

STB      FD      33388      (Sub 39)      10-1-97      K      182261

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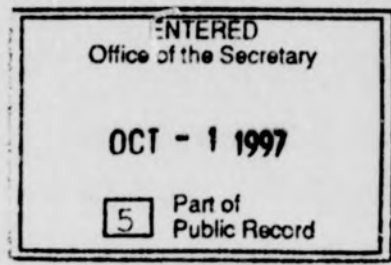
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September 30, 1997



Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

RE: **STB Finance Docket No. 33388 (Sub - No. 39) 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 (Livonia, Avon & Lakeville Railroad Corporation) (LAL File No. 9957)**

Dear Secretary Williams:

For filing in your office we enclose the original and twenty-five (25) copies of LAL - 4 STATEMENT OF NO ENVIRONMENTAL IMPACT verified September 29, 1997 on behalf of the Livonia, Avon & Lakeville Railroad Corporation.

Kindly arrange to have the enclosed extra copy of this letter stamped as "Received" and returned to me in the return envelope attached. Should you have any further questions with respect to the foregoing or the enclosures please contact me.

Sincerely,

Sergeant W. Wise, Counsel  
LALRR

SWW/ds

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BEFORE THE  
SURFACE TRANSPORTATION BOARD



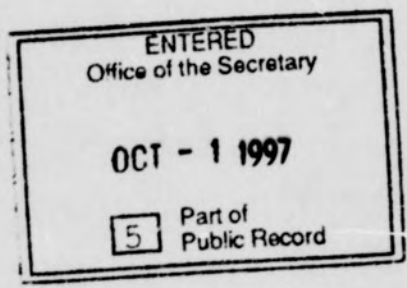
Finance Docket No. 33388

CSX CORPORATION AND CSX TRANSPORTATION, INC., NORFOLK SOUTHERN  
CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY  
- CONTROL AND OPERATION LEASES/AGREEMENTS -  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

Finance Docket No. 33388 (Sub-No. 39)

LIVONIA, AVON & LAKEVILLE RAILROAD CORPORATION -  
PURCHASE - LINE OF CONSOLIDATED RAIL CORPORATION

**VERIFIED STATEMENT OF NO ENVIRONMENTAL IMPACT FOR THE  
LIVONIA, AVON & LAKEVILLE RAILROAD CORPORATION**



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(716) 346-2090

Counsel for Livonia, Avon & Lakeville  
Railroad Corporation

Dated: September 29, 1997

**VERIFIED STATEMENT**  
**WILLIAM D. BURT**

I am William D. Burt, Vice-President and General Manager of the Livonia, Avon and Lakeville Railroad Corporation ("LAL"). I am submitting this Verified Statement to explain why an Environmental Report is not required in connection with LAL's anticipated Responsive Application in STB Finance Docket No. 33388. LAL seeks conveyance of the Genesee Junction Yard in Chili, New York in order to interchange traffic with the Rochester and Southern Line ("R&S") which connects at the west end of the yard. As is explained below, if LAL's Responsive Application and the Primary Application are granted, the environmental thresholds established in 49 C.F.R. 1105.8 will not be exceeded and there will be no significant environmental impact.

LAL owns and operates approximately 30 miles of rail line between Genesee Junction Yard in Chili, New York and Lakeville, New York. LAL interchanges with Conrail in the Genesee Junction Yard, which has three tracks and is approximately three-quarters of a mile long. The R&S connects to the west end of Genesee Junction Yard. The R&S line extends south from Rochester and connects at Silver Springs, New York with Conrail's Southern Tier Line. Presently, LAL and R&S are unable to interchange traffic because of Conrail's ownership of Genesee Junction Yard.

LAL believes that control of Conrail by CSXT and NSR, the division of Conrail's assets and the associated operating changes will adversely affect competitive rail service for the shippers and receivers on LAL's line and for LAL itself. LAL anticipates filing herein a responsive application pursuant to 49 C.F.R. § 1180.4(d)(4) asking that any Board approval of the Primary Application be conditioned upon the conveyance of Conrail's Genesee Junction Yard at Chili,

New York to LAL, at a price to be negotiated by CSXT and LAL (or, failing a negotiated agreement, be set by the Board). LAL would acquire existing Conrail trackage in Genesee Junction Yard and interchange traffic with R&S, but the new interchange would not cause any appreciable increase in traffic.

Since traffic will be maintained at the existing level, it is not reasonably foreseeable that the environmental thresholds established in 49 C.F.R. § 1105.7 will be exceeded. The acquisition will not cause the diversion of any rail carloads per year or per mile per year to motor carriers. The proposed transaction will not result in (A) an appreciable increase in rail traffic on any segment of rail line, (B) an appreciable increase in rail yard activity or (C) an increase in truck traffic on any road segment. Accordingly, there will be no significant impact on the environment, and submission of an Environmental Report is not required.

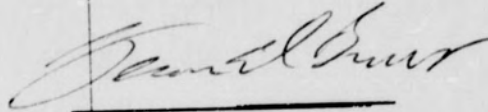
**VERIFICATION**

**STATE OF NEW YORK** )

) ss.

**COUNTY OF MONROE** )

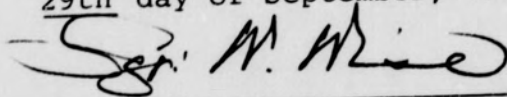
I, William D. Burt, declare under penalty of perjury that I have read the foregoing Verified Statement, that I know the contents thereof and that the factual statements contained therein are true and correct to the best of my knowledge, information and belief.



**William D. Burt**

**Dated: September 29, 1997**

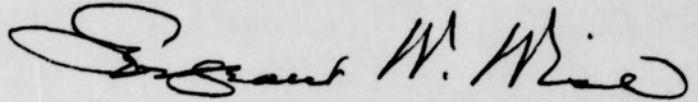
Sworn to before me this  
29th day of September, 1997



**Notary Public**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of September, 1997, a copy of the foregoing Verified Statement of No Environmental Impact (LAL-4) was served by first class mail, postage prepaid, upon each of those named in the current official services list for STB Finance Docket No 33388 (Sub - No. 39) and upon each of those designated by CFR 1105.7 as New York State Environmental Contacts.

A handwritten signature in cursive script, appearing to read "Sergeant W. Wise", written over a horizontal line.

Sergeant W. Wise