1996), 61 FR 58490, 58491 (Nov. 15, 1996).[4]

Selection of Administrative Law Judge

The Board assigns and authorizes Administrative Law Judge David Harfeld to entertain and rule upon all disputes concerning discovery in this proceeding.

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

It is ordered:

1. The parties shall submit all pleadings both in the required paper form and also as computer data contained on diskettes or compact discs.

2. This proceeding is assigned to Administrative Law Judge David Harfeld for handling of all discovery matters and the initial resolution of all discovery disputes.

3. In addition to filing pleadings with the Board and with Applicants' representatives, parties must send a copy of all filings and documents to Administrative Law Judge David Harfeld.

4. Administrative Law Judge David Harfeld shall be added to the service list in this proceeding and a copy of this decision shall be served on Administrative Law Judge Harfeld.

5. This decision is effective on the service date.

Decided: March 6, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–6555 Filed 3–12–98; 8:45 am]

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[4] A copy of each diskette or compact disc submitted to the Board should be provided to any other party upon request.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20917]

Coach USA, Inc.—Control—Airport Limousine Service, Inc. and Black Hawk-Central City Ace Express, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: Coach USA, Inc. (Coach or applicant), a noncarrier, filed an application under 49 U.S.C. 14303 to acquire control of Airport Limousine Service, Inc. (Airport) and Black Hawk-Central City Ace Express, Inc. (Black Hawk), both motor passenger carriers. Persons wishing to oppose the application must follow the rules under 49 CFR part 1182, subpart B. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by April 27, 1998. Applicants may file a reply by May 2, 1998. If no comments are filed by April 27, 1998, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC-F–20917 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N. W., Washington, D. C. 20423–0001. In addition, send one copy of comments to applicants' representatives: Betty Jo Christian and David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Avenue, N. W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Coach currently controls 35 motor passenger carriers.[1] In this transaction, it seeks to acquire direct control of Airport[2] and Black Hawk[3] through the acquisition of all of their outstanding stock.

Applicants submit that there will be no transfer of any federal or state operating authorities held by the acquiring carriers. They assert that the acquisition will not reduce competition in the bus industry or competitive options available to the traveling public. They state that the acquired carriers do not compete with one another or with any Coach-owned carrier. Applicants submit that each of the acquired carriers is relatively small and that each faces substantial competition from other bus companies and transportation modes.

Applicants also submit that granting the application will produce substantial benefits, including interest cost savings from the restructuring of debt and reduced operating costs from Coach's enhanced volume purchasing power. Specifically, applicants claim that the carriers to be acquired will benefit from the lower insurance premiums negotiated by Coach and from volume discounts for equipment and fuel. Applicants also aver that Coach will provide each of the carriers to be acquired with centralized legal and accounting functions and coordinated purchasing services. In addition, they state that vehicle sharing arrangements will be facilitated through Coach to ensure maximum use and efficient operation of equipment, and that coordinated driver training services will be provided. Applicants also state that the proposed transaction will benefit the employees of the acquired carriers and that all collective bargaining agreements will be honored by Coach.

Coach plans to acquire control of additional motor passenger carriers in the coming months. It asserts that the financial benefits and operating efficiencies will be enhanced further by these subsequent transactions. Over the long term, Coach states that it will provide centralized marketing and reservation services for the bus firms that it controls, thereby enhancing the benefits resulting from these control transactions.

Applicants certifies that: (1) Black Hawk has a satisfactory safety fitness rating from the U.S. Department of Transportation; (2) Airport has not been rated; (3) both carriers maintain sufficient liability insurance; (4) both carriers are neither domiciled in Mexico nor owned or controlled by persons of that country; and (5) approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources. Additional information may be obtained from applicants' representatives.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) the

[1] In addition to the instant proceeding in which it seeks to acquire control of two additional motor passenger carriers, Coach has two pending proceedings: *Coach USA, Inc.—Control Exemption—Browder Tours, Inc. and El Expreso, Inc.*, STB Finance Docket No. 33506 (STB filed Oct. 31, 1997), in which it seeks to acquire control of two additional motor passenger carriers; and *Coach USA, Inc. and Coach XXIII Acquisition, Inc.—Control—Americoach Tours, Ltd.; Keeshin Charter Services, Inc.; Keeshin Transportation, L.P.; Niagara Scenic Bus Lines, Inc.; and Pawtuxet Valley Bus Lines*, STB Docket No. MC-F–20916 (STB served Feb. 27, 1998), in which it seeks to acquire control of five additional motor passenger carriers.

[2] Airport is a Delaware Corporation. It holds federally issued operating authority in MC–315702 and intrastate operating authority issued by the Pennsylvania Public Utilities Commission. In addition, Airport holds authority from the Port Authority of Allegheny County, PA, for paratransit-airport transportation. The majority of its revenues stem from its services to and from the Pittsburgh Airport, and its gross revenue for fiscal year 1996 was approximately $900,000. Prior to the transfer of its stock into a voting trust, it had been owned by Herbert Bennett Conner, Linda G. Conner, and Kelley C. Gresh.

[3] Black Hawk is a Colorado Corporation. It holds federally issued operating authority in MC–273611 and intrastate operating authority issued by the Colorado Public Utilities Commission. It operates approximately 21 buses and had gross revenues for fiscal year 1996 of approximately $5 million (derived mostly from commuter operations). Prior to the transfer of its stock into a voting trust, it had been owned by Anthony D. Sosebee, Jason D. Sosebee, Marko and Joanne Lah, William and Frances Mattedi, Nancy Searle, Jack Searle, and Linda Talley.

effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and a procedural schedule will be adopted to reconsider the application. If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

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

It is ordered:

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on April 27, 1998, unless timely opposing comments are filed.

4. A copy of this notice will be served on the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N. W., Washington, D. C. 20530.

Decided: March 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–6558 Filed 3–12–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33407]

Dakota, Minnesota & Eastern Railroad Corporation—Construction and Operation—in Campbell, Converse, Niobrara, and Weston Counties, WY, Custer, Fall River, Jackson, and Pennington Counties, SD and Blue Earth, Nicollet, and Steele Counties, MN

AGENCY: Surface Transportation Board.

ACTION: Notice of construction and operation application and request for comments on procedural schedule.

SUMMARY: The Board is publishing notice of an application filed by the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) requesting authority to construct and operate 280.09 miles of new railroad line, which would provide for an extension of DM&E's existing rail lines into the Powder River Basin coal fields in northeastern Wyoming. Specifically, the railroad seeks authority to build: (1) a 262.03-mile rail line between DM&E's existing main line in western South Dakota and the coal producing region of the Powder River Basin (PRB) south of Gillette, WY; (2) a 13.31-mile rail bypass around a portion of the line currently used by DM&E in and near Mankato, MN; and (3) a new 2.94-mile rail connection in Owatonna, MN, between DM&E's line and the line of I&M Rail Link, LLC.[1] This notice also requests comments on a procedural schedule based on a schedule that DM&E has asked the Board to establish for this proceeding.

DATES: Written comments must be filed by April 2, 1998 and concurrently served on applicant's representatives. Each comment must be accompanied by a certificate of service. Applicant's reply must be filed by April 7, 1998.

ADDRESSES: Send an original and 10 copies of all pleadings referring to STB Finance Docket No. 33407 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423. A copy of each comment shall concurrently be served upon DM&E's representative: Paul A. Cunningham, Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, DC 20036–1609 [Fax (202) 973–7610]. Comments should contain the name and address of the commenting party, any recommendations for changes to the attached proposed procedural schedule and support for any such changes.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Along with its application, DM&E has submitted a petition to establish a procedural schedule for this proceeding. DM&E's proposed schedule would establish various due dates for submissions and due dates for Board action, both in considering the merits of the application and in carrying out the environmental review process.

We believe it would be premature at this point to establish any sort of environmental review schedule for the Board to meet its responsibilities under the National Environmental Policy Act of 1969 (NEPA) and related environmental laws. We lack substantive input from other Federal and state agencies (for example, the U.S. Forest Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and Wyoming State Historic Preservation Division) that may have an interest in this proceeding. Without information from these agencies, we cannot anticipate the range of potential environmental impacts that may be involved with DM&E's proposal and how long the Environmental Impact Statement (EIS) process is likely to take.[2] We have, however, directed our Section of Environmental Analysis to begin preparation of a notice of intent to prepare an EIS and to initiate the public scoping process. This will enable us to begin to determine key environmental issues to be addressed in our NEPA analysis as expeditiously as possible.

With regard to the merits of the application, DM&E has proposed alternative schedules of 90 and 180 days in which to develop the record and issue a decision on the merits, conditioned upon completion of the environmental review process and consideration of the results of that process in a final decision.[3] The proposal by DM&E that we issue a decision in 90 days does not warrant further consideration, and we will not request comments on it. That proposal simply does not provide adequate opportunity for public participation. Nor does it provide adequate time for the necessary evaluation of the record in light of the statutory considerations we must undertake in this case. The proposed 180-day alternative, however, does appear to provide adequate opportunity for public participation and for development of a sufficient record on which to base a conditional grant of the application and make the findings required by the statute. Therefore, we are seeking comments on the proposal by DM&E that we issue a decision in 180 days approving the applicant's construction proposal under section

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[1] DM&E also plans several related projects, which it states are not subject to the Board's jurisdiction. These include the comprehensive rebuilding of approximately 597.8 miles of its existing rail lines consisting of: (1) a 467.55-mile segment of DM&E main line between Wasta, SD, and Mankato; (2) a 117.4-miles segment of DM&E main line between Mankato and Winona, MN; and (3) a 12.85-mile segment of DM&E branch line north of Oral, SD, to a point south of Smithwick, SD. DM&E plans to perform a substantial upgrading of an additional 239.3 miles of its existing rail lines, including the relocation and upgrading of an existing connection with Canadian Pacific Railroad near Winona/Minnesota City.

[2] Of course, if DM&E could work with these agencies to secure appropriate permits, identify potential environmental impacts, and minimize or avoid such effects, the time required for us to meet our NEPA obligations might be reduced.

[3] No actual construction could begin prior to issuance of that decision.