

5/1/72

CERTIFICATE AND ORDER

SERVICE DATE
MARCH 1, 1972

At a Session of the INTERSTATE COMMERCE COMMISSION, Review Board Number 5, held at its office in Washington, D. C., on the 25th day of January, 1972.

Finance Docket No. 26587

CENTRAL INDIANA RAILROAD CO.--ABANDONMENT--WESTFIELD,
HAMILTON COUNTY AND LEBANON, BOONE COUNTY,
INDIANA

Upon consideration of the application filed under section 1(18) of the Interstate Commerce Act on March 17, 1971, by the Central Indiana Railroad Company, a common carrier by railroad subject to the provisions of part I of the act, for a certificate of public convenience and necessity permitting the abandonment of its line of railroad from Milepost 25.9 west of Westfield, to Milepost 42.7 east of Lebanon, all within Hamilton and Boone Counties, Indiana, a distance of 16.8 miles; and of protests to said application filed (a) by International Minerals & Chemical Corp., of Gadsden, Ind., on the ground that loss of rail service would be detrimental to its business, and (b) by certain labor organizations on the ground that the proposed abandonment, if permitted, would have an adverse effect upon the employees of the applicant; and

It appearing, That by order entered June 22, 1971, the matter was assigned for handling under modified procedure and the parties were ordered to comply with the provisions of sections 1100.45(b) to 1100.54, inclusive, of the Commission's General Rules of Practice; that September 1, 1971, was fixed as the date on or before which protestants might file such verified statements in opposition to the application; that protestants did not file such verified statements; and that, therefore, the proceeding may now be disposed of without other formal proceedings as to the protestants; and

It further appearing, That only 99 cars moved over the line in 1970, and 38 in the first 6 months of 1971, that such a limited volume of traffic moved thereon is not sufficient to warrant or require the retention of the line; that rehabilitation expenditures are estimated to be in excess of \$226,000; that applicant and its parent company, Penn Central Transportation Co., Debtor, maintain that they incurred losses in operating the line in 1970 of (\$47,820); that adequate alternate transportation is available to the area in which the line is situated; and that the continued operation and maintenance of the line will result in a loss of such magnitude as to constitute an undue burden on applicant and upon interstate commerce:

It is hereby certified, That conditions for the protection of the public interest in Chicago, B. & O. R. Co. Abandonment of the present and future public convenience and necessity permit the abandonment by the Central Indiana Railroad Company of its line of railroad described

It is ordered, That this certificate shall take effect and be in force from and after the date of service; and that tariffs applicable to the line permitted to be abandoned may be filed and to the general public in the manner prescribed in the Interstate Commerce Act;

It is further ordered, That tariffs applicable to said line, schedules refer to this certificate number;

It is further ordered, That, if the applicant is granted is exercised, applicant shall file with the Commission two copies of the retirement of the line from service by the Commission in writing, immediately upon the date of railroad, the date on which the line is abandoned; and

It is further ordered, That, this certificate and order is not to be effective until its effective date, it shall have effect.

By the Commission, Review Board

(SEAL)

* Applicant maintains that its "Central Indiana Railroad Company" but its application as "Central Indiana Railroad Company" show only the existence of the line and that a certificate has been issued according to the provisions of the Interstate Commerce Act.

It is hereby certified, That, subject to the same conditions for the protection of employees as set forth in Chicago, B. & Q. R. Co. Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Central Indiana Railway Company of its line of railroad described above.

It is ordered, That this certificate and order shall take effect and be in force from and after 35 days from its date of service; and that tariffs applicable to the line herein permitted to be abandoned may be canceled upon notice to this Commission and to the general public by not less than 10 days' filing and posting in the manner prescribed in section 6 of the Interstate Commerce Act;

It is further ordered, That, when filing schedules canceling tariffs applicable to said line, the applicant shall in such schedules refer to this certificate and order by date and docket number;

It is further ordered, That, if the authority herein granted is exercised, applicant shall submit for the consideration of this Commission two copies of the journal entries showing the retirement of the line from service, and shall advise this Commission in writing, immediately after abandonment of the line of railroad, the date on which the abandonment actually took place; and

It is further ordered, That, if the authority granted in this certificate and order is not exercised within one year from its effective date, it shall be of no further force or effect.

By the Commission, Review Board Number 5.

ROBERT L. OSWALD,
Secretary

(SEAL)

* Applicant maintains that its "exact" corporate name is "Central Indiana Railroad Company" but it refers to itself in the application as "Central Indiana Railway Company". Our records show only the existence of the latter corporation and our certificate has been issued accordingly.

SERVICE DATE

MAR 28 1977

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ORDER

INTERSTATE COMMERCE COMMISSION

Finance Ticket No. 26587

CENTRAL INDIANA RAILROAD CO.--ABANDONMENT--WESTFIELD, HAMILTON
COUNTY AND LEBANON, MOONE COUNTY, INDIANA

PRESENT: VIRGINIA MAE BROWN, Commissioner, to whom the matter which is the subject
of this order has been assigned for action thereon.

It appearing, That pursuant to Section 304(h) of the Regional Rail Reorganization Act
of 1973 (Rail Act), the Central Indiana Railroad Company abandoned the line of railroad
between Westfield and Gadsden, Indiana, effective July 29, 1976;

It is ordered, That the said application be, and it is hereby dismissed for lack of
jurisdiction.

Dated at Washington, D.C., this 22nd day of March, 1977.

By the Commission, Commissioner Brown.

(SEAL)

ROBERT L. OSWALD
Secretary

NOTE: This decision is not a major Federal action significantly affecting the quality of
the human environment within the meaning of the National Environmental Policy Act
of 1969.