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214394

July 22, 2005

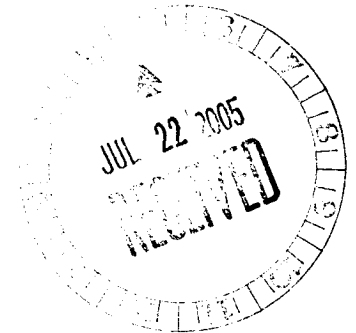
BY HAND DELIVERY

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N. W., Room 700
Washington, DC 20423

FILED

JUL 22 2005

SURFACE
TRANSPORTATION BOARD



Re: **Finance Docket No. 34727**
Indiana Eastern Railroad, LLC—Lease and Operation
Exemption—Line of CSX Transportation, Inc.

Dear Secretary Williams:

Herewith for filing in the above docketed proceeding are: (1) an original (unstapled/unbound) and ten copies (stapled) of this cover letter and a Verified Notice of Exemption of Indiana Eastern Railroad, LLC Pursuant to 49 C.F.R. § 1150.31, including required appendices; (2) a check for \$1,500 in payment of the filing fee; and (3) an appropriately labeled computer disk containing MS Word and PDF versions of the filing. The PDF version of the entire filing has scanned versions of the signed signature pages. The MS Word version is unsigned.

An additional hard copy of the filing is also provided. Kindly date-stamp as received and return it to us via the messenger that is delivering the filing. If you have any questions or concerns, please contact Andrew P. Goldstein or the undersigned.

Thank you for your assistance in this matter.

ENTERED
Office of Proceedings

JUL 22 2005

Part of
Public Record

Respectfully submitted,

Channing D. Strother, Jr.
Attorney for
Indiana Eastern Railroad, LLC

Enclosures

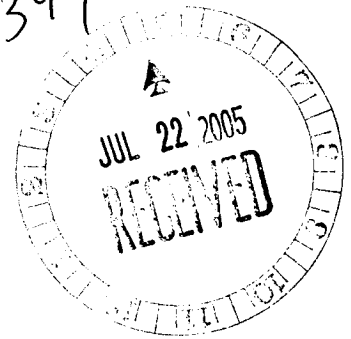
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SURFACE
TRANSPORTATION BOARD

214394

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34727

INDIANA EASTERN RAILROAD, LLC—
LEASE AND OPERATION EXEMPTION—LINE OF
CSX TRANSPORTATION, INC.



VERIFIED NOTICE OF EXEMPTION UNDER
49 C.F.R. § 1150.31

FILED

JUL 22 2005

SURFACE
TRANSPORTATION BOARD

Andrew P. Goldstein
Channing D. Strother, Jr.
McCarthy, Sweeney & Harkaway, P.C.
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Washington, DC 20037
(202) 775-5560

Attorneys for
Indiana Eastern Railroad, LLC

Dated: July 22, 2005

ENTERED
Office of Proceedings

JUL 25 2005

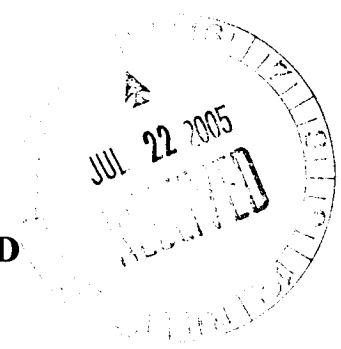
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Public Record

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JUL 22 2005

SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
FINANCE DOCKET NO. 34727**



**INDIANA EASTERN RAILROAD, LLC—
LEASE AND OPERATION EXEMPTION—LINE OF
CSX TRANSPORTATION, INC.**

**VERIFIED NOTICE OF EXEMPTION UNDER
49 C.F.R. § 1150.31**

Pursuant to the class exemption codified at 49 C.F.R. §§ 1150.31, *et seq.*, Indiana Eastern Railroad, LLC ("IERR" or "Applicant"), currently a non-carrier, hereby files this verified notice of exemption from the prior approval requirements of 49 U.S.C. § 10901 for its lease and operation under a Land and Track Lease Agreement with CSX Transportation, Inc. ("CSX") of a line of railroad that extends between Milepost No. CI 61.9 at or near Richmond, IN and Milepost No. CI 18.9 at or near Fernald, OH a distance of 43.0 miles, including spur, industrial, team, switching, and side track, in Wayne, Union, and Franklin Counties, IN, and in Butler and Hamilton Counties, OH (the "Line"). CSX will retain overhead trackage rights until December 31, 2005 between Cottage Grove, IN, Milepost No. CI 45.0, and Fernald, Milepost No. CI 18.9, in order to conclude a contract with the U.S. Department of Energy to transport contaminated dirt.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

(a) *The full name and address of the applicant:*

Applicant is Indiana Eastern Railroad, LLC. Its address is 412 West 4th Street, Edwardsville, IL 62025.

(b) *The name, address, and telephone number of the representative of the applicant who should receive correspondence:*

Andrew P. Goldstein, McCarthy, Sweeney & Harkaway, P.C., Suite 600, 2175 K Street, N.W., Washington, DC 20037, (202) 775-5560.

(c) *A statement that an agreement has been reached or details about when an agreement will be reached:*

An agreement has been reached between IERR and CSX regarding lease and operation of the rail line by IERR.

(d) *The operator of the property:*

IERR will be the operator of the property.

(e) *A brief summary of the proposed transaction, including:*

(1) *The name and address of the railroad transferring the subject property:*

The lessor is CSX Transportation Inc., 500 Water Street, Jacksonville, FL 32202. CSX will retain overhead trackage rights until December 31, 2005 between Cottage Grove, IN, Milepost No. CI 45.0, and Fernald, Milepost No. CI 18.9, in order to conclude a contract with the U.S. Department of Energy to transport contaminated dirt.

(2) *The proposed time schedule for consummation of the transaction:*

The consummation of this transaction is scheduled for August 26, 2005.

(3) *The mile posts of the subject property, including any branch lines, and*

The Line extends between Milepost No. CI 61.9 at or near Richmond, IN and Milepost No. CI 18.9 at or near Fernald, OH a distance of 43.0 miles, including spur, industrial, team, switching, and side track, in Wayne, Union, and Franklin Counties, IN, and

in Butler and Hamilton Counties, OH.

(4) *The total route miles being acquired:*

A total of approximately 43.0 route miles is being leased by IERR.

(f) *A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States; and*

The required map is attached to this notice as Appendix A.

(g) *A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier, and that such revenues would not exceed \$5 million per year.*

IERR certifies under 49 C.F.R. § 1150.33(g) that the projected revenues from the operation proposed in this matter do not exceed those that would qualify it as a Class III rail carrier, and that such revenues will not exceed \$5 million annually.

CAPTION SUMMARY

The caption summary required by 49 C.F.R. § 1150.34 is attached to this notice as Appendix B.

ENVIRONMENTAL AND HISTORIC REPORTING NOT REQUIRED

Pursuant to 49 C.F.R. § 1105.6(c)(2)(i) and 49 C.F.R. § 1105.8(b)(1), no environmental or historical reporting is required in conjunction with this matter.

NO LABOR PROTECTION CONDITIONS

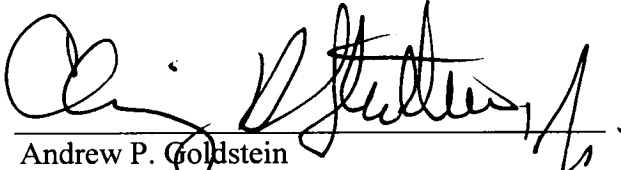
Pursuant to 49 U.S.C. § 10901(c), no labor protection conditions are to be imposed in this matter.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should publish a notice of the filing of this exemption in the *Federal Register* within 30 days of such filing in accordance with 49 C.F.R. § 1150.32(b).

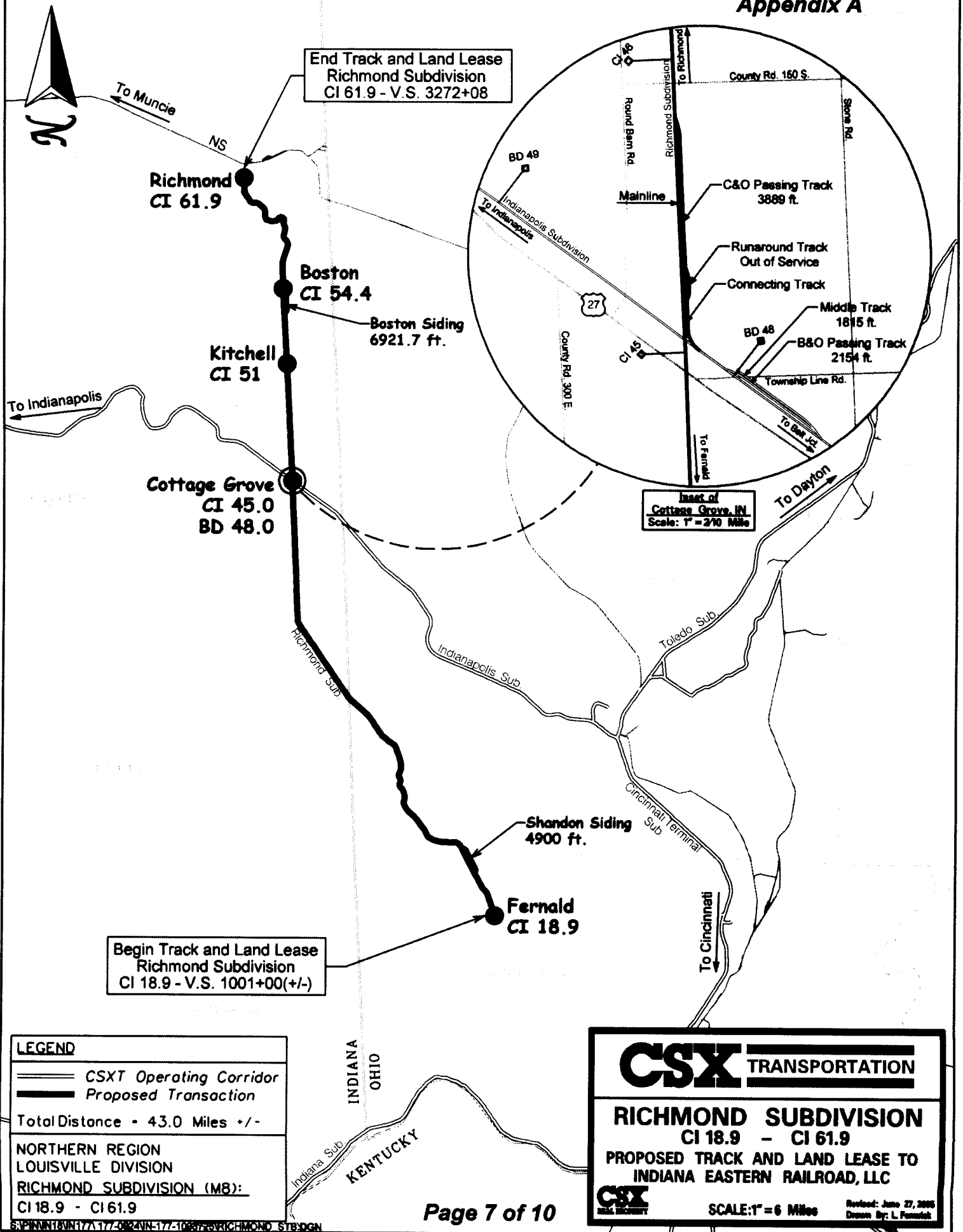
Respectfully submitted,

INDIANA EASTERN RAILROAD, LLC

By: 
Andrew P. Goldstein
Channing D. Strother, Jr.
McCarthy, Sweeney & Harkaway, P.C.
Suite 600
2175 K Street, N.W.
Washington, DC 20037
(202) 775-5560

Its Attorneys

Date Filed: July 22, 2005



CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO. 34727

**INDIANA EASTERN RAILROAD, LLC—
LEASE AND OPERATION EXEMPTION—LINE OF
CSX TRANSPORTATION, INC.**

Indiana Eastern Railroad, LLC (“Applicant”), a non-carrier, has filed a Notice of Exemption to lease and operate under a Land and Track Lease Agreement with CSX Transportation, Inc. a line of railroad that extends between Milepost No. CI 61.9 at or near Richmond, IN, and Milepost No. CI 18.9 at or near Fernald, OH a distance of 43.0 miles, including spur, industrial, team, switching, and side track, in Wayne, Union, and Franklin Counties, IN, and in Butler and Hamilton Counties, OH. CSX will retain overhead trackage rights until December 31, 2005 between Cottage Grove, IN, Milepost No. CI 45.0, and Fernald, Milepost No. CI 18.9, in order to conclude a contract with the U.S. Department of Energy to transport contaminated dirt. Comments must be filed with the Board and served on Applicant's representative, Andrew P. Goldstein, McCarthy, Sweeney & Harkaway, P.C., Suite 600, 2175 K Street, N.W., Washington, DC 20037, (202) 775-5560.

The Notice is filed under 49 C.F.R. § 1150.31. 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 re-

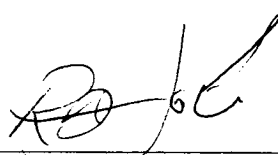
voke will not automatically stay the transaction.

By the Board

Vernon A. Williams, Secretary

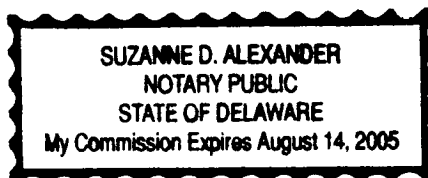
VERIFICATION

I, R. Douglas Jobe, being Vice President of Indiana Eastern Railroad, LLC, verify that I have read the foregoing Notice of Exemption and that its contents are true and correct to the best of my knowledge and belief. I further declare that I am qualified and authorized to submit this verification.



R. Douglas Jobe

Subscribed and sworn to before me this 12th day of July, 2005.


Notary Public