

28275

SERVICE DATE - SEPTEMBER 17, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33453]

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

CSX Transportation, Inc. (CSXT) has agreed to extend existing overhead trackage rights to Paducah & Louisville Railway (P&L)<sup>1</sup> from the Providence 1 Mine located on CSXT's Morganfield Branch, at or near milepost MB 288.8, to the Diamond J Mine located at or near milepost MB 291.93, on the Morganfield Branch, an additional distance of 3.1 miles in Hopkins County, KY.

The transaction was scheduled to be consummated on September 9, 1997.

The purpose of the trackage rights is to allow P&L to handle movements of coal from the Diamond J Mine to the generating facilities of Louisville Gas and Electric Company at Kosmosdale and Louisville, KY, and to handle empties via the reverse route.

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

---

<sup>1</sup> See Paducah & Louisville Railway—Trackage Rights—CSX Transportation, Inc., STB Finance Docket No. 33405 (STB served June 11, 1997).

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. 33453, 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 (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.

Decided: September 9, 1997.

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

Vernon A. Williams

Secretary