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SERVICE DATE - OCTOBER 9, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33465]

CSX Transportation, Inc.--Trackage Rights Exemption--East Tennessee Railway, L.P.

East Tennessee Railway, L.P. (ETRY), has agreed to grant overhead trackage rights to CSX Transportation, Inc. (CSXT), over main line trackage of ETRY between turnouts to be constructed at a point approximately 39 feet west of derail located on ETRY's #2 track and a point approximately 80 feet west of the west line of Buffalo Street in Johnson City, TN, a total distance of approximately 1,900 feet, exclusive of turnouts.¹ The transaction is expected to be consummated after completion of the construction of two connection tracks between CSXT and ETRY, but not earlier than October 2, 1997, the effective date of the exemption.

The purpose of the proposed trackage rights is to allow CSXT to rationalize approximately 1,900 feet of its trackage through Cherry Street in downtown Johnson City, TN, which is a high maintenance and high risk area in the City.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in Norfolk and Western Ry. Co.--Trackage Rights--BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.--Lease and Operate, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading

¹ CSXT is acquiring overhead trackage rights only and will not be allowed to perform any local freight service of any kind to ETRY's patrons at any point located on the joint trackage.

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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. 33465, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001 and served on: Charles M. Rosenberger, Senior Counsel, CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

Decided: October 2, 1997.

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

Vernon A. Williams

Secretary