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SERVICE DATE - JULY 16, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33767]

CSX Transportation, Inc.--Trackage Rights Exemption--Grand Trunk Western Railroad  
Incorporated

Grand Trunk Western Railroad Incorporated (GTW), a wholly owned subsidiary of Canadian National Railway Company (CN), has agreed to grant non-exclusive overhead trackage rights to CSX Transportation, Inc. (CSXT), over main line track of GTW between the proposed CN/Consolidated Rail Corporation (CRC) connection at Milwaukee Junction, Detroit, MI, near milepost 54.6 and the existing CN connection with Norfolk Southern Railway Company (NSR) at West Detroit, MI,<sup>1</sup> near milepost 50.2, on CN's Shoreline Subdivision, a total distance of approximately 4.4 miles.<sup>2</sup> The purpose of the trackage rights is to improve service to customers by reducing congestion and delays in the West Detroit, Delray and Ecorse Junction, MI areas. The transaction was expected to be consummated on or after July 6, 1999 (the effective date of the exemption was July 5, 1999, 7 days after

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<sup>1</sup> CSXT has the right to enter and exit the involved trackage at the proposed Milwaukee Junction connection and the existing connection at West Detroit or at other points that may be agreed upon by the parties.

<sup>2</sup> A redacted version of the trackage rights agreement between CSXT, CRC, NSR and GTW 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 will be addressed in a separate decision. CRC and NSR are also apparently filing similar notices of exemption with the Board.

notice of the exemption was filed).

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 & 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. 33767, 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 Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street (J150), Jacksonville, FL 32202.

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

STB Finance Docket No. 33767

Decided: July 12, 1999.

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

Vernon A. Williams

Secretary