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SERVICE DATE - JULY 8, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33771]

Delaware and Hudson Railway Company, Inc.--Trackage Rights Exemption--CSX
Transportation, Inc. and New York Central Lines LLC

CSX Transportation, Inc. (CSXT) and New York Central Lines LLC (NYC) have agreed to grant overhead trackage rights to Delaware and Hudson Railway Company, Inc. (D&H), over lines generally between Schenectady, NY, and Fresh Pond Junction, NY. The lines are owned by NYC and leased to CSXT.¹ The scope of these rights and their terms were established by the Board in 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 Nos. 89, 109, and 123 (STB served July 23, 1998, December 18, 1998, and May 20, 1999, respectively).²

¹ CSXT, by letter filed June 21, 1999, and Samuel J. Nasca, for and on behalf of United Transportation Union-New York State Legislative Board, by comments filed June 24, 1999, express support for imposition of appropriate employee protective conditions. As indicated subsequently in this notice, the transaction is subject to employee protective conditions. The CSXT letter also makes reference to the requirement that D&H submit a final executed agreement within 10 days of the date the agreement is executed.

² The responsive application filed jointly by the State of New York, acting by and through its Department of Transportation, and the New York City Economic Development Corporation, acting on behalf of the City of New York, in connection with the railroad control application in STB Finance Docket No. 33388, was docketed as STB Finance

(continued...)

The transaction was scheduled to be consummated on or after June 25, 1999, the effective date of the exemption.

The purpose of the trackage rights is to enhance rail competition for movements of traffic on the east side of the Hudson River.

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 it 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. 33771, 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, one copy of each pleading must be served on Eric von Salzen, Hogan & Hartson L.L.P., 555 Thirteenth Street, N.W., Washington, DC 20004-1109.

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

²(...continued)
Docket No. 33388 (Sub-No. 69).

STB Finance Docket No. 33771

Decided: June 30, 1999.

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

Vernon A. Williams

Secretary