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SERVICE DATE – LATE RELEASE SEPTEMBER 13, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. MCF 21040

CITY SIGHTSEEING WASHINGTON DC, INC.—ACQUISITION—CSL, LLC

Decided: September 13, 2011

On September 6, 2011, City Sightseeing Washington DC, Inc., which trades in Washington, D.C., as Open Top Sightseeing Washington DC (Open Top), filed a verified notice of exemption under 49 C.F.R. § 1182.9 to permit it to acquire, through its parent company, Open Top Sightseeing USA, Inc., 100 percent of the membership interests in CSL, LLC (CSL), a District of Columbia limited liability company.

The notice of exemption will be rejected because the circumstances here are not appropriate for consideration under the class exemption procedures of 49 C.F.R. § 1182.9, which apply only to certain transactions within a motor passenger corporate family. The proposed transaction appears to involve a motor carrier's acquisition of an unrelated motor carrier.

Furthermore, notwithstanding Open Top's Federal Motor Carrier Safety Administration registration and U.S. Department of Transportation certification, no information included in Open Top's filing suggests that the transportation at issue falls under the Board's jurisdiction. See 49 U.S.C. §§ 13501 (defining the Board's jurisdiction to include interstate passenger transportation provided by motor carrier) and 13506(b) (exempting from the Board's jurisdiction motor carrier transportation provided entirely within a commercial zone). Rather, it appears from the filing that the transportation, and thus the transaction, are likely local concerns.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Open Top's notice of exemption is rejected.
2. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.