

25522

SERVICE DATE - MAY 14, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33379]

CSX Transportation, Inc.--Trackage Rights Exemption--Consolidated Rail Corporation

Consolidated Rail Corporation (Conrail) has agreed to grant overhead trackage rights to CSX Transportation, Inc. (CSXT) between Conrail's connection with CSXT's line of railroad on the east near the Interstate 70/65 undergrade, at approximately milepost 1.5, through "IU" Interlocking and the Indianapolis Union Station area, and the connection with Conrail's St. Louis Line, formerly the Indianapolis Union Railway Company,¹ near West Street, at approximately milepost 0.4, a distance of approximately 1.1 miles, in Marion County, IN.²

¹ CSXT, Conrail, and The Indiana Rail Road Company are surviving parties to an agreement dated September 20, 1883, whereby all three maintained the right to operate over property owned by the former Indianapolis Union Railway Company (IU). IU's properties were conveyed to Conrail in 1976 by the United States Railway Administration. The track over which CSXT operates consists of Conrail's 13.5-mile Indianapolis Belt Running Track (Belt Track) and the trackage which is the subject matter of this notice. The surviving parties have agreed to terminate the 1883 agreement because many of its provisions have become obsolete. The Board has approved CSXT's notice of exemption to discontinue its trackage rights over the Belt Track in *CSX Transportation, Inc.--Discontinuance of Trackage Rights Exemption--in Marion County, IN*, STB Docket No. AB-55 (Sub-No. 546X) (STB served Apr. 22, 1997).

² The trackage rights involved in this proceeding are an extension of the trackage rights approved in *CSX Transportation, Inc.--Exemption--Trackage Rights--Consolidated Rail Corporation*, Finance Docket No. 31242 (ICC served Mar. 30, 1988).

In its notice, CSXT stated its intention that the trackage rights would become effective on April 20, 1997. The earliest the exemption could take effect is Tuesday, May 6, 1997, 7 days after the notice of exemption was filed at the Board.

The purpose of the trackage rights is to allow CSXT to preserve its use of Conrail's trackage in downtown Indianapolis through the Indianapolis Union Station area.

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. 33379, 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

STB Finance Docket No. 33379

each pleading must be served on Charles M. Rosenberger, Esq., 500 Water Street,
Jacksonville, FL 32202.

Decided: May 6, 1997.

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

Vernon A. Williams

Secretary