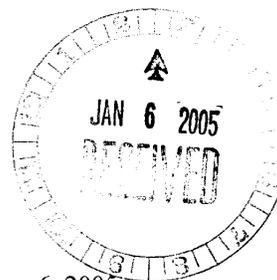


LAW OFFICES
FRITZ R. KAHN, P.C.
EIGHTH FLOOR
1920 N STREET, N.W.
WASHINGTON, D.C. 20036-1601

(202) 263-4152
FAX (202) 331-8330
e-mail: xicgc@worldnet.att.net

ORIGINAL



January 6, 2005

212938

VIA HAND DELIVERY - RETURN COPY

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

ENTERED
Office of Proceedings

JAN 06 2004

Part of
Public Record

Dear Secretary Williams:

Enclosed for filing in STB Finance Docket No. 34649, New York & Greenwood Lake Railway – Feeder Line Application – A Line of Norfolk Southern Railway Company, are the original and ten copies of the Application of New York & Greenwood Lake Railway.

Applicant's check for \$2,600.00 in payment of the filing fee is attached.

Additional copies of this letter and of the Application are enclosed for you to stamp to acknowledge your receipt of them and to return to me via the messenger.

Sincerely yours,


Fritz R. Kahn

enc.

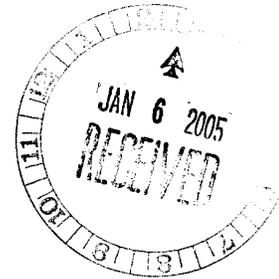
cc: James R. Paschall, Esq.
Ms. Jeanne M. Fox
Mr. Kevin V. Galland
Mr. Thomas A. DeGise
Mr. James R. Wilson

FREE RECEIVED

JAN 06 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

ORIGINAL



Finance Docket No. 34649

NEW YORK & GREENWOOD LAKE RAILWAY
- FEEDER LINE ACQUISITION -
A LINE OF NORFOLK SOUTHERN RAILWAY COMPANY

APPLICATION
OF
NEW YORK AND GREENWOOD LAKE RAILWAY

Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Attorney for

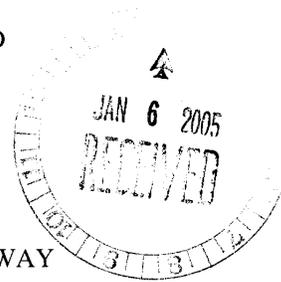
NEW YORK & GREENWOOD
LAKE RAILWAY

Dated: January 6, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

Finance Docket No. 34649

NEW YORK & GREENWOOD LAKE RAILWAY
- FEEDER LINE ACQUISITION -
A LINE OF NORFOLK SOUTHERN RAILWAY COMPANY



APPLICATION
OF
NEW YORK AND GREENWOOD LAKE RAILWAY

Petitioner, New York and Greenwood Lake Railway of Glen Ridge, New Jersey ("NYGL"), pursuant to 49 U.S.C. 10907 and 49 C.F.R. 1151.1, et seq., seeks the Board's authorization to purchase a line of railroad, as hereinafter identified, and, in support of its Application,. NYGL states, as follows:

1. The Application is incomplete, because NYGL is without critical information which is primarily or exclusively within the knowledge of the owning railroad, Norfolk Southern Railway Company ("NS"). Attached is NYGL's Initial Set of Interrogatories and Document Production Requests of NS, which NYGL requests the Board to permit it to serve on NS to obtain the information.

2. The railroad line which NYGL seek to acquire is that of NS. It is a 6.2-mile segment of the Boonton line extending between Milepost WD-2.2 in or near Jersey City and Milepost WD-8.4 in or near Newark and the contiguous 3.8-mile Newark Industrial Track extending between Milepost NK-4.3 in or near Secaucus and Milepost NK-8.1 in or near Kearny in Essex

and Hudson Counties, New Jersey. The railroad line is the subject of NS' Verified Notice of Exemption in Docket No. AB-290 (Sub-No. 242X), Norfolk Southern Railway Company—Discontinuance of Service Exemption—Between Newark, New Jersey and Kearny, New Jersey, in Essex and Hudson Counties, New Jersey, filed December 29, 2004.

3. There currently are no stations on the line, which traverses all or portions of USPS Zip Codes 07029, 07032, 07094, 07099, 07102–7108, 107112 and 07114.

4. The address of Applicant, NYGL, is P. O. Box 106, Glen Ridge, NJ 07028, and its telephone number is (973) 743-5300.

5. NYGL's representative to whom correspondence concerning this Petition can be addressed is Fritz R. Kahn, Esq., Fritz R. Kahn, P.C., 1920 N Street, NW (8th fl.), Washington, DC 20036-1601, whose telephone number is (202) 263-4152.

6. NYGL is a Class III common carrier railroad subject to the jurisdiction of this Board, having acquired a line of railroad pursuant to an offer of financial assistance approved by Decision of the Board in Docket No. AB-167 (Sub-No. 1151X), Consolidated Rail Corporation—Abandonment Exemption—In Bergen and Passaic Counties, NJ, served August 14, 1996.

7. NYGL is a State of New Jersey Corporation, and its sole officer and director is Mr. James R. Wilson, P. O. Box 106, Glen Ridge, NJ, 07028, Chairman, President and Chief Executive Officer.

8. NYGL is a financially responsible person believing itself capable of paying the greater of the going concern value of the railroad line or its net liquidation value. It was found to be a financially responsible person when it acquired its currently operated properties pursuant to an offer of financial assistance in the above-cited proceeding, and it anticipates a similar

finding in this proceeding. At this time, however, NYGL does not know the railroad line's going concern or net liquidation value and, accordingly, does not know how much of a bank loan or other financing it will need to secure for the purposes of acquiring and operating the line.

9. NYGL is without information about the going concern or net liquidation value of the line it seeks to acquire, and by the attached Initial Set of Interrogatories and Document Production Requests of NS it hopes to be able to obtain that information.

10. NYGL is prepared to pay the greater of the going concern or net liquidation value of the railroad line sought to be acquired.

11. NYGL, which itself will be the operator, anticipates that initially it will be rendering on-demand service on the railroad line sought to be acquired, the frequency of service to be increased as freight traffic volumes become greater. Understandably, NYGL currently has no rate agreements or contracts with shippers which it would serve via the railroad line to be acquired; however, it has had expressions of interest from potential shippers and anticipates being able to negotiate rate agreements or contracts with them once it acquires the property.

12. NYGL anticipates that it will interchange traffic with NS, but obviously the two railroads as yet have not arrived at an interchange agreement or settled upon the joint rates to apply on the traffic originating or terminating on the line sought to be acquired.

13. NYGL has in force \$5 million of liability insurance.

14. NYGL imposes no precondition and seeks no subsidy for its operation of the railroad line sought to be acquired.

15. The railroad line sought to be acquired most recently has been used for passenger operations by New Jersey Transit, abandoned more than two years ago. NYGL is desirous of

reinstating passenger service and has an application to permit it to do so pending before the New Jersey Department of Transportation.

16. The railroad line sought to be acquired is in Category 1 of NS' System Diagram Map. A copy of the Legal Notice appearing in The Star Ledger of Newark, New Jersey of September 20, 2003, is attached.

17. NYGL elects to be exempt from the provisions of Title 49 of the U.S. Code and will seek no further exemption.

18. NYGL does not seek trackage rights to reach the tracks of NS where the interchange of cars reasonably can be effected.

19. NYGL does not seek the prescription of joint rates or divisions.

20. There currently and for the past two years there have been no NS employees rendering operations on the line sought to be acquired, and, therefore, none would be offered employment by NYGL.

21. Copies of this Application concurrently are being served upon the President of the New Jersey Board of Public Utilities and upon principal administrative officers of Essex and Hudson Counties, New Jersey.

22. Copies of the Application will be made available to interested persons upon request.

Respectfully submitted,

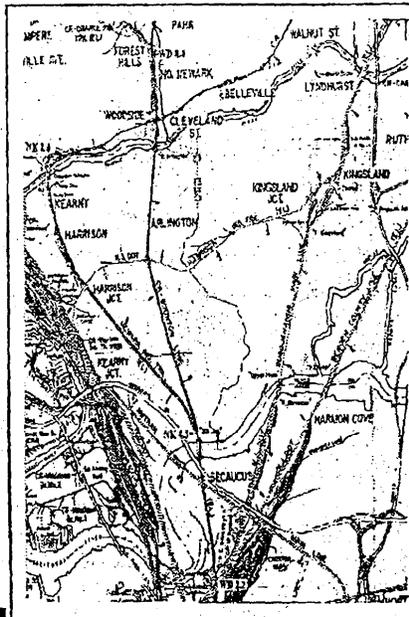
NEW YORK AND GREENWOOD LAKE
RAILWAY

By its attorney,



Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Dated: January 6, 2005



LEGAL NOTICE

Pursuant to federal regulations published at 49 Code of Federal Regulations § 1152.12(c), Norfolk Southern Railway Company (NSR) hereby gives notice that it has amended its system diagram map to show that NSR and Pennsylvania Lines LLC (PRR) anticipate filing with the Surface Transportation Board within three years an application for authority to discontinue rail operations over the Boonton, New Jersey rail line between Milepost WD-2.2 and Milepost WD-8.4. The involved line lies in Hudson and Essex Counties, New Jersey, and is shown on the accompanying map segment. Agency service for point on the line is handled through the Arlington, New Jersey, agency.

NSR has prepared a color-coded system diagram map showing all of the lines of its rail subsidiaries and leased lines. Copies of the map are available upon request from Strategic Planning, Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia 23510-2191.

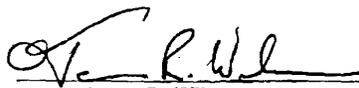
\$126.00

THE STAR LEDGER
SEPT 20 2003

VERIFICATION

I, James R. Wilson, Chairman, President and Chief Executive Officer of New York and Greenwood Lake Railway, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Application and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of New York and Greenwood Lake Railway. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Glen Ridge, NJ, this 6 day of January, 2005.


James R. Wilson

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB Finance Docket No. 34649

NEW YORK & GREENWOOD LAKE RAILWAY
- FEEDER LINE ACQUISITION -
A LINE OF NORFOLK SOUTHERN RAILWAY COMPANY

NYGL'S FIRST SET OF INTERROGATORIES
AND DOCUMENT PRODUCTION REQUESTS

New York & Greenwood Lake Railway ("NYGL"), pursuant to 49 C.F.R. 1114.1, et seq., respectfully submits the following interrogatories and document production requests to Norfolk Southern Railway Company ("NS"), to be answered within fifteen (15) days of the date of service and requests that at such time whatever documents are produced in response to any of the requests be made available for inspection and copying at the offices of Fritz R. Kahn, P.C., 1920 N Street, NW (8th fl.), Washington, DC 20036-1601.

I.

DEFINITIONS AND INSTRUCTIONS

1. "Application" means the Application which NYGL concurrently filed with the tender of these interrogatories and document production requests.
2. "You," "your," or "NS" means and includes Norfolk Southern Railway Company, its current and former parent companies; including, but not limited, to Norfolk Southern Corporation, its current and former subsidiaries; its affiliates and divisions; its predecessors-in-interest; including, but not limited to, Pennsylvania Lines and Consolidated Rail Corporation, its current and former officers, directors, employees, agents, or attorneys; any person controlling, controlled by, or under common control with it; any person acting on behalf of it or any of its subsidiaries, affiliates,

divisions or predecessors-in-interest; and any commercial entities in which any of the aforesaid hold or held any degree of ownership interest from January 1, 1995, through the date of compliance with these document production requests.

3. "Document" means and includes any printed, typewritten or handwritten material or writing of whatever kind or nature, including, but not limited to, letters, correspondence, memoranda, notes, studies, desk or other calendars, statements, telegrams, ledgers, journals, balance sheets, income and expense statements, financial statements, personal records, account statements, bank statements, minutes and notes of meetings or conversations, computer print-outs, computer listings, agreements, contracts, drafts, negotiable instruments, checks, receipts, invoices, bills, bills of lading, tariffs, shipping receipts, purchase orders, exhibits to agreements, rough drafts of documents, catalogues, transcripts, photographs, photostats, pictures, all originals in carbon or photostatic copies or other duplicates of any such document referred to above, including microfilm, microfiche, computer hard drives, computer memories, computer tapes, computer discs or electronically stored documents, and any other documents or writings as such terms are understood in their ordinary sense.

4. "Person" or "persons" as used herein refers to any natural person, corporation, partnership, proprietorship, association, joint venture, governmental or other public entity, or any other form of organization or legal entity, including carrier rate bureaus, and all their officials, officers, employees, representatives and agents.

5. As used herein, "officials," "officers," "employee," "representative," or "agent" includes any natural or corporate person, including attorneys, serving, acting or being in such capacity (by contract or otherwise) at any relevant time even though such person is no longer in such capacity.

6. The term "identify" when used herein with reference to a document or an oral communication or statement means:

(a) If an oral communication or statement, identify the type of communication or statement,

state the place(s) where the communication or statement was issued or received, the author or speaker and date thereof, identify all witnesses to the communication or statement, and identify the subject matter and content of the communication or statement.

(b) If a document, state its title or other identifying date, and (1) the kind of documents; (2) number of pages; (3) present location and custodian; (4) the date it bears; (5) the date prepared; (6) whether the document was sent and, if so, the date it was sent; and (7) the identity of the author, originator, sender, each person who received the document, and each person known to have the document.

7. The term "identify," when used herein with reference to a fact or circumstance, means:

- (a) To identify, as defined above in paragraph 6, any occasion and occurrence, oral communication or document, and to describe precisely and fully any other circumstance or manifestation of facts which, in whole or in part, led to or is believed in any way to support a particular allegation, whether or not admissible into evidence or intended to be offered into evidence.
- (b) To set forth fully and precisely any inference, construction, interpretation, relation, opinion or contention that relates to the fact or circumstance, or to the application of law to the fact or circumstance, and which in whole or in part led to or is believed in any way to support a particular allegation.

8. The term identify, when used herein with respect to a natural person, means to state:

- (a) the full name;
- (b) the last known residence;
- (c) the last known employer or business affiliation and address;
- (d) the last known occupation and business position or title held; and
- (e) a phone number at which said person may be contacted.

9. In order to bring within the scope of these interrogatories and document production requests all conceivably relevant matters or documents which might otherwise be construed to be outside their scope:

- (a) The singular of each word shall be construed to include its plural and vice versa.

- (b) "And" as well as "or" shall be construed conjunctively as well as disjunctively.
- (c) "Each" shall be construed to include "every" and vice versa.
- (d) The present tense shall be construed to include the past tense and vice versa.
- (e) The masculine shall be construed to include the feminine and vice versa.

10. If you believe that any of the following interrogatories or document production requests calls for assertion of a claim of privilege, answer that part of the interrogatory which is not objected to, state that part of each interrogatory as to which you raise objection, and set forth the basis for your claim of privilege with respect to such response as you refuse to make.

11. If, for reasons other than a claim of privilege, you refuse to respond to answer any interrogatory or document production request, please state the grounds upon which the refusal is based, whether there are documents in existence responsive to the interrogatory or document production request and a description of the document.

12. If any information called for by these interrogatories is not available or accessible in the full detail requested, such interrogatories shall be deemed to call for sufficient explanation of the reasons therefor, as well as for the best information available or accessible, set forth in as detailed a manner as possible.

13. Each of these definitions and instructions shall be fully applicable to each interrogatory and document production request, notwithstanding that a definition or instruction above may in whole or in part be reiterated in a particular interrogatory or document production request, or a particular interrogatory or document production request may incorporate supplemental instructions or definitions.

14. The term "relevant time" as used in these interrogatories is from January 1, 1995, to the date of compliance with these discovery requests.

15. The abbreviation "STB" as used in these interrogatories refers to the Surface Transportation Board of the U. S. Department of Transportation, Washington, DC 20423.

16. The term "Line" refers to the 6.2-mile segment of the Boonton line extending between

Milepost WD-2.2 in or near Jersey City and Milepost WD-8.4 in or near Newark and the contiguous 3.8 mile Newark Industrial Track extending between Milepost NK-4.3 in or near Secaucus and Milepost NK-8.1 in or near Kearney in Essex and Hudson Counties, New Jersey, which is the subject of the Application.

17. Please note that, pursuant to 49 C.F.R. 1124.26, whenever the answer to an interrogatory may be derived or ascertained from NS's business records, it may elect to furnish a copy of the document or documents or arrange with NYGL's counsel for their inspection and copying.

18. Please note, as well, that, pursuant to 49 C.F.R. 1114.29, NS's obligation to respond to these interrogatories and document production requests is a continuing one, and it must supplement its responses to keep them current and correct.

INTERROGATORIES

1. Please identify each industry situated on, or served via, the Line, and for each year since January 1, 1995, please state what commodities the industry shipped or received, the number of carloads of the commodities the industry shipped or received and the revenue obtained by NS for handling the outbound or inbound shipments.

2. Please state what is NS' estimate of the going concern value of the Line and explain how NS arrived at that figure.

3. Please identify each parcel of land on which the Line is situated, giving the square footage or acreage of each, from whom acquired, when acquired, whether by deed conveying a fee simple interest or easement grant conveying the right to use the parcel of land for railroad purposes, the current owners of, or persons holding reversionary interests in, each parcel of land, NS's estimate of the value of the rights-of-way and a statement of how NS arrived at the value.

4. Please identify each segment of rails comprising the Line, categorized by weight of the rail, its age, its length, its condition, i.e., relay, reroll or scrap, the unit value for each category, the total value for each category, the cost of removing the rails and the cost of transporting the removed rails to the nearest point of sale or point of storage for relay use

5. Please identify the number of ties, their condition, i.e., reusable as ties, reusable for landscaping or useless, the unit value for each category, the total value for each category, the cost of removing the ties and the cost of transporting the reusable ties to the nearest point of sale or point of storage for relay use and the cost of disposing of the useless ties.

6. Please identify the number of switches, plates and other track materials, their condition, i.e., reusable or scrap, the unit value for each category, the total value for each category, the cost of removing the switches, plates and other track materials and the cost of transporting the removed switches, plates and other track materials to the nearest point of sale or point of storage for relay use.

7. Please state what is NS' estimate of the net liquidation value of the Line and explain how NS arrived at that figure.

DOCUMENT PRODUCTION REQUESTS

1. Each bill of lading, waybill, invoice, interline settlement sheets or other documentation relating to the shipments tendered or received by each industry situated on, or served via, the Line.

2. Each statement submitted by NS, check received by NS, interline settlement accounts or other documentation evidencing the revenue derived by NS for handling shipments tendered or received by each industry situated on, or served via, the Line.

3. Each real estate appraisal for the rights-of-way of the Line.

4. Each assessment of the quality and quantity of the tracks, ties and other track materials comprising the Line.

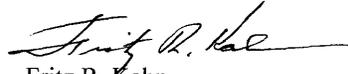
5. Each actual or proposed contract for the purchase of the tracks, ties and other track materials comprising the Line.

6. Each document purporting to support the response to each of the Interrogatories.

Respectfully submitted,

NEW YORK & GREENWOOD LAKE
RAILWAY

By its attorney,



Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Dated: January 6, 2005

CERTIFICATE OF SERVICE

I certify that, pursuant to 49 C.F.R. 1151.2(a), I this day served the foregoing Application
by mailing a copy, with first-class postage prepaid, to:

James R. Paschall, Esq.
General Attorney
Norfolk Southern Corporation
Three Commerce Place
Norfolk, VA 23510

Ms. Jeanne M. Fox
President
New Jersey Board of Public Utilities
Two Gateway Plaza
Newark, NJ 07102

Mr. Kevin V. Galland
Essex County Administrator
465 Dr. Martin Luther King, Jr., Blvd. (#465)
Newark, NJ 07102

Mr. Thomas A. DeGise
Hudson County Executive
583 Newark Avenue
Jersey City, NJ 07306

Dated at Washington, DC, this 6th day of January, 2005.


Fritz R. Kahn