

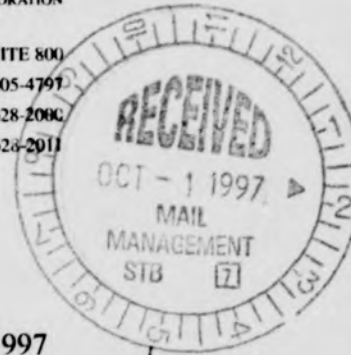
STB FD 33388 (Sub 64) 10-1-97 K 182273

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October 1, 1997

*NOT ADMITTED IN D.C.

BY HAND

Hon. Vernon A. Williams
Secretary
Case Control Branch
Attn: STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

LIRC-3

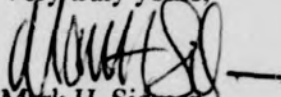
Re: STB Finance Docket No. 33388 (Sub-No. 64), CSX Corp. and CSX Transp., Inc., Norfolk Southern Corp. and Norfolk Southern Ry. Co. -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corp.

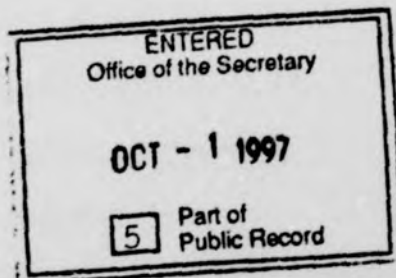
Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding are an original and twenty-five copies of the Verified Statement of No Significant Impact of Louisville & Indiana Railroad Company (the "Filing"). In accordance with Decision No. 6, dated May 30, 1997, also enclosed is a 3.5-inch disk containing this Filing formatted in Word Perfect. This Filing and the accompanying disk are designated as LIRC-3, in accordance with 49 C.F.R. § 1180.4(a)(2).

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,


Mark H. Sidman



Enclosures

182273

ENTERED
Office of the Secretary

OCT - 1 1997

5 Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD



STB Finance Docket No. 33388 (Sub-No. 64)

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

VERIFIED STATEMENT OF NO SIGNIFICANT IMPACT

My name is Peter A. Gilbertson. I am chairman of Louisville & Indiana Railroad Company ("LIRC"). On August 22, 1997, LIRC filed with the Surface Transportation Board (the "Board") a description of its anticipated responsive application, designated as LIRC-2, to the primary application (the "Primary Application") filed by CSX Corporation, CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company ("Primary Applicants") in STB Finance Docket No. 33388. In the description of its anticipated responsive application, LIRC stated that it would seek inclusion of its rail assets in the transaction described in the Primary Application, or would seek certain rights and/or properties and/or conditions as necessary to ensure that essential service would be preserved in the rail corridor from Indianapolis, IN to Louisville, KY.

In accordance with Decision No. 6, dated May 30, 1996, by the Board in the above-referenced STB Finance Docket Number ("Decision No. 6"), I hereby submit this Verified Statement, in connection with LIRC's intent to file a responsive application, concerning the

effect the responsive application, if granted, would have on the environment. Based on the information available to me at this time, there is no reason to believe that the rail traffic reasonably likely to be associated with LIRC's responsive application will result in any significant changes, as defined in 49 C.F.R. §§ 1105.7(e) 4 and 5, in the operations of the lines at issue.

Pursuant to the Interstate Commerce Commission's decision in *Ex Parte* No. 55 (Sub-No. 22A), *Implementation of Environmental Laws*, 7 I.C.C. 2d 807 (1991) ("*Environmental Laws*"), environmental documentation normally need not be prepared for an action that will not involve either the diversion from rail to motor carriage of more than (A) 1,000 rail carloads a year, or (B) an average of 50 rail carloads per mile per year for any part of the affected line (49 C.F.R. § 1105.7(e)(4)) on the one hand, or (A) an increase in rail traffic of at least 100 percent or an increase of at least eight trains a day on any segment of the affected line, (B) an increase in rail yard activity of at least 100 percent, or (C) an increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment (49 C.F.R. §1105.7(e)(5)), on the other hand. *See* 49 C.F.R. § 1105.6(c)(2).

There is no reason to believe that the action proposed by LIRC in its responsive application will result in changes in carrier operations that exceed the above-listed thresholds, or will have the "potential for significant environmental impacts." *See* 49 C.F.R. § 1105.6(d). To my knowledge, inclusion of the LIRC rail assets in the transaction described in the Primary Application would not result in a material change in the traffic volumes handled over those facilities. Similarly, to the extent LIRC's responsive application proposes the granting of trackage rights to LIRC or third parties, I do not believe based on the information available to me that the thresholds identified in 49 C.F.R. §§ 1105.7(e)4 and (5) would be exceeded. Therefore,

LIRC is not required to file a Responsive Environmental Report, as described by the Board in Decision No. 6, in connection with its responsive application filing.

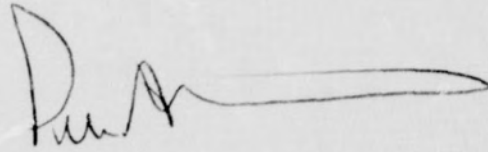
Pursuant to the *Environmental Laws* decision, transactions involving a sale, lease or transfer of rail line for purposes of continued operation are exempt from the historic reporting requirements of 49 C.F.R. § 1105.8(a), if termination of such operation requires further Board approval and there are no plans to dispose of or alter properties adjacent to the rail line that are 50 or more years old. See 49 C.F.R. § 1105.8(b)(1). Similarly, the grant of trackage rights or rights for common use of rail terminals, where maintenance levels of the rail property will not be substantially changed, is exempt from historic reporting requirements. See 49 C.F.R. § 1105.8(b)(3).

Based on the information available to me at this time, there is no reason to believe that the inclusion of LIRC's rail assets in the transaction proposed by Primary Applicants or any other rights and/or properties and/or conditions that LIRC may seek in its responsive application will subject LIRC to the historic reporting requirements.

VERIFICATION

I, Peter A. Gilbertson, hereby affirm and state that I have read the foregoing statement, that I am personally familiar with its contents, that I have executed it with full authority to do so, and that the facts set forth therein are true and correct to the best of my knowledge, information and belief.

Executed by the undersigned on this 1 day of October, 1997.

A handwritten signature in black ink, appearing to read 'Peter A. Gilbertson', written over a horizontal line.

Peter A. Gilbertson

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 1997, a copy of the foregoing Verified Statement of No Significant Impact of Louisville & Indiana Railroad Company was served by first-class mail, postage pre-paid on Judge Leventhal and all parties of record, as listed in Decision No. 21, dated August 19, 1997, by the Surface Transportation Board.


Rose-Michele Weinryb, Esq.