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SERVICE DATE - DECEMBER 23, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33818]

Central Columbiana & Pennsylvania Railway, Inc.--Lease and Operation Exemption--

Columbiana County Port Authority

Central Columbiana & Pennsylvania Railway, Inc. (CCPR), a noncarrier and wholly owned subsidiary of Arkansas Short Line Railroads, Inc. (ASR), has filed a notice of exemption under 49 CFR 1150.31 to lease and operate 35.7 miles of rail line from Columbiana County Port Authority (CCPA) extending from milepost 0.0 at or near Youngstown, OH, to milepost 35.7 at or near Darlington, PA.¹ CCPR states that a tentative agreement has been reached with OHPA that will allow CCPR to operate over the 35.7-mile line and the portion of the connecting 3-mile segment that is owned by OHPA. In order for CCPR to interchange with CSX Transportation, Inc., at milepost -3.0 at or near Struthers

¹ The Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by Railroad Ventures, Inc., of the 35.7-mile line and a connecting 1-mile line segment near Negley, OH, and the discontinuance of service over the line by The Ohio & Pennsylvania Railroad Company (OHPA). See Railroad Ventures, Inc.--Abandonment Exemption--Between Youngstown, OH, and Darlington, PA, in Mahoning and Columbiana Counties, OH, and Beaver County, PA, STB Docket No. AB-556 (Sub-No. 2X), et al. (STB served Sept. 3, 1999). On November 8, 1999, CCPA filed an offer of financial assistance (OFA) to purchase the entire line of railroad. This proceeding is currently pending. The OFA does not cover a connecting 3-mile line segment from milepost 0.0 to milepost -3.0 between Youngstown and Struthers, OH. Portions of this 3-mile segment are apparently owned separately by OHPA, Allied Erecting and Dismantling Company, Inc. (Allied Erecting), and Darlington Pipe Company, Inc./Matteson Equipment (Matteson).

and with Norfolk Southern Railway Company at milepost -1.5 at Haselton Yard, CCPR states that it hopes to take advantage of the existing easements whereby OHPA is operating over the portions of the line that it does not own. If it is unable to do so, CCPR will seek to negotiate agreements with other property owners² so that it will be able to perform railroad operations over the entire line of railroad.³

CCPR states that consummation of the transaction is contingent on the approval and acceptance of the OFA filed by CCPA to acquire the line and that CCPR has agreed to commence operations on the line at the earliest possible date after all approvals have been acquired and/or granted. The earliest date that the transaction could have been consummated was November 30, 1999, the effective date of the exemption.⁴

This transaction is related to STB Finance Docket No. 33817, Arkansas Short Line Railroads, Inc.--Continuance in Control Exemption--Central Columbiana & Pennsylvania Railway, Inc.; Dardanelle & Russellville Railroad, Inc.; and the Ouachita Railroad, wherein ASR seeks to continue in control of Dardanelle & Russellville, Inc., the Ouachita Railroad, and CCPR, upon CCPR's becoming a Class III railroad.

² CCPR states that Matteson has indicated a willingness to negotiate with CCPR and that CCPR will seek to negotiate an agreement with Allied Erecting in the near future.

³ In issuing this notice, the Board is making no ruling on the contractual rights of the parties. Therefore, by invoking the class exemption, CCPR has the right to perform common carrier service to the extent that it has or obtains the property rights to enable it to carry out the service.

⁴ Under 49 CFR 1150.32(b), notices of exemption become effective 7 days after being filed. Here, the effective date is calculated from November 23, 1999, when supplemental information was filed by CCPR.

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If this notice 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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33818, 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 H. Streeter, 1401 Eye Street, N.W., Suite 500, Washington, DC 20005.

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Decided: December 16, 1999.

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

Vernon A. Williams

Secretary