

STB FD 33388 (Sub 72) 10-1-97 K 182265

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Finance Docket No. 33388 (Sub No. 72)  
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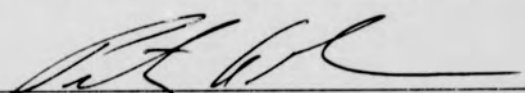
CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION  
AND NORFOLK SOUTHERN RAILWAY COMPANY  
—CONTROL AND OPERATING LEASES/AGREEMENTS—  
CONRAIL, INC. AND CONSOLIDATED RAIL CORPORATION

\_\_\_\_\_  
**JOINT VERIFIED STATEMENT  
OF NO SIGNIFICANT ENVIRONMENTAL IMPACT  
ON BEHALF OF  
THE BELVIDERE & DELAWARE RIVER RAILWAY  
AND THE  
BLACK RIVER & WESTERN RAILROAD**

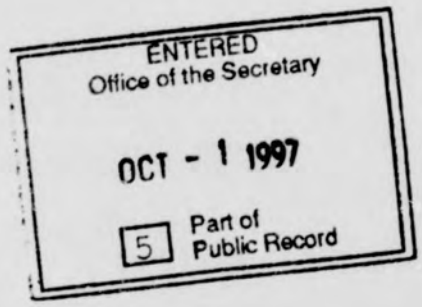
In accordance with the provisions of Decision No. 6 served May 30, 1997, the Belvidere & Delaware River Railway ("BDRV") and the Black River & Western Railroad ("BRW") submit the attached Verified Statement of Kean Burenga demonstrating that the anticipated responsive applications of BDRV and BRW will have no significant environmental impact.

Respectfully submitted,

BELVIDERE & DELAWARE RIVER RAILWAY  
BLACK RIVER & WESTERN RAILROAD

By: 

Peter A. Greene  
David H. Baker  
Thompson Hine & Flory LLP  
1920 N Street, N.W., Suite 800  
Washington, D.C. 20036



Dated: October 1, 1997

Its Attorneys

BEFORE THE  
SURFACE TRANSPORTATION BOARD



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CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION  
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—CONTROL AND OPERATING LEASES/AGREEMENTS—  
CONRAIL, INC. AND CONSOLIDATED RAIL CORPORATION

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**VERIFIED STATEMENT  
OF  
KEAN BURENGA**  
\_\_\_\_\_

1. My name is Kean Burenga and my business address is P.O. Box 22, Ringoes, New Jersey 08551.
2. I am President of the Belvidere & Delaware River Railway ("BDRV") and Vice President and General Manager of the Black River & Western Railroad ("BRW").
3. I am fully authorized to submit this Verified Statement on behalf of both BDRV and BRW.
4. BDRV and BRW are separately owned but commonly managed shortline railroads operating in New Jersey.

5. BDRV operates 16 miles of track between a connection with Consolidated Rail Corporation ("CR") at Phillipsburg, New Jersey and Milford, New Jersey. BDRV serves four customers that transport pulp, paper, lumber and aggregates.

6. BRW operates 17 miles of track between the CR connection at Three Bridges, New Jersey and Lambertville, New Jersey. BRW serves four customers that transport plastics, lumber and aggregates.

7. BDRV and BRW have previously advised the Surface Transportation Board ("STB") that they intend to file responsive applications requesting that the STB impose specific conditions on the proposed acquisition of CR by CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") in order to protect BDRV and BRW from adverse impacts of the acquisition.

8. The specific operating conditions to be requested by BDRV and BRW are:

- a. removal of the restriction on the Canadian Pacific Railway's ("CP") Delaware and Hudson Railway ("D&H") that prevents interchange between D&H and BDRV at Phillipsburg and between D&H and BRW at Three Bridges, respectively, where D&H operates over CR on trackage rights.
- b. grant of trackage rights to BDRV over the NS between the BDRV connection at Phillipsburg, New Jersey with the line to be acquired by NS and Manville, New Jersey, where the lines of NS and CSXT connect, or some other operationally feasible point at which the lines of NS and CSXT connect.

- c. grant of trackage rights to BRW over the NS between the BRW connection at Three Bridges, New Jersey with the line to be acquired by NS and Manville, New Jersey, where the lines of NS and CSXT connect, or some other operationally feasible point at which the lines of NS and CSXT connect.
- d. grant of trackage rights to BDRV and BRW over the NS on the line to be acquired by NS between the BDRV-NS connection at Phillipsburg, New Jersey and the BRW-NS connection at Three Bridges, New Jersey.

9. The responsive applications to be filed by BDRV and BRW will clearly satisfy the exemption criteria of 49 C.F.R. §1105.6(c)(2).

10. The conditions requested in the applications will involve no construction or abandonment.

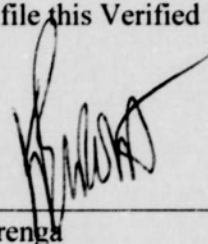
11. The conditions requested in the applications will not cause any diversion from rail to motor carriage. They will simply allow BDRV and BRW to compete on a more equal basis with competitive shortlines who like BDRV and BRW have heretofore had only a single trunkline connection but under the operating plan submitted by applicants will have access to multiple trunkline connections. It is anticipated that this will simply allow BDRV and BRW to maintain moderate growth in traffic levels.

12. The conditions requested in the application will not affect a Class I or non-attainment area under the Clean Air Act and will not result in any of the following: (a) an increase in rail traffic of at least 100%; (b) an increase in at least eight trains per day on any segment of rail affected; (c) an increase in rail yard activity of at least 100%. Nor will they result

in any increase in truck traffic. They will simply allow BDRV and BRW to compete on an equal basis with competitive shortlines who, like BDRV and BRW, have heretofore had only a single trunkline connection but under the operating plan submitted by applicants will have access to multiple trunkline connections. It is anticipated that this will simply allow BDRV and BRW to maintain moderate growth in traffic levels.

**VERIFICATION**

I, Kean Burenga, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement. Executed on September 25, 1997.



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Kean Burenga

[GAPAG\BELVIDERE\BURENGA VS.wpd]

## CERTIFICATE OF SERVICE

I hereby certify that, a copy of the foregoing Joint Verified Statement of No Significant Environmental Impact on Behalf of the Belvidere & Delaware River Railway and The Black River & Western Railroad (BDRV-4) and Verified Statement of Kean Burenga (BDRV-5) were served on all parties of record identified in Decision No. 21, via first class mail, postage prepaid on this 1<sup>st</sup> day of October, 1997.



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Peter A. Greene