

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

In the matter of application by Texas South- X  
Eastern Railroad Company under Section 1(18) X  
of the Interstate Commerce Act for approval X Finance Docket  
of the abandonment of the operation of X  
trackage between Rusk and Palestine, all in X No. \_\_\_\_\_  
the State of Texas, owned by and leased from X  
Texas State Railroad X

APPLICATION

To the Interstate Commerce Commission:

As required by Section 1(18) of the Interstate  
Commerce Act, as amended (Title 29 U. S. C. Section 1, Para.  
(18) ), this application is being made by Texas South-Eastern  
Railroad Company for authority to abandon its operation of  
trackage between the cities of Rusk and Palestine in the State  
of Texas, which is owned by Texas State Railroad and leased  
by Texas South-Eastern Railroad Company (sometimes hereinafter  
called "Applicant") and pursuant to the regulations of the  
Interstate Commerce Commission, governing such applications,  
the following information is submitted:

I. CONTENTS OF APPLICATION:

(a) The exact corporate name of the Applicant is:  
Texas South-Eastern Railroad Company, and its business

address is Diboll, Angelina County, Texas. (No Street Address)

(b) Applicant is a carrier by Railroad subject to the provisions of the Interstate Commerce Act.

(c) The route and termini of the line over which the operations of Applicant are sought to be abandoned are as follows: all in the State of Texas, between Palestine, Anderson County, one termini, through Vercal, Deanwright, Kossuth, Jarvis, Herring, Mewhaw, Java, Mandelle, Beam's Creek, McCrossin and North Rusk to Rusk, in Cherokee County, its other termini, being a total distance of 33.03 miles.

(d) Applicant seeks only to abandon its operation of the trackage hereinabove referred to.

(e) With the approval of the Interstate Commerce Commission (Finance Docket No. 22193), Applicant entered into a lease agreement with the Board of Managers of the Texas State Railroad, the term of which began January 1, 1963, for a term of two years, with the option to renew said lease for successive five year terms. Applicant exercised an option to renew said lease for an additional five year term which term expires December 31, 1969. Effective as of December 31, 1969, applicant desires to abandon its operation of this leased trackage, inasmuch as Applicant, in

the operation of this trackage, has incurred considerable losses.

(f) Correspondence with respect to this Application should be addressed to: Ward R. Burke, General Counsel, c/o Burke & Leach, P. O. Box 777, Diboll, Texas, and Renfrow, Zeleskey, Cornelius, Rogers & Berry, Attorneys at Law, Attention: Walter L. Borgfeld, P. O. Drawer 1448, Lufkin, Texas.

(g) Applicant is a corporation organized and existing under the laws of the State of Texas and is authorized to operate only in the State of Texas.

(h) The Board of Directors of Texas South-Eastern Railroad Company, Applicant, authorized and directed the making of this Application pursuant to a resolution passed at a meeting of the Board of Directors on the 9th day of December, 1968, held at the offices of Applicant, a certified copy of which is attached hereto and marked as Exhibit 1 to this Application.

(i) Section 42.1, Subsection (i) of the regulations of the Interstate Commerce Commission relating to information to be contained in the application for permission to abandon lines of Railroad or operation thereof, is not applicable to this Application.

(j) As Exhibit 2 to this Application, there is attached a situation map of the line over which Applicant proposes to abandon its operations.

WHEREFORE, Applicant prays that the Commission issue an order herein approving and authorizing the abandonment of its operation over the hereinabove described trackage.

Respectfully submitted,

TEXAS SOUTH-EASTERN RAILROAD  
COMPANY

ATTEST:

By \_\_\_\_\_  
W. Temple Webber, President

\_\_\_\_\_  
Secretary

THE STATE OF TEXAS X

COUNTY OF ANGELINA X

W. Temple Webber, being duly sworn, deposes and says that he is President of the Texas South-Eastern Railroad Company, Applicant in the foregoing Application and as such President has been duly authorized to sign, verify and file the foregoing Application, that he has read said Application and the Exhibits attached thereto and knows the contents thereof; and that the matters and things set forth therein are true in substance and fact to the best of his knowledge,

information and belief.

\_\_\_\_\_  
President

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public  
in and for Angelina County, Texas, on this \_\_\_\_\_ day of  
\_\_\_\_\_, 1969.

\_\_\_\_\_  
Notary Public, Angelina County, Texas

My Commission Expires:  
June 1, 1971

EXHIBIT 1

CERTIFIED COPIES OF RESOLUTIONS OF BOARD OF  
DIRECTORS OF TEXAS SOUTH-EASTERN RAILROAD COMPANY

THE STATE OF TEXAS       X

COUNTY OF ANGELINA       X

I, Don D. Harrison, Secretary of Texas South-Eastern Railroad Company, do hereby certify that the Board of Directors of said Company, at a Directors meeting, duly assembled on the 9th day of December, 1968, passed by unanimous vote, the following resolutions:

"Resolved, that Texas South-Eastern Railroad Company make application or applications to the Interstate Commerce Commission for authority to terminate its operation of a trackage owned by Texas State Railroad running between the cities of Palestine, Anderson County, Texas, and Rusk, Cherokee County, Texas, which was leased by the Company from Texas State Railroad, said operations to be terminated as of December 31, 1969, the expiration date of said lease; and,

"Be it further resolved, that W. Temple Webber, President, and Arthur Temple, Jr., Executive Vice President, or either of them, be, and they are hereby, designated as proper executive officers to sign, seal, verify or acknowledge and file any such application or applications (including supplements thereto and any amendments thereof) and to sign, seal, verify or acknowledge and file any and all necessary documents in connection with such

application or applications and to take such other action in connection therewith as they may deem appropriate or desirable."

I, Don D. Harrison, do hereby certify that I am the duly elected and qualified Secretary of Texas South-Eastern Railroad Company, and that the above is an exact copy taken from the minutes of the meeting of the Board of Directors of Texas South-Eastern Railroad Company, held at Diboll, Texas, on December 9, 1968. I further certify that approval and authorization of the shareholders is not required for the proposed transactions in the making of this application, and I further certify that the above resolutions have not been altered, amended or modified and are still in full force and effect.

GIVEN UNDER MY HAND AND SEAL of said Corporation at its office at Diboll, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 1969.

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Don D. Harrison, Secretary of  
Texas South-Eastern Railroad Company

Exhibit 2

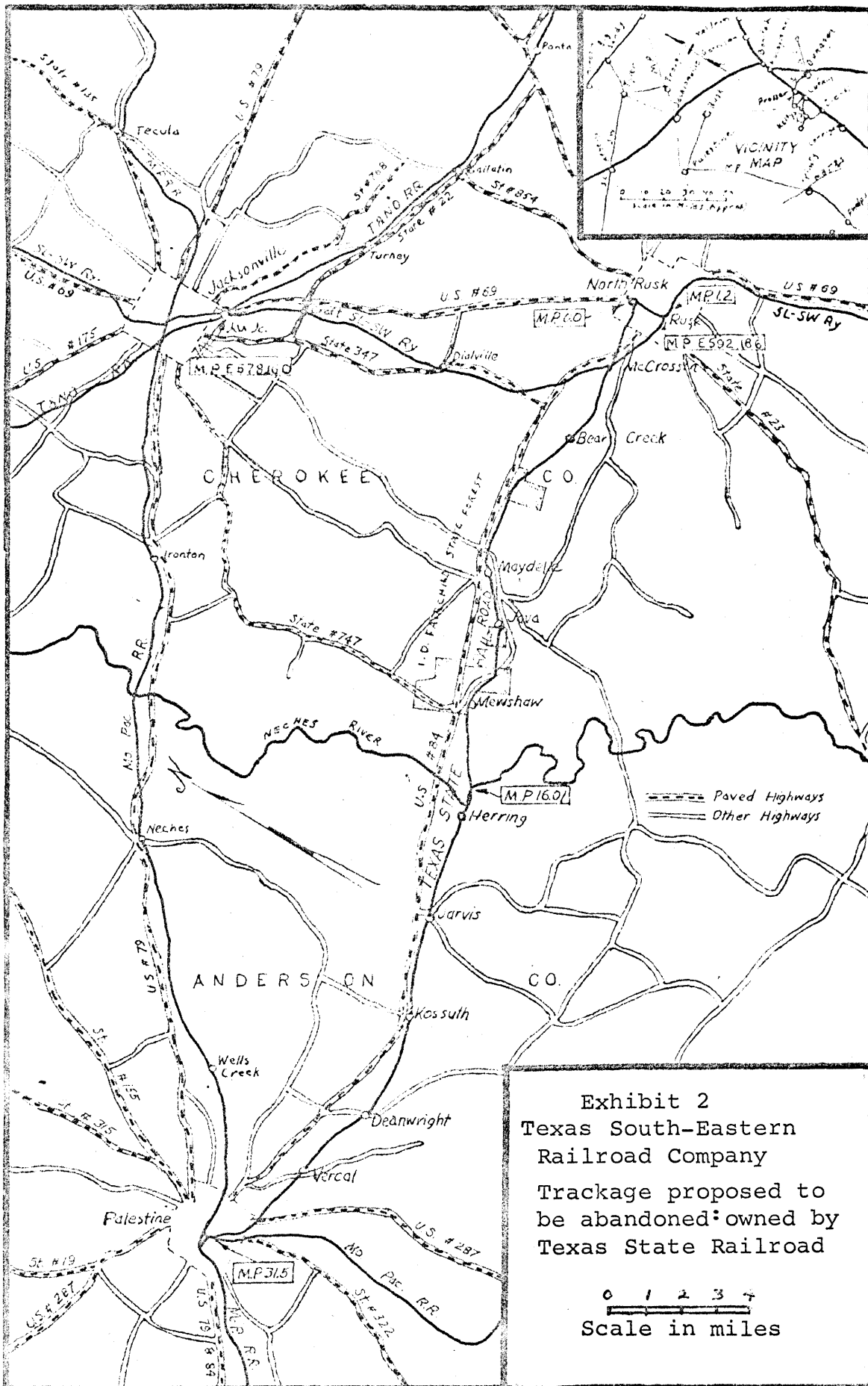


Exhibit 2  
 Texas South-Eastern  
 Railroad Company  
 Trackage proposed to  
 be abandoned: owned by  
 Texas State Railroad

0 1 2 3 4  
 Scale in miles