

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

NORTH AMERICA FREIGHT CAR  
ASSOCIATION

Complainant,

v.

BNSF RAILWAY COMPANY, CSX  
TRANSPORTATION, INC., CANADIAN  
NATIONAL RAILWAY COMPANY,  
KANSAS CITY SOUTHERN RAILWAY  
COMPANY, NORFOLK SOUTHERN  
RAILWAY, CANADIAN PACIFIC  
RAILWAY COMPANY, UNION PACIFIC  
RAILROAD COMPANY, AND  
ASSOCIATION OF AMERICAN  
RAILROADS

Defendants.

233486  
ENTERED  
Office of Proceedings  
December 10, 2012  
Part of  
Public Record

Docket No. NOR 42137

**ANSWER OF CSX TRANSPORTATION, INC. TO COMPLAINT**

CSX Transportation, Inc. ("CSXT") respectfully submits this Answer to the Complaint filed by North America Freight Car Association in this proceeding. CSXT adopts and incorporates by reference the Answer of the Association of American Railroads ("AAR") in response to all allegations in the Complaint, except to the extent that CSXT lacks sufficient information to either admit or deny certain allegations as delineated below. CSXT denies all allegations that are not specifically admitted herein or through reference to the Answer of the AAR.

In response to the unnumbered Paragraph beginning on page 2 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

In response to the “Jurisdiction” Paragraph on pages 2 and 3 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

With respect to the numbered paragraphs of the Complaint, CSXT responds as follows:

1. With respect to the allegations in Paragraph 1 of the Complaint, CSXT lacks sufficient information to admit or deny Complainant’s allegations about the specific percentage of freight cars in interchange service. CSXT otherwise adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

2. With respect to the allegations in Paragraph 2 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

3. With respect to the allegations in Paragraph 3 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

4. With respect to the allegations in Paragraph 4 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

5. With respect to the allegations in Paragraph 5 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

6. With respect to the allegations in Paragraph 6 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

7. With respect to the allegations in Paragraph 7 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

8. With respect to the allegations in Paragraph 8 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

9. With respect to the allegations in Paragraph 9 of the Complaint, CSXT lacks sufficient information to admit or deny Complainant’s allegations about the specific timing of

reductions to the level for a condemnable HI reading and the amount of such reductions. CSXT otherwise adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

10. With respect to the allegations in Paragraph 10 of the Complaint, CSXT lacks sufficient information to admit or deny Complainant's allegations about the specific timing of reductions to the level for a condemnable HI reading and the amount of such reductions. CSXT otherwise adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

11. With respect to the allegations in Paragraph 11 of the Complaint, CSXT lacks sufficient information to admit or deny Complainant's allegations about the specific timing of proposed reductions to the level for a condemnable HI reading and the amount of such proposed reductions. CSXT otherwise adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

12. With respect to the allegations in Paragraph 12 of the Complaint, CSXT lacks sufficient information to admit or deny the second and third sentences of the Paragraph. CSXT otherwise adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

13. With respect to the allegations in Paragraph 13 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to the first sentence of this Paragraph. CSXT lacks sufficient information to admit or deny the remainder of Paragraph 13.

14. With respect to the allegations in Paragraph 14 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

15. With respect to the allegations in Paragraph 15 of the Complaint, CSXT adopts and incorporates by reference the Answer of AAR with respect to this Paragraph.

**COUNT I**

CSXT adopts and incorporates by reference the Answer of AAR with respect to the three Paragraphs of Count I of the Complaint.

**COUNT II**

CSXT adopts and incorporates by reference the Answer of AAR with respect to the three Paragraphs of Count II of the Complaint.

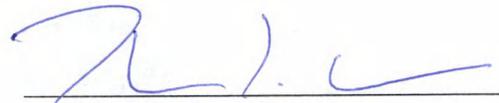
**COUNT III**

CSXT adopts and incorporates by reference the Answer of AAR with respect to the three Paragraphs of Count III of the Complaint.

**RELIEF REQUESTED**

CSXT adopts and incorporates by reference the Answer of AAR with respect to the four Paragraphs in the Relief Requested section of the Complaint.

Respectfully submitted,



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*Counsel to CSX Transportation, Inc.*

Dated: December 10, 2012

## CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of December, 2012, I caused a copy of the foregoing Answer of CSX Transportation, Inc., to be served on the following parties by electronic mail and first class mail, postage prepaid:

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And separately on counsel for each Defendant.



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Matthew J. Warren