

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33180

INDIANA & OHIO RAILWAY COMPANY--ACQUISITION EXEMPTION--
LINES OF THE GRAND TRUNK WESTERN RAILROAD INC.

Decided: January 24, 1997

On December 6, 1996, the Indiana & Ohio Railway Company (IORY), a Class III rail carrier, filed a notice of exemption under 49 CFR 1150.41 to acquire from the Grand Trunk Western Railroad Inc. (GTW) rail lines totaling approximately 146.1 miles between Diann, MI, and Springfield, OH. The lines are located between: (1) milepost 39.7 at Diann, MI, and milepost 107.29 at XN Station near Leipsic, OH; (2) milepost 128.3 at DT&I Junction near Lima, OH, and milepost 202.7 at Springfield, OH; and (3) the Ottawa Loop between mileposts 110.8 and 114.88, south of XN Station.

As part of the acquisition, IORY will be assigned GTW's overhead trackage rights totaling 107.6 miles over: (1) 20.7 miles of CSX Transportation, Inc. (CSXT) line between CSXT milepost 155.2 at XN Station and CSXT milepost 134.5 at DT&I Junction; (2) 3.5 miles of Indiana & Ohio Central Railroad, Inc. (IOCR) line between IOCR milepost 129.1 at Maitland Junction and IOCR milepost 132.6 at Cold Springs, OH; and (3) 83.4 miles of Consolidated Rail Corporation (CR) line between CR milepost 36.3 at Springfield and CR milepost 119.7 at Cincinnati, OH. IORY will also acquire incidental overhead trackage rights over 22.5 miles of GTW's rail line between GTW milepost 39.7 at Diann and GTW milepost 17.2 at Flat Rock, MI.

On November 27, 1996, the United Transportation Union filed a petition to stay and/or revoke the transaction. UTU claims that the transaction is not subject to 49 U.S.C. 10902. Similar objections were also filed by the Brotherhood of Locomotive Engineers, Brotherhood of Maintenance of Way Employees, and the Transportation Communications Union.

The exemption was originally scheduled to become effective on December 27, 1996. A decision served on December 20, 1996, stayed the effective date of the exemption until January 26, 1997, and directed the parties to submit additional evidence and argument to enable the Board to make an informed decision on the issues presented. Responses and replies have been filed by the parties. In order to enable the Board to fully consider these filings, the effective date of the exemption will be postponed until February 4, 1997.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The effective date of the exemption is further postponed to February 4, 1997.

2. This decision is effective on the date of service.

By the Board, Linda J. Morgan, Chairman.

Vernon A. Williams
Secretary