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SERVICE DATE - APRIL 13, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33733]

CSX Transportation, Inc.--Trackage Rights Exemption--Consolidated Rail Corporation

Consolidated Rail Corporation (Conrail), has agreed to grant overhead trackage rights to CSX Transportation, Inc. (CSXT), to operate its trains, locomotives, cars and equipment with CSXT's own crews over Conrail's Porter Branch milepost 246.7± at Willow Creek, IN, and milepost 259.5± at Gibson, IN (CP Ivanhoe), a total distance of approximately 12.8 miles.<sup>1</sup>

As noted in CSXT's notice of exemption, this trackage rights arrangement is only temporary. The Conrail trackage that is the subject of the trackage rights is to be allocated to Conrail's subsidiary, New York Central Lines LLC, and operated by CSXT, after what is referred to as the "Split Date," or the date of the division of Conrail's assets, as authorized by the Board in CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail Inc., and Consolidated Rail Corporation, STB Finance Docket No. 33388 (STB served July 23, 1998). CSXT states that it expects the Split Date to occur

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<sup>1</sup> On March 25, 1999, CSXT filed a petition for exemption in STB Finance Docket No. 33733 (Sub-No. 1), CSX Transportation, Inc.--Trackage Rights Exemption--Consolidated Rail Corporation, wherein CSXT requests that the Board permit the proposed overhead trackage rights arrangement described in the present proceeding to expire on the Split Date (as described in this decision) or June 30, 1999, whichever occurs first. That petition will be addressed by the Board in a separate decision.

on June 1, 1999. The parties intend for the trackage rights to terminate on the Split Date, but if the Split Date does not occur before June 30, 1999, the parties' agreement provides for termination of the trackage rights on June 30, 1999.

The transaction was scheduled to be consummated on or shortly after April 1, 1999.

The purpose of the trackage rights is to allow CSXT to qualify its crew and engine personnel on the trackage that CSXT will operate following the Split Date of Conrail's rail properties.

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. 33733, 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 Charles M. Rosenberger, Senior Counsel, CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

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Decided: April 6, 1999.

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

Vernon A. Williams

Secretary