

28477

SERVICE DATE - OCTOBER 31, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33477]

Fulton County, L.L.C.—Acquisition and Operation Exemption—Norfolk and Western
Railway Company

Fulton County, L.L.C. (FC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from the Norfolk and Western Railway Company and to operate the Rochester Line (Line),¹ consisting of approximately 13 miles of rail line, from Rochester, IN (milepost I. - 95.6), to Argos, IN (milepost I. - 108.6). In addition, FC will acquire incidental overhead trackage rights from milepost I. - 108.6 to the Argos Yard, a distance of 1.1 miles.

The transaction was scheduled to be consummated on or after the October 15, 1997 effective date of the exemption. The transaction is related to the Hi Rail Trustee's filing of an Amended Plan of Reorganization with the Board in STB Finance Docket No. 33491 on October 3, 1997.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding 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.

¹ R. Franklin Unger, Trustee of the Indiana Hi Rail Corporation currently leases and operates the Line.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33477, 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, a copy of each pleading must be served on Richard R. Wilson, Esq., 1126 Eighth Avenue, Suite 403, Altoona, PA 16002.

Decided: October 21, 1997.

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

Vernon A. Williams

Secretary