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SERVICE DATE - MARCH 10, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33361]

Wheeling & Lake Erie Railway Company--Trackage Rights

Exemption--Consolidated Rail Corporation

Consolidated Rail Corporation (Conrail) has agreed to grant non-exclusive overhead trackage rights to the Wheeling & Lake Erie Railway Company (W&LE) in Canton, OH, between Conrail's Canton Yard and the connection with W&LE's Aultman Line at McKinley, as follows: (1) over Conrail's Track 96 between the connection with W&LE's East End Yard and the connection with Conrail's Fort Wayne Line at milepost 97.8±; (2) over Conrail's Fort Wayne Line between milepost 97.8± and milepost 96.8± at CP Fairhope; and (3) over Conrail's Reed Runner Track (including the crossover connection to the Fort Wayne Line and the portion of the northwest quadrant interchange track at McKinley owned by Conrail) between milepost 96.8± at CP Fairhope and milepost 102.1± at McKinley, together with necessary head and tail room, a total distance of approximately 6.8 miles.

The transaction is scheduled to be consummated on March 3, 1997.

The trackage rights will provide W&LE with an alternate route to its Aultman Line at McKinley, and will allow retirement of three deteriorated crossing diamonds at the McKinley interlocking.

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 it contains false or misleading 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. 33361, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423.¹ In addition, a copy of each pleading must be

¹ Due to the Board's scheduled relocation on March 16, 1997, any filings made after March 16, 1997, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001.

STB Finance Docket No. 33361

served on Thomas J. Litwiler, Esq., Oppenheimer Wolff &
Donnelly, Two Prudential Plaza, 45th Floor, 180 North
Stetson Avenue, Chicago, IL 60601.

Decided: February 28, 1997.

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

Vernon A. Williams

Secretary