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SERVICE DATE - JULY 21, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33781]

The Indiana & Ohio Rail Passenger Corp.—Trackage Rights Exemption—Indiana & Ohio Rail Corp. and The Central Railroad Company of Indiana

Indiana & Ohio Rail Corp. (I&O) and The Central Railroad Company of Indiana (CIND) have agreed to grant local trackage rights¹ to The Indiana & Ohio Rail Passenger Corp. (IORP) for the operation of rail passenger service from Cincinnati, OH, at M.P. 0.0, to M.P. 81.0, near Shelbyville, IN, a distance of 81.0 miles. This transaction is expected to be consummated on or after July 23, 1999.

The purpose of the trackage rights is to permit IORP to conduct rail passenger operations over the lines of CIND and I&O.

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.

¹ The trackage rights agreement filed in STB Finance Docket No. 33781 is a confirmation of and an amendment to an earlier trackage rights agreement, dated June 4, 1996, between the IORP and certain other Class III carriers. See The Indiana & Ohio Rail Passenger Corporation--Acquisition by Trackage Rights and Operation Exemption--Cincinnati Terminal Railway Corp., Indiana and Ohio Railroad Company, Indiana & Ohio Railway Company, Inc., and Indiana & Ohio Central Railroad Company, Inc., STB Finance Docket No. 32976 (STB served June 21, 1996).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33781, 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, one copy of each pleading must be served on Robert L. Calhoun, Esq., Redmon, Boykin & Braswell, L.L.P. 510 King Street, Suite 301, Alexandria, VA 22314.

Board decisions and notices are available on our website at “WWW.STB.DOT.GOV.”

Decided: July 13, 1999.

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

Vernon A. Williams

Secretary