

28673

SERVICE DATE - DECEMBER 11, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33524]

Southwest Ohio Regional Transit Authority--Acquisition Exemption--

Certain Assets of the Indiana & Ohio Railway Company

Southwest Ohio Regional Transit Authority (SORTA), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150, Subpart D--Exempt Transactions to acquire an approximately 9.84-mile line of railroad known as the Blue Ash Line from the Indiana & Ohio Railway Company (I&O). The Blue Ash Line is located northeast of Cincinnati, between milepost 49.6, north of McCullough Yard, and milepost 39.76, near Fields-Ertel Road, in Hamilton County, OH. SORTA will not acquire the right to operate any rail freight service on the Blue Ash Line; I&O will retain the exclusive right and obligation to provide rail freight service on the Blue Ash Line.¹ SORTA will acquire certain physical assets to allow construction and operation of a passenger rail transit system. The notice states that the transaction would be consummated no sooner than the December 1, 1997 effective date of the exemption. The accompanying motion to dismiss indicates that the transaction is expected to be consummated by December 31, 1997.

¹ SORTA simultaneously filed a motion to dismiss the notice of exemption. The entire Board will address the jurisdictional issue raised by the motion to dismiss in a subsequent decision.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. A petition 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 Finance Docket No. 33524, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street, N.W., Suite 400, Washington, DC 20036-6105.

Decided: December 3, 1997.

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

Vernon A. Williams

Secretary

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