

30365

SERVICE DATE - JULY 12, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33773]

Consolidated Rail Corporation--Trackage Rights Exemption--Grand Trunk Western  
Railroad Incorporated

Grand Trunk Western Railroad Incorporated (GTW), a subsidiary of Canadian National Railway Company (CN), has agreed to grant limited, non-exclusive overhead trackage rights to Consolidated Rail Corporation (Conrail)<sup>1</sup> over a 4.4-mile segment of GTW's Shoreline Subdivision between the proposed CN/Conrail connection at Milwaukee Junction, near milepost 54.6 and the existing connection with Norfolk Southern Railway Company (NSR) at West Detroit, MI, near milepost 50.2, on CN's Shoreline Subdivision.<sup>2</sup>

---

<sup>1</sup> By decision served July 23, 1998, the Board approved, subject to certain conditions, the acquisition of control of Conrail, and the division of the assets thereof, by CSX Corporation and CSX Transportation, Inc. (referred to collectively as CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (referred to collectively as NS). See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 89 (STB served July 23, 1998). Acquisition of control of Conrail was effected by CSX and NS on August 22, 1998. The division of assets of Conrail was effected by CSX and NS on June 1, 1999. See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 127 (STB served May 20, 1999). Conrail continues to operate rail properties in Michigan, New Jersey, and Pennsylvania.

<sup>2</sup> A redacted version of the Trackage Rights Agreement between GTW and Conrail was filed with the notice of exemption. The full version of the agreement was concurrently

The transaction was expected to be consummated on or after July 1, 1999, the effective date of the exemption (7 days after the exemption was filed).

The purpose of the trackage rights is to allow Conrail to improve service to customers by reducing congestion and delay in the West Detroit, Delray and Ecorse Junction, MI areas.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in Norfolk and Western Ry. Co.--Trackage Rights--BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.--Lease and Operate, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the 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. 33773, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John J. Paylor, 2001 Market Street, 16A, Philadelphia, PA 19101-1416.

---

filed under seal along with a motion for a protective order. The motion will be addressed in a separate decision.

STB Finance Docket No. 33773

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

Decided: July 2, 1999.

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

Vernon A. Williams

Secretary