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SERVICE DATE - JULY 23, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33422]

Luxapalila Valley Railroad, Inc.—Trackage Rights Exemption—Columbus and Greenville
Railway Company

Columbus and Greenville Railway Company (C&G) will agree to grant local and overhead trackage rights to Luxapalila Valley Railroad, Inc. (LVR)¹ over approximately 175 miles of track between Columbus and Greenville, MS.

The transaction was scheduled to be consummated on the July 14, 1997 effective date of the exemption. The purpose of the trackage rights is to enable CAGY to deploy the resources of its two subsidiary railroads more efficiently, by using their respective locomotives and crews interchangeably.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

¹ Both C&G and LVR are Class III railroads owned by CAGY Industries, Inc. (CAGY).

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. 33422 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 Donald G. Avery, Esq., Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, DC 20036.

Decided: July 16, 1997.

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

Vernon A. Williams

Secretary