

29640

SERVICE DATE - OCTOBER 8, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33667]

Durbin & Greenbrier Valley Railroad--Operation Exemption--West Virginia Central
Railroad

Durbin & Greenbrier Valley Railroad (D&GVR), a noncarrier, has filed a verified notice under 49 CFR 1150.31 to operate 131.3 miles of rail line owned by West Virginia State Rail Authority (WVSRA), known as West Virginia Central Railroad (WVCR). The rail line extends from a junction with CSX Transportation, Inc. (CSXT), at Tygart Junction (milepost 0.0) to Bergoo (milepost 121.7), and includes a branch line, known as the Dailey Branch, extending from Elkins (milepost 0.0) to Dailey (milepost 9.6), located in Barbour, Randolph, Pocahontas and Webster Counties, WV. D&GVR will replace CSXT, which has been operating over a portion of the line, and will become a Class III rail carrier.¹

The exemption became effective September 29, 1998. The parties stated that D&GVR will commence operations on the line on October 3, 1998, or 7 days after the filing of this notice, whichever is later.

¹ WVRSRA acquired this line from CSXT in 1997. See CSX Transportation, Inc.--Abandonment--In Barbour, Randolph, Pocahontas and Webster Counties, WV, Docket No. AB-55 (Sub-No. 500) (ICC served Jan. 9, 1997). CSXT currently operates over a portion of the line under an agreement with WVSRA which will terminate on October 2, 1998.

D&GVR states that the projected revenues will not exceed those that would qualify it as a Class III rail carrier.

On September 3, 1998, D&GVR enter into an operating agreement with WVSRA to provide freight and passenger services over the WVCR for a period of five years with renewal options. The agreement gives D&GVR the right to provide routine maintenance-of-way, rolling stock, personnel, and facilities to provide these services. In addition, D&GVR is expected to restore service over the Dailey branch, which currently is out-of-service, should traffic be developed for that portion of the line.

If the notice 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. 33667, 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 Stephen L. Day, Esq., Betts, Patterson & Mines, P.S., 1215 Fourth Avenue, Suite 800, Seattle, WA 98161-1090.

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

Decided: October 1, 1998.

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

Vernon A. Williams

Secretary