

30276

SERVICE DATE - JUNE 30, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33754]

Michigan Southern Railroad Company, Inc.--Acquisition Exemption--Branch & St. Joseph  
Counties Rail Users Association, Inc.

Michigan Southern Railroad Company, Inc. (MSRR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire (by purchase) 24.34 miles of rail line owned by the Branch & St. Joseph Counties Rail Users Association, Inc. (RUA), between milepost 382.5 at or near Coldwater, MI, and milepost 406.84 at or near Sturgis, MI. Wabash & Western Railway Co., an affiliate of MSRR, will continue to operate the line of railroad under the name Michigan Southern Railroad.<sup>1</sup>

The transaction is scheduled to be consummated on or before July 20, 1999.<sup>2</sup>

---

<sup>1</sup> See Southwestern Michigan Railroad Company, Inc.--Acquisition and Operation Exemption--Branch & St. Joseph Counties Rail Users Association, Inc., Finance Docket No. 31525 (ICC served Dec. 14, 1990); Michigan Southern Railroad Company, Inc.--Operation Exemption--Branch & St. Joseph Counties Rail Users Association, Inc., Finance Docket No. 31779 (ICC served Dec 14, 1990); and Wabash & Western Railway Co.--Lease and Operation Exemption--Morris Leasing Co., Ltd., and Michigan Southern Railroad, Inc., STB Finance Docket No. 33306 (STB served (Dec. 24, 1996).

MSRR certifies that its annual revenue will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed \$5 million.

<sup>2</sup> In a filing in a separate proceeding (STB Finance Docket No. 33760), MSRR reported that it was attempting to purchase the line between Coldwater and Sturgis through exercise of an option it asserts it has. In that proceeding, RUA disputes MSRR's right to exercise an option to purchase this line and observes that any authority MSRR obtains in this proceeding (STB Finance Docket No. 33754) under 49 CFR 1150.41 is permissive only.

(continued...)

If this 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. 33754, 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 D. Heffner, Esq., REA, CROSS & AUCHINCLOSS, Suite 570, 1707 L Street, N.W., Washington, DC 20036, and Daniel A. LaKemper, Esq., General Counsel, Pioneer RailCorp, 1318 South Johanson Road, Peoria, IL 61607-1130.

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

Decided: June 24, 1999.

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

Vernon A. Williams

Secretary

---

<sup>2</sup>(...continued)

RUA is correct that the exemption in this proceeding is permissive only and does not give MSRR the legal right to purchase the line in the absence of an agreement between the parties or a court order to that effect.

30276

SERVICE DATE - JUNE 30, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33754]

Michigan Southern Railroad Company, Inc.--Acquisition Exemption--Branch & St. Joseph  
Counties Rail Users Association, Inc.

Michigan Southern Railroad Company, Inc. (MSRR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire (by purchase) 24.34 miles of rail line owned by the Branch & St. Joseph Counties Rail Users Association, Inc. (RUA), between milepost 382.5 at or near Coldwater, MI, and milepost 406.84 at or near Sturgis, MI. Wabash & Western Railway Co., an affiliate of MSRR, will continue to operate the line of railroad under the name Michigan Southern Railroad.<sup>1</sup>

The transaction is scheduled to be consummated on or before July 20, 1999.<sup>2</sup>

---

<sup>1</sup> See Southwestern Michigan Railroad Company, Inc.--Acquisition and Operation Exemption--Branch & St. Joseph Counties Rail Users Association, Inc., Finance Docket No. 31525 (ICC served Dec. 14, 1990); Michigan Southern Railroad Company, Inc.--Operation Exemption--Branch & St. Joseph Counties Rail Users Association, Inc., Finance Docket No. 31779 (ICC served Dec 14, 1990); and Wabash & Western Railway Co.--Lease and Operation Exemption--Morris Leasing Co., Ltd., and Michigan Southern Railroad, Inc., STB Finance Docket No. 33306 (STB served (Dec. 24, 1996).

MSRR certifies that its annual revenue will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed \$5 million.

<sup>2</sup> In a filing in a separate proceeding (STB Finance Docket No. 33760), MSRR reported that it was attempting to purchase the line between Coldwater and Sturgis through exercise of an option it asserts it has. In that proceeding, RUA disputes MSRR's right to exercise an option to purchase this line and observes that any authority MSRR obtains in this proceeding (STB Finance Docket No. 33754) under 49 CFR 1150.41 is permissive only.

(continued...)

If this 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. 33754, 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 D. Heffner, Esq., REA, CROSS & AUCHINCLOSS, Suite 570, 1707 L Street, N.W., Washington, DC 20036, and Daniel A. LaKemper, Esq., General Counsel, Pioneer RailCorp, 1318 South Johanson Road, Peoria, IL 61607-1130.

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

Decided: June 24, 1999.

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

Vernon A. Williams

Secretary

---

<sup>2</sup>(...continued)

RUA is correct that the exemption in this proceeding is permissive only and does not give MSRR the legal right to purchase the line in the absence of an agreement between the parties or a court order to that effect.

30276

SERVICE DATE - JUNE 30, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33754]

Michigan Southern Railroad Company, Inc.--Acquisition Exemption--Branch & St. Joseph  
Counties Rail Users Association, Inc.

Michigan Southern Railroad Company, Inc. (MSRR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire (by purchase) 24.34 miles of rail line owned by the Branch & St. Joseph Counties Rail Users Association, Inc. (RUA), between milepost 382.5 at or near Coldwater, MI, and milepost 406.84 at or near Sturgis, MI. Wabash & Western Railway Co., an affiliate of MSRR, will continue to operate the line of railroad under the name Michigan Southern Railroad.<sup>1</sup>

The transaction is scheduled to be consummated on or before July 20, 1999.<sup>2</sup>

---

<sup>1</sup> See Southwestern Michigan Railroad Company, Inc.--Acquisition and Operation Exemption--Branch & St. Joseph Counties Rail Users Association, Inc., Finance Docket No. 31525 (ICC served Dec. 14, 1990); Michigan Southern Railroad Company, Inc.--Operation Exemption--Branch & St. Joseph Counties Rail Users Association, Inc., Finance Docket No. 31779 (ICC served Dec 14, 1990); and Wabash & Western Railway Co.--Lease and Operation Exemption--Morris Leasing Co., Ltd., and Michigan Southern Railroad, Inc., STB Finance Docket No. 33306 (STB served (Dec. 24, 1996).

MSRR certifies that its annual revenue will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed \$5 million.

<sup>2</sup> In a filing in a separate proceeding (STB Finance Docket No. 33760), MSRR reported that it was attempting to purchase the line between Coldwater and Sturgis through exercise of an option it asserts it has. In that proceeding, RUA disputes MSRR's right to exercise an option to purchase this line and observes that any authority MSRR obtains in this proceeding (STB Finance Docket No. 33754) under 49 CFR 1150.41 is permissive only.

(continued...)

If this 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. 33754, 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 D. Heffner, Esq., REA, CROSS & AUCHINCLOSS, Suite 570, 1707 L Street, N.W., Washington, DC 20036, and Daniel A. LaKemper, Esq., General Counsel, Pioneer RailCorp, 1318 South Johanson Road, Peoria, IL 61607-1130.

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

Decided: June 24, 1999.

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

Vernon A. Williams

Secretary

---

<sup>2</sup>(...continued)

RUA is correct that the exemption in this proceeding is permissive only and does not give MSRR the legal right to purchase the line in the absence of an agreement between the parties or a court order to that effect.

30276

SERVICE DATE - JUNE 30, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33754]

Michigan Southern Railroad Company, Inc.--Acquisition Exemption--Branch & St. Joseph  
Counties Rail Users Association, Inc.

Michigan Southern Railroad Company, Inc. (MSRR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire (by purchase) 24.34 miles of rail line owned by the Branch & St. Joseph Counties Rail Users Association, Inc. (RUA), between milepost 382.5 at or near Coldwater, MI, and milepost 406.84 at or near Sturgis, MI. Wabash & Western Railway Co., an affiliate of MSRR, will continue to operate the line of railroad under the name Michigan Southern Railroad.<sup>1</sup>

The transaction is scheduled to be consummated on or before July 20, 1999.<sup>2</sup>

---

<sup>1</sup> See Southwestern Michigan Railroad Company, Inc.--Acquisition and Operation Exemption--Branch & St. Joseph Counties Rail Users Association, Inc., Finance Docket No. 31525 (ICC served Dec. 14, 1990); Michigan Southern Railroad Company, Inc.--Operation Exemption--Branch & St. Joseph Counties Rail Users Association, Inc., Finance Docket No. 31779 (ICC served Dec 14, 1990); and Wabash & Western Railway Co.--Lease and Operation Exemption--Morris Leasing Co., Ltd., and Michigan Southern Railroad, Inc., STB Finance Docket No. 33306 (STB served (Dec. 24, 1996).

MSRR certifies that its annual revenue will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed \$5 million.

<sup>2</sup> In a filing in a separate proceeding (STB Finance Docket No. 33760), MSRR reported that it was attempting to purchase the line between Coldwater and Sturgis through exercise of an option it asserts it has. In that proceeding, RUA disputes MSRR's right to exercise an option to purchase this line and observes that any authority MSRR obtains in this proceeding (STB Finance Docket No. 33754) under 49 CFR 1150.41 is permissive only.

(continued...)

If this 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. 33754, 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 D. Heffner, Esq., REA, CROSS & AUCHINCLOSS, Suite 570, 1707 L Street, N.W., Washington, DC 20036, and Daniel A. LaKemper, Esq., General Counsel, Pioneer RailCorp, 1318 South Johanson Road, Peoria, IL 61607-1130.

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

Decided: June 24, 1999.

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

Vernon A. Williams

Secretary

---

<sup>2</sup>(...continued)

RUA is correct that the exemption in this proceeding is permissive only and does not give MSRR the legal right to purchase the line in the absence of an agreement between the parties or a court order to that effect.