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SERVICE DATE - APRIL 19, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33721]

Norfolk Southern Railway Company and The Cincinnati, New Orleans & Texas Pacific Railway Company—Trackage Rights Exemption—Consolidated Rail Corporation, at Columbus, OH

Consolidated Rail Corporation (CRC) has agreed to grant overhead trackage rights¹ to Norfolk Southern Railway Company, on behalf of itself and its wholly owned subsidiary The Cincinnati, New Orleans & Texas Pacific Railway Company (collectively referred to as NS), over a total distance of approximately 5.4 miles of CRC's lines at Columbus, Franklin County, OH, as follows: (1) between approximately milepost CP-134.3, at Clintonville Connection, and the connection between the parties at approximately milepost 138.0, at CP 138 near Scioto, a distance of approximately 3.7 miles on CRC's Columbus Line; and (2) between approximately milepost 138.0, at CP 138, and approximately milepost 139.7, in the vicinity of Auburn Switch, a distance of approximately 1.7 miles on CRC's Cincinnati Line.²

¹ These trackage rights extend a trackage rights arrangement previously exempted by the Board on a line between Columbus and Cincinnati, OH. See Norfolk and Western Railway Company and The Cincinnati, New Orleans and Texas Pacific Railway Company--Trackage Rights Exemption--Consolidated Rail Corporation, Finance Docket No. 32843 (STB served Jan. 24, 1996). The trackage rights will permit NS to utilize its newly constructed and more efficient Clintonville Connection.

² As part of the transaction approved by the Board in CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements, STB Finance Docket No. 33388 (STB served July 23, 1998) (Decision No. 89), NS was authorized to obtain trackage rights over the
(continued...)

The transaction is scheduled to be consummated on or after April 14, 1999.

The trackage rights will permit NS to move overhead traffic more safely, efficiently, and quickly through the Columbus area.

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. 33721, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on James R. Paschall, Esq., Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510-2191.

²(...continued)

portion of the line between milepost CP-134.3 and milepost CP-138.0 and was authorized to operate over the portion of the line between milepost CP-138.0 and milepost CP-139.7. Thus, once NS acts on those authorizations, which the applicants in STB Finance Docket No. 33388 have projected to be on approximately June 1, 1999, the trackage rights included in this notice will no longer be required, but NS will continue to provide service over these lines after that date pursuant to the other authorizations in Decision No. 89.

STB Finance Docket No. 33721

Board decisions and notices are available on our website at “WWW.STB.DOT.GOV.”

Decided: April 13, 1999.

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

Vernon A. Williams

Secretary