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SERVICE DATE - JULY 20, 1999

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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33770]

Norfolk Southern Railway Company--Trackage Rights Exemption--Grand Trunk Western  
Railroad Incorporated

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

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<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 the 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.

and the existing CN connection with NSR at approximately milepost 50.2 at West Detroit, MI.<sup>2</sup>

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

The Shoreline Subdivision runs generally north-south through Detroit and connects with NSR, CSXT, and Conrail lines in Detroit. The trackage rights will permit NSR to move overhead traffic more safely, efficiently, and quickly through the Detroit area.

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.

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<sup>2</sup> A redacted version of the Trackage Rights Agreement between GTW and NSR was filed with the notice of exemption. The full version of the agreement was concurrently filed under seal along with a motion for a protective order. The motion will be addressed in a separate decision.

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An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33770, 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 James R. Paschall, Three Commercial Place, Norfolk, VA 23510-2191.

Board decisions and notices are available on our website at  
“[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).”

Decided: July 13, 1999.

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

Vernon A. Williams

Secretary