

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

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, NW, 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, NW, Suite 800, Washington, DC 20005-4797.

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

Vernon A. Williams,

Secretary.

[FR Doc. 99-18330 Filed 7-20-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33776]

Delaware and Hudson Railway Company, Inc.—Trackage Rights Exemption—New York State Department of Transportation

New York State Department of Transportation has agreed to grant full service trackage rights to Delaware and Hudson Railway Company, Inc. (D&H), over the South Bronx Oak Point Link, which is approximately 10,000 feet of railroad track from 800 feet north of the north end of the track support structure south to Harlem River Yard, then east 6,000 feet along an easement through the Harlem River Yard to the northeastern end of the easement at the Harlem River Yard property line at East 132nd Street between Walnut and Willow Streets.¹ According to applicants, the notice of exemption in STB Finance Docket No. 33776 is filed in connection with Surface Transportation Board Decision Nos. 109 and 123 in STB Finance Docket No. 33388 (Sub-No. 69).²

¹In *Delaware and Hudson Railway Company, Inc.—Trackage Rights Exemption—CSX Transportation, Inc. and New York Central Lines LLC*, STB Finance Docket No. 33771 (STB served July 8, 1999), D&H acquired overhead trackage rights from CSX Transportation, Inc. and New York Central Lines LLC, over lines generally between Schenectady, NY, and Fresh Pond Junction, NY. The scope of these rights and their terms were established by the Board in *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 Nos. 89, 109, and 123 (STB served July 23, 1998, December 18, 1998, and May 20, 1999, respectively).

²The responsive application filed jointly by the State of New York, acting by and through its Department of Transportation, and the New York City Economic Development Corporation, acting on behalf of the City of New York, in connection with the railroad control application in STB Finance Docket No. 33388, was docketed as STB Finance Docket No. 33388 (Sub-No. 69).

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 enhance rail competition for movements of traffic on the east side of the Hudson River.

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. 33776, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Eric von Salzen, Hogan & Hartson L.L.P., 555 Thirteenth Street, NW, Washington, DC 20004-1109.

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

Decided: July 14, 1999.

Vernon A. Williams,

Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-227 (Sub-No. 9X)]

Wheeling and Lake Erie Railway Company—Abandonment Exemption—in Harrison and Jefferson Counties, OH

On July 1, 1999, Wheeling & Lake Erie Railway Company (W&LE) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon its line of railroad known as the Valley Line extending from milepost 188.5 near Unionvale to milepost 205.54 near Warrenton, a distance of approximately 18 miles in Jefferson and Harrison Counties, OH. The line traverses U.S.

²A 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.