

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35131

VAUGHAN RAILROAD COMPANY—CONSTRUCTION AND OPERATION
EXEMPTION—IN MONONGALIA COUNTY, WV

Decided: August 25, 2008

By petition filed on June 3, 2008, The Vaughan Railroad Company (Vaughan), a Class III rail carrier, seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct and operate a 5.55-mile rail line all in Monongalia County, WV, between a connection with an existing rail line of Norfolk Southern Railway Company (NSR) and a new coal mine currently under development by Wolfpen Knob Development Company (Wolfpen) near Wadestown, approximately 23 miles west of Morgantown.¹ According to Vaughan, the proposed line will connect with NSR's Wana Spur just south of the Pennsylvania-West Virginia border at NSR milepost 0.55, extend in a southwesterly direction along the West Virginia Fork of Dunkard Creek to a point just northeast of Wadestown, and then turn northwest to reach a loading loop track that will be adjacent to the new mine.

Following the completion of the proposed line, Vaughan anticipates that NSR will assume operating responsibility for the line to the new mine.²

The petition for exemption raises issues that require consideration by the Board. By this decision, the Board is instituting a proceeding under 49 U.S.C. 10502(b).

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted.

¹ Vaughan indicates that it is an indirect, wholly owned subsidiary of Amvest Corporation, a privately held mining company that is wholly owned by CONSOL Energy Inc. (CONSOL). Vaughan also states that Wolfpen is a wholly owned subsidiary of CONSOL.

² Because Vaughan currently is seeking operating authority only for itself in this proceeding, NSR, or any other rail carrier that Vaughan may choose, would have to obtain Board authority to assume operating responsibility for the line.

2. This decision is effective on its date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary