

BEFORE THE  
SURFACE TRANSPORTATION BOARD

232922

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FINANCE DOCKET NO. 35764

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ENTERED  
Office of Proceedings  
September 5, 2012  
Part of  
Public Record

CSX TRANSPORTATION, INC.  
—TEMPORARY TRACKAGE RIGHTS—  
ALABAMA GREAT SOUTHERN RAILROAD COMPANY AND  
MERIDIAN SPEEDWAY, LLC

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PETITION FOR WAIVER

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**EXPEDITED HANDLING REQUESTED**

Steven C. Armbrust, Esq.  
CSX Transportation, Inc.  
500 Water Street J-150  
Jacksonville, FL 32202  
(904) 359-1229

Louis E. Gitomer, Esq.  
Law Offices of Louis E. Gitomer, LLC  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204  
(410) 296-2250  
Lou@lgraillaw.com

Attorneys for: CSX Transportation, Inc.

Dated: September 5, 2012

**FEE RECEIVED**  
**September 5, 2012**  
**SURFACE**  
**TRANSPORTATION BOARD**

**FILED**  
**September 5, 2012**  
**SURFACE**  
**TRANSPORTATION BOARD**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO. 35674

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CSX TRANSPORTATION, INC.  
—TEMPORARY TRACKAGE RIGHTS—  
ALABAMA GREAT SOUTHERN RAILROAD COMPANY AND  
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PETITION FOR WAIVER

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Pursuant to 49 C.F.R. §1180.4(f), CSX Transportation, Inc. (“CSXT”) respectfully requests the Surface Transportation Board (the “Board”) to expeditiously grant a waiver of the requirement that “[t]o qualify for an exemption under §1180.2(d), a railroad must file a verified notice of the transaction with the Board at least 30 days before the transaction is consummated indicating the proposed consummation date.” 49 C.F.R. §1180.4(g)(1). CSXT requests this waiver so that it can commence operations under the trackage rights no later than September 5, 2012. Concurrently with this waiver, CSXT is filing a Notice of Exemption pursuant to the class exemption at 49 C.F.R. §1180.2(d)(8) and .4(g) for overhead temporary trackage rights over certain rail lines operated by the Alabama Great Southern Railroad Company (“AGS”), a subsidiary of Norfolk Southern Railway Company, and Meridian Speedway, LLC (“Meridian”), a subsidiary of The Kansas City Southern Railway Company, generally between Birmingham, AL and Shrewsbury, LA. The temporary trackage rights cover a total distance of approximately 353.2 miles. The temporary trackage rights will permit CSXT to resume overhead rail service between Pascagoula, MS and New Orleans, LA in the aftermath of Hurricane Isaac.

As the Board is doubtless aware, Hurricane Isaac caused great damage along the Gulf Coast. CSXT operates its southernmost east west main line between Jacksonville, FL and New Orleans, LA along the Gulf Coast. As a result of Hurricane Isaac, portions of CSXT's track along the Gulf Coast have been damaged and put out of service between Pascagoula, MS and New Orleans, LA. Because of the damage to its rail line, CSXT does not expect the line to be operable in the immediate future.

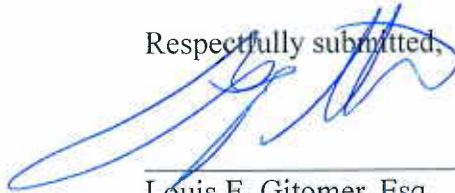
AGS has agreed to grant overhead temporary trackage rights to CSXT on AGS's line between Birmingham, AL and Meridian, MS and between Meridian, MS and Shrewsbury, LA. Meridian has agreed to grant overhead temporary trackage rights to CSXT on Meridian's line in Meridian, MS connecting the AGS lines. These trackage rights will permit CSXT to provide continuous east west overhead service between Jacksonville, FL and New Orleans, LA. CSXT will reroute traffic over its own lines from Jacksonville, Tallahassee, and Pensacola, FL and Mobile, AL to Birmingham, AL for handling to New Orleans over the AGS and Meridian lines, and vice versa for the west to east movement of traffic. AGS and Meridian concur in expediting CSXT's trackage rights. In addition, AGS and CSXT have discussed the need for these trackage rights with their affected unions, who have agreed to waive the typical 20-day notice under the *Norfolk and Western Railway Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), in order to expedite CSXT's trackage rights.

CSXT has been unable to provide direct rail service to and from New Orleans since Thursday, August 30, 2012, after Hurricane Isaac struck. CSXT would like to begin operations over the AGS and Meridian lines for 353.2-miles between Birmingham, AL and Shrewsbury, LA

as soon as possible in order to permit CSXT to provide overhead rail service to its customers.

CSXT contends that the damage from Hurricane Isaac to CSXT's rail line along the Gulf Coast and CSXT's desire to expeditiously reestablish its overhead service to and from New Orleans establish good cause for the Board to waive the 30-day notice requirement of 49 C.F.R. §1180.4(g)(1). CSXT respectfully requests the Board expeditiously waive the 30 day advance notice requirement of 49 C.F.R. §1180.4(g)(1), and permit CSXT to begin operations under the overhead temporary trackage rights with NSR no later than September 5, 2012.

Respectfully submitted,



Steven C. Armbrust, Esq.  
CSX Transportation, Inc.  
500 Water Street J-150  
Jacksonville, FL 32202  
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Louis E. Gitomer, Esq.  
Law Offices of Louis E. Gitomer, LLC  
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