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SERVICE DATE - NOVEMBER 15, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33816]

David W. Wulfson, Gary E. Wulfson, Lisa W. Cota, Richard C. Szuch, and Peter A.

Szuch—Continuance in Control Exemption—Washington County Railroad Company

David W. Wulfson, Gary E. Wulfson, Lisa W. Cota, Richard C. Szuch, and Peter A. Szuch, noncarrier individuals (applicants), who control, directly or indirectly, the Vermont Railway, Inc. (VTR), Clarendon & Pittsford Railroad Company (CLP), and Green Mountain Railroad Corporation (GMRC),<sup>1</sup> have filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Washington Country Railroad Company (WCRC), a noncontiguous Class III railroad. WCRC was incorporated to operate a 14-mile line of railroad owned by the State of Vermont.<sup>2</sup> Of the 1,000 shares of WCRC common stock issued and outstanding, David W. Wulfson, Gary E. Wulfson, and Lisa W. Cota own 250.5 shares each and Richard C. Szuch and Peter A. Szuch own 124.25 shares each.

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<sup>1</sup> See David W. Wulfson, Gary E. Wulfson, Lisa W. Cota, Richard C. Szuch, and Peter A. Szuch--Control Exemption--Clarendon & Pittsford Railroad Company, Green Mountain Railroad Corporation, and Vermont Railway, Inc., STB Finance Docket No. 33607 (STB served Aug. 20, 1998). VTR and CLP are Class III railroads operating in the States of Vermont and New York. GMRC is also a Class III railroad operating in the States of Vermont and New Hampshire.

<sup>2</sup> See Washington County Railroad Company—Modified Rail Certificate, STB Finance Docket No. 33807 (STB served Nov. 3, 1999).

The applicants report that they intend to consummate the transaction in seven days. As the verified notice was filed on November 4, the effective date of the exemption is November 11, 1999 (7 days after the notice of exemption was filed).

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.

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. 33816, 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, one copy of each pleading must be served on Andrew P. Goldstein, Esq., McCarthy, Sweeney & Harkaway, P.C., 1750 Pennsylvania Avenue, N.W., Suite 1105, Washington, DC 20006.

STB Finance Docket No. 33816

Board decisions and notices are available on our website at “[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).”

Decided: November 8, 1999.

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

Vernon A. Williams

Secretary