

37379

SERVICE DATE – OCTOBER 20, 2006

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 29653 (Sub-No. 9)]

Providence and Worcester Railroad Company—Pooling of Car Service Regarding
Multilevel Cars

AGENCY: Surface Transportation Board.

ACTION: Notice of filing of application.

SUMMARY: Providence and Worcester Railroad Company (P&W) has filed an application for its participation in an existing railroad agreement for the pooling of services related to multilevel cars used to transport motor vehicles and boxcars used to transport automobile parts. P&W is a common carrier engaged in the transportation of property by railroad in Rhode Island, Massachusetts, Connecticut, and New York. Its participation in the pooling agreement will be with respect to the movement of multilevel railcars between an automobile staging facility located at Davisville, RI, and its connections with various railroads.

DATE: Any comments on the application must be filed by November 20, 2006.

ADDRESSES: Send an original plus 10 copies of any comments, referring to STB Finance Docket No. 29653 (Sub-No. 9), to the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, send one copy of any comments to: (1) the U.S. Department of Justice, Antitrust Division, 10th Street &

Pennsylvania Avenue, N.W., Washington, DC 20530; and (2) Edward D. Greenberg, Galland, Kharash, Greenberg, Fellman & Swirsky, P.C., 1054 Thirty-First Street, N.W., Washington, DC 20007-4492.

FOR FURTHER INFORMATION CONTACT: Melissa Ziembicki, (202) 565-1604.

[Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 11322, the Board may approve pooling agreements that are voluntarily entered into by carriers, provided that the pooling or division of traffic, services, or earnings will be in the interest of better service to the public or of economy of operation and will not unreasonably restrain competition. The pooling agreement that P&W seeks to join was originally approved by the Board's predecessor, the Interstate Commerce Commission (ICC), in The Baltimore and Ohio Railroad Company, et al.—Pooling of Car Service Regarding Multilevel Cars, Finance Docket No. 29653 (ICC served Aug. 29, 1981). That agreement applied only to multilevel cars. Subsequently, the ICC approved amendments to the agreement authorizing the pooling of railroad services in auto-parts boxcars in The Baltimore and Ohio Railroad Company, et al.—Pooling of Car Services Regarding Multi-Level Cars, Finance Docket No. 29653 (Sub-No. 3) (ICC served Apr. 18, 1986). The agreement was amended in The Baltimore and Ohio Railroad Company, et al.—Pooling of Car Service Regarding Multilevel Cars, Finance Docket No. 29653 (Sub-No. 6) (ICC served June 30, 1995) to enable railroads and shippers to obtain and use information that they otherwise would not have, thereby allowing pool members to increase the efficiency of distribution of the multilevel car fleet and minimize unnecessary investment. Other modifications

STB Finance Docket No. 29653 (Sub-No. 9)

included adding additional carriers to the pool, such as Canadian Pacific Limited in The Baltimore and Ohio Railroad Company, et al.—Pooling of Car Services Regarding Multilevel Cars, Finance Docket No. 29653 (Sub-No. 1) (ICC Served Apr. 12, 1983), Canadian National Railway Company in The Baltimore and Ohio Railroad Company, et al.—Pooling of Car Services Regarding Multilevel Cars, Finance Docket No. 29653 (Sub-No. 2) (ICC served May 12, 1983); Transportacion Ferroviaria Mexicana—Pooling of Car Service Regarding Multilevel Cars, STB Finance Docket No. 29653 (Sub-No. 7) (STB served Sept. 28, 1999); and Ferrocarril Mexicano, S.A. de C.V. in Ferrocarril Mexicano, S.A. de C.V.—Pooling of Car Service Regarding Multilevel Cars, STB Finance Docket No. 29653 (Sub-No. 8) (STB served Oct. 19, 2000).

Decided: October 16, 2006.

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

Vernon A. Williams

Secretary