

28475

SERVICE DATE - OCTOBER 31, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33475]

C&NC Railroad Corporation—Lease and Operation Exemption—Lines of the Norfolk and Western Railway Company and Indiana Hi Rail Corporation

C&NC Railroad Corporation (CNUR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate the Connersville Line (Line) in the State of Indiana, consisting of 27.62 miles of rail line. CNUR will lease from the Norfolk and Western Railway Corporation (NW) and operate the 22.42-mile portion of the rail line that is owned by NW: (1) from Beesons, (N&W milepost 4.80), to New Castle, (N&W milepost 25.30 - Thornburg Street); and (2) from milepost 0.0 to 1.92, in New Castle, (the New Castle Industrial Track). R. Franklin Unger, Trustee of the Indiana Hi Rail Corporation (Hi Rail) currently leases and operates the NW portion of the Line.

The remaining 5.2 miles of the Line, from Beesons, milepost 5.2, to Connersville, milepost 0.0, is owned and operated by Hi Rail and is the subject of a separate acquisition exemption in STB Finance Docket No. 33476, C&NC, L.L.C.—Acquisition Exemption—Indiana Hi Rail Corporation. CNUR has entered into an agreement with C&NC, L.L.C. (CLLC) to lease from CLLC and operate the Beesons to Connersville portion of the Line.

CNUR will grant to NW incidental trackage rights over the main and auxiliary tracks of CNUR for non-revenue operations between mileposts CB-25.30 (through C.B. 25.00 = R-00) and R-0.80.

The transaction was scheduled to be consummated on or after the October 15, 1997 effective date of the exemption. The transaction is related to the Hi Rail Trustee's filing of an Amended Plan of Reorganization with the Board in STB Finance Docket No. 33491 on October 3, 1997.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding 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. 33475, 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 R. Wilson, Esq., 1126 Eighth Avenue, Suite 403,
Altoona, PA 16002.

Decided: October 21, 1997.

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

Vernon A. Williams

Secretary