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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33180]

Indiana & Ohio Railway Company--Acquisition Exemption--
Lines of The Grand Trunk Western Railroad Inc.

The Indiana & Ohio Railway Company (IORY), a Class III rail carrier, filed a notice of exemption under 49 CFR 1150.41 to acquire from the Grand Trunk Western Railroad Inc. (GTW) rail lines totaling approximately 146.1 miles between Diann, MI, and Springfield, OH. The lines are located between: (1) milepost 39.7 at Diann, MI, and milepost 107.29 at XN Station near Leipsic, OH; (2) milepost 128.3 at DT&I Junction near Lima, OH, and milepost 202.7 at Springfield, OH; and (3) the Ottawa Loop between mileposts 110.8 and 114.88, south of XN Station.

As part of the acquisition, IORY will be assigned GTW's overhead trackage rights totaling 107.6 miles over: (1) 20.7 miles of CSX Transportation, Inc. (CSXT) line between CSXT Milepost 155.2 at XN Station and CSXT Milepost 134.5 at DT&I Junction; (2) 3.5 miles of Indiana & Ohio Central Railroad, Inc. (IOCR) line between IOCR Milepost 129.1 at Maitland Junction and IOCR Milepost 132.6 at Cold Springs, OH; and

(3) 83.4 miles of Consolidated Rail Corporation (CR) line between CR Milepost 36.3 at Springfield and CR Milepost 119.7 at Cincinnati, OH. IORY will also acquire incidental overhead trackage rights over 22.5 miles of GTW's rail line between GTW milepost 39.7 at Diann and GTW milepost 17.2 at Flat Rock, MI.

The transaction was scheduled to become effective on December 27, 1996. Petitions to stay the effective date of the exemption pending the consideration of concurrently filed petitions to reject or revoke the notice were filed. A decision served December 20, 1996, stayed the effective date of the exemption until January 26, 1997, and directed parties to file additional information about the transaction. A decision served January 24, 1997, extended the stay to February 4, 1997. By decision served February 3, 1997, the Board denied the petitions to reject or revoke and dismissed the petitions to stay as moot.

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 prior to consummation of a transaction does not automatically stay the transaction.

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An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33180, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Karl Morell, Suite 225, 1455 F Street, N.W., Washington, DC 20005 and other parties of record. To obtain a list of parties of record in this proceeding, call (202) 927-5628.

Decided: February 3, 1997.

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

Vernon A. Williams

Secretary