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SERVICE DATE - SEPTEMBER 22, 1997

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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33455]

Paducah & Louisville Railway—Trackage Rights Exemption—Western Kentucky Railway, LLC

Western Kentucky Railway, LLC (WKR), a Class III rail carrier, has agreed to grant overhead trackage rights to Paducah & Louisville Railway (P&L), a Class II rail carrier, over a segment of track between the CSX Transportation, Inc. (CSXT), and WKR connection at Providence, KY, at or near CSXT milepost 291.8 and WKR milepost 9.4 of the Wheatcroft-Providence section and Pyro Mine, KY, at or near WKR milepost 4 of the Blackford-Clay Section, a distance of approximately 10 miles.

The purpose of the trackage rights is to allow P&L to provide a rail service alternative for coal traffic between the Pyro Mine, KY, and BRT Terminal at Jessup, KY.

As a condition to this exemption, any employees affected by the trackage rights will be protected as required by 49 U.S.C. 11326(b), subject to the procedural interpretations of the analogous statutory provisions at 49 U.S.C. 10902 contained in the Board's decision in Wisconsin Central Ltd.--Acquisition Exemption--Lines of Union Pacific Railroad Company, STB Finance Docket No. 33116 (STB served Apr. 17, 1997) (WCL Exemption).¹

¹ P&L has stated that it is alternatively willing to accept the conditions set out in Norfolk and Western Ry. Co.--Trackage Rights--BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc. - Lease and Operate, 360 I.C.C. 653 (1980). Section 11326(b) (continued...)

The transaction was scheduled to be consummated on or after the September 11, 1997 effective date of the exemption.²

This notice is filed under 49 CFR 1180.2(d)(7). If it 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. 33455, 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 William A. Mullins, Esq., Troutman Sanders LLP, 1300 I Street, N.W., Suite 500 East, Washington, DC 20005-3314.

Decided: September 15, 1997.

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

Vernon A. Williams

Secretary

¹(...continued)
provides that parties may agree to terms other than as provided in that subsection.

² The notice to employees discussed in WCL Exemption and recently adopted as a requirement for certain transactions in Acquisition of Rail Lines Under 49 U.S.C. 10901 and 10902—Advance Notice of Proposed Transactions, STB Ex Parte No. 562 (STB served Sept. 9, 1997), does not apply to exempt trackage rights transactions.