

**Surface Transportation Board Issues Final Decision Allowing "Midwest Generation" Utility to Construct Rail Line for Access to Service by a Second Railroad**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has issued a final decision allowing Midwest Generation, LLC (Midwest), an electric power utility, to construct a railroad line in Will County, Illinois. The 4,007-foot line would connect Midwest's Joliet Generating Station in Will Co. to nearby track owned and operated by the Union Pacific Railroad Company (UP). The line Midwest proposes to build would cross track owned by the Illinois Central Railroad Company (IC).

Currently, Midwest's plant is directly served only by IC. Midwest's plant burns coal that moves via UP from the Powder River Basin of Wyoming and Montana to a junction with IC only a few hundred yards from the plant. IC then completes the movement into the plant. The construction, which IC has opposed, would give Midwest access to the UP line directly as well as via IC.

In a prior decision, issued to the public on March 21, 2002 in this case, the Board tentatively approved an exemption from regulation for this construction, subject to (1) the results of the Board's environmental review process and (2) the resolution of issues raised by IC's opposition to the crossing of its track (see Surface Transportation Board "News" release No. 02-11 issued March 21, 2002).

The Board's environmental review process is now complete. Today's decision gives final approval to the construction, subject to conditions imposed as a result of the environmental review process. The decision also allows the construction to cross IC's track, based on a finding that the crossing would not unreasonably interfere with IC's operation over the track to be crossed. If the parties cannot agree on the operational terms for the crossing and the compensation that Midwest must pay IC, the Board will issue a subsequent decision dealing with these matters.

The Board issued its decision today in the case entitled *Midwest Generation, LLC--Exemption from 49 U.S.C. 10901--For Construction in Will County, IL, et al.*, STB Finance Docket No. 34060, *et al.* 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](mailto:da2dalegal@earthlink.net). The decision also is available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>.

###