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SERVICE DATE - OCTOBER 22, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33468]

Effingham Railroad Company—Operation Exemption—Line Owned by Agracel Corporation

Effingham Railroad Company (ERRC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate over approximately 206.05 feet¹ of railroad line owned by the Agracel Corporation (Agracel), located in a new industrial park in Effingham, IL. ERRC states that it is a substitute operator for Consolidated Rail Corporation, the previous operator of the line, and that it will operate the line under lease or operating agreement with Agracel after the transaction is completed.

This transaction is related to STB Finance Docket No. 33480, Charles Barenfanger—Continuance in Control Exemption—Effingham Railroad Company, wherein Charles Barenfanger has filed a verified notice of exemption to continue in control of ERRC, upon its becoming a Class III rail carrier.

The exemption became effective on September 25, 1997, but, because the related notice in the control proceeding was not filed simultaneously, the earliest date the transaction could be lawfully consummated was October 7, 1997.

¹ In an attachment to the verified notice, the length of the line is stated as approximately 206.8 feet, but all other references in this and related proceedings consistently specify the length as approximately 206.05 feet.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time.² 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. 33468, 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 John M. Robinson, 9616 Old Spring Road, Kensington, MD 20895.

Decided: October 14, 1997.

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

Vernon A. Williams

Secretary

² On September 22, 1997, Joseph C. Szabo, on behalf of United Transportation Union-Illinois Legislative Board, filed a petition to stay the operation of the notice of exemption, as well as to reject or revoke the notice. By decision served September 24, 1997, in this matter, the petition for stay was denied. A subsequent decision will be issued by the Board on the request to reject or to revoke the exemption.