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March 30, 2015

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
March 30, 2015
Part of
Public Record

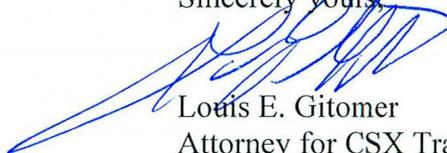
Re: **Docket No. FD 35873, Norfolk Southern Railway Company-Acquisition
and Operation-Certain Rail Lines of the Delaware and Hudson Railway
Company, Inc.**

Dear Ms. Brown:

Enclosed for e-filing is a Petition to Intervene by CSX Transportation, Inc.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer
Attorney for CSX Transportation, Inc.

Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 35873

NORFOLK SOUTHERN RAILWAY COMPANY—ACQUISITION AND OPERATION –
CERTAIN RAIL LINES OF THE DELAWARE AND HUDSON RAILWAY COMPANY,
INC.

CSX TRANSPORTATION, INC. – PETITION TO INTERVENE

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Attorneys for: CSX TRANSPORTATION, INC.

Dated: March 30, 2015

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 35873

NORFOLK SOUTHERN RAILWAY COMPANY—ACQUISITION AND OPERATION –
CERTAIN RAIL LINES OF THE DELAWARE AND HUDSON RAILWAY COMPANY,
INC.

CSX TRANSPORTATION, INC. – PETITION TO INTERVENE

CSX Transportation, Inc. (“CSXT”) petitions the Surface Transportation Board (the “Board”) for leave to intervene under 49 CFR 1112.4 for the limited purpose of responding to the late filed comments of The East of Hudson Rail Freight Service Task Force, Inc. (“East of Hudson”) filed on January 20, 2015.

On November 17, 2014, Norfolk Southern Railway Company (“NS”) filed an application to acquire and operate 282.55 miles of the Delaware and Hudson Railway Company, Inc.’s (“D&H”) lines located in Pennsylvania and New York, as well as the retention by NS of existing trackage rights over D&H between MP 484.85±, in the vicinity of Schenectady, NY, and CPF 467, in the vicinity of Mechanicville, NY (the “Application”). On December 16, 2014, the Board accepted NS’s Application and determined that it was a minor transaction as defined by the Board’s regulations.

Based on a review of the Application, CSXT determined that it would not take a position on the Application and therefore did not file a Notice of Intent to Participate, which was due on December 29, 2014. East of Hudson filed its pleading on January 20, 2015, more than three weeks after a Notice of Intent to Participate was due.

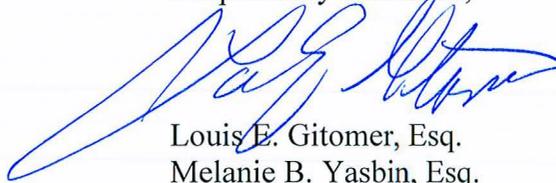
In its filing, East of Hudson asks the Board to expand NS’s Application to include

D&H's trackage rights over CSXT between Mechanicville, NY, and an interchange with the New York and Atlantic Railway at Fresh Pond, Junction, in Queens County, NY ("D&H's CSXT trackage rights"). NS did not seek authority to acquire D&H's CSXT trackage rights in its Application. CSXT opposes East of Hudson's request to include D&H's CSXT trackage rights in the Application.

CSXT is concurrently filing its response to East of Hudson. CSXT's intervention will not unduly disrupt the schedule for filing verified statements and will not unduly broaden the issues raised in the proceeding. CSXT's response is only in opposition to the inclusion of D&H's CSXT trackage rights in the Application. The Application is for a minor transaction, which does not provide for the filing of responsive applications.

CSXT respectfully requests that the Board grant this Petition to Intervene.

Respectfully submitted,



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Dated: March 30, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have caused the Petition to Intervene in FD 35873, *Norfolk Southern Railway Company—Acquisition and Operation—Certain Rail Lines of the Delaware and Hudson Railway Company, Inc.* to be served by pre-paid first class mail on:

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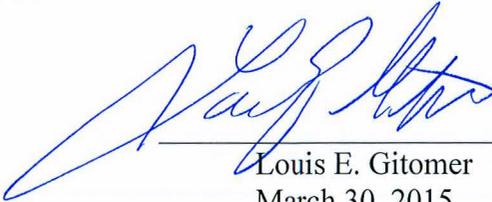
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