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SERVICE DATE - OCTOBER 16, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33669]

The Indiana Rail Road Company--Trackage Rights Exemption--Monon Rail Preservation Corporation

Monon Rail Preservation Corporation (Monon), a Class III rail carrier, has agreed to grant local trackage rights to The Indiana Rail Road Company (INRD), a Class III rail carrier, over its rail line between milepost Q217.67 at Hunters, IN, and MP Q213.41 at Ellettsville, IN, a distance of 4.26 miles.

The transaction is scheduled to become effective immediately upon consummation of the transaction in STB Finance Docket No. 33668, which is scheduled to take place on or after October 9, 1998.

The purpose of the trackage rights will permit INDR to ensure continuity of service to the shipper on the line pending consummation of the operating agreement.

Upon 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 transaction 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 the notice 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. 33669, 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 John Broadley, Jenner & Block, 601 13th Street N.W., 12th floor, Washington, DC 20005.

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Decided: October 8, 1998.

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

Vernon A. Williams

Secretary