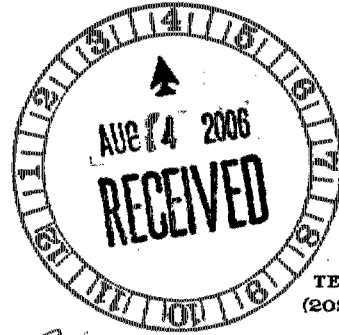


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Re: STB Finance Docket No. 33388 (Sub-No. 100)
Petition for Clarification Or In the Alternative For
Supplemental Order-North Jersey Shared Assets Area

Dear Counsel:

Enclosed herewith are Petitioners Bridgewater Resources, Inc.'s and ECDC Environmental, L.L.C.'s Discovery Requests to CSX, NS and Conrail in the above-referenced proceeding. These discovery requests are being served pursuant to the STB's decision herein served July 31, 2006. They replace the initial discovery requests served on NS and Conrail on January 30, 2006.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



CSX CORPORATION AND CSX	)	
TRANSPORTATION, INC., NORFOLK	)	
SOUTHERN CORPORATION AND	)	
NORFOLK SOUTHERN RAILWAY	)	Finance Docket No. 33388
COMPANY – CONTROL AND	)	(Sub-No. 100)
OPERATING LEASES/AGREEMENTS –	)	
CONRAIL INC. AND CONSOLIDATED	)	
RAIL CORPORATION	)	(Petition for Supplemental Order)

PETITIONERS' DISCOVERY REQUESTS TO APPLICANTS

Petitioners Bridgewater Resources, Inc. ("BRI") and ECDC Environmental, L.L.C. ("ECDC"), pursuant to 49 C.F.R. §§ 1114.21, 1114.26 and 1114.30 and the Board's decision in this proceeding served July 31, 2006, hereby submit the following Interrogatories and Document Production Requests to Applicants CSX Corporation and CSX Transportation, Inc. (Collectively "CSX"), Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively "NS") and Conrail Inc. and Consolidated Rail Corporation (collectively "Conrail").

BRI/ECDC originally served discovery requests in this proceeding on NS and Conrail on January 30, 2006. Those original discovery requests are hereby withdrawn and replaced by these revised discovery requests, pursuant to the Board's July 31, 2006 decision.

Responses to interrogatories and copies of responsive documents should be delivered to the offices of Slover & Loftus, 1224 Seventeenth Street, N.W., Washington,

D.C. 20036, not later than fifteen days after service hereof, or by August 19, 2006, unless otherwise agreed by the parties. BFI/ECDC are prepared to cooperate with Applicants to facilitate the expeditious production of documents with the minimum practicable burden.

BRI/ECDC understand and acknowledge that responses to these discovery requests may involve the production of confidential information or materials that should be treated pursuant to the terms of the Protective Order entered in STB Finance Docket No. 33388 on April 16, 1997. Their outside counsel and consultants have signed the "Undertaking-Highly Confidential Material" appended to the Protective Order, and their in-house employees who have a need to review materials designated as "Confidential" have signed the Undertaking-Confidential Material" appended to the Protective Order.

I. DEFINITIONS AND INSTRUCTIONS

1. "BRI facility" means the rail-served waste transfer facility owned and operated by BRI located north of Port Reading Junction and south of Bound Brook Junction in Bridgewater Township, Somerset County, NJ.

2. "Communications" means communications by any means or medium, including but not limited to conversation, telephone conversation, meeting discussion, facsimile, e-mail or other electronic transmission, correspondence, memorandum and pleading.

3. "Conrail" means Conrail Inc. and Consolidated Rail Corporation, their present or former employees, agents, counsel, officers, directors, divisions,

departments, predecessors and their subsidiaries, or any of them, and all other persons acting (or who have acted) on their behalf.

4. "CSX" means CSX Corporation, CSX Transportation, Inc., New York Central Lines LLC ("NYC"), their present or former employees, agents, counsel, officers, directors, advisors, consultants, divisions, departments, predecessors (including but not limited to Conrail) and their subsidiaries, or any of them, and all other persons acting (or who have acted) on their behalf.

5. "Document(s)" means all writings or visual displays of any kind, whether generated by hand or mechanical means, including, without limitation, photographs, lists, memoranda, reports, notes, letters, phone logs, e-mails, contracts, drafts, workpapers, computer printouts, computer tapes, telecopies, telegrams, newsletters, notations, books, affidavits, statements (whether or not verified), speeches, summaries, opinions, studies, analyses, evaluations, statistical records, proposals, treatments, outlines, any electronic or mechanical records or representations (including physical things such as, but not limited to, computer disks), and all other materials of any tangible medium or expression, in NS's or Conrail's current or prior possession, custody or control. A draft or non-identical copy is a separate document within the meaning of this term.

6. "Final System Plan" means the Final System Plan defined in 45 U.S.C. § 702(8) and published by the United States Railway Association pursuant to 45 U.S.C. §§ 716 and 717.

7. "Identify," when referring to a document, means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) or recipient(s).

8. "Identify," when referring to information, means to list or produce documents containing the specified information.

9. "NJSAA" means the North Jersey Shared Assets Area as described in the Surface Transportation Board's Decision No. 89 in the Conrail control proceeding (*CSX Corp., et al. – Control – Conrail Inc., et al.*, 3 S.T.B. 196 (1998)).

10. "NS" means Norfolk Southern Corporation, Norfolk Southern Railway Company, Pennsylvania Lines LLC ("PRR"), their present or former employees, agents, counsel, officers, directors, advisors, consultants, divisions, departments, predecessors (including but not limited to Conrail) and their subsidiaries, or any of them, and all other persons acting (or who have acted) on their behalf.

11. "Person" means natural persons, corporations, institutions, partnerships, firms, joint ventures, associations, political subdivisions or other legal entities, as the case may be.

12. "Reading Connector" means the deactivated track or line of railroad, a/k/a the Reading Company New York Branch, a/k/a the Raritan Valley Connecting Track, and identified as Line Code 0326, that extended between a point of connection with the former Conrail Reading Line (now known as the Trenton Line) at or near

Manville, NJ and a point of connection with the former Conrail (now NJ Transit) Raritan Valley Line at or near Bound Brook Junction, NJ.

13. "Related," "related to," and "relating to" mean and include making a statement discussing, describing, referring to, reflecting, explaining, analyzing, or in any way pertaining to, in whole or in part, the subject matter of the Interrogatory or Request.

14. "Split Date" means June 1, 1999, the date when the division of assets of Conrail by NS and CSX took place.

15. "And," "or," and/or "each" shall be construed in the disjunctive or conjunctive as necessary in order to bring within the scope of each Interrogatory or Request all responsive information or documents which otherwise might be construed as outside the scope of the Interrogatory or Request. All use of the masculine gender shall be deemed to include the feminine.

16. Unless a different time period is specified or otherwise implicated, (*e.g.*, by reference to the Final System Plan), these discovery requests cover the period from and after January 1, 1994.

17. Unless otherwise expressly indicated, CSX, NS and Conrail are each requested to respond separately to each interrogatory and document production request.

18. If, in response to these requests, documents are produced in computer-readable format, for each computer file supplied provide:

- a. The name and description of the source database or other file from which the records in the computer file were selected;

- b. A description of how the records in the file produced were selected;
- c. The name, title and location of the individual (or contractor) responsible for developing the data responsive to the request;
- d. Each computer program (in native software and text file) and intermediate file used in deriving the files produced; and
- e. Any decoders needed to read or interpret the data in the file.

19. If an answer or the production of any responsive document is withheld under 49 C.F.R. § 1114.30(a)(1) on the basis of a claimed privilege or attorney work product, then for each such answer or document, provide the following information: its date, type (*e.g.*, letter, meeting, notes, memo, *etc.*), author (note if author is an attorney), addressee(s)/recipient(s) (note if addressee(s) or recipient(s) is an attorney), general subject matter, and basis for withholding the information. If the production of any requested document is withheld for claimed grounds other than privilege or attorney work product, state with specificity the basis for such withholding.

20. If a responsive document was, but is no longer in CSX's, NS's or Conrail's possession, custody or control, describe what disposition was made of it.

21. In the event CSX, NS or Conrail objects to producing any documents on grounds that it does not maintain the information described in the form or format requested by BRI/ECDC, please produce the documents which contain such information in whatever form or format CSX, NS or Conrail does maintain such information.

II.

INTERROGATORIES

Interrogatory No. 1:

Please identify all property, including tracks, signals, signal and interlocking circuits, derails, right-of-way and other rail facilities, included in or covered by the controlled point ("CP") at Port Reading Junction, NJ.

Interrogatory No. 2:

Please indicate the point on the Lehigh Line (including the Royce Running Track) west of the switch connection between the Lehigh Line and the Trenton Line at Port Reading Jct. where Conrail's track, signals and other facilities maintenance obligation ends and NS's track, signals and other facilities maintenance obligation begins.

Interrogatory No. 3:

Please describe the present status and disposition of the Reading Connector, including but not limited to:

- a. The status and/or disposition of the line under the Final System Plan;
- b. Whether authority was sought and obtained from the ICC, STB or other governmental authority to abandon or discontinue service on the Reading Connector or any part thereof; and if so, the docket number, the date when the abandonment or discontinuance authority became final, and the date when the abandonment or discontinuance authority was exercised; and
- c. Whether the Reading Connector or any part thereof (including the underlying right-of-way) was sold or leased to another person(s), and if so, the date of the sale or lease, the name of the person(s) to which the property was sold or leased, and the specific property sold or leased.

Interrogatory No. 4:

If the portion of the Reading Connector that crossed the Lehigh Line at grade in the vicinity of Port Reading Jct. were reconstructed/restored to service, either by order of the STB or otherwise, please describe the extent to which the restored Reading Connector would be located within the CP at Port Reading Jct. or otherwise located within the NJSAA.

Interrogatory No. 5:

Please describe (a) Conrail's ownership and operating rights with respect to the line segment identified as the "GSA Lead" and described as extending from "NS Lehigh Line Conn." to "CSX Trenton Line" in the list of CRC Retained Assets on page 102 of Volume 8B of the Railroad Control Application in STB Finance Docket No. 33388, and (b) what this line segment is used for.

Interrogatory No. 6:

Please identify any line segments or rail facilities located within the NJSAA that are not owned by Conrail.

Interrogatory No. 7:

Please identify the point(s) on NJ Transit's Raritan Valley Line west of Bound Brook, NJ where (a) Conrail's property ownership interest(s) end and (b) west of which NS alone presently provides switching service to and from shipping and receiving facilities.

Interrogatory No. 8 (to NS only):

Please state where the point on the former Lehigh Valley Railroad (now NJ Transit's Raritan Valley) line representing the beginning of the portion of that line that Conrail transferred to Pennsylvania Lines LLC by quitclaim deed, as described in paragraph 2 on page 5 of Exhibit B to NS's February 9, 2006 Motion to Dismiss BRI/ECDC's Petition in this proceeding, is located in relation to Bound Brook Junction (the point where the former Reading Connector connected with what is now the Raritan Valley line).

Interrogatory No. 9 (to Conrail only):

Please state whether Conrail provides or has provided, since the Split Date, switching service to any shipping or receiving facility that is located on right-of-way, property or track in or near the NJSAA that Conrail does not own under the Shared Assets Area Operating Agreement for North Jersey and/or any other agreements implementing the Conrail control transaction approved by the Board in Decision No. 89 in Finance Docket No. 33388. If the answer to this question is affirmative, please identify (a) each facility to or from which switching service is or has been provided since the Split Date, including its location and the name of the shipper or receiver involved, (b) the traffic switched, and (c) the name of the yard(s) or other points to or from which Conrail delivered or received the traffic to/from NS or CSX.

III.

DOCUMENT PRODUCTION REQUESTS

Request for Production No. 1:

Please produce all documents related to the establishment of the boundaries of the NJSAA in the vicinity of Port Reading Junction/Manville, NJ, including but not limited to documents describing what is meant by/included within CP-Port Reading Jct.

Request for Production No. 2:

Please produce all documents defining the boundaries of the NJSAA in the vicinity of Port Reading Junction/Manville, NJ, including but not limited to the following (note: if a document was included in the Application in Finance Docket No. 33388 you may identify the location of the document in the Application rather than producing a separate copy thereof):

- a. color-coded maps or schematics showing railroad lines in New Jersey north of Trenton prepared and/or used by CSX, NS and/or Conrail in connection with CSX's and NS's agreement to divide the assets of Conrail and establish the NJSAA;
- b. maps, schematics or other documents identifying the specific cut points establishing the limits of the NJSAA in the vicinity of Port Reading Junction/Manville, NJ;
- c. maps, schematics or other documents identifying (1) the rail lines in the vicinity of Port Reading Jct./Manville/Bound Brook Jct., NJ but located outside the limits of the NJSAA that are subject to any form of trackage or operating rights, and (2) which carrier(s) have such rights over which specific lines;
- d. maps, schematics or other documents identifying customer rail shipping and receiving facilities located within the NJSAA in the vicinity of Bound Brook, Bound Brook Junction, Port Reading Junction and Manville, NJ; and

- e. maps, schematics or other documents identifying which rail carrier(s) would have and/or have had the ability to physically serve each customer rail shipping and receiving facility identified in response to (d) above (including without limitation the BRI facility) after the Split Date.

Request for Production No. 3 (to Conrail only):

Please produce all documents related to the sale, lease, abandonment or other disposition of the Reading Connector or any part thereof (including but not limited to treatment or disposition thereof under the Final System Plan).

Request for Production No. 4:

Please produce a copy of the current Local Movement Guidelines as described in Sections 1(aa) and 3(a)(v) of the Applicants' Shared Assets Area Operating Agreement for North Jersey.

Request for Production No. 5:

Please produce copies of the current track charts or condensed profiles for the trackage included within the CP at Port Reading Jct. and for portions of the Lehigh Line and Trenton Line located within five miles in any direction from the CP at Port Reading Jct.

Request for Production No. 6:

Please produce copies of property or valuation maps showing the current property ownerships, rights-of-way and leaseholds for the railroad-owned portions of all trackage described in Request for Production No. 5 above.

BRIDGEWATER RESOURCES, INC.
and ECDC ENVIRONMENTAL, L.L.C.

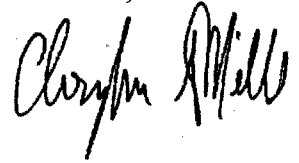
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