this notice of exemption for acquisition and operation was filed on January 29, 1997, and

¹ CACR states that the Clarkdale Branch is the only rail asset owned by AZCR, although AZCR owns other assets. For liability and accounting purposes, and as part of a restructuring of the business organizations under common control, the decision was made to transfer AZCR's only rail asset to CACR. After consummation of the transaction, AZCR will no longer be a rail carrier subject to Board jurisdiction.

² This proceeding is related to STB Finance Docket No. 33354, wherein David L. Durbano, a noncarrier individual, has filed a notice of exemption to continue in control of CACR upon CACR's becoming a Class III rail carrier.

the exemption thus became effective on February 5, 1997, the transition could not lawfully have been consummated until February 10, 1997, at the earliest, because the related notice of exemption for continuance in control was filed on February 3, 1997, and, as a result, that exemption did not become effective until February 10, 1997.

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 to STB Finance Docket No. 33353, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington,

DC 20423³ and served on: Walter T. Merrill, Durbano & Merrill, 3340 Harrison Boulevard, Suite 200, Ogden, UT 84403.

Decided: February 19, 1997

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

Vernon A. Williams

Secretary

³ Due to the Board's scheduled relocation on March 16, 1997, any filings made after March 16, 1997, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, D.C. 20423-0001.