

28716

SERVICE DATE - DECEMBER 30, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33528]

Effingham Railroad Company — Operation Exemption — Line Owned by Total Quality Warehouse

Effingham Railroad Company (ERRC), a Class III rail carrier,¹ has filed a verified notice of exemption under 49 CFR 1150.31 to operate over approximately 9,201 feet of railroad line that will be constructed for and acquired by Total Quality Warehouse (TQW), located in an industrial park in Effingham, IL,² connecting TQW's facility with the Illinois Central Railroad Company.

Construction of the track is expected to begin in January 1998, and ERRC will begin operations under agreement with TQW, as soon as construction is completed.

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.

¹ ERRC became a carrier pursuant to a notice of exemption in Effingham Railroad Company—Operation Exemption—Line Owned by Agracel Corporation, STB Finance Docket No. 33468 (STB served Oct. 22, 1997), when it became the operator of approximately 206.05 feet of track, owned by the Agracel Corporation, which connects with a Consolidated Rail Corporation line and serves a facility in the Effingham industrial park.

² ERRC states that it will also operate an additional 400 feet of track, within the industrial park, connecting its existing line of railroad with TQW's facility, as a side track, exempt from regulation pursuant to 49 U.S.C. 10906.

10502(d) may be filed at any time.³ 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. 33528, 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 John M. Robinson, 9616 Old Spring Road, Kensington, MD 20895.

Decided: December 19, 1997.

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

Vernon A. Williams

Secretary

³ On December 9, 1997, Joseph C. Szabo, on behalf of United Transportation Union-Illinois Legislative Board, filed a petition to stay the operation of the notice of exemption, as well as to reject the notice or to revoke the exemption. By decision served December 16, 1997, the petition for stay was denied. A subsequent decision will be issued by the Board on the request to reject or to revoke the exemption.

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