

STB FD 33388 (Sub 56) 10-1-97 K 182287

GOLLATZ, GRIFFIN & EWING, P.C.
ATTORNEYS AT LAW

213 WEST MINER STREET
POST OFFICE BOX 796
WEST CHESTER, PA 19381-0796

PHILADELPHIA OFFICE:
SIXTEENTH FLOOR
TWO PENN CENTER PLAZA
PHILADELPHIA, PA 19102
(215) 563-9400

Telephone (610) 692-9116
Telecopier (610) 692-9177
E-MAIL: GGE@GGE.ATTMAIL.COM



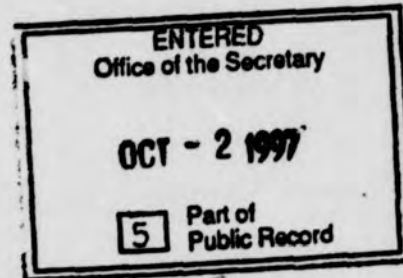
DELAWARE COUNTY OFFICE
205 NORTH MONROE STREET
POST OFFICE BOX 1430
MEDIA, PA 19063
(610) 565-6040

ERIC M. HOCKY

October 1, 1997

HAND DELIVERY

Office of the Secretary
Case Control Unit
ATTN: STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



Re: Finance Docket No. 33388 *Sub-56*
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
ENVIRONMENTAL CERTIFICATION OF
ROCHESTER & SOUTHERN RAILROAD, INC.
(Sub Docket Nos. 52 and 56) (RSR-5)

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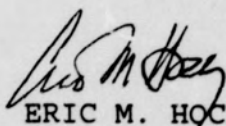
Dear Sir or Madam:

Enclosed for filing in the above referenced proceeding are an original and 25 copies of Environmental Certification of Rochester & Southern Railroad, Inc. (Sub Docket Nos. 52 and 56) (RSR-5), along with a diskette containing the document in a format (WordPerfect 6.1) that can be converted into WordPerfect 7.0.

Office of the Secretary
Case Control Unit
October 1, 1997
Page 2

Kindly time stamp the enclosed extra copy of this letter to indicate receipt and return it to me in the self-addressed envelope provided for your convenience.

Respectfully,


ERIC M. HOCKY

Enclosures

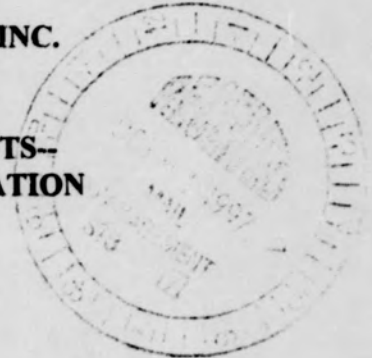
cc: Dennis G. Lyons, Esq.
Richard A. Allen, Esq.
Paul A. Cunningham, Esq.
Administrative Law Judge Jacob Leventhal

RSR-5

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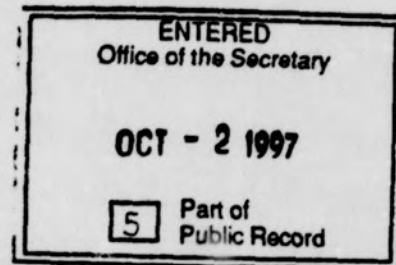
BEFORE THE
SURFACE TRANSPORTATION BOARD
STB FINANCE DOCKET NO. 33388

**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**



**ENVIRONMENTAL CERTIFICATION OF
ROCHESTER & SOUTHERN RAILROAD, INC.**

(Sub Docket Nos. 52 and 56)



William P. Quinn
Eric M. Hocky
GOLLATZ, GRIFFIN & EWING, P.C.
213 West Miner Street
P.O. Box 796
West Chester, PA 19381-0796
(610) 692-9116

Attorneys for Rochester & Southern
Railroad, Inc.

Dated: October 1, 1997

BEFORE THE
SURFACE TRANSPORTATION BOARD
STB FINANCE DOCKET NO. 33388

**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**

**ENVIRONMENTAL CERTIFICATION OF
ROCHESTER & SOUTHERN RAILROAD, INC.**

(Sub Docket Nos. 52 and 56)

Rochester & Southern Railroad, Inc. ("RSR")¹ in accordance with Decision No. 6 served May 30, 1997, and Decision No. 12 served July 23, 1997, hereby files its certification with respect to the environmental impacts of its responsive applications.

INTRODUCTION

In RSR-2 filed August 22, 1997, RSR described the responsive applications it anticipated filing in this proceeding to address competitive harms caused by the primary application. The Board has found that RSR's anticipated responsive applications would be minor transactions.

¹ RSR is a wholly owned subsidiary of Genesee & Wyoming, Inc. ("GWI")

See, Decision No. 33 (served September 17, 1997). As discussed below, RSR believes that no environmental report is required under the Board's regulations or its decisions in this proceeding.

ENVIRONMENTAL CERTIFICATION

Sub Docket No. 52

Anticipated Responsive Application: RSR will seek authority under section 11323 or 10902 for the use of tracks in CSX's yard at Genesee Junction, NY, for the direct interchange of traffic with Livonia, Avon & Lakeville Railroad ("LAL") without restrictions.

The yard in Genesee Junction is located in Monroe County, New York, which Applicants' Environmental Report (Application, vol. 6B) ("the Environmental Report") indicates is an attainment area. *See*, Environmental Report at 349-350. RSR² currently interchanges traffic with Conrail at the west end of the yard, while LAL interchanges all of its traffic with Conrail at the east end of the yard. There are no changes in activity in the yard discussed in the Environmental Report or in CSX's operating plan. *See*, Application, vol. 3A at 431 (no listing for Genesee Junction yard).

Under the proposed responsive application in this Sub Docket, RSR would obtain the right to use tracks in the yard to directly interchange with LAL. Since LAL already interchanges all of its traffic in the yard there will be no increase in yard activity -- there will merely be some traffic interchanged between LAL and RSR instead of between LAL and Conrail. Therefore, RSR certifies that the operations proposed will not exceed the thresholds set forth in 49 CFR §1105.6(b) and §1105.7(e)(4) and (5). Additionally, this is the type of transaction for which

² For itself and as agent for its affiliate Genesee & Wyoming Railroad, Inc.

environmental documentation and a historic report are not required under the Board's regulations. See, 49 CFR §1105.6(c)(4) and 1105.8(3).

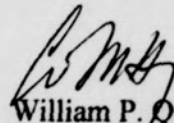
Based on the foregoing, RSR does not believe that any environmental or historical report is required under the Board's regulations or its decisions in this proceeding.

Sub Docket No. 56

Anticipated Responsive Application: RSR will seek authority under section 10903 to abandon its line of railroad between Machias and Ashford Junction, NY.

RSR has determined that it will *not* seek the relief described in this Sub Docket as a responsive application in this proceeding.

Respectfully submitted,



William P. Quinn
Eric M. Hocky
GOLLATZ, GRIFFIN & EWING, P.C.
213 West Miner Street
P.O. Box 796
West Chester, PA 19381-0796
(610) 692-9116

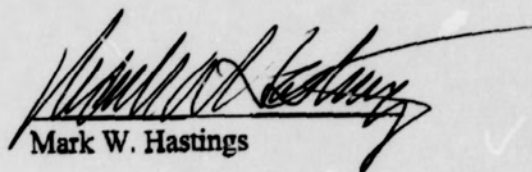
Dated: October 1, 1997

Attorneys for Rochester & Southern
Railroad, Inc.

VERIFICATION

I, Mark W. Hastings, Treasurer of Rochester & Southern Railroad, Inc., verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on October 1, 1997.



Mark W. Hastings

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served by first class mail on the following persons and on all other Parties of Record:

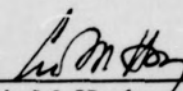
Administrative Law Judge Jacob Leventhal
Federal Energy Regulatory Commission
888 First Street, NE, Suite 11F
Washington, DC 20426

Dennis G. Lyons, Esq.
Arnold & Porter
555 12th Street, N.W.
Washington, DC 20004-1202

Richard A. Allen, Esq.
Zuckert, Scoutt & Rasenberger, L.L.P.
888 Seventeenth Street, N.W.
Washington, DC 20006-3939

Paul A. Cunningham, Esq.
Harkins Cunningham
1300 Nineteenth Street, NW, Suite 600
Washington, DC 20036

Dated: October 1, 1997


Eric M. Hocky