

25567

SERVICE DATE - MAY 16, 1997

CORRECTED DECISION¹

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-295 (Sub-No. 3X)]

The Indiana Rail Road Company--Discontinuance of Trackage

Rights Exemption--in Marion County, IN

The Indiana Rail Road Company (INRD) has filed a notice of exemption under 49 CFR 1152 Subpart F--*Exempt Abandonments and Discontinuances of Trackage Rights* to discontinue trackage rights over Consolidated Rail Corporation's (Conrail) Indianapolis Belt Running Track between milepost 0.0 at North Indianapolis, and milepost 5.3 at the connection between Conrail and INRD at Raymond Street, and over approximately 1.1 miles of the former Indianapolis Union Railway Company, now a portion of Conrail's St. Louis Line from approximately milepost 1.5, extending through "IU" interlocking and through the former Indianapolis Union Station area to approximately milepost 0.4, a

¹ The Board previously served a decision in this proceeding on May 5, 1997, but the intended publication of the notice in the *Federal Register* on that same date did not occur. Because *Federal Register* publication will occur on May 16, 1997, the due dates for filings and the effective date of the exemption are as shown in this notice.

distance of approximately 6.4 miles in Indianapolis, Marion County, IN.² The line traverses United States Postal Service Zip Codes 46202, 46204, 46208, 46221, 46222, and 46225.

INRD has certified that: (1) no INRD local traffic has moved over the line for at least 2 years; (2) there is no INRD overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 15, 1997,³ unless stayed pending

² INRD has filed a notice of exemption to acquire trackage rights over Conrail's Indianapolis Belt Running Track (Belt Track) near Raymond Street, Indianapolis, IN, at approximately milepost 5.3 and the end of Conrail's Belt Track at the connection with the former Norfolk and Western Railway Company at approximately milepost 13.5, in *The Indiana Rail Road Company--Trackage Rights Exemption--Consolidated Rail Corporation*, STB Finance Docket No. 33380.

³ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c)(6).

reconsideration. Petitions to stay and formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),⁴ must be filed by May 27, 1997. Petitions to reopen must be filed by June 5, 1997, with: Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Decided: May 13, 1997.

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

Vernon A. Williams

Secretary

⁴ Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$900. *See* 49 CFR 1002.2(f)(25).