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May 16, 2014

236052

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings  
May 15, 2014  
Part of  
Public Record

RE: Docket No. FD 35804, *CSX Transportation, Inc., The Baltimore & Ohio Chicago Terminal Railroad Company, and Norfolk Southern Railway Company—Joint Relocation Project Exemption—Gary-Chicago International Airport Authority*

Dear Ms. Brown:

By Notice of Exemption in the above-entitled proceeding, filed on May 5, 2014, CSX Transportation, Inc., The Baltimore & Ohio Chicago Terminal Railroad Company, and Norfolk Southern Railway Company (collectively the “Parties”) sought exemption for a joint project involving the relocation of lines of railroad which does not disrupt service to shippers that will foster improvements to the Gary-Chicago International Airport Authority.

In the Notice, the Parties erroneously requested that (1) any employees affected by the line acquisitions encompassed by this notice will be protected by the conditions imposed in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), as modified by *Wilmington Term. RR, Inc.-Pur. & Lease-CSX Transp., Inc.*, 6 I.C.C.2d 799 (1990), and (2) any employees affected by the abandonments encompassed by this notice will be protected by the conditions imposed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

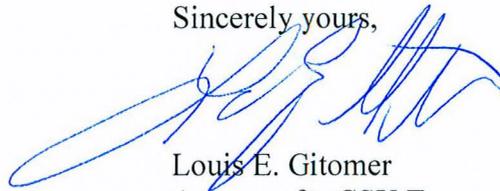
In joint relocation projects, the traditional labor protection imposed is *Norfolk and Western Railway Co.—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605, 610-15 (1978), as modified in *Mendocino Coast Railway, Inc.—Lease & Operate—California Western Railroad*, 360 I.C.C. 653, 664 (1980) (the “*N&W Conditions*”). See *BNSF Railway Company, CBEC Railway Inc., Iowa Interstate Railroad, Ltd., and Union Pacific Railroad Company—Joint Relocation Project Exemption—In Council Bluffs, Iowa*, Docket No. FD 35755 (served October 13, 2013) and *Illinois Railway, L.L.C., Chicago, Central & Pacific Railroad Company and Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific—Joint Relocation Project Exemption—in Rockford, Ill.*, Docket No. FD 35590 (served December 21, 2012).

In order to comply with Board precedent, the Parties request that the Board permit the amendment of the Notice and impose the *N&W Conditions* on the proposed joint relocation project.

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Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "L. Gitomer", with a large, sweeping flourish extending to the left.

Louis E. Gitomer  
Attorney for CSX Transportation, Inc.

Cc: Mr. Mullins