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SERVICE DATE - OCTOBER 14, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33441 (Sub-No. 1)]

Paducah & Louisville Railway--Trackage Rights Exemption--CSX Transportation, Inc.

CSX Transportation, Inc. (CSXT) has agreed to grant overhead trackage rights to Paducah & Louisville Railway (P&L) over CSXT's rail line between the P&L/CSXT connection at Madisonville, KY, at or near milepost OOH-275, and the Diamond J Mine located on CSXT's Morganfield Branch, at or near milepost MB-294.1, including access to the Western Kentucky Railroad connection at Providence, KY, at or near milepost MB-291.8, for a total distance of approximately 18.8 miles in Hopkins and Webster Counties, KY.

The transaction was scheduled to be consummated on or shortly after October 5, 1999.

The purpose of the trackage rights is to allow P&L to handle movements of coal from the Diamond J Mine and from the Pyro, Kentucky Mine to the GRT Terminal, at Jessup, KY, for barge movements to Alabama Power Company (APC) water served destinations, and to handle empties via the reverse route.¹ The movements to APC water

¹ P&L was previously granted trackage rights to handle movements of coal over the same trackage for barge movements to Tennessee Valley Authority (TVA) water served destinations, and to handle empties over the reverse route. See Paducah & Louisville Railway--Trackage Rights Exemption--CSX Transportation, Inc., STB Finance Docket No. 33441 (STB served Aug. 27, 1997).

served destinations are in addition to the coal movements for TVA water served destinations authorized in STB Finance Docket No. 33441. The APC movements will be made pursuant to PAL Tariff A-1097 through December 31, 1999, and thereafter under contract PAL-C-0928.

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. 33441 (Sub-No. 1), 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 (1) J. Thomas Garrett, Esq., Paducah & Louisville Railway, 1500 Kentucky Avenue, Paducah, KY 42003, and (2) Fred R. Birkholz, Esq., CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

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

Decided: October 7, 1999.

STB Finance Docket No. 33441 (Sub-No. 1)

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

Vernon A. Williams

Secretary