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SEC

SERVICE DATE - MARCH 9, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33877

ILLINOIS CENTRAL RAILROAD COMPANY—CONSTRUCTION AND OPERATION  
EXEMPTION—IN EAST BATON ROUGE PARISH, LA

Decided: March 8, 2001

By petition filed on November 29, 2000, Illinois Central Railroad Company (IC) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct and operate a line of railroad, approximately 3.2 miles in length, in East Baton Rouge Parish, LA, to connect IC's Maryland Industrial Lead with the Baton Rouge Polyolefins plant of ExxonMobil Chemical Company. IC states that the proposed line would cross The Kansas City Southern Railway Company's (KCS) line at grade approximately 1,300 feet south of Thomas Road, south of the plant.<sup>1</sup>

On December 19, 2000, KCS filed a reply to the petition. KCS contends that the petition should be dismissed as inconsistent with the rail transportation policy of 49 U.S.C. 10101. Alternatively, KCS asserts that the Board should require IC to file an application under section 10901 or should institute a proceeding under 49 U.S.C. 10502(b) to allow for the development of a full and complete record. On January 8, 2001, IC responded to the KCS filing.

The petition for exemption and replies raise issues that require consideration by the Board. By this decision, the Board is instituting a proceeding under 49 U.S.C. 10502(b) to consider IC's petition and the issues raised in KCS's reply. At this time, there does not appear to be a need for the parties to submit additional evidence.

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted to consider the petition and replies.
2. The proceeding will be completed by November 27, 2001.

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<sup>1</sup> IC states that it is commencing discussions with KCS regarding a crossing arrangement for this location. According to IC, if an agreement cannot be reached, it will seek appropriate relief from the Board under 49 U.S.C. 10901(d).

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary