

37560

SERVICE DATE – DECEMBER 21, 2006

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34954]

Commonwealth Railway, Inc.–Acquisition and Operation Exemption–Norfolk Southern
Railway Company

Commonwealth Railway, Inc. (CWRV), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 12.5 miles of rail line owned by Norfolk Southern Railway Company (NS) between milepost F-4.0 and milepost F-16.5 near Portsmouth, VA. CWRV currently operates the subject line pursuant to a lease with an option to purchase from NS (as the successor to Norfolk and Western Railway Company).¹ CWRV states that it has agreed to grant NS and CSX Transportation, Inc. (CSXT) trackage rights over a portion of the subject line between milepost F-16.5 and approximately milepost F-9.9 to allow each connecting carrier equal access to CWRV and the rail line.²

CWRV certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier, and that its projected annual

¹ See Commonwealth Railway Incorporated–Lease, Operation, and Acquisition Exemption–Rail Lines in Portsmouth, Chesapeake, and Suffolk, VA, Finance Docket No. 31528 (ICC served Sept. 8, 1989). As part of that transaction, CWRV also acquired a 3.92-mile line of railroad between milepost F-0.8 and milepost F-4.0.

² According to CWRV, both NS and CSXT will seek the Board’s approval for the trackage rights in separate filings.

revenues will not exceed \$5 million. CWRV states that the parties intend to consummate the transaction after November 28, 2006 (the effective date of the exemption).

If the verified notice 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. 34954, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: Eric M. Hocky, Four Penn Center, Suite 200, 1600 John F. Kennedy Blvd., Philadelphia, PA 19103-2808.

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

Decided: December 12, 2006.

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

Vernon A. Williams

Secretary