

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35205

U S RAIL CORPORATION—LEASE AND OPERATION EXEMPTION—WINAMAC
SOUTHERN RAILWAY COMPANY AND KOKOMO GRAIN CO., INC.

Decided: January 15, 2009

On December 31, 2008, a corrected notice of exemption was served and published in the Federal Register (73 FR 80512) for U S Rail Corporation (US Rail), a Class III rail carrier, to: (1) acquire by lease and to operate approximately 58.89 miles of rail lines owned by Winamac Southern Railway Company and Kokomo Grain Co., Inc., located in Indiana: (a) the Bringhurst Line, between milepost 50.1 at Bringhurst and milepost 71.5 at Van Jct. (Logansport); (b) the Kokomo Line, between milepost 74.5 at Eighteenth St. Yard (Logansport) and milepost 97.9 at Kokomo; (c) the Kokomo Belt Line, between milepost 0.0 at E. Markland Ave. (Kokomo) and milepost 1.5 at S. Union St. (Kokomo); and (d) the Amboy Line, between milepost 147.07 at Amboy and milepost 134.48± at Marion; and (2) obtain incidental trackage rights over 3.0 miles of rail line owned by Toledo, Peoria & Western Railway Corp., between milepost 71.5 at Van Jct. (Logansport) and milepost 74.5 at Eighteenth St. Yard (Logansport). The transaction is scheduled to be consummated on or after January 16, 2009.

By letter filed on January 6, 2009, counsel for US Rail points out that the December 31 notice indicated that US Rail will interchange traffic with Norfolk Southern Railway (NSR) at Clymers, IN. Counsel states that, while the subject lines “connect with” NSR at Clymers, there are currently no interchange arrangements with NSR at Clymers.

Based on counsel’s letter, the notice will be corrected by deleting language to the effect that US Rail will interchange traffic with NSR at Clymers.

It is ordered:

1. This proceeding is reopened.
2. The December 31 notice is corrected as above discussed.

3. This decision is effective on the date of service.

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

Anne K. Quinlan
Acting Secretary