

239927

# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS  
2401 PENNSYLVANIA AVENUE, NW  
SUITE 300  
WASHINGTON, DC 20037  
TELEPHONE: (202) 663-7820  
FACSIMILE: (202) 663-7849

ENTERED  
Office of Proceedings  
January 22, 2016  
Part of  
Public Record

WILLIAM A. MULLINS

(202) 663-7823 (Direct Dial)

January 22, 2016

## VIA E-FILING

Cynthia T. Brown, Chief  
Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington DC 20423-0001

Re: Ohio River Partners LLC – Exemption for Acquisition and Operation of a Rail Line – Hannibal Development, LLC in Monroe County, Ohio, Finance Docket No. 35984

Dear Ms. Brown:

Norfolk Southern Railway Company (“NS”) is writing to express its concerns with certain statements made by the parties in this proceeding regarding the interchange operations between NS and the Ohio Terminal Railway Company (“OTR”) at or near Milepost RO 60.5 near Powhatan Point, Ohio. Without weighing in on the merits of the arguments made by Ohio River Partners LLC and OTR in the proceeding, NS agrees with OTR’s description of the existing capacity and geography constraints on the ability of carriers to conduct interchange operations with NS on the line at issue. If another carrier is allowed to operate over the line at issue, NS asks that the Board require agreement among NS and the carriers operating over the line in order to ensure efficient and safe interchange operations.<sup>1</sup> Unless all carriers operating over the line coordinate their operations, congestion and service failures will likely result.

---

<sup>1</sup> Central Illinois Railroad Company – Operation Exemption – Rail Line Of The City Of Peoria And The Village Of Peoria Heights In Peoria And Peoria Heights, Peoria County, IL, FD 34518; Pioneer Industrial Railway Company – Petition For Declaratory Order, FD 34636 (STB served July 1, 2004 and Feb. 23, 2005)(requiring two carriers operating on the same line to negotiate and agree on joint operating protocols).

**BAKER & MILLER PLLC**

Ms. Cynthia T. Brown  
January 22, 2016  
Page 2

If there are any questions concerning this filing, please contact me at the address and phone listed above or at [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com).

Respectfully submitted,



William A. Mullins  
Attorney for Norfolk Southern Railway Company

cc: Parties of Record