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SERVICE DATE - JUNE 30, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33760]

The Indiana Northeastern Railroad Company--Operation Exemption--Branch and St. Joseph Counties Rail Users Association, Inc., in Branch County, MI

The Indiana Northeastern Railroad Company (INR), a Class III rail carrier, and the Branch and St. Joseph Counties Rail Users Association, Inc. (RUA) have filed a notice of exemption under 49 CFR 1150.41 for INR to operate approximately 10.4 miles of rail line owned by the RUA, from milepost 376.56 east of Quincy, MI, to milepost 386.96 west of Coldwater, in Branch County, MI. INR states that its annual revenue will not exceed those that would qualify it as a Class III rail carrier.

The transaction was scheduled to be consummated on June 8, 1999, the effective date of the exemption.¹

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.

¹ On June 8, 1999, Michigan Southern Railroad Company and Michigan Southern Railroad Company, Inc. filed a petition to reject, stay, and/or revoke the exemption. The request for stay was received too late to be considered before the exemption went into effect. While the proposed transaction does not appear to fit the "change of operator" category, it nonetheless qualifies for filing as an "operation exemption." The petition for rejection and/or revocation will be considered by the Board in a separate decision.

FD 33760, 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 Carl M. Miller, MILLER LAW OFFICE, 618 Professional Park Drive, P.O. Box 332, New Haven, IN 46774 [Attorney for INR], and Andrew J. Van Doren, BIRINGER, HUTCHINSON, VAN DOREN, LILLIS & BAPPERT, P.C., Century Bank and Trust Bldg., 100 West Chicago Street, Coldwater, MI 49036-1897 [Attorney for RUA].

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

Decided: June 24, 1999.

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

Vernon A. Williams

Secretary