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SERVICE DATE – LATE RELEASE JUNE 15, 2010

SURFACE TRANSPORTATION BOARD

Docket No. FD 35348

DECISION

CSX TRANSPORTATION, INC. AND DELAWARE AND HUDSON RAILWAY
COMPANY, INC.—JOINT USE AGREEMENT

Decision No. 3

Decided: June 15, 2010

NOTICE TO THE PARTIES:

The attached service list has been compiled from notices of intent to participate, submitted in accordance with the procedural schedule set forth in Decision No. 2, served on May 27, 2010, and published in the Federal Register at 75 Fed. Reg. 29,805-10 (May 27, 2010).

Each person actively participating as a Party of Record in this proceeding must, by June 22, 2010, serve a copy of all filings submitted so far in this proceeding on each Party of Record (designated on the attached service list as “Party of Record”) to the extent such filings have not previously been served upon such other parties. Each Party of Record also will be required to file with the Board, by June 22, 2010, a certificate of service, indicating that the service required by the preceding sentence has been accomplished.

Any document filed in this proceeding must be filed either via the Board’s e-filing format or in the traditional paper format. Any person e-filing a document should attach a document and otherwise comply with the instructions found on the Board’s website at “www.stb.dot.gov” at the “E-FILING” link. Any person filing a document in the traditional paper format should send to the Board an original and 10 paper copies of the document (and also an electronic version).

Every filing made by a Party of Record after the service date of this Notice must have its own certificate of service indicating that all Parties of Record on the service list have been served with a copy of the filing. As stated in Decision No. 2, Members of the United States Congress and Governors are not parties of record and, therefore, need not be served with copies of filings, unless any such Member of Congress or Governor has requested to be, and is designated as, a Party of Record.

All persons on the attached service list should review the list and determine whether information about their address and status (as a Party of Record or Non-Party) is correct. The list reflects the Board’s policy of allowing only 1 official representative per party to be placed on the service list. In this proceeding, if a request was made in the notice of intent to participate to have

more than 1 name added to the service list as a Party of Record representing a particular entity, the extra name was added to the service list as a “Non-Party.” Any person designated as a Non-Party will receive copies of Board decisions, orders, and notices but not copies of official filings. Persons seeking to change their status must accompany that request with a written certification that he or she has complied with the service requirements set forth at 49 C.F.R. § 1180.4, and any other requirements set forth in Decision No. 2 and this notice.

Requests to change or correct service list information, or to be deleted from the service list, must be filed **in writing** with the Board by June 22, 2010. Parties must submit such requests either via the Board’s e-filing format or in the traditional paper format (an original plus 10 copies). Requests submitted in the paper format should be directed to:

Surface Transportation Board
Re: Docket No. FD 35348
395 E Street, S.W.
Washington, DC 20423-0001

By the Board, Rachel D. Campbell, Director of the Office of Proceedings.

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