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SEC

SERVICE DATE - LATE RELEASE FEBRUARY 11, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34421

HOLRAIL LLC—CONSTRUCTION AND OPERATION EXEMPTION—
IN ORANGEBURG AND DORCHESTER COUNTIES, SC

Decided: February 11, 2004

By petition filed on November 13, 2003, HolRail LLC (HolRail) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct and operate approximately 2 miles of rail line in Orangeburg and Dorchester Counties, SC. HolRail's proposed line would connect a cement factory, owned by HolRail's parent company, Holcim (US) Inc. (Holcim), to a line owned by Norfolk Southern Railway Company. CSX Transportation, Inc. (CSXT), currently provides service to the Holcim cement factory. HolRail proposes two possible routes for its line: the preferred route, which would involve constructing the line within CSXT's right-of-way parallel to CSXT's track; and the alternative route, which would also run parallel to CSXT's track, but would be constructed outside of CSXT's right-of-way. On December 3, 2003, CSXT filed a reply in opposition to the proposed exemption, including discovery requests, and a motion to dismiss the petition.

HolRail's petition and the subsequent pleadings filed by the parties raise issues that require further consideration by the Board. By this decision, the Board is instituting a proceeding under 49 U.S.C. 10502(b) to consider HolRail's petition and the issues raised by the parties in their pleadings.

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted to consider the issues raised in this proceeding.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary