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SERVICE DATE - JULY 21, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33778]

Louisville & Indiana Railroad Company--Trackage Rights Exemption--New York Central Lines, LLC and CSX Transportation, Inc.¹

New York Central Lines, LLC (NYC), as owner, and CSX Transportation, Inc. (CSXT), as operator, have agreed to grant overhead trackage rights to Louisville & Indiana Railroad Company (L&I) as follows: (1) approximately 5.5 miles over NYC main line, former Consolidated Rail Corporation (CRC) Louisville Secondary, (a) from the connection between NYC and L&I milepost 4.0 +/- at Indianapolis, IN, and the connection in the southeast quadrant of the former Indianapolis Union Belt running track (former Indiana Union Belt Railroad) milepost 6.0 +/- known as Dale, a distance of approximately 2.7 miles; and (b) from this connection in the southeast quadrant of running track in the vicinity of the

¹ By decision served July 23, 1998, the Board approved, subject to certain conditions, the acquisition of control of Conrail, and the division of the assets thereof, by CSX Corporation and CSX Transportation, Inc. (referred to collectively as CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (referred to collectively as NS). See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company – Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 89 (STB served July 23, 1998). Acquisition of control of Conrail was effected by CSX and NS on August 22, 1998. The division of the assets of Conrail was effected by CSX and NS on June 1, 1999. See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company – Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 127 (STB served May 20, 1999).

former Indianapolis Union Belt Railroad milepost 6.0 +/- and the entrance to Hawthorne Yard at or near milepost 8.8 +/-, a distance of approximately 2.8 miles; and (2) approximately 7.8 miles over NYC main line, former CRC Louisville Secondary, (a) from the connection between NYC and L&I milepost 4.0 +/- at Indianapolis, IN, and the connection in the northeast quadrant of former CRC Indianapolis Line milepost 283.7 +/-, a distance of approximately 4 miles; (b) from this connection milepost 283.7 +/- of the former Indianapolis Line and milepost 283.1 +/- of the former CRC Indianapolis Line, a distance of approximately 0.6 miles; (c) from CRC Indianapolis Line milepost 283.1 +/- connection to milepost 109.3 +/- of the former CRC Shelbyville Secondary and from this connection in the former CRC Shelbyville Secondary milepost 109.3 +/- and CRC Shelbyville Secondary milepost 106.9 +/-, a distance of approximately 2.4 miles; and (d) from CRC Shelbyville Secondary milepost 106.9 +/- connection to former Indianapolis Union Belt running track milepost 8 +/- in the southeast quadrant and from this connection to former Indianapolis Union Belt running track milepost 8 +/- and the entrance to Hawthorne Yard in the northeast quadrant at or near milepost 8.8 +/- of the Indianapolis Union Belt running track, a distance of approximately 0.8 miles.²

² A redacted version of the Trackage Rights Agreement among L&I, NYC, and CSXT was filed with the notice of exemption. The full version of the agreement was concurrently filed under seal, along with a motion for a protective order which was granted in a separate decision.

The transaction was scheduled to be consummated on or after July 8, 1999, the effective date of the exemption.

The purpose of the trackage rights is to permit L&I to interchange certain traffic with the Norfolk Southern Railway Company at Hawthorne Yard, thereby promoting operating efficiencies.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed 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).

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. 33778, 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, one copy of each pleading must be served on Rose-Michele Weinryb, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

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Decided: July 13, 1999.

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

Vernon A. Williams

Secretary