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SERVICE DATE - JUNE 2, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33591]

The Indiana & Ohio Rail Passenger Corporation—Trackage Rights Exemption—Indiana & Ohio Railway Company, Inc.

Indiana & Ohio Railway Company, Inc. (IORY) has agreed to grant local trackage rights to The Indiana & Ohio Rail Passenger Corporation (IORP), for the operation of rail passenger service over the following points: (1) from milepost 39.8, near Diann, MI, to milepost 107.3, near Leipsic, OH; (2) from milepost 110.8 to milepost 114.9 in Ottaway, OH; and (3) from milepost 128.3, near Lima, OH, to milepost 202.7, near Springfield, OH, a distance of approximately 146.02 miles.¹

¹ The agreement that is the subject of this notice is a confirmation of and an amendment to an earlier trackage rights agreement between IORP and IORY and certain other Class III railroads affiliated with the IORY. See STB Finance Docket No. 32976, The Indiana & Ohio Rail Passenger Corporation--Acquisition by Trackage Rights and Operation Exemption--Cincinnati Terminal Railway Corp., Indiana and Ohio Railroad Company, Indiana & Ohio Railway Company, Inc., and Indiana & Ohio Central Railroad Company, Inc., (STB served June 21, 1996).

The parties expected to consummate the transaction on or about May 26, 1998. The earliest the transaction could be consummated was May 22, 1998, the effective date of the exemption (7 days after the notice of exemption was filed).

The purpose of the trackage rights is to extend IORP's passenger operations over newly-acquired IORY lines.²

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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. 33591, must be filed with the Surface Transportation Board, Office of the Secretary, Case

² See STB Finance Docket No. 33180, Indiana & Ohio Railway Company--Acquisition Exemption--Lines of The Grand Trunk Railroad Inc., (STB served Feb. 10, 1997).

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Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Robert L. Calhoun, Esq., Redmon, Boykin & Braswell, L.L.P., 510 King Street, Suite 301, Alexandria, VA 22314.

Board decisions and notices are available on our website at
“WWW.STB.DOT.GOV.”

Decided: May 26, 1998.

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

Vernon A. Williams

Secretary