

Surface Transportation Board Authorizes "Illinois Central" to Cross "Kansas City Southern's" Track as Part of Illinois Central's Proposed Construction & Operation of a Rail Line in East Baton Rouge Parish, LA

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has granted a petition by Illinois Central Railroad Company (IC), authorizing IC to cross The Kansas City Southern Railway Company's (KCS) track in connection with IC's construction and operation of a 3.2-mile line of railroad in East Baton Rouge Parish, Louisiana. The proposed line will allow IC to serve the ExxonMobil Chemical Company's Baton Rouge Polyolefins (BRPO) plant. The Board noted in its decision that IC has agreed to bear the cost of furnishing, installing, and maintaining the crossing and its signals, and to compensate KCS for the crossing in accordance with Board precedent.

KCS had objected to the crossing on various grounds, emphasizing that the construction and related installation and operation of the proposed line would interfere with KCS's operations over its track. In granting IC's petition, the Board concluded that the interference would be neither material nor unreasonable. The Board also indicated that, though the parties would be expected to negotiate remaining issues in good faith, they remain free to submit disputes to the Board relative to the terms of operation or the amount of compensation, and that construction and operation of the proposed line need not be delayed pending resolution of any such disputes should they arise.

Today's decision is related to an earlier Board decision in the case entitled *Illinois Central Railroad Company--Construction and Operation Exemption--In East Baton Rouge Parish, LA*, STB Finance Docket No. 33877, issued to the public on January 23, 2002, in which the agency granted IC final approval to construct and operate the proposed line, subject to environmental mitigation measures.

The Board today issued its decision granting the track crossing in *Illinois Central Railroad Company--Petition for Crossing Authority--In East Baton Rouge Parish, LA*, STB Finance Docket No. 33877 (Sub-No. 1). A printed copy of the decision is available for a fee by contacting **D~ 2 D~ Legal Copy Service, Suite 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776**, or via da2dalegal@earthlink.net. The decision also is available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>.

###