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Buffalo area, up to 25 percent from Canada and that includes NS that has a couple of trains into and out of Canada as well and this is going to continue to grow.

We are happy to hear today that CSXT will be looking at infrastructure changes to handle additional growth. The belt line today is the only access for Canadian railroads to enter Buffalo. Obviously CP operates from Niagara Falls and CN comes through over the Fort Erie gateway and you come to a common point on the belt line which I will show in a schematic here shortly.

The belt line is a congested piece of railroad. When you look at access to and from Frontier Yard and crossing at the CP Draw, we believe that they are major contributors to the bottleneck in the Buffalo area. What I'm saying is the piece of track, not only on the belt line right where the two railroads converge but the piece of track on entry to and exit from the Frontier Yard as well as to the draw where CN does operate traffic beyond the

1 draw, it is one piece of congested railroad and  
2 it's going to continue to be with the traffic  
3 growths that we are forecasting and I'm sure  
4 our competitive brothers are also looking at  
5 some changes in that operation.

6 CN is limited in pursuing solutions to  
7 benefit Buffalo and New York shippers in  
8 expediting traffic. First of all, I think  
9 everyone should understand that Canadian  
0 National, the main interchange point in Buffalo  
1 is with CSXT. When we closed the Fort Erie  
2 Yard, CSXT's Frontier Yard, at that time  
3 Conrail, became the main interchange points  
4 with all carriers for Canadian National.  
5 Subsequently there were several agreements  
6 that were struck which helped improve the  
7 situation somewhat and I say somewhat, in the  
8 Buffalo area, mainly when we merged or when  
9 the merger took place, we negotiated an  
0 arrangement with Norfolk Southern to operate  
1 bypass traffic to help the flow through the  
2 Buffalo gateway.

3 Our traffic today is moving. Our

interchange traffic is moving under restricted traffic rights. By that I mean there is traffic and the carrier specifics built into the agreements and we are going to talk about that a little.

Our inability to interchange with other carriers or Norfolk Southern and CSXT at more suitable locations is also contributing to what we consider to be a bottleneck and by that I mean, where you have a hump yard and where a major carrier has to deliver traffic to that hump yard, what you are looking at is basically a 24 hour delay going in and a 24 delay going out for that same traffic, for that same customer traffic. You are looking at about a 48 hour delay when we could, we could with our solution, deliver direct to these carriers.

Now, I'm going to -- I'm trying to figure out what we are going to do here. I could go up to the map and I will tell you what, I just had some laser vision and if I put this dot on the map I'm not sure where I'm

1 pointing so let me go up to the map and see if  
2 I can do this a little better.

3 Today I think you can all hear me,  
4 correct, today Canadian National operates  
5 all their trains over their lines from Canada,  
6 from Toronto to Chicago, all traffic over to  
7 a point called Fort Erie on the Canadian side.  
8 We access via the bridge which is the  
9 International Bridge and we operate to what  
0 I just mentioned was a common point with CP  
1 Rail who operates down from Niagara Falls,  
2 continue on through the belt. My point was  
3 that this area here is very congested. Today  
4 we are allowed under trackage rights, the  
5 heavy red lines if you will indicate our  
6 routing options that we negotiated or have  
7 by agreement to access the different carriers.  
8 Today we run bypass service down the Conrail  
9 compromise branch, bypassing the draw which  
0 was an effective move to deliver traffic to the  
1 Norfolk Southern Buffalo line and control point  
2 GJ. We are looking at more of that in our  
3 solution here shortly.

1 We are not allowed to access any other  
customers and when I say customers, any other  
railroads, in Buffalo unless we have an  
2 agreement. For example, if we were to want  
to deliver New York traffic to the southern  
3 tier to the Norfolk Southern, we do not have  
rights to operate on Ohio Street and what we  
4 are looking for are those rights. We don't  
have rights. We go right by the door to the  
5 Buffalo/Pittsburgh. We go right by the door of  
the South Buffalo C Station and we are not  
6 allowed to deliver traffic into those locations  
and for Buffalo and pittsburgh, all our  
7 traffic has to go into Frontier Yard, thus  
taking a 48 hour hit we are talking about  
8 and we will be looking at proposing that we  
are allowed to deliver at our option when we  
9 have sufficient traffic direct to the B and P  
Yards.

0 We are not looking for commercial  
accesses, we are just looking to better  
1 deliver traffic in the Buffalo area to  
2 expedite traffic and alleviate some of the  
3

1           bottlenecking congestion that could occur, that  
2           will occur in the Frontier Yard.

3           At the same time there is another  
4           carrier, the Buffalo Southern Railroad. We  
5           go by that switch as well and we are not  
6           allowed to access and we would be looking for  
7           those access rights.

8           Infrastructure changes, when you talk  
9           about operating rights, there is very little  
0           money associated with delivering traffic  
1           in a more expeditious manner, no money at all.  
2           It's just what makes sense. But when you  
3           look at infrastructure, there is money that  
4           has to be spent and when you take a look at  
5           our preferred routing, saying that we only  
6           have one route over the belt, we would like a  
7           review of the Niagara branch. If you would  
8           put the map back up for me, what we are looking  
9           for is a review of an alternate routing.  
0           Today all traffic operates over the belt.  
1           We are looking at a study to be completed to  
2           examine an operation, putting in a connection  
3           to CPF and operating over the Niagara branch.

The Amtrak train operates that way today. We believe there is restricted clearance. We are going to have to take a look at exactly how severe those restricted clearances are but what that would allow us to do is eliminate some of the congestion here in the Frontier Yard area, would allow us to bypass the draw area, come over the compromise and deliver direct to Norfolk Southern at a control point GJ, to South Buffalo Railroad which we have access today to and any other traffic, any other destinations in this area, including Seneca Yard. We do not have an agreement to deliver to Seneca Yard and it might be an opportune time to take some of the traffic out of Frontier depending on the destinations and move it into Seneca Yard with that traffic.

We would like that study to take place and we believe it will greatly assist the flow of traffic through the Buffalo gateway and belt.

MR. TIMMONS: Mr. Sebesta, you are

at about 15 minutes.

MR. SEBESTA: I am winding up.

MR. TIMMONS: Thank you.

MR. SEBESTA: We are also

looking for traffic rights over the Niagara branch that would allow us to have an alternate routing through the Niagara, New York to Niagara, Canada gateway. It will just be another routing to help alleviate some of our congestion in the Fort Erie area.

We are also looking at possible physical delivery to alternate locations or customer sidings. We are not looking for commercial access and I will give you an example, we are looking at taking a coal train, if you will, direct to Somerset over Niagara Falls but turn it over to CSXT. We don't need the commercial. We are not there to take over any of the commercial access but rather than put it through Frontier Yard, start delivering direct, including Kenmore, including the Ohio Street yards. We are talking unit trains, just the physical delivery as opposed to commercial

access.

We are looking at new plant improvements and crossovers and for that I think the railroad should be able to get together.

In summary, very quickly, CN has and will continue to have an important presence in the Buffalo gateway. We believe CN has a significant and positive contribution to make in resolving New York's bottleneck issues and I look forward to working with the customers and with the railroads to do so.

This next statement is not self-serving. It applies to all carriers. We believe that if CSX and NS in this particular case cannot provide service, shippers should have access to other carriers such as was ordered in the Houston emergency order and such that we have in the short line industry agreements and again not self-serving, it's just something that each carrier has to consider when they are not providing service.

The proposed remedies are good for the shippers and rail industry and the economy of

1 New York and our area of trade is going to  
2 continue to grow in the north/south corridors  
3 and north/south movement through the northeast  
4 United States and New York and we look forward  
5 to working with the railroads and seeing if  
6 we can resolve some of these issues.

7 Thank you.

8 MR. TIMMONS: Thank you, very much.

9 AES Energy, Gary Edwards.

0 MR. EDWARDS: Good morning and  
1 thank you. I believe the panel has received  
2 a copy of my comments previously submitted.

3 My name is Gary Edwards with AES  
4 Eastern Energy, AES Somerset and Somerset  
5 Railroad Corp.

6 On behalf of AES Eastern Energy which  
7 is comprised of AES Somerset, a CSX  
8 destination and AES Cayuga, AES Greenridge,  
9 AES Westover and AES Hickling, all Norfolk  
0 Southern destinations, I am here to present  
1 our comments and suggestions relative to NS  
2 and CSXT's performance subsequent to the  
3 division of Conrail between these two

class one carriers.

AES Eastern Energy receives large volumes of coal in both company owned and railroad supplied equipment unit trains. The cycle times we have experienced on our own equipment has not yet returned to the cycle times we consistently obtained under the former Conrail operations. This is particularly disturbing in that the size of our fleet was based on cycle times coupled with the annual coal consumption at each of the plants serviced by our equipment. When the class one carriers are unable to meet their cycle commitments previously provided, AES must then supplement its own equipment with railroad supplied cars which increases our cost of doing business. Although both carriers have failed to meet the operating standards of Conrail, the problem is more pronounced with NS.

Three of our operations receive unit coal trains of railroad supplied equipment and these deliveries are all so deficient

relative to transit time today versus the Conrail operations.

Typically railroad supplied unit coal trains were loaded on Thursday for delivery to the plant prior to the prior to the start of day crew on Monday mornings. This scenario allowed for the unloading of each unit train within the allotted free time without incurring demurrage charges. Now, under NS operations, loaded trains are being delayed en route with some delays occurring in the Buffalo terminal area or as a result of congestion in the Buffalo area and these trains are not arriving until late in the day on Tuesday. If we move our loading day earlier in the week, we then are faced with the possibility of the trains arriving on Friday, resulting in our expending overtime through the weekend unloading the trains to avoid demurrage charges.

Besides the delays on the long haul portion of the movement, we have also experienced numerous delays in switching

1 at our facilities. Full unit trains may  
2 make the yard Gang Mills and a portion of  
3 the train spotted at our yard. However,  
4 the subsequent switch to spot the balance  
5 of the train is delayed, in some cases, by  
6 24 to 48 hours. This is particularly  
7 troublesome when the delay then pushes our  
8 unloading operations into weekends, creating  
9 added labor costs. We have also seen numerous  
0 times when a switch of the yard has been  
1 promised and people have been brought in to  
2 unload cars, only to find the cars were not  
3 spotted. In some cases cars have not been  
4 placed for several days, again causing our  
5 operations undue delays and expenses.

6 It is apparent NS and CSXT continue  
7 to be plagued by crew and locomotive  
8 shortages. Numerous times we will expend  
9 additional effort to complete the unloading  
0 of a train, only to have it sit in our yard  
1 empty with the explanation that they are  
2 either looking for a crew or waiting for  
3 locomotive power to be assigned. These

1 empty train sets can sit in our yard from  
2 24 to 48 hours or more at times.

3 We have also seen NS trains delayed  
4 in the Buffalo area due to the lack of crews  
5 to move them over the southern tier to Gang  
6 Mills. In some of these cases our unit trains  
7 were placed on sidings west of Buffalo and  
8 the power was pulled. Then when a crew was  
9 available, it seemed power was unavailable  
0 for the train and further delays resulted.  
1 In several cases, trains loaded one or two  
2 days after the original train actually passed  
3 a train still sitting on a siding awaiting  
4 power and crew.

5 This crew shortage has also impacted  
6 switching services to Hickling. This plant  
7 requires a daily switch to unload trains  
8 in a timely fashion. It has been the norm  
9 rather than the exception that there were  
0 no available local crews to provide a switch  
1 in the evening to Hickling, located  
2 approximately ten miles from Gang Mills Yard.

3 Besides the primary coal traffic

delivered by CSXT to AES Somerset, we also receive individual car shipments of anhydrous ammonia for use in one of our environmental compliance systems. This movement is a joint NS/CSXT movement with an NS origin and a CSXT destination. We have found the transit time for a loaded car is anywhere from three to four weeks at best. This lengthy transit time to us seems absurd in that the transit time for trucks delivering the same commodity from the same origin is 10 to 12 hours. In all fairness to both railroads, this move is a new move for us beginning after the split date. We therefore do not have a comparable Conrail performance to judge it against. However, the contrasting transit times between a truck move and a rail move suggests the rail transit time is excessive, thereby leaving a lot of room for improvement.

Finally NS's operations between Buffalo and Ashtabula continue to be slowed by congestion on this single main line track and congestion on the NS line between

Ashtabula and Youngstown impacts both CSX destined unit coal trains as well as NS destined unit coal trains for AES. This route was pointed out as a choke point to NS and CSX as far as back as the original STB hearings on the division of Conrail. In that NS is the owner of the Ashtabula line and is the railroad with the poor connection from train movement from the Pittsburgh Seam coal fields into the Buffalo area, I will say NS has not taken adequate measures to alleviate congestion on this route. Delays over this route directly impact both railroads and in particular, the operations of NS in the Buffalo area. If trains cannot efficiently operate over the route, they are likely backed up into the Buffalo area creating unneeded congestion in the Buffalo terminal or they are delayed in arriving at the Buffalo terminal, increasing the likelihood they could be delayed from delivery to the customer in the Buffalo area.

On numerous occasions we have provided

both CSXT and NS with suggestions to changes in their operations we felt would help improve the operating efficiency of both railroads and would like to take this opportunity to reiterate those suggestions.

The suggestion we believe could have the most positive impact on NS's overall congestion problems between Youngstown, Ohio and Buffalo and the Buffalo terminal would be the rerouting of traffic over the former Erie/Lackawanna line between approximately Hubbard, Ohio and Hornell, New York. This could eliminate delays occurring on the water level route at Ashtabula due to the lack of facilities to allow a progressive move from the Youngstown line east to Buffalo. Eliminating these delays could provide relief to congestion on this line for through traffic running between Buffalo and Cleveland and as a result help reduce the amount of trains backed up in the Buffalo terminal.

When this alternative has been

mentioned in the past, we have heard numerous  
excuses why it would not work. Our contention,  
however, is a train moving across this  
alternative route at ten miles an hour would  
likely reach Gang Mills sooner than being  
tied up in the congestion on the water level  
route in the Buffalo terminal. Rerouting of  
AES destined trains alone would take 320  
trains annually out of the Buffalo terminal  
area, allowing additional capacity for existing  
traffic as well as capacity for new traffic.

Our next suggestion, again for NS, is  
the installation of a siding at our Cayuga  
facility to accommodate the storage of two  
to three locomotives while we unload the unit  
coal trains. Currently the crews are running  
light back to Ithaca Yard with the locomotives  
once the train has been spotted in our yard.  
The run is approximately 14 miles and could  
be considered unproductive time for a train  
crew. By needing to run back into Ithaca  
with the power, this move also interferes with  
service by the local crew to another customer

on the line, Cargill. With the siding at Cayuga once the loaded train is spotted, the crew could simply put the power in the siding and taxi back to Gang Mills. Upon release of the empty train, a crew would be taxied to Cayuga, tie on the train for the run back to Gang Mills, thereby allowing the crew more time to actually move a train versus running light power back and forth to Ithaca.

For CSXT, we would suggest the practice of leaving locomotives at Somerset, once a loaded train is delivered, become routine instead of the exception. CSXT could make the necessary arrangements to have rear-end markers charged and the power serviced at our facility ready to run back to Newell Yard in Pennsylvania once we have completed unloading operations. This would at least eliminate the need to wait for locomotives when empties are made available, reducing delays to our unit train cycle times. This would also improve track capacity in the Buffalo terminal area which is reduced when

1 you operate light power back and forth between  
2 Somerset and Frontier Yard.

3 We also would like to ask CSXT to  
4 investigate the possibility of a long-haul  
5 crew to run between Somerset and Ashtabula.  
6 This would reduce the overall number of crews  
7 required to move the unit train between the  
8 mine and the plant and would eliminate the  
9 need for a re-crew at Buffalo. Running time  
0 between Ashtabula and Buffalo and the  
1 Buffalo and Somerset would indicate a single  
2 crew could make this move without violation  
3 of the hours of service law. This type of  
4 move could add significantly to the improvement  
5 in the cycle times for our unit trains.

6 I would like to add some additional  
7 comments as brought up by Mr. Coan, the  
8 issue of movements within the Buffalo area  
9 and pricing. AES Somerset was the industry  
0 that recently saw a major increase in pricing  
1 for movement of limestone out of Buffalo to  
2 Somerset. We were under the impression this  
3 split of Conrail between NS and CSX would

provide better, more economic rail service to the area, where we have found it is actually done the other way, seeing over a 50 percent increase in that move of stone from Buffalo to Somerset and thereby pushing over 160,000 ton of stone onto trucks each year. We have begun trucking that stone right now and hopefully in the future we can readdress that and maybe get that commodity back to rail.

Thank you for your time. I appreciate your interest.

MR. TIMMONS: Thank you, Mr. Edwards.

Pat Sabatino, South Buffalo Railway Company.

MR. SABATINO: Good morning. My name is Patrick A. Sabatino. I am Vice President, Business Development for the South Buffalo Railway Company, one of 12 transportation companies which are wholly owned subsidiaries of Bethlehem Steel Corporation.

Established in 1899, the South Buffalo Railway is a switching and terminal railroad operating in Buffalo, Lackawanna, Hamburg and

1 Blasdell, New York. We have approximately  
2 100 employees represented by four unions,  
3 60 miles of track and we handle over 60,000  
4 carloads per year. This South Buffalo is  
5 by most measures the largest short line  
6 railroad in the State of New York.

7 The South Buffalo Railway interchanges  
8 with Canadian National, Canadian Pacific,  
9 CSXT, Norfolk Southern and the Buffalo and  
0 Pittsburgh Railroad.

1 The infrastructure problems that  
2 exist in the Buffalo area are a result of  
3 the following: Before Conrail was created,  
4 most of the rail infrastructure in the Buffalo  
5 area was controlled by three of Conrail's  
6 predecessor carriers, with much duplication  
7 of facilities. During its years of operation,  
8 Conrail removed much of the duplication in an  
9 effort to streamline operations. When Conrail  
0 was split, the remaining facilities were  
1 allocated between CSXT and NS, with the  
2 majority going to CSXT.

3 NS has recently made efforts to add

1 infrastructure, such as rehabilitating the  
2 B & P Yard and reopening Bison Yard. However,  
3 because they each have only a portion of the  
4 former Conrail infrastructure, neither CSXT  
5 nor NS are experiencing the operating  
6 efficiencies that Conrail enjoyed.

7 The solution is not to create a  
8 shared asset area that would be controlled  
9 by the major carriers. The solution is to  
0 place the now fragmented infrastructure under  
1 the control of a single operator through  
2 trackage rights, lease or other initiative.  
3 The operator could then realize the  
4 efficiencies that Conrail once experience.  
5 This operator should be a neutral switching and  
6 terminal operator that would serve as the  
7 pickup and delivery carrier for all railroads  
8 in the Buffalo area, in addition to shuttling  
9 cars between yards and preparing outbound  
0 trains for other railroads serving the area.  
1 This solution would improve service and  
2 significantly reduce the need and cost for  
3 duplicate facilities. As a neutral switching

and terminal operator, the South Buffalo Railway could be this solution.

The South Buffalo Railway solution could encompass the entire Buffalo area or various selected yards and facilities. For instance, if this solution were applied to Seneca Yard where four class one railroads could converge, the South Buffalo Railway could classify, assemble and prepare outbound trains for all the railroads, including preparation and bridging of transfer blocks for movement within the Buffalo area.

In conclusion, the South Buffalo Railway is the private sector solution to the inherent long-term problems related to existing utilization and operation of railroad infrastructure in the Western New York region.

The South Buffalo Railway is a neutral switching and terminal operator that currently serves the area with a proven safety record and over 100 years of experience in the industry and the area. And we have the operating and financial resources to



years and I started my rail career on the Erie Railroad in 1957 in Buffalo.

During these years, I have been involved in six mergers and/or consolidations, starting with teh Erie-DL&W merger in 1960 to the split up of Conrail by Norfolk Southern and CSX in 1999.

During the first year after any merger or consolidation, there are problems for the railroad, both management and the employees, and for the customers and the shippers. Those problems are usually solved usually by mutual cooperation between management and the employees of the railroad and the shippers.

In the northern region of CSX which includes the entire State of New York, we had problems for the first six months; delays, lack of locomotive power and rail cars and gridlock in the rail yards. In the last seven months, the northern region from Boston and New Jersey to Cleveland and to Chicago and Saint Louis, the trains are running on time. The yards have dropped their dwell time down to between 20 and

1 25 hours and the industrial crews are on time  
2 pulling and placing cars in the industry. In  
3 fact, today the CSX Buffalo terminal has  
4 surpassed the best Conrail service.

5 The CSX facilities in Western New York  
6 are capable of handling the business it has  
7 today. CSX has five yards in Western New York:  
8 Frontier Yard, Seneca Yard, Kenmore, Niagara,  
9 Ohio Street and the stockyards.

0 The Frontier Yard is a classification  
1 yard with 63 classification tracks, three main  
2 tracks and 22 inbound/outbound running tracks.  
3 It also has a car shop with five tracks and an  
4 engine house with six tracks.

5 Seneca Yard is in Lackawanna and has  
6 three receiving tracks and a class yard with 17  
7 tracks. There are two satellite yards, the  
8 100 Yard with five tracks and the 200 Yard  
9 with seven tracks. Seneca Yard handles cars  
10 for the Ford Plant, the South Buffalo Railroad  
11 and Bethlehem Steel.

12 The Kenmore Yard is located on the  
13 northern side of Buffalo bordering Kenmore and

1 it is off the Niagara branch. It has 27 tracks  
2 and it has a satellite yard, BG&E Yard with  
3 five tracks. Kenmore Yard services American  
4 Axle, Chevrolet Tonawanda, Dunlop, Niagara  
5 Mohawk and numerous other shippers.

6 Ohio Street Yard has a middle yard with  
7 16 classification tracks and services the  
8 flour mills and other shippers.

9 Niagara Yard has 36 classification tracks,  
0 a Hold Yard with eight tracks, a car shop with  
1 two tracks, an engine house with three tracks  
2 and it services all the industries located on  
3 CSX tracks and it is also an interchange point  
4 with the Canadian railroads.

5 The stockyard is a Trail Van Facility  
6 and services Federal Bakers and Delaware Paper  
7 and Trans-Flo Facility. It is behind the major  
8 US Post Office and very close to the Western  
9 New York UPS facility. It is also in close  
0 proximity to Frontier Yard.

1 As I stated, the CSX has the  
2 infrastructure to handle the business today.  
3 If the business grows, CSX has the ability and

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the property to expand their facilities in Western New York to handle the busienss in New York or the new business in Buffalo.

CSX has problems, as any railroad has after a merger or consolidation. However, the problems are not on the northern or western region, the areas where the former Conrail employees work.

It is a fact that the Albany Division from Boston to Cleveland are number one in every category of how CSX defines how the railroad is running. I am personally very proud of my former Conrail rank and file brothers and sisters from all the crafts who are leading the CSXT out of the split-up of the Conrail doldrums and they are professionals and they show this every day.

I also congratulate CSX Vice President Bob Downing and General Manager Jim Decker and their staff for the steadfast position to give our customers the best service possible.

The employees and management of CSX on the northeast region will work together to

1 give our customers, the shippers, the best  
2 service we can. We did it on Conrail and we  
3 can do it again on CSX. That's a promise.

4 Thank you, very much.

5 MR. TIMMONS: Thank you, Mr. Godwin.

6 Mr. Ron Hayes. Are you here today?

7 UNIDENTIFIED VOICE: Mr. Ron Hayes is  
8 going to represent Jack Quinn's office.

9 MR. HAYES: Good morning, gentlemen.  
10 Congressman is in Washington this morning and  
11 asked that I present his statement on his  
12 behalf.

13 I would like to thank Norfolk Southern  
14 Corporation and CSX Transportation for holding  
15 this conference as a listening session to  
16 receive information on infrastructure  
17 modifications that might improve rail service  
18 for Buffalo and Western New York.

19 NS and CSX are to be commended for their  
20 efforts to recover from the system-wide  
21 congestion problems which resulted from the  
22 acquisition of Conrail. I believe that your  
23 outreach to the local rail user community and

willingness to address their needs are responsible for this recovery. I look forward to this conference on infrastructure providing a mechanism for a similar impact on infrastructure investments.

In May I wrote to Surface Transportation Board Chairman Linda Morgan to request that NS and CSX solicit outside input on the infrastructure needs of rail users in Buffalo and Western New York. The STB has provided significant regulatory oversight of the Conrail acquisition and their commitment to improving service to Buffalo area shippers is in large part responsible for service improvements.

The STB recognizes that the Buffalo area is served by the Canadian Railroads and several short lines. There is also a large and diverse group of railroad shippers and receivers in the region. Each of these interested parties have different ideas and priorities in regard to the infrastructure and capacity requirements in the Buffalo area.

1           The STB proceeding which called for this  
2 meeting requires NS and CSX to further assess  
3 existing rail infrastructure needs and to more  
4 fully develop proposals for related  
5 infrastructure improvements in the Buffalo  
6 region.

7           It is the objective of the STB to  
8 develop a coordinated plan for improving the  
9 area infrastructure. The STB has referred to  
0 similar efforts in Houston, Texas where UP/SP  
1 was directed to meet with shippers, involved  
2 railroads and other interested parties to  
3 upgrade the Houston terminal where service  
4 problems would not be resolved in the long term  
5 until infrastructure was addressed in a  
6 meaningful way.

7           The public and the STB are aware of  
8 the NS and CSX intensive efforts to return  
9 freight rail service to pre-Conrail levels and  
0 to address the price issue. I am calling on  
1 NS and CSX to utilize this STB proceeding to  
2 address inherent long-term problems related to  
3 existing railroad infrastructure and capacity

1 in the Western New York region.

2 The extensive infrastructure improvements  
3 required in the region cannot be the  
4 responsibility of NS and CSX alone. I have  
5 worked with Governor George Pataki and the  
6 United States Department of Transportation  
7 Secretary Rodney Slater in an attempt to obtain  
8 funding for railroad infrastructure projects in  
9 the Buffalo area. I believe that we will be  
10 able to secure state and federal funding for  
11 certain projects. However, these projects  
12 need to be identified and prioritized. It  
13 is important that the public have input into  
14 the prioritization of infrastructure  
15 investment.

16 One key local infrastructure investment  
17 considered a high priority by many in the  
18 rail community is the construction of a second  
19 bridge at control point draw CP Draw and the  
20 associated rail rationalization required at  
21 the site. However, the questions tied to the  
22 cost and feasibility of a second bridge at CP  
23 Draw has placed this infrastructure investment

1 on the back burner.

2 This community cannot allow inaction  
3 at CP Draw to stall other important  
4 infrastructure investments. I anticipate  
5 that the members of the rail community that  
6 have brought specific improvements to my  
7 attention will utilize this proceeding to  
8 bring these needs to the attention of NS and  
9 CSX and that they will be properly addressed.

0 Briefly for the record, I am requesting  
1 that both NS and CSX evaluate as required by  
2 the STB: The use of the Buffalo and  
3 Pittsburgh rail line which may soon be  
4 abandoned; the implementation of all  
5 infrastructure investments committed to by  
6 NS and CSX as part of the acquisition  
7 proceeding; priority improvements detailed  
8 by Niagara County and Erie County, as well  
9 as specific recommendations highlighted at  
0 this morning's conference.

1 I want to thank NS and CSX for giving  
2 the rail users community an opportunity to  
3 voice their concerns about the present rail

1 infrastructure situation as it relates to  
2 service and future economic development in  
3 upstate New York.

4 I look forward to reviewing the report  
5 to the Surface Transportation Board and  
6 anticipate NS and CSX incorporating these  
7 local proposals into their future plans for  
8 infrastructure improvements in Buffalo and  
9 Western New York.

0 Thank you.

1 MR. TIMMONS: Thank you, Mr. Hayes.  
2 We appreciate that.

3 That completes those who requested to  
4 make remarks. The sign-up sheet at the back  
5 of the room indicates we have three further  
6 presenters. I'm going to turn this over to my  
7 counterpart John Casellini to bring them  
8 forward.

9 MR. CASELLINI: Next up is Ken  
10 Swanekamp from the Erie County Department of  
11 Environmental Planning. Ken.

12 MR. SWANEKAMP: My name is Ken  
13 Swanekamp. I am the Director of Business

1 Assistance for Erie County Department of  
2 Environment and Planning. Besides being  
3 interested in economic development and the  
4 railroad issue, Erie County is also the owner  
5 of two short lines totaling 34 miles which  
6 release to the Erie County Industrial  
7 Development Agency and then have operators,  
8 DL&W and Buffalo Southern for those lines.

9 Erie County would like to thank CSX  
0 Transportation and Norfolk Southern Railroads  
1 for this opportunity to address the  
2 infrastructure needs of Erie County and  
3 Western New York's rail system. As you  
4 know, Buffalo and Erie County have been  
5 one of the largest rail centers in the United  
6 States for the past century. Many of our  
7 current industries rely on rail to move their  
8 raw materials and finished goods. The  
9 livelihood of these industries, the  
0 employment and wealth that they bring to  
1 Erie County and Western New York are impacted  
2 by the level of rail service and the cost  
3 of rail service.



1 We are not anxious to use public funds  
2 to simply move product from Chicago to New  
3 York faster without any benefit to the region.  
4 We also want to be sure that the railroads are  
5 contributing to the costs associated with these  
6 projects.

7 Erie County has been involved in  
8 discussions with railroads regarding new  
9 facilities in Erie County which will result  
0 in new investment by other companies, whether  
1 for translating facilities or new  
2 manufacturers. Both CSX and NS have indicated  
3 that a lack of sites for new business is a  
4 problem when it comes to developing new rail  
5 using customers. We want to continue those  
6 discussions and plans as partners. We also  
7 endorse the Erie/Niagara Rail Steering  
8 Committee recommendations for an objective rail  
9 network study to assess the region's  
0 infrastructure needs.

1 Such a study could help determine the  
2 most effective use of public funds for rail  
3 improvements.

1 Again we thank CSX, Norfolk Southern and  
2 the Surface Transportation Board for the  
3 opportunity to make these comments.

4 MR. CASELLINI: Thank you very much,  
5 Ken.

6 Next on the sign-up list, Hal Norris  
7 from the Greater Buffalo Niagara Regional  
8 Transportation Council.

9 (No response.)

0 Okay and the last speaker that we have  
1 on our list here is Donald Rychnowski from  
2 the Southern Tier West Regional Planning and  
3 Development Board.

4 MR. RYCHNOWSKI: I am here to make  
5 two primary points relating to service and  
6 operations in the Buffalo, New York area.

7 First, infrastructure improvements and  
8 operating changes relating to Norfolk  
9 Southern's southern tier extension line would  
10 positively impact the ability of Norfolk  
11 Southern to provide better service in and  
12 around the Buffalo area.

13 Second, Norfolk Southern should develop

1 a comprehensive response involving both  
2 infrastructure and operations that will reduce  
3 the safety and emergency vehicle access  
4 concerns in the City of Dunkirk in Chautauqua  
5 County.

6 As to the first point, the southern tier  
7 extension should be seen as an alternative to  
8 congestion and shipping volume problems in the  
9 Buffalo region. Through traffic that currently  
0 passes east/west through Buffalo but which does  
1 not have to pass through Buffalo could be  
2 shipped on the southern tier extension,  
3 avoiding Buffalo. This would reduce the traffic  
4 volume in Buffalo, reduce congestion in  
5 Buffalo, and consequently improve Norfolk  
6 Southern's ability to serve Buffalo area  
7 shippers.

8 To accomplish this, Norfolk Southern could  
9 run from Erie, Pennsylvania using its trackage  
10 rights over the Allegheny and Eastern to Corry,  
11 Pennsylvania, whereupon Norfolk Southern could  
12 run on the southern tier extension to Hornell,  
13 New York, connecting with the southern tier

line. This would have added side benefits to providing service to a number of prospective shippers in Northwestern Pennsylvania and Southwestern New York which is where my concern lies.

Norfolk Southern also has a yard in Olean, New York on the southern tier extension, with north/south connections to Buffalo through the New York-Keating, PA line. There also should be operating advantages to this additional connection to Buffalo that could be of benefit to Buffalo region shippers.

To accomplish this, in June of 1998 Norfolk Southern entered into an agreement with New York State and the Southern Tier West Regional Planning and Development Board in this matter. Southern Tier West was acting as an agent for the four counties in New York State in which the southern tier extension is located. This agreement provided for the provision of real estate tax abatements in return for certain service commitments by Norfolk Southern. In June of this year, New

1 York State Legislature created a railroad  
2 authority to implement the agreement.

3 Reopening the entire southern tier extension,  
4 making necessary improvements and repairs and  
5 upgrades and operating on the entire line  
6 either by Norfolk Southern or by a designated  
7 short line railroad, would benefit the system  
8 as a whole as well as the shippers along the  
9 southern tier extension. We request that  
0 Norfolk Southern implement this agreement and  
1 we in the southern tier stand ready to assist  
2 Norfolk Southern in this regard.

3 As to the second point, the Buffalo  
4 region includes the City of Dunkirk to the  
5 southwest of the city. The number of Norfolk  
6 Southern trains in Dunkirk has increased over  
7 the past year, posing a safety issue to  
8 pedestrians and automobile traffic owing to  
9 Norfolk Southern's grade crossings, numerous  
10 grade crossings in the city. This has resulted  
11 in traffic queues and flow problems and the  
12 potential for disrupted emergency vehicle  
13 service. Norfolk Southern has proposed

1  
eliminating these grade crossings by truncating  
the city streets so that they do not cross the  
rail line.

4  
This poses an even greater traffic and  
safety problem and does not address the issue  
of pedestrian safety. Thus far, Norfolk  
Southern has agreed to place signage at city  
grade crossings and has promised to hold  
crossing safety classes. We request that  
Norfolk Southern develop a more permanent and  
comprehensive solution to this problem.

12  
As a unit of government in Southwestern  
New York and as an advocate for rail  
transportation, Southern Tier West Regional  
Planning and Development Board offers its  
assistance with respect to rail issues that  
affect Western New York and Northwestern  
Pennsylvania.

9  
Thank you for this opportunity.

20  
MR. CASELLINI: Thank you, very much.

1  
I believe that that ends the remarks that  
we have from speakers who had signed up either  
previous to today or at the sign-in sheet this  
23

1 morning. Am I correct in that assumption?

2 Okay. Richard, are you here at this  
3 point?

4 MR. TIMMONS: Does anyone else have  
5 any other presentations or prepared remarks  
6 or impromptu remarks they would like to offer  
7 to the panel at this time?

8 (No response.)

9 Any comments or observations about what  
0 we have heard or what has taken place this  
1 morning?

2 (No response.)

3 The panel and the members from NS and  
4 CSX have nothing further. We want to thank  
5 you all for the time that you have taken to  
6 prepare your remarks and your materials and  
7 the time you have taken to travel to be here  
8 with us. We will take all of that material  
9 under advisement and study that in order to  
0 prepare for a report for the 7th of September.  
1 Thank you very much for your time and have a  
2 good day.

3 (PROCEEDINGS CONCLUDED.)

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ACK QUINN

30<sup>th</sup> DISTRICT, NEW YORK

TRANSPORTATION AND  
INFRASTRUCTURE

SUBCOMMITTEES:

AVIATION

GROUND TRANSPORTATION

WATER RESOURCES AND ENVIRONMENT

VETERANS' AFFAIRS

SUBCOMMITTEE CHAIRMAN:

BENEFITS



# Congress of the United States

House of Representatives

Washington, D.C. 20515-3230

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- MAIN OFFICE  
403 MAIN STREET  
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BUFFALO, NY 14203-2199  
(716) 845-5257  
FAX: (716) 847-0323
- SATELLITE OFFICE:  
1490 JEFFERSON AVENUE  
BUFFALO, NY 14208  
(716) 886-4076

Statement of Congressman Jack Quinn  
New York, 30<sup>th</sup> District

## **SURFACE TRANSPORTATION BOARD DECISION STB Finance Docket No. 33388 (Sub-No.93)**

### **BUFFALO AREA INFRASTRUCTURE**

July 27, 2000

I would like to thank Norfolk Southern Corporation (NS) and CSX Transportation (CSX) for holding this conference as a "listening session" to receive information on infrastructure modifications that might improve service for Buffalo and Western New York.

Since the announcement of the NS/CSX acquisition of Conrail in early 1997, I have worked closely with impacted rail shippers, elected officials, development professionals, union officials, Class 1 and shortline railroads and the public to address the concerns generated by the acquisition. Working together we have attempted to attack head on each issue as it arose with the goal of providing Western New York with acceptable rail service at a reasonable price.

The economy of Western New York and more than 25,000 high paying jobs depend upon our success.

NS and CSX are to be commended for their efforts to recover from the system-wide congestion problems which resulted from the acquisition of Conrail. I believe that their outreach to the local rail user community and willingness to address their needs are responsible for this recovery. I look forward to this conference on infrastructure providing a mechanism for a similar result on infrastructure investments.

In May, I wrote to Surface Transportation Board (STB) Chairman Linda Morgan to request that NS and CSX solicit outside input on the infrastructure needs of rail users in Buffalo and Western New York. The STB has provided significant

regulatory oversight of the Conrail acquisition and their commitment to improving service for Buffalo area shippers is in large part responsible for service improvements.

The STB recognizes that the Buffalo area is served by the Canadian railroads and several shortlines. There is also a large and diverse group of railroad shippers and receivers in the region. Each of these interested parties have different ideas and priorities in regard to the infrastructure and capacity requirements in the Buffalo area.

The STB proceeding which called for this meeting requires NS and CSX to further assess existing rail infrastructure needs and to more fully develop proposals for related infrastructure improvements in the Buffalo region.

It is the objective of the STB to develop a coordinated plan for improving the area infrastructure. The STB has referred to similar efforts in Houston, Texas where UP/SP was directed to meet with shippers, involved railroads and other interested parties to upgrade Houston Terminal where service problems would not be resolved in the long term, "until infrastructure was addressed in a meaningful way."

The public and the STB are aware of the NS and CSX intensive efforts to return freight rail service to pre-Conrail levels and to address the price issue. I am calling on NS and CSX to utilize this STB proceeding to address inherent long-term problems related to existing railroad infrastructure and capacity in the Western New York region.

The extensive infrastructure improvements required in the region can not be the responsibility of NS and CSX alone. I have worked with Governor George Pataki and United States Department of Transportation Secretary Rodney Slater in an attempt to obtain funding for railroad infrastructure projects in the Buffalo area. I believe that we will be able to secure state and federal funding for certain projects. However, these projects need to be identified and prioritized. It is important that the public have input into the prioritization of infrastructure investment.

One key local infrastructure investment considered a high priority by many in the rail community is the construction of a second bridge at Control Point Draw (CP Draw) and the associated rail rationalization required at the site. However, the questions tied to the cost and feasibility of a second bridge at CP Draw has placed this infrastructure investment on the back burner.

This community can not allow inaction at CP Draw to stall other important infrastructure investments. I anticipate that the members of the rail community that have brought specific improvements to my attention will utilize this proceeding to bring these needs to the attention of NS and CSX and that they will be properly addressed.

Briefly for the record I am requesting that both NS and CSX evaluate as required by the STB: The use of the Buffalo and Pittsburgh rail line which may soon be abandoned; the implementation of all infrastructure investments committed to by NS and CSX as part of the acquisition proceeding; priority improvements detailed by Niagara County and Erie County, as well as, specific recommendations highlighted at this mornings conference.

I want to thank NS and CSX for giving the rail users community an opportunity to voice their concerns about the present rail infrastructure situation as it relates to service and future economic development in Upstate New York.

I look forward to reviewing the Report to the Surface Transportation Board and anticipate NS and CSX incorporating these local proposals into their future plans for infrastructure improvements in Buffalo and Western New York.

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**Buffalo  
Southern  
Railroad Inc.**

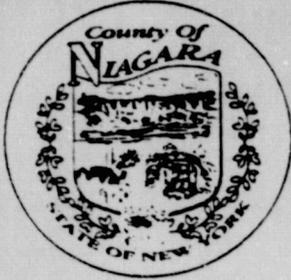


8600 DEPOT STREET • EDEN, NY 14057 • 716-992-4979 • FAX: 716-992-9132

**REQUESTS FROM BUFFALO SOUTHERN RAILROAD TO  
IMPROVE SMALL CUSTOMER SERVICE IN WNY**

- I. Support trackage rights from Waterboro to Jamestown and beyond, to allow direct service to Jamestown from Buffalo.
- II. Provide three times a week pickup of unit train of gravel from Machias to Buffalo.
- III. Transfer Abby Street Yard, if unused, to the E.C.I.D.A. to better serve Buffalo Color and other small customers in that area.
- IV. Support Buffalo Southern Railroad siding into Ravenwood/Georgia Pacific area in Hamburg to relieve traffic off of Norfolk Southern mainline.
- V. Help co-market new aggregate and bulk storage and transload facility in Hamburg.

US OFFICE PRODUCTS



**NIAGARA COUNTY  
DEPARTMENT OF PLANNING,  
DEVELOPMENT & TOURISM**

**SAMUEL M. FERRARO  
COMMISSIONER**

**MICHAEL A. CASALE  
DEPUTY COMMISSIONER OF  
BUSINESS DEVELOPMENT**

**RAIL STATEMENT  
Niagara County, New York  
July 27, 2000**

My name is Samuel M. Ferraro. I am the Commissioner of Niagara County's Department of Planning, Development & Tourism. I appreciate the opportunity to be here today to address issues regarding railroad infrastructure needs in Niagara County.

Before I begin, I wish to acknowledge the hard work by the Erie County Industrial Development Agency (ECIDA) in bringing our region together on railroad issues. The ECIDA has acted in a completely unbiased capacity regarding rail problems, whereby, I strongly endorse the comments made today by the ECIDA. Please note Niagara County has been working closely with the ECIDA as a member of the Erie/Niagara/Rail Steering Committee. Our work has focused on rail service and infrastructure projects that we hope will be addressed as a result of this meeting today.

The purpose of my remarks today deals directly with infrastructure needs in Niagara County. In December 1999, our department prepared a report outlining railroad needs in Niagara County. Specifically, the report is a comprehensive priority list of railroad bridges and railroad crossing throughout the County, including cost estimates. The report was presented to our federal, state and local representatives, as well as railroads.

Subsequent to the release of the report, we were asked to prioritize the rail projects by community in Niagara County. The priority list includes nine projects totaling \$5,332,000. These projects represent the highest priority rail projects in Niagara County. On February 1, 2000 the Niagara County Legislature adopted a resolution supporting these projects as well.

The Niagara County report and priority list of rail projects are attached to my statement for your information.

Please be advised, there are currently some 80 major businesses in Niagara County that rely on some form of rail transportation for their economic existence and competitiveness. We are also working with new businesses that may need some form of rail service for their transportation needs.

Specifically, the Niagara Falls, New York area is home to many chemical industries, such as Occidental Chemical, Olin and DuPont that are heavily dependent upon rail service. Delphi Harrison Thermal Systems, located in Lockport, New York

employs 6,100 people, and through rail service, supplies components for General Motors and the automotive industry. Delphi is the largest employer in Niagara County and Western New York. Additionally, the new AES Corporation power generating station in Somerset, New York, (formerly known as New York State Electric and Gas, NYSEG), is heavily dependent on coal shipments via the southern United States.

These and other companies require modern infrastructure that allows the best movement of goods and services possible in the region.

The emphasis on improved transportation infrastructure must be underscored and its affect on our area's economy. Our local economy has suffered greatly from population and job loss. Further hindrance toward the ability to move goods will only add to this decline, locally and in the region. Following trends of the last several decades, the population of Niagara County declined by 6,598 persons, or 2.9% between 1980 and 1990. The 1990 County population figure of 220,756 persons represents a decline of 6.3% from the 1970 figure of 235,720. This decline in population mirrors the significant loss of industry in the County. Further, the unemployment rate in Niagara County as reported in June 1999 was 5.8% as compared to the New York State unemployment rate of 5.2% in June 1999, and a national unemployment rate of 4.3% in June 1999. (Source: NYS Department of Labor and US Department of Labor – Bureau of Labor Statistics).

On behalf of Niagara County Planning, Development & Tourism, we request your support of these necessary rail projects. We urge the railroad representatives here today to analyze these projects and work with Niagara County and its local communities to begin scheduling these priorities for implementation.

Thank you.

Samuel M. Ferraro  
Commissioner  
Niagara County Planning, Development & Tourism

NIAGARA COUNTY LEGISLATURE

FROM: Commerce, Tourism & Agriculture DATE: 2/1/2000 RESOLUTION # CT-001-00

Committee

APPROVED  
NIAGARA CO. ATTORNEY

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes 0

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

By  \_\_\_\_\_

**SUPPORT FOR NIAGARA COUNTY RAIL INFRASTRUCTURE PROJECTS**

WHEREAS, there are a number of rail infrastructure needs in Niagara County, and

WHEREAS, these needs are specifically identified as railroad, bridge, overpass and rail crossings, and

WHEREAS, Governor George E. Pataki's proposed 2000-2001 budget recommends funding be set aside to improve said infrastructure needs in New York State, and

WHEREAS, the Niagara County Department of Planning, Development & Tourism, through its Local Government Outreach Program, has reached out to Niagara County's communities having significant rail priority projects, and

WHEREAS, those said communities have identified their top projects, now, therefore, be it

RESOLVED, that the Niagara County Legislature go on record in support of the attached list of Niagara County rail infrastructure projects in the amount of \$5,332,000, and be it further

RESOLVED, that the Niagara County Legislature recommends that Governor George Pataki set aside \$5,332,000 million of his said set aside funds for the Niagara County Rail Infrastructure projects, and be it further

RESOLVED, that the Niagara County Legislature recommend that each community that has identified rail infrastructure projects on the attached list adopt a similar resolution of support, and be it further

RESOLVED, that copies of this resolution be sent to New York State Governor George E. Pataki; New York State Senator George Maziarz; New York State Assemblyman Robert A. Daly; New York State Assemblyman David Seaman; John F. Guinan, Assistant Commissioner, Office of Passenger & Freight Transportation; Richard P. Mullaney, Clerk, City of Lockport; Cynthia Baxter, Clerk, City of Niagara Falls; Michael D. Cox, Clerk, City of North Tonawanda; Lou Ann Murawski, Clerk, Town of Cambria; Carol J. Brandon, Clerk, Town of Lewiston; Nancy A. Brooks, Clerk, Town of Lockport; Carol J. Genet, Clerk, Town of Royalton; De Ette S. Ferchen, Clerk, Town of Wheatfield and Rebecca Schweigert, Clerk-Treasurer, Village of Middleport.

  
COMMERCE, TOURISM & AGRICULTURE  
COMMITTEE

STB

FD-33388

(SUB 93)

9-7-00

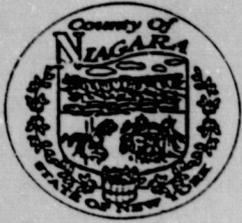
D

199693

5 of 6

**TABLE  
NIAGARA COUNTY RAIL PRIORITIES  
BY COMMUNITY**

<u>Community</u>	<u>Priority Rail Bridge</u>	<u>Project Cost</u>	<u>Railroad Ownership</u>	<u>Priority Rail Crossing</u>	<u>Project Cost</u>	<u>Railroad Ownership</u>
<b>(Cities)</b>						
City of Lockport . . . . .	Gooding St. overpass - repair & paint structure	\$ 75,000	Falls Road Railroad Co.	Niagara St. - replace multiple at grade crossings	\$ 250,000	Falls Road Railroad Co.
City of Niagara Falls . . . . .	Main St. overpass between Ontario and Depot - remove and replace existing structure w/improved trestle w/o center support, underground utility relocation(s); margin improvements	\$1,450,000	CSX	Highland Ave. @ College Ave. - replace at grade crossing	\$ 50,000	CSX
City of North Tonawanda . . . . .	Tonawanda Island railroad swing bridge between Bridge St. & Tonawanda Island - remove entire bridge structure causing hazards to navigation in the Little River	\$ 475,000	Tonawanda Railroad	Robinson St. east of River Rd. - replace multiple at grade crossings	\$ 132,000	CSX
<b>(Towns)</b>						
Cambria . . . . .	Replace Baer Rd. bridge	\$ 1,000,000	CSX	Rt. 31 west of Shawnee Rd. (Rt. 425) - replace at grade crossing	\$ 50,000	CSX
Lewiston . . . . .	None		---	Hoover Rd. - replace at grade crossing	\$ 50,000	CSX
Lockport . . . . .	Doy Rd. overpass between Rt. 31 and Erie Barge Canal - either raise bridge or create at grade crossing	\$ 1,500,000	NCIDA c/o Falls Road Railroad	Wilson Rd. - replace at grade crossing	\$ 50,000	NCIDA c/o Falls Road Railroad
Royalton . . . . .	None		---	State St. - replace at grade crossing	\$ 50,000	NCIDA c/o Falls Road Railroad
Wheatfield . . . . .	Bridge over Niagara Falls Blvd. - paint & repair	\$ 100,000	CSX	Walmore Rd. near Cory Dr. - replace at grade crossing	\$ 50,000	CSX
<b>(Villages)</b>						
Middleport . . . . .	None		---	Kelly Ave. - replace at grade crossing	\$ 50,000	Falls Road Railroad
<b>TOTAL BRIDGE REQUEST:</b>		<b>\$ 4,600,000</b>				
<b>TOTAL CROSSING REQUEST:</b>					<b>\$ 732,000</b>	
<b>TOTAL RAIL REQUEST:</b>		<b>\$5,332,000</b>				



# NIAGARA COUNTY NEW YORK



**NIAGARA COUNTY  
RAILROAD BRIDGE & RAILROAD CROSSING  
PRIORITIES AND COST ESTIMATES  
FOR  
WESTERN NEW YORK  
CONGRESSIONAL REPRESENTATIVES**

---

**DECEMBER 1, 1999**

**PREPARED BY**

**SAMUEL M. FERRARO, COMMISSIONER**

**NIAGARA COUNTY DEPARTMENT OF PLANNING  
DEVELOPMENT & TOURISM**

**59 PARK AVENUE LOCKPORT, NEW YORK  
PHONE: (716) 439-7235 FAX: (716) 439-7267**

**e-mail: [planning @ niagara-usa.com](mailto:planning@niagara-usa.com)**



**NIAGARA COUNTY  
DEPARTMENT OF PLANNING,  
DEVELOPMENT & TOURISM**

**SAMUEL M. FERRARO  
COMMISSIONER**

**MICHAEL A. CASALE  
DEPUTY COMMISSIONER OF  
BUSINESS DEVELOPMENT**

**M E M O R A N D U M**

**TO:** Members of the Western New York United States Congressional Delegation

**FROM:** Samuel M. Ferraro, Commissioner  
Niagara County Planning, Development & Tourism *SAM*

**DATE:** November 9, 1999

**RE:** **NIAGARA COUNTY RAILROAD INFRASTRUCTURE PRIORITIES &  
COST ESTIMATES**

We appreciate the opportunity to present the following report prepared by the Niagara County Department of Planning, Development & Tourism regarding railroad infrastructure priorities and cost estimates. This is a follow-up to the first report released by this department on October 18, 1999, highlighting overall rail infrastructure needs in Niagara County.

Included in this report is a comprehensive priority list of railroad bridges and railroad crossings throughout Niagara County, including cost estimates. This information was provided by local municipalities in Niagara County.

The report is divided into six sections and are as follows:

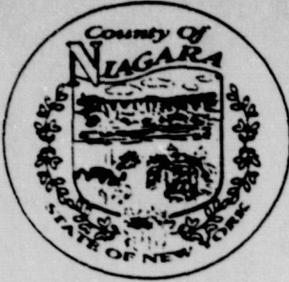
1. October 20, 1999 Niagara County Department of Planning letter sent to municipalities in Niagara County requesting priority rail bridges and crossings, and to identify related cost estimates.
2. List of nine municipalities and officials in Niagara County who received the October 20, 1999 letter.
3. Niagara County Cities – with responses on rail priorities/costs.
4. Niagara County Towns – with responses on rail priorities/costs.
5. Niagara County Villages – with responses on rail priorities/costs.
6. Recent letters from Linda Morgan, Chairperson, Surface Transportation Board (dated November 5, 1999), and copies of news articles regarding efforts to promote infrastructure funding.

We appreciate the opportunity to present this information on rail infrastructure priorities and costs in Niagara County, New York.

Thank you.

SMF:kja

**OCTOBER 20, 1999 LETTER TO  
NIAGARA COUNTY MUNICIPALITIES –  
RAILROAD PRIORITIES AND COST  
ESTIMATES**



**NIAGARA COUNTY  
DEPARTMENT OF PLANNING,  
DEVELOPMENT & TOURISM**

**SAMUEL M. FERRARO  
COMMISSIONER**

**MICHAEL A. CASALE  
DEPUTY COMMISSIONER OF  
BUSINESS DEVELOPMENT**

October 20, 1999

«Munic\_Engineer»  
«Municipality»  
«Address»  
«City», «State» «PostalCode»

Dear «Title» «LastName»:

I would like to take this opportunity to thank you for submitting the recent information on railroad bridge and railroad crossing needs for your community. Enclosed is the report I submitted on your behalf to our Western New York Congressional Delegation and the railroads on Monday, October 18, 1999 (see attached article).

I have been now asked to coordinate the next step, which is to ask you for specific numbered priorities and cost estimates for the rail bridges and/or crossings you submitted. I realize this is more work, but the benefits could be tremendous. The railroads will be asked to support infrastructure improvements in our County, based on your response.

Therefore, I ask that you please review your community's submission and prioritize rail bridge and rail crossing needs. Further, I also request a cost estimate for proposed work on each bridge and each rail crossing. Please be sure to submit these as two separate lists.

**In order to comply with our congressional offices and meet our timely schedule, I require a response no later than 5:00 p.m. on Friday, November 5, 1999. I apologize for the timeframe, but these schedules are beyond my control. I will do my best to package your response as part of a Niagara County submission again.**

As always, if you require further assistance, please feel free to contact me at 439-7235.

Thank you for your continued cooperation.

Sincerely,

Samuel M. Ferraro  
Commissioner  
Niagara County Planning, Development & Tourism

SMF:kja  
Enclosure

Cc: Niagara County Chief Elected Officials - without enclosure  
Niagara County Building Inspectors - without enclosure  
Dorson R. Wilson, Commissioner, Niagara County Public Works - without enclosure  
Niagara County Legislators - without enclosure

**LIST OF NIAGARA COUNTY CITIES,  
TOWNS AND VILLAGES  
SENT OCTOBER 20, 1999 LETTER**

## NIAGARA COUNTY CITIES

Mayor Kenneth D. Swan  
City of Lockport  
Municipal Building  
One Locks Plaza  
Lockport, NY 14094

Mayor James C. Galie  
City of Niagara Falls  
745 Main Street  
MPO Box 69  
Niagara Falls, NY 14302

Mayor Ronald R. Dawson  
City of North Tonawanda  
City Hall  
216 Payne Avenue  
North Tonawanda, NY 14120

James McCann – Building Inspector  
City of Lockport  
Municipal Building  
One Locks Plaza  
Lockport, NY 14094

Stan Kinaszewic – Building Inspector  
City of Niagara Falls  
745 Main Street  
Niagara Falls, NY 14301

Michael R. Eisenhauer – Building Inspector  
North Tonawanda City Hall  
216 Payne Avenue  
North Tonawanda, NY 14120

## NIAGARA COUNTY TOWNS

Wright H. Ellis, Supervisor  
Town of Cambria  
4160 Upper Mountain Road  
Sanborn, NY 14132

Richard F. Demus, Supervisor  
Town of Lewiston  
1375 Ridge Road, P. O. Box 330  
Lewiston, NY 14092

John O. Thompson, Supervisor  
Town of Lockport  
6560 Dysinger Road  
Lockport, NY 14094

Lloyd L. Westcott, Supervisor  
Town of Royalton  
5316 Royalton Center Road  
Middleport, NY 14105

Timothy R. Demler, Supervisor  
Town of Wheatfield  
2800 Church Road  
North Tonawanda, NY 14120

Clifford Burch – Building Inspector  
Town of Cambria  
4160 Upper Mountain Road  
Sanborn, NY 14132

Robert Coulter – Building Inspector  
Town of Lewiston  
1375 Ridge Road P. O. Box 330  
Lewiston, NY 14092

Eugene Nenni – Sr. Building Inspector  
Town of Lockport  
6560 Dysinger Road  
Lockport, NY 14094

Thomas Arlington – Building Inspector  
Town of Royalton  
5316 Royalton Center Road  
Middleport, NY 14105

Don MacSwan – Building Inspector  
Town of Wheatfield  
2800 Church Road  
North Tonawanda, NY 14120

**NIAGARA COUNTY VILLAGES**

**Donald H. Piedmont, Mayor  
Village of Middleport  
24 Main Street, P. O. Box 186  
Middleport, NY 14105-0186**

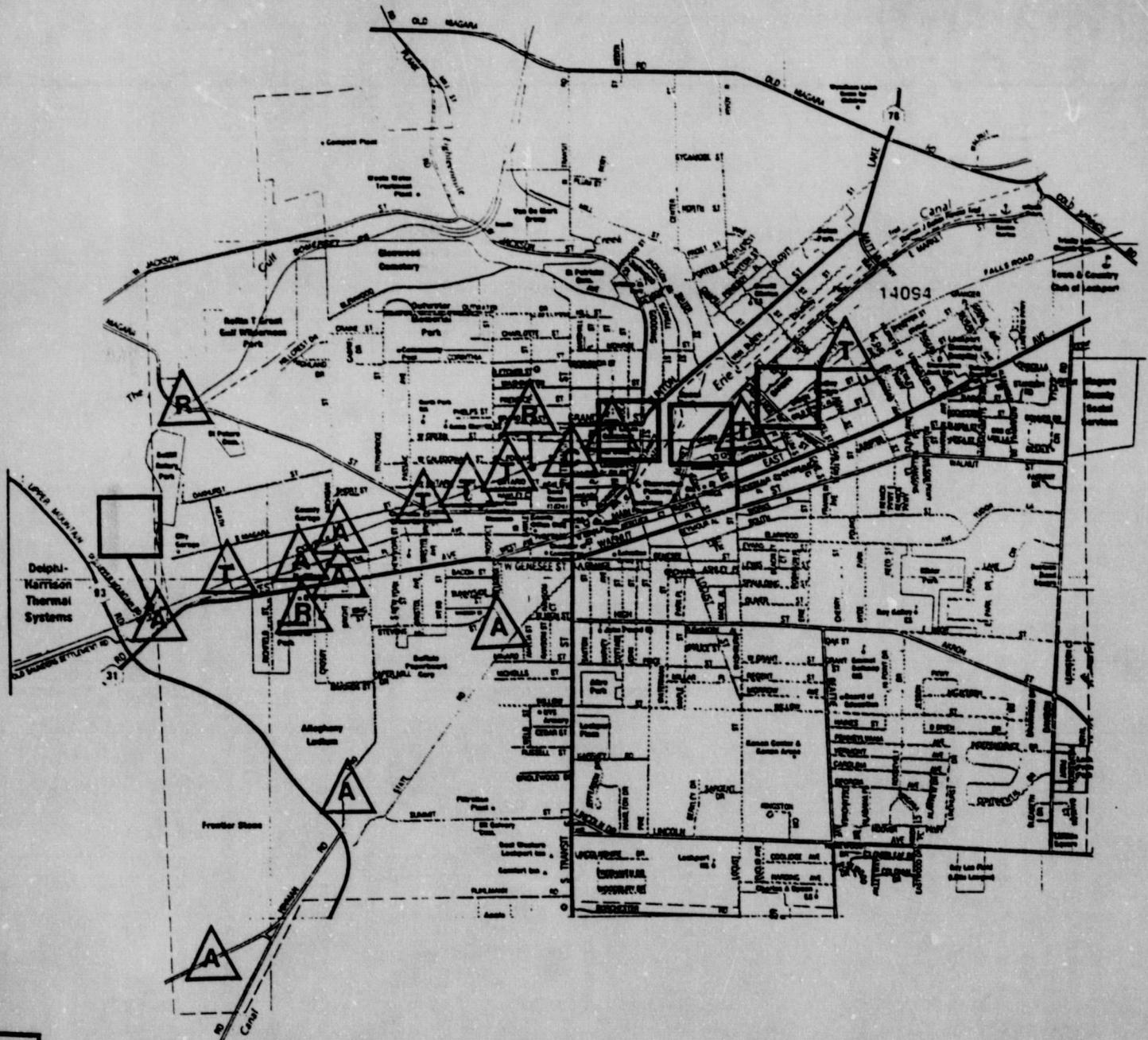
**Thomas Arlington – Building Inspector  
Village of Middleport  
24 Main Street  
Middleport, NY 14105**

**IN INSTANCES WHERE COMMUNITIES DID  
NOT ESTIMATE RAILROAD CROSSING  
COSTS, AND BASED ON OTHER  
RESPONSES, WE ANTICIPATE THE COST  
OF A TYPICAL RAILROAD CROSSING TO  
BE \$50,000.**

**NIAGARA COUNTY CITIES –  
RAILROAD BRIDGE AND CROSSINGS  
MAPS AND RESPONSES**

# CITY OF LOCKPORT

## RAILROAD BRIDGES & CROSSINGS



RAILROAD BRIDGE



RAILROAD CROSSING



ASPHALT SURFACE



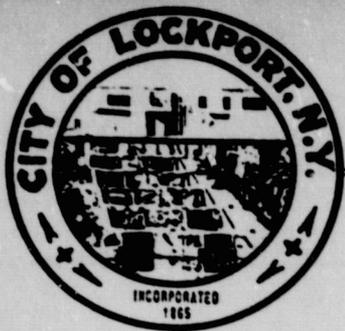
CONCRETE SURFACE



RUBBER SURFACE



TIMBER SURFACE



# Engineering Department

LOCKPORT MUNICIPAL BUILDING  
ONE LOCKS PLAZA  
LOCKPORT, N. Y. 14094

November 4, 1999

Niagara County Planning, Development & Tourism  
ATTN: Mr. Samuel M. Ferraro  
Commissioner  
59 Park Avenue  
Lockport, New York 14094-2740

RE: "Rail Bridges and Crossings"

Dear Mr. Ferraro:

As per your request, attached please find two (2) lists in order of priority along with cost estimates. \*Note that there have been some minor additions to the original list that was submitted.

If there are any questions, or if additional information is required, please contact me;  
(Monday through Friday, 8:30 A.M. - 4:30 P.M.).

Yours truly,

Allan R. Rutter  
Director of Engineering

ARR/ns  
Attachments  
cc: Mayor Swan  
File



H:\ARR\NCRAIL.WPD

**CITY OF LOCKPORT**

**Rail Crossing List**

<u>Priority</u>	<u>Location</u>	<u>Estimate - Repair Cost</u>
1.	Niagara Street	\$250,000.00
2.	Church Street	\$45,000.00
3.	Ontario Street	\$50,000.00
4.	Prospect Street	\$35,000.00
5.	Vine Street	\$30,000.00
6.	Hawley Street	\$20,000.00
7.	Niagara Street; (Somerset Railroad)	No action needed at this time
8.	Heath Street	No action needed at this time
9.	Michigan Street	No action needed at this time
10.	North Transit Street	No action needed at this time

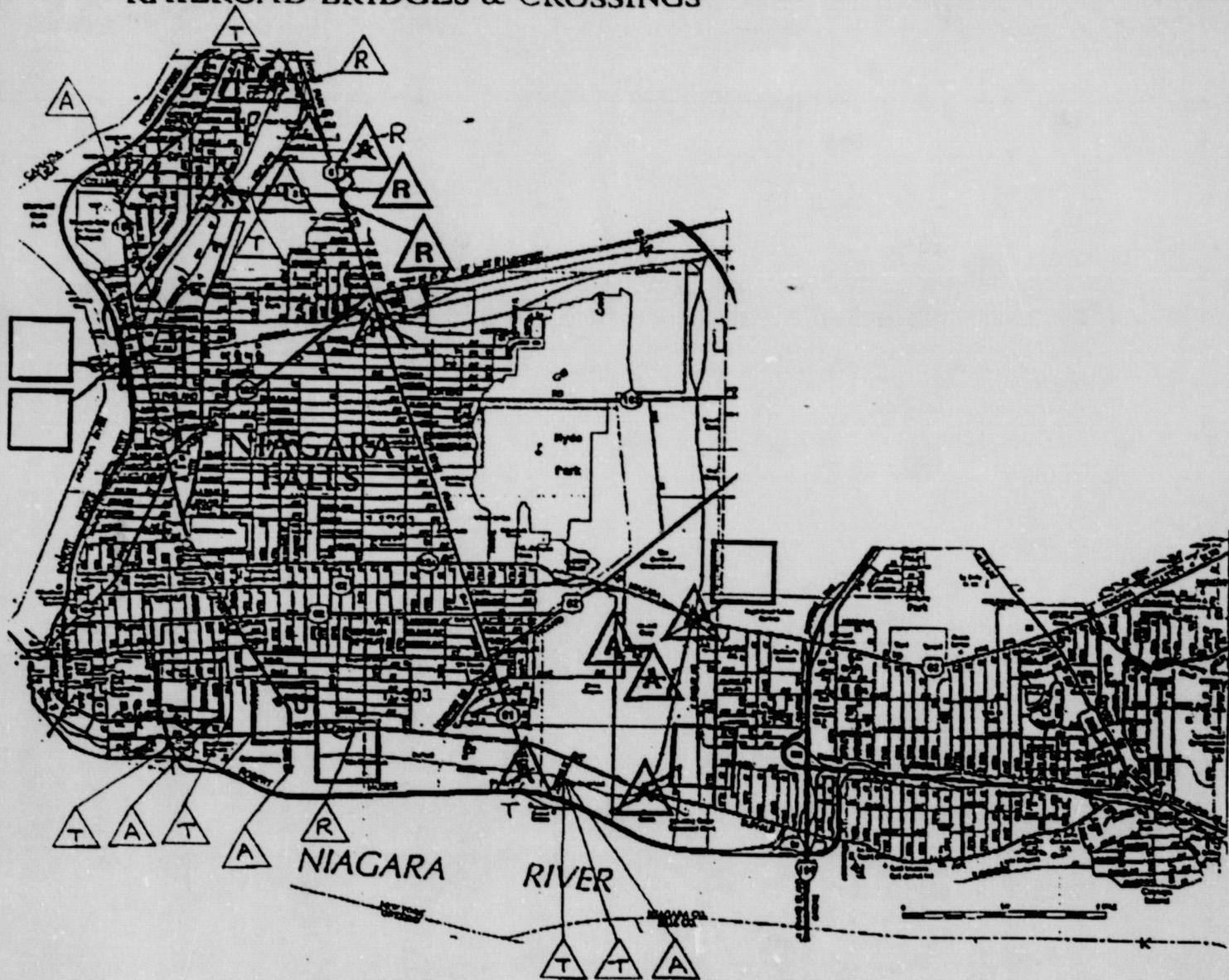
# CITY OF LOCKPORT

## Rail Bridge List

<u>Priority</u>	<u>Location</u>	<u>Estimated - Repair Cost</u>
1.	Gooding Street Underpass Requirement: Repair and paint	\$75,000.00
2.	Bridge adjacent to N. Transit Road Requirement: To be removed	\$125,000.00
3.	Market Street Requirement: Repair and paint	\$35,000.00
4.	Exchange Street Requirement: Repair and paint	\$30,000.00
5.	Trestle across canal	No action needed at this time
6.	Somerset Trestle	No action needed at this time

# CITY OF NIAGARA FALLS

## RAILROAD BRIDGES & CROSSINGS



□ RAILROAD BRIDGE

△ RAILROAD CROSSING

△ A ASPHALT SURFACE

△ C CONCRETE SURFACE

△ R RUBBER SURFACE

△ T TIMBER SURFACE



# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

Engineering Department



November 4, 1999

Mr. Samuel Ferraro, Commissioner  
Niagara County Department of Planning,  
Development and Tourism  
59 Park Avenue  
Lockport, NY 14094-2740

**SUBJECT: RAILROAD BRIDGE AND RAILROAD CROSSING INVENTORY**

Dear Mr. Ferraro:

Per your letter dated October 20, 1999, attached please find a prioritized listing, with cost estimates, for alterations to railroad bridges and/or railroad crossings within the City of Niagara Falls.

Be advised that these are rough estimates that will require revision during detailed design.

Thank you for this opportunity to participate in the program. If there are any questions, please call me at your earliest convenience.

Sincerely yours,

Kevin P. O'Brien, P.E., City Engineer

KPO:map

Attachments (2)

cc: Mayor James C. Galie  
Anthony J. Restaino  
Larry Krizan  
Thomas DeSantis  
Ronald Shiesley  
Thomas Miklejn  
Robert Buzzelli  
File

City of Niagara Falls  
New York

ENGINEERING DEPARTMENT

November 3, 1999

TO: Kevin P. O'Brien P.E. – City Engineer

FROM: Robert Buzzelli

RE: Estimates for Railroad Crossings Alterations – "At-Grade" Crossings

Please find listed below estimates for the alteration/improvement of existing "at-grade" railroad crossings at various sites within the City. Please note that the sites included below are in order of priority and that this rough estimate is preliminary; a much more detailed scope than I am providing here will be necessary PRIOR to and design and/or construction ensues. If there are any questions concerning the scope used to determine this estimate or you feel further explanation is necessary, please let me know at your convenience.

Highland Avenue @ College	"Rubber" crossing recommended; adjustment of steel plates and/or plate removal; full repave of approaches (+/- 25 ft ea. side)	\$ 50,000.00
Lafayette Avenue @ Monteaagle Ridge Estates	"Rubber" crossing recommended; full repave of approaches (+/- 25 ft ea. side), margin/sidewalk work necessary	\$ 60,000.00
9th Street @ Deveaux	"Rubber" crossing recommended; full repave of approaches (+/- 25 ft ea. side)	\$ 50,000.00
Garden Avenue @ Monteaagle	"Rubber" crossing recommended; full repave of approaches (+/- 25 ft ea. side)	\$ 50,000.00
Iroquois Avenue (1 of 3 spurs)	"Rubber" crossing recommended; full repave of approaches (+/- 25 ft ea. side)	\$ 50,000.00
Acheson Drive (So. of Buffalo Av.)	"Rubber" crossing recommended; full repave of approaches (+/- 25 ft ea. side), due to a previous utility repair, a more extensive restoration is necessary	\$ 75,000.00
College Avenue (W. of Hyde Park Blvd.)	"Rubber" crossing recommended; full repave of approaches (+/- 25 ft ea. side)	\$ 50,000.00
12th Street (Side Rail)	"Rubber" crossing recommended; full repave of approaches (+/- 25 ft ea. side), margin/sidewalk work necessary	\$ 60,000.00

cc: file

City of Niagara Falls  
New York

ENGINEERING DEPARTMENT

November 8, 1999

TO: Kevin P. O'Brien P.E. – City Engineer

FROM: Robert Buzzelli

RE: Estimates for Railroad Crossings Alterations – "Elevated" Crossings

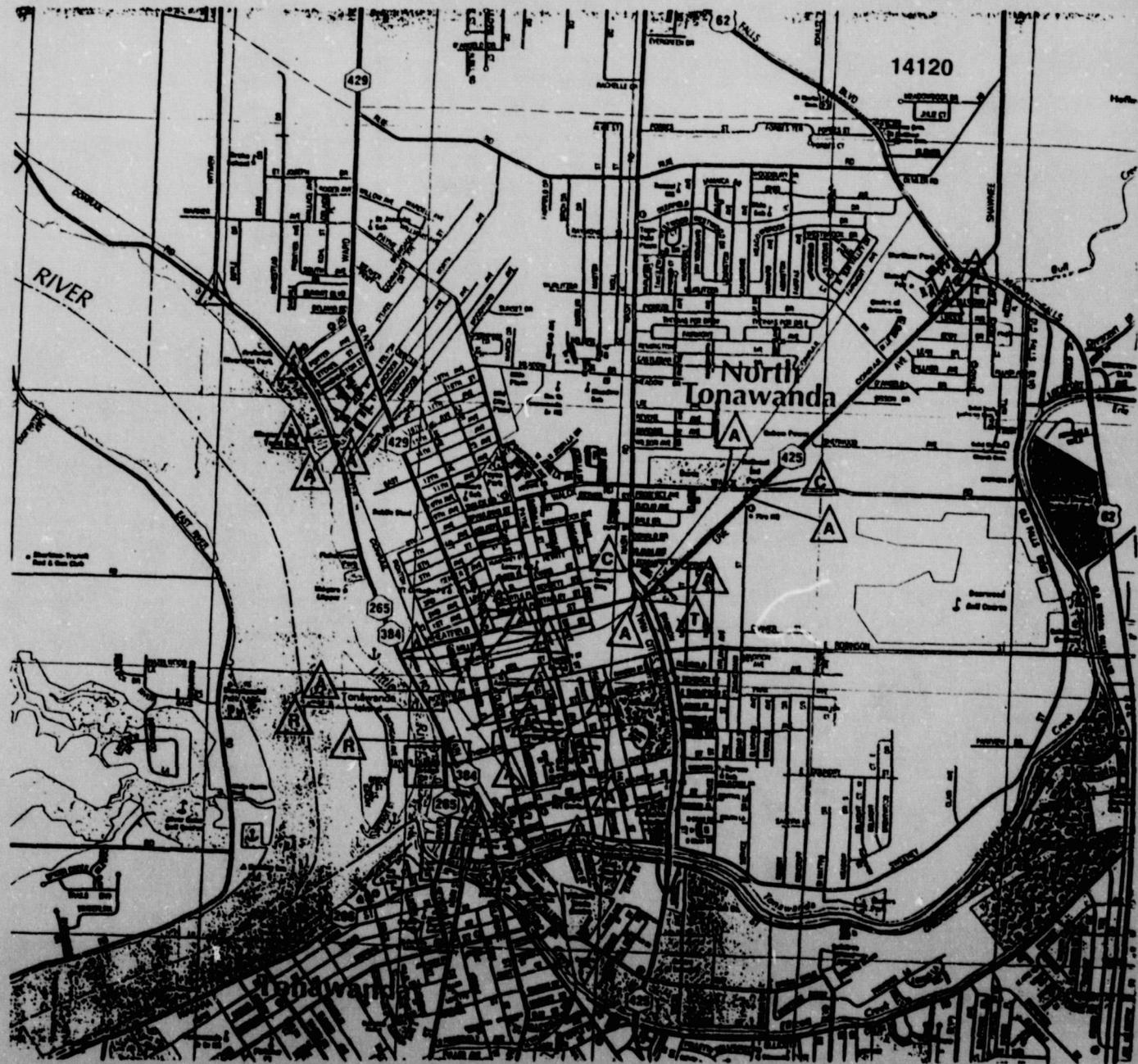
Please find listed below estimates for the removal of elevated railroad crossings and the subsequent creation of "at-grade" crossings at various sites within the City. Also, please find estimates for costs associated with bridge improvements where conversion to "at-grade" crossings would not be feasible. Please note that the sites included below are in order of priority. Finally, please notice that this rough estimate is preliminary; a much more detailed scope than I am providing here will be necessary PRIOR to the start of design and/or construction. If there are any questions concerning the scope used to determine this estimate or you feel further explanation is necessary, please let me know at your convenience.

Main Street bet. Ontario/Depot	Remove and replace exist. structure w/ improved trestle w/o center support, underground utility relocation(s); margin improvements	\$ 1,450,000.00
College Avenue bet. Highland/Bell	Creation of an "At-Grade" Crossings with underground utility relocation(s)	\$ 1,175,000.00
Buffalo Avenue bet. 47 <sup>th</sup> /53 <sup>rd</sup>	Underground utility relocation(s), installation of new drainage structures, pavement "cut down" to allow greater clearance	\$ 575,000.00
10 <sup>th</sup> Street bet. Buffalo/Falls	Creation of an "At-Grade" Crossings with underground utility relocation(s)	\$ 1,175,000.00
Portage Road bet. Buffalo/Mackenna	Creation of an "At-Grade" Crossings, large R.O.W. acquisition, underground utility relocation(s)	\$ 2,250,000.00
Whirlpool Street bet. Ontario/Depot	Underground utility relocation(s), installation of new drainage structures, pavement cut down to allow greater clearance	\$ 825,000.00
Depot Street bet. 9 <sup>th</sup> /Main	As a "stand alone" project, only structural bridge modifications/maintenance	\$ 525,000.00

cc: file

CITY OF NORTH TONAWANDA  
RAILROAD BRIDGES & CROSSINGS

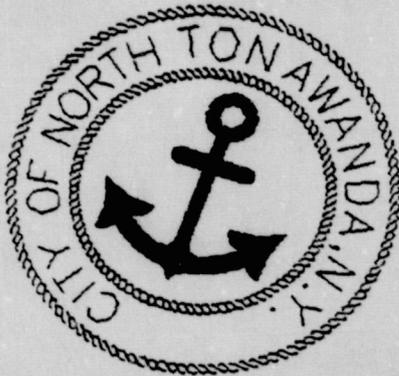
- RAILROAD BRIDGE
- △ RAILROAD CROSSING
- △ A ASPHALT SURFACE
- △ C CONCRETE SURFACE
- △ R RUBBER SURFACE
- △ T TIMBER SURFACE



Public Works Department

758 Erie Avenue, North Tonawanda, NY 14120

695-8585



# Memo

To: Mayor Ronald R. Dawson  
From: Gary J. Frankin *[Signature]*  
Date: November 5, 1999  
Subject: Niagara County Railroad Bridge and Crossing Inventory

---

At your direction, Mr. Dale Marshall and myself prepared cost estimates and a priority order for the railroad bridge and crossing inventory repair or removal recommendations we identified 14, October, 1999. We did so in response to the letter requesting specific information as requested by the Niagara County Department of Planning Development & Tourism in their letter to me of 20 October 1999.

## BRIDGES

1. Location: Sweeney St. at foot of Oliver St.  
Feature crossed: Erie Barge Canal/ Tonawanda Creek  
Remarks: none.
2. Location: Sweeney St. at foot of Oliver St.  
Feature crossed: Sweeney St. and Canalway Park.  
Remarks: Clearance posted at 13'3" over truck route. Scupper drains missing.  
North side bridge approaches need cribbing to retain earth embankment.  
**PRIORITY: HIGH COST ESTIMATE: \$17,900**

3. Location: Tremont St. 100' west of Oliver. BIN 7708830  
Feature crossed: Tremont St.  
Remarks: Clearance posted at 11'8". Scupper drains broken and missing. Under bridge lights non-functioning. Dead trees at each abutment. Would like to see bridge clearance improved.  
**PRIORITY: HIGH COST ESTIMATE: \$5,050 (W/O CLEARANCE CHANGE)**
4. Location: Goundry St. 300' west of Oliver St. BIN 7708820  
Feature crossed: Goundry St.  
Remarks: Scupper drains broken or missing. Under bridge lighting missing. North side railing broken under bridge. Column foundations need pointing. Clearance posted at 12'6". Side slope cribbing needed on both approaches.  
**PRIORITY: HIGH COST ESTIMATE: \$46,250**
5. Location: Between end of Bridge St. and end of Island St. Tonawanda Island Railroad.  
Feature crossed: Little River  
Remarks: Bridge partially open. No navigation lights. No channel markers. Removal of this bridge is a high priority.  
**PRIORITY: VERY HIGH COST ESTIMATE: \$475,000**

#### AT GRADE CROSSING

6. Tonawanda Island Railroad at Island St.  
Feature crossed: River Road Arterial  
Remarks: Rubber crossing in very good condition. Crossing abandoned, traffic control signals and signage should be removed. This is a high priority.  
**PRIORITY: HIGH COST ESTIMATE: \$2,600**
7. Location: Island St. 100' east of River Road.  
Feature crossed: Island St.  
Remarks: 2 sets of abandoned tracks covered with asphalt. Need removal, high priority.  
**PRIORITY: HIGH COST ESTIMATE: \$4,500**

8. Location: Main St. at Island St.  
Feature crossed: Main St.  
Remarks: Abandoned track covered with asphalt. Needs removal, high priority.  
**PRIORITY: HIGH COST ESTIMATE: \$8,100**
9. Location: Thompson St. 150' west of Oliver St.  
Feature crossed: Thompson St.  
Remarks: 3 sets of crossings covered with asphalt. Needs removal, high priority.  
**PRIORITY: HIGH COST ESTIMATE: \$8,100**
10. Location: Oliver St. between Goundry St. and Thompson St.  
Feature crossed: Oliver St.  
Remarks: Asphalt crossing in good condition.
11. Location: Oliver St. between Sommer St. and Miller St.  
Feature crossed: Oliver St.  
Remarks: Timber Crossing in bad condition. Patched with asphalt. Street and both sidewalk crossings are high priority for replacement.  
**PRIORITY: HIGH COST ESTIMATE: \$66,000**
12. Location: Sommer St. at North Marion St.  
Feature crossed: Sommer St.  
Remarks: Timber crossing patched with asphalt. Very bad condition. High priority for replacement.  
**PRIORITY: HIGH COST ESTIMATE: \$60,000**
13. Location: Payne Ave. 150' south of Miller St.  
Feature crossed: Payne Ave.  
Remarks: Timber crossing covered with asphalt patch. Street and both sidewalk crossing conditions very bad condition. High priority for replacement.  
**PRIORITY: HIGH COST ESTIMATE: \$66,000**
14. Location: Bryant St. 150' south of Miller St.  
Feature crossed: Bryant St.  
Remarks: Timber crossing patched with asphalt. Very bad street and both sidewalk crossings conditions. High priority for replacement.  
**PRIORITY: HIGH COST ESTIMATE: \$50,000**

15. Location: Twin City Memorial Highway at Wheatfield St.  
Feature crossed: Wheatfield St.  
Remarks: Rubber crossing in fair condition.
16. Location: Twin City Memorial Highway at Wheatfield St.  
Feature crossed: South bound Twin City Memorial Highway.  
Remarks: Rubber crossing in fair condition.
17. Location: Twin City Memorial Highway at Wheatfield St.  
Feature crossed: North bound Twin City Memorial Highway.  
Remarks: Rubber crossing in fair condition.
18. Location: Division St. at Erie Ave.  
Feature crossed: Division St.  
Remarks: Rubber crossing in fair condition.
19. Location: Twin City Memorial Highway at Wheatfield St. - Lockport Running Line  
Feature crossed: South bound Twin City Memorial Highway  
Remarks: Rubber crossing in fair condition.
20. Location: Twin City Memorial Highway at Wheatfield St. - Lockport Running Line  
Feature crossed: North bound Twin City Memorial Highway  
Remarks: Rubber crossing in fair condition.
21. Location: Zimmerman St. at Erie Ave.  
Feature crossed: Zimmerman St.  
Remarks: Timber crossing in good condition.
22. Location: Walck Road 600' west of Erie Ave.  
Feature crossed: Walck Road  
Remarks: Timber crossing in very good condition.
23. Location: Walck Rd. 50' west of Erie Ave.  
Feature crossed: Walck Road.  
Remarks: Timber crossing in very good condition.

24. Location: Wurlitzer Dr. 50' west of Erie Ave.  
Feature crossed: Wurlitzer Dr.  
Remarks: Timber street crossing and north sidewalk crossing in bad condition. Needs replacement. High priority.  
**PRIORITY: HIGH COST ESTIMATE: \$55,000**
25. Location: Melody Ln. 50' west of Erie Ave.  
Feature crossed: Melody Lane  
Remarks: Timber crossing patched with asphalt in bad condition. Needs replacement. High priority.  
**PRIORITY: HIGH COST ESTIMATE: \$40,000**
26. Location: Erie Ave. at Niagara Falls Blvd.  
Feature crossed: Niagara Falls Blvd.  
Remarks: Rubber crossing in very good condition.
27. Location: Witmer Rd. 50' north of River Road.  
Feature crossed: Witmer Rd.  
Remarks: Timber crossing in very good condition.
28. Location: Witmer Rd. 60' north of River Rd.  
Feature crossed: Witmer Rd.  
Remarks: Asphalt crossing in very good condition.
29. Location: Ward Rd. 50' east of River Rd.  
Feature crossed: Ward Road.  
Remarks: Asphalt crossing in very good condition.
30. Location: Ward Rd. 60' east of River Rd.  
Feature crossed: Ward Rd.  
Remarks: Asphalt crossing in very good condition.
31. Location: Felton St. 50' east of River Rd.  
Feature crossed: Felton St.  
Remarks: Timber crossing in very good condition.
32. Location: Felton St. 60' east of River Rd.  
Feature crossed: Felton St.  
Remarks: Asphalt crossing in very good condition.

33. Location: Wheatfield St. 200' east of River Rd.  
Feature crossed: Wheatfield St.  
Remarks: Asphalt crossing in very good condition.
34. Location: Wheatfield St. 220' east of River Rd.  
Feature crossed: Wheatfield St.  
Remarks: Asphalt crossing in very good condition.
35. Location: Wheatfield St. 250' east of River Rd.  
Feature crossed: Wheatfield St.  
Remarks: Mixed timber and rubber crossing in poor condition. Needs replacement. High priority.  
**PRIORITY: HIGH COST ESTIMATE: \$66,000**
36. Location: Robinson St. 200' east of River Rd.  
Feature crossed: Robinson St.  
Remarks: Rubber crossing in good condition.
37. Location: Robinson St. 220' east of River Rd.  
Feature crossed: Robinson St.  
Remarks: Rubber crossing in good condition.
38. Location: Robinson St. 230' east of River Rd.  
Feature crossed: Robinson St.  
Remarks: Rubber crossing in good condition.
39. Location: Robinson St. 350' east of River Rd.  
Feature crossed: Robinson St.  
Remarks: Abandoned timber crossing covered with asphalt. Two sets of crossings in bad condition. Needs removal. High priority.  
**PRIORITY: HIGH COST ESTIMATE: \$10,800**
40. Location: Robinson St. 370' east of River Rd.  
Feature crossed: Robinson St.  
Remarks: Active timber crossing covered with asphalt. Two sets of crossings in bad condition. Needs replacement. High priority.  
**PRIORITY: HIGH COST ESTIMATE: \$132,000**

41. Location: Schenck St. 100' west of North Marion St.  
Feature crossed: Schenck St.  
Remarks: Timber crossing covered with asphalt. Fair condition. Moderate priority.  
**PRIORITY: MODERATE COST ESTIMATE: \$6,000**
42. Location: Thompson St. 200' east of Main St.  
Feature crossed: Thompson St.  
Remarks: Asphalt crossing in very good condition.
43. Location: Thompson St. 210' east of Main St.  
Feature crossed: Thompson St.  
Remarks: Asphalt crossing in fair condition with settlement along rails. Needs repair. Moderate priority.  
**PRIORITY: MODERATE COST ESTIMATE: \$4,000**
44. Location: Thompson St. 210' east of Main St.  
Feature crossed: Thompson St.  
Remarks: Timber crossing in fair condition.
45. Location: Thompson St. along west curb line of Main St.  
Feature crossed: Thompson St.  
Remarks: Abandoned crossing covered with asphalt in bad condition. Needs removal. High priority.  
**PRIORITY: HIGH COST ESTIMATE: \$5,400**
46. Location: Thompson St. 30' west of Main St.  
Feature crossed: Thompson St.  
Remarks: Abandoned crossing paved over. Needs removal. High priority.  
**PRIORITY: HIGH COST ESTIMATE: \$2,700**
47. Location: River Road at Main St.  
Feature crossed: River Rd.  
Remarks: Abandoned rubber crossing in good condition. Removal is low priority.  
**PRIORITY: LOW COST ESTIMATE: \$18,750**

48. Location: Michigan St. 150' north of Taylor Dr.  
Feature crossed: Michigan St.  
Remarks: Abandoned crossing covered over with asphalt. Needs removal.  
Moderate priority.  
**PRIORITY: MODERATE COST ESTIMATE: \$3,600**
49. Location: Michigan 20' north of Bridge St.  
Feature crossed: Michigan St.  
Remarks: Timber crossing covered in asphalt and abandoned. Needs removal of ties rotting under pavement. High priority.  
**PRIORITY: HIGH COST ESTIMATE: \$5,400**

GJF/gjf

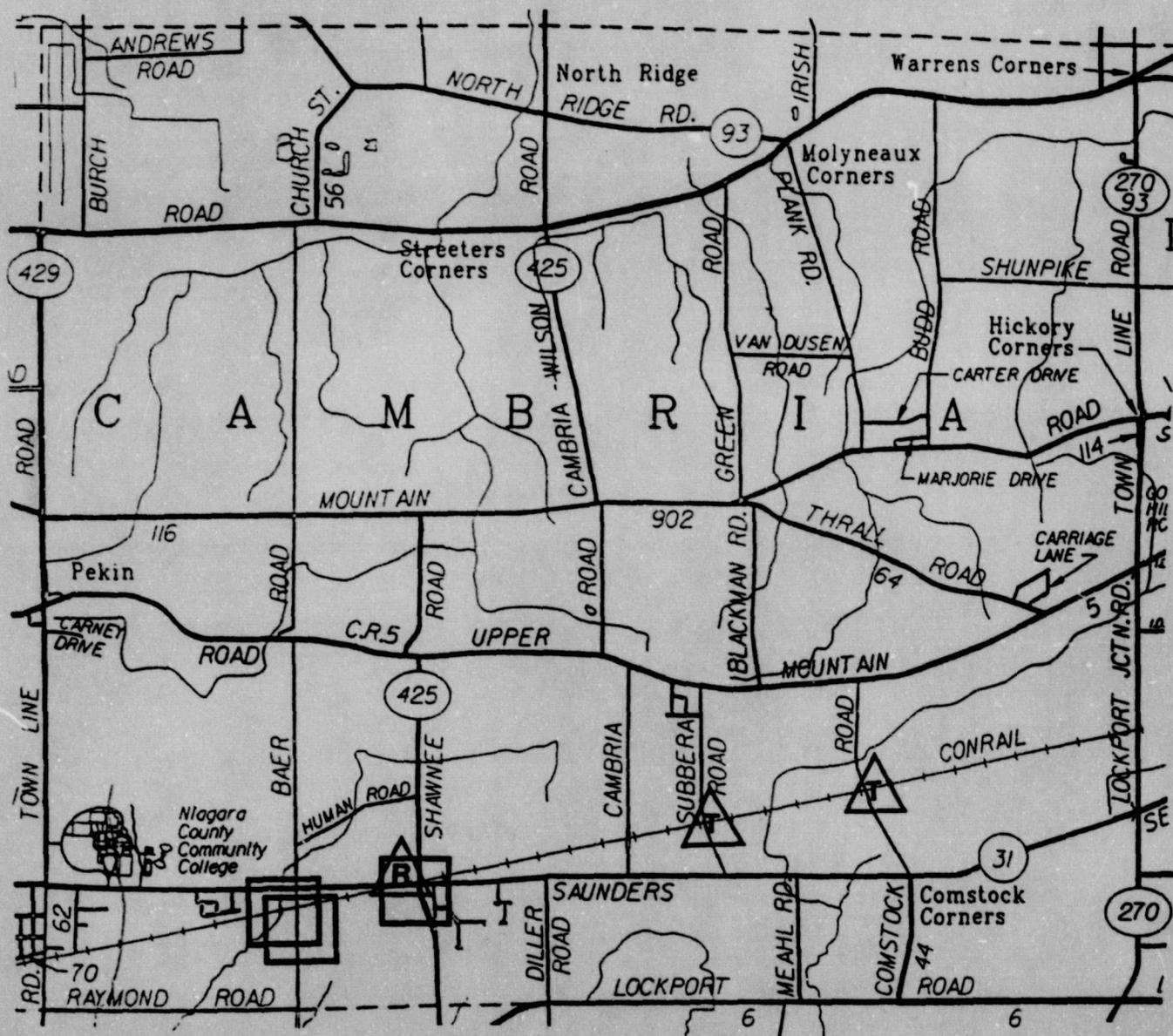
CC: Alderman Scott Kiedrowski

Mr. Samuel Ferraro, NCP,D&T ✓

**NIAGARA COUNTY TOWNS –  
RAILROAD BRIDGE AND CROSSINGS  
MAPS AND RESPONSES**

# TOWN OF CAMBRIA

## RAILROAD BRIDGES & CROSSINGS



RAILROAD BRIDGE



RAILROAD CROSSING



ASPHALT SURFACE



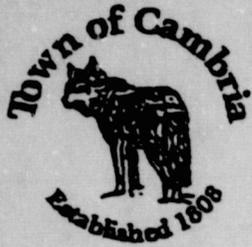
CONCRETE SURFACE



RUBBER SURFACE



TIMBER SURFACE



# TOWN OF CAMBRIA

4160 UPPER MOUNTAIN ROAD  
SANBORN, NEW YORK 14132-9416  
Telephone: (716) 433-8523 Fax: (716) 433-7164

Wright H. Ellis, Town Supervisor

November 4, 1999

Mr. Samuel M. Ferraro, Commissioner  
Niagara County Planning, Development & Tourism  
59 Park Avenue  
Lockport, NY 14094-2740

Ref: Niagara County Railroad Bridges & Crossing Inventory Letter of 20 October 1999

Dear Mr. Ferraro:

The following is submitted in response to the above reference:

**A. Town of Cambria priorities:**

1. Baer Road Railroad Bridge crossing
2. Route 31 just west of Shawnee Road (Route 425)
3. Shawnee Road and Route 31
4. Lockport-Junction Road (Route 270)
5. Cambria Road
6. Comstock Road
7. Subbera Road

**B. Town of Cambria cost estimates:**

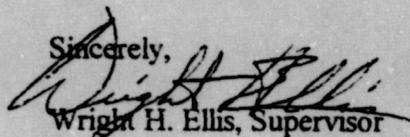
1. Baer Road Railroad Bridge crossing, \$1,000,000.00
2. Route 31 just west of Shawnee Road (Route 425), \$40,000.00
3. Shawnee Road and Route 31, \$40,000.00
4. Lockport-Junction Road (Route 270), \$40,000.00
5. Cambria Road, \$40,000.00

November 4, 1999  
Page Two

6. Comstock Road, \$40,000.00
7. Subbera Road, \$40,000.00

Please feel free to contact me if you need additional information.

Sincerely,

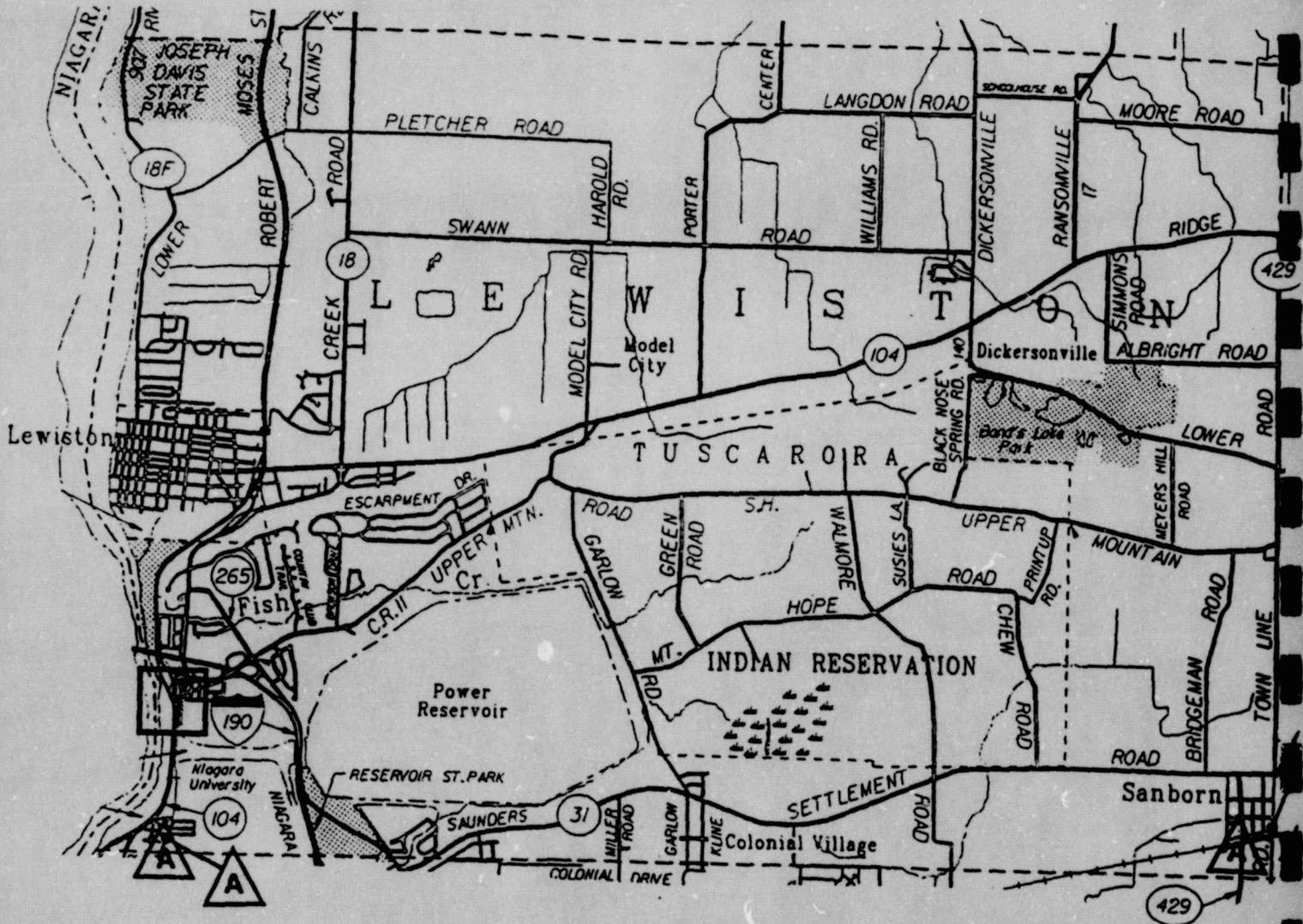


Wright H. Ellis, Supervisor

cc: W. Antoncich, Town of Cambria Highway Superintendent  
Ms. Shirely Gregroy-Urtel, 14th District Legislator  
Dorson Wilson, Commissioner, Niagara County Department of Public Works

# TOWN OF LEWISTON

## RAILROAD BRIDGES & CROSSINGS



RAILROAD BRIDGE



RAILROAD CROSSING



ASPHALT SURFACE



CONCRETE SURFACE



RUBBER SURFACE



TIMBER SURFACE

# Town of Lewiston

P.O. Box 330  
1375 Ridge Road  
Lewiston, New York 14092  
Phone: (716) 754-8213-4  
Fax: (716) 754-2821

**SUPERVISOR**

Richard F. Demus

**DEPUTY SUPERVISOR**

George E. Briggs

**COUNCIL MEMBERS**

George E. Briggs  
John D. Ceretto  
Michael A. Johnson  
D. James Langlois

**TOWN CLERK**

Carol J. Brandon  
Box 265  
Model City, NY 14107

**CHIEF OF POLICE**

Ronald R. Winkley  
754-8477

**TOWN JUSTICES**

Damon A. DeCastro  
Box 330  
Lewiston, NY 14092

Thomas J. Sheeran  
Box 330  
Lewiston, NY 14092

**HIGHWAY SUPERINTENDENT**

Milo Quarantillo  
754-8218

**LWPCC ADMINISTRATOR & CHIEF OPERATOR**

Tim Lockhart  
754-8291

**WATER SUPERINTENDENT**

Steven L. Reiter

**TOWN ATTORNEY**

Timothy J. Toohey  
904 Center  
Box 732  
Lewiston, NY 14092

**ASSESSOR**

Gene J. Virtuoso

**BUILDING INSPECTOR  
PLANNING-ZONING**

Robert Coulter

**RECEIVER OF TAXES**

Joan Brandel Stephens

**SENIOR SERVICES**

Betty Zurco  
754-2071

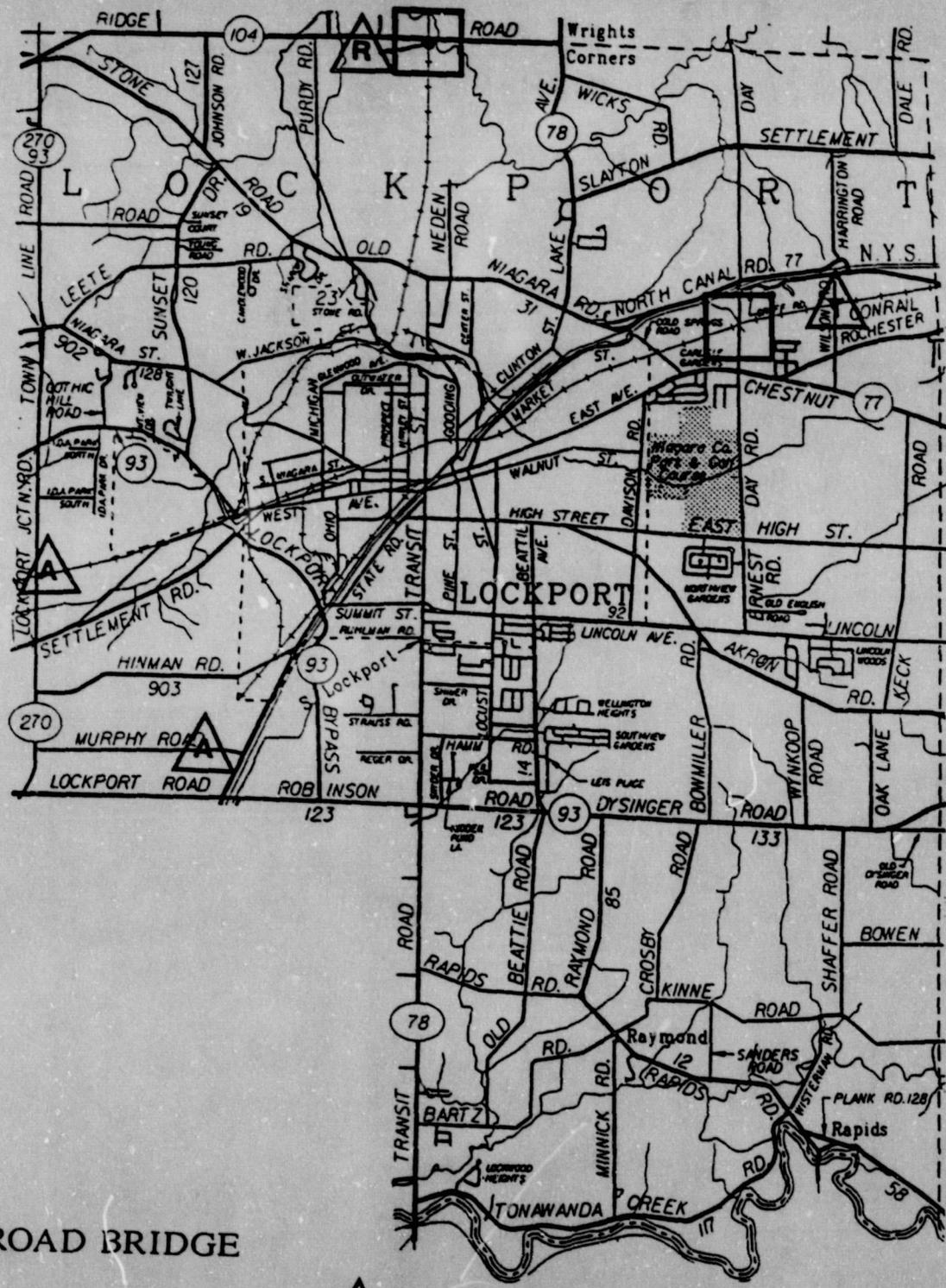
Memo To:                 Sara Ferraro  
From:                     Robert Gallucci  
Date:                     November 5, 1999  
Re:                        Railroad Crossing Estimate

The Hoover Road crossing needs to be reconstructed in 2007 at an estimated cost of \$45,000.

RG/dg

# TOWN OF LOCKPORT

## RAILROAD BRIDGES & CROSSINGS



RAILROAD BRIDGE



RAILROAD CROSSING



ASPHALT SURFACE



CONCRETE SURFACE



RUBBER SURFACE



TIMBER SURFACE

ASSESSOR  
BUILDING INSPECTOR  
PLUMBING INSPECTOR

**TOWN OF LOCKPORT**  
**Municipal Building - 6560 Dysinger Road**  
**Lockport, New York 14094**

OFFICE OF LANDS,  
BUILDING, AND CODE ENFORCEMENT

FIRE BUREAU  
PLANNING BOARD  
ZONING BOARD  
716-439-9326  
439-9327  
FAX 439-9332

October 25, 1999

Niagara County Planning Department  
Mr. Samuel Ferraro  
59 Park Ave.  
Lockport NY 14094

Re: Railroad and Bridge Survey

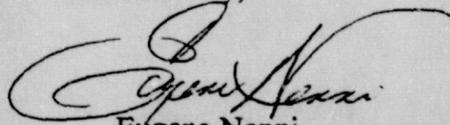
Dear Sir:

The following is the priority schedule for the Town of Lockport Railroad and Bridge Survey. This survey was submitted on October 7, 1999.

- A.) Priority Item #1 - Repair railroad overpass between Rt. 31 & Erie Barge Canal.
- B.) Priority Item #2 - Wilson Road grade crossing.
- C.) Priority Item #3 - Lockport Junction Road grade crossing.
- D.) Priority Item #4 - Ridge Road grade crossing.

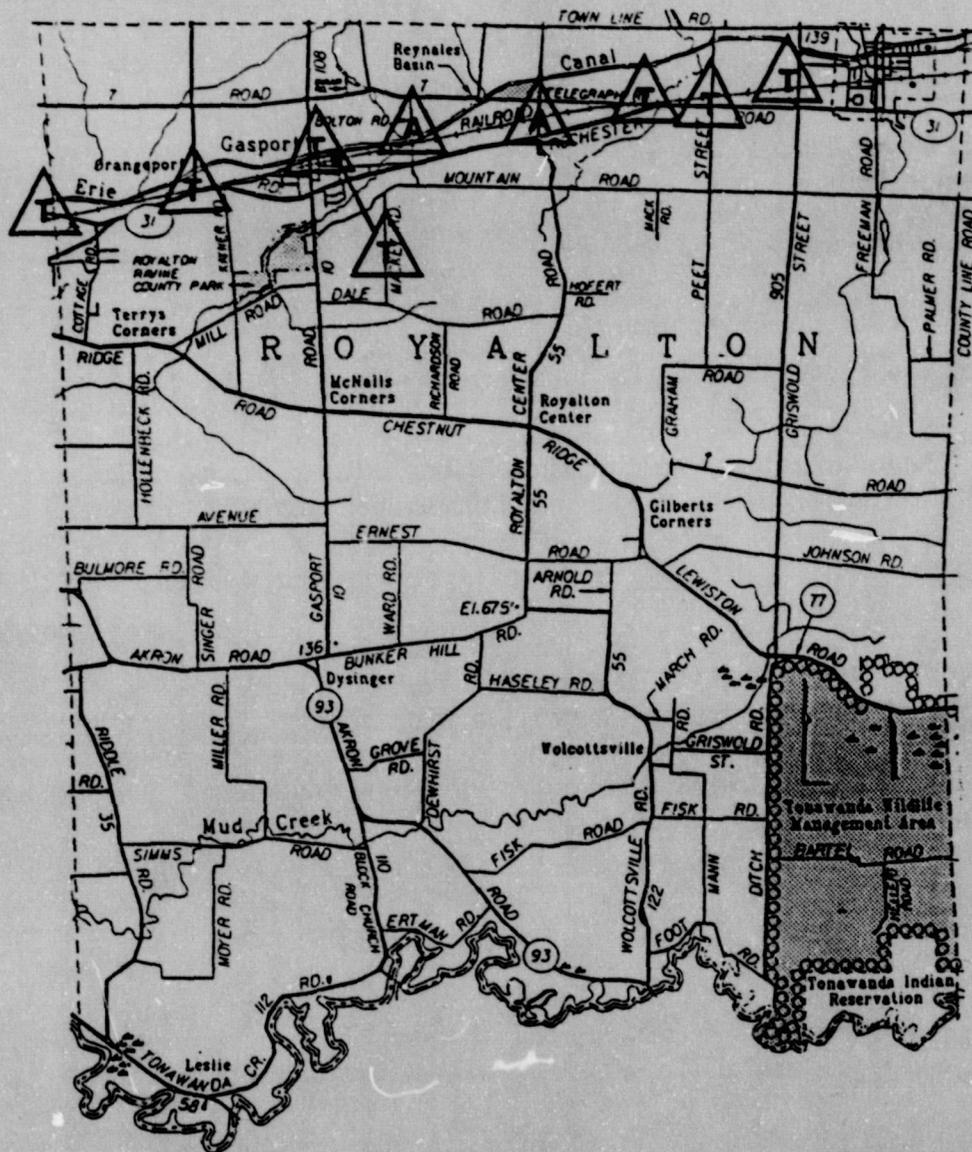
Please file this schedule with our previous report sent to you. If you have any Questions, please feel free to call our office.

Sincerely,

  
Eugene Nenni,  
Town Building Inspector

# TOWN OF ROYALTON

## RAILROAD BRIDGES & CROSSINGS



□ RAILROAD BRIDGE

△ RAILROAD CROSSING

△ A ASPHALT SURFACE

△ C CONCRETE SURFACE

△ F RUBBER SURFACE

△ T TIMBER SURFACE



**NIAGARA COUNTY  
DEPARTMENT OF PLANNING,  
DEVELOPMENT & TOURISM**

**SAMUEL M. FERRARO  
COMMISSIONER**

**MICHAEL A. CASALE  
DEPUTY COMMISSIONER OF  
BUSINESS DEVELOPMENT**

October 4, 1999

Lloyd L. Westcott, Supervisor  
Town of Royalton  
5316 Royalton Center Road  
Middleport, NY 14105

**RE: NIAGARA COUNTY RAILROAD BRIDGE AND CROSSING INVENTORY**

Dear Supervisor Westcott:

Kindly be advised, as part of our on-going efforts to improve rail transportation in Niagara County, this department is developing a comprehensive county-wide list of railroad bridges and railroad crossings. The purpose of this inventory will be for Niagara County to request funds for future railroad improvements. I am interested in your review of the attached information we have obtained from the New York State Department of Transportation and mapped ourselves for your community. Specifically, I would like to know the answers to the following questions:

**A. For the railroad bridges mapped:**

- Does the posted bridge height present a restriction on commercial traffic?
- Would you like the bridge clearance improved?
- Does the condition of the bridge structure warrant local concern for safety?
- Does your community feel it is a priority to repair the bridge(s)?

**B. For the railroad crossings mapped:**

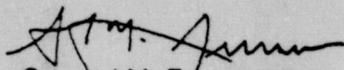
- Is/are the crossing(s) in need of repair?
- If more than one crossing is shown on the map, does your community have a preference for which crossings are improved (with a rubberized crossing) first?
- Are there other active rail crossings in your community that we missed and need to be included on the map?
- Are there abandoned rail lines in your community you would like removed?

**Please review this information with your engineer or building inspector and respond to my office with a written response no later than Monday, October 18, 1999. I realize this is a short time frame, but my goal is to present a final package to those involved as soon as possible.**

As always, if you have any questions, please do not hesitate to contact me at 439-7235.

Thank you for your cooperation in making this a better Niagara!

Sincerely,



Samuel M. Ferraro  
Commissioner  
Niagara County Planning, Development & Tourism

SMF:kja

Cc: Engineer/building inspector for the Town of Royalton  
Dorson Wilson, Commissioner, Niagara County Department of Public Works  
Niagara County Legislators

Priorities :

①

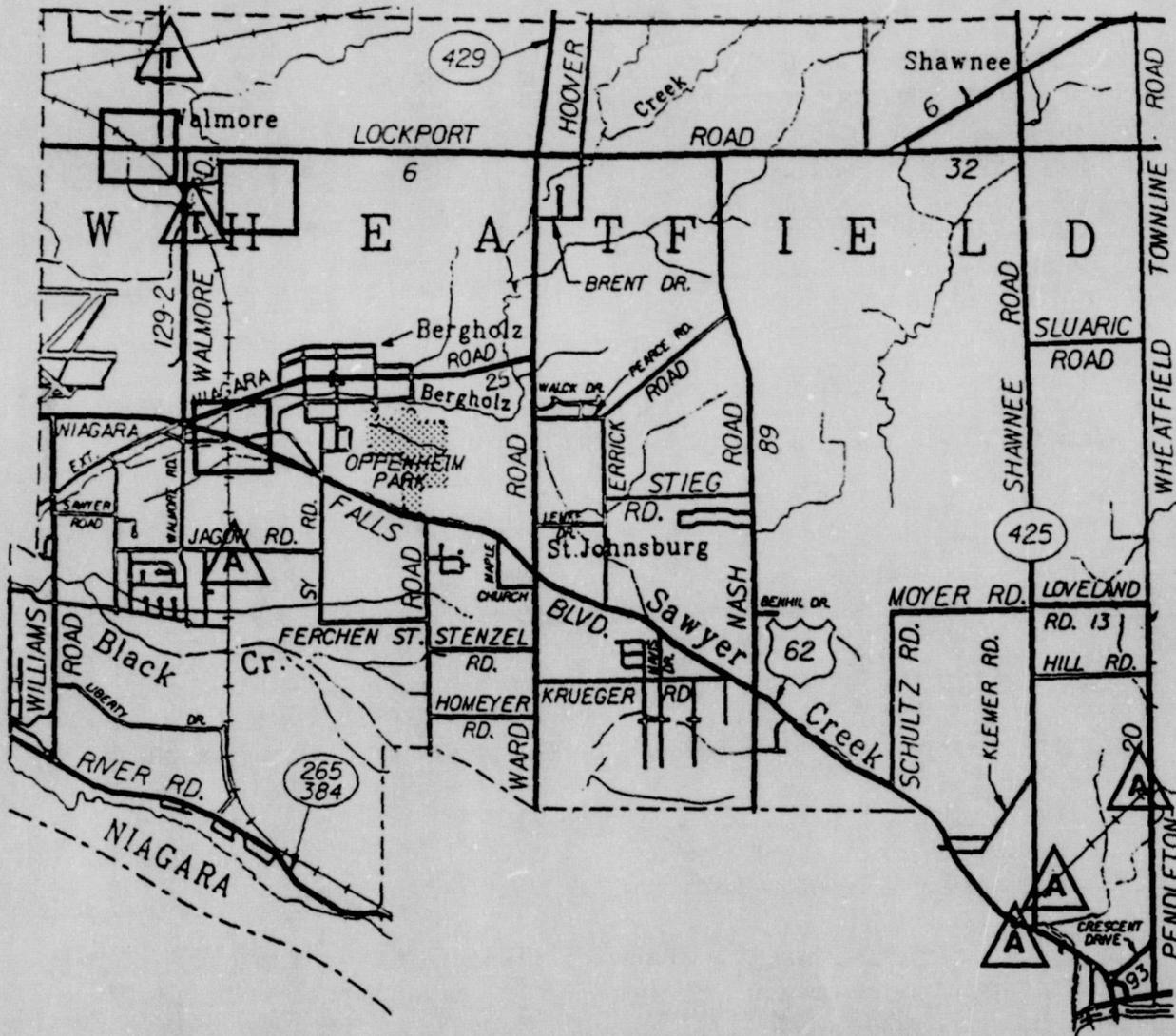
STATE ST, GSPT

②

TELEGRAPH RD,  
WIDE CROSSING,

# TOWN OF WHEATFIELD

## RAILROAD BRIDGES & CROSSINGS



RAILROAD BRIDGE



RAILROAD CROSSING



ASPHALT SURFACE



CONCRETE SURFACE



RUBBER SURFACE



TIMBER SURFACE



# TOWN OF WHEATFIELD NIAGARA COUNTY

2800 Church Road  
North Tonawanda, NY 14120-1099  
Phone: (716) 694-1026 Fax: (716) 694-5419

Don MacSwan  
Building & Ordinance  
Department

October 27, 1999

Samuel Ferraro, Commissioner  
Niagara County, Planning Development and Tourism  
59 Park Ave.  
Lockport, NY 14094

Re: Rail and Bridge Crossings  
Town of Wheatfield

Dear Sam,

In response to your recent inquiry regarding the rail and bridge crossings in the Town of Wheatfield, I would like to offer the following list in order of priority.

### Railroad Bridges

1. The bridge at Niagara Falls Blvd. - unsightly and badly in need of paint.
2. and 3. The bridges at Walmore Road and Lockport Road - Satisfactory condition.

### Railroad Crossings

1. The crossing at Walmore Road near Cory Dr. - very steep grade makes approach possibly unsafe.
2. The crossing at Jagow Road - is satisfactory
3. and 4. The crossings at Shawnee and N.F.B newly resurfaced, excellent condition.
5. The crossing at Townline Road - does not cross road any longer.

In general, however, the bridges and crossings in Wheatfield are in satisfactory condition. I hope this information will be helpful to you. If you have any questions regarding the cost estimates, please contact our Highway Department at 692-3508.

Signally,

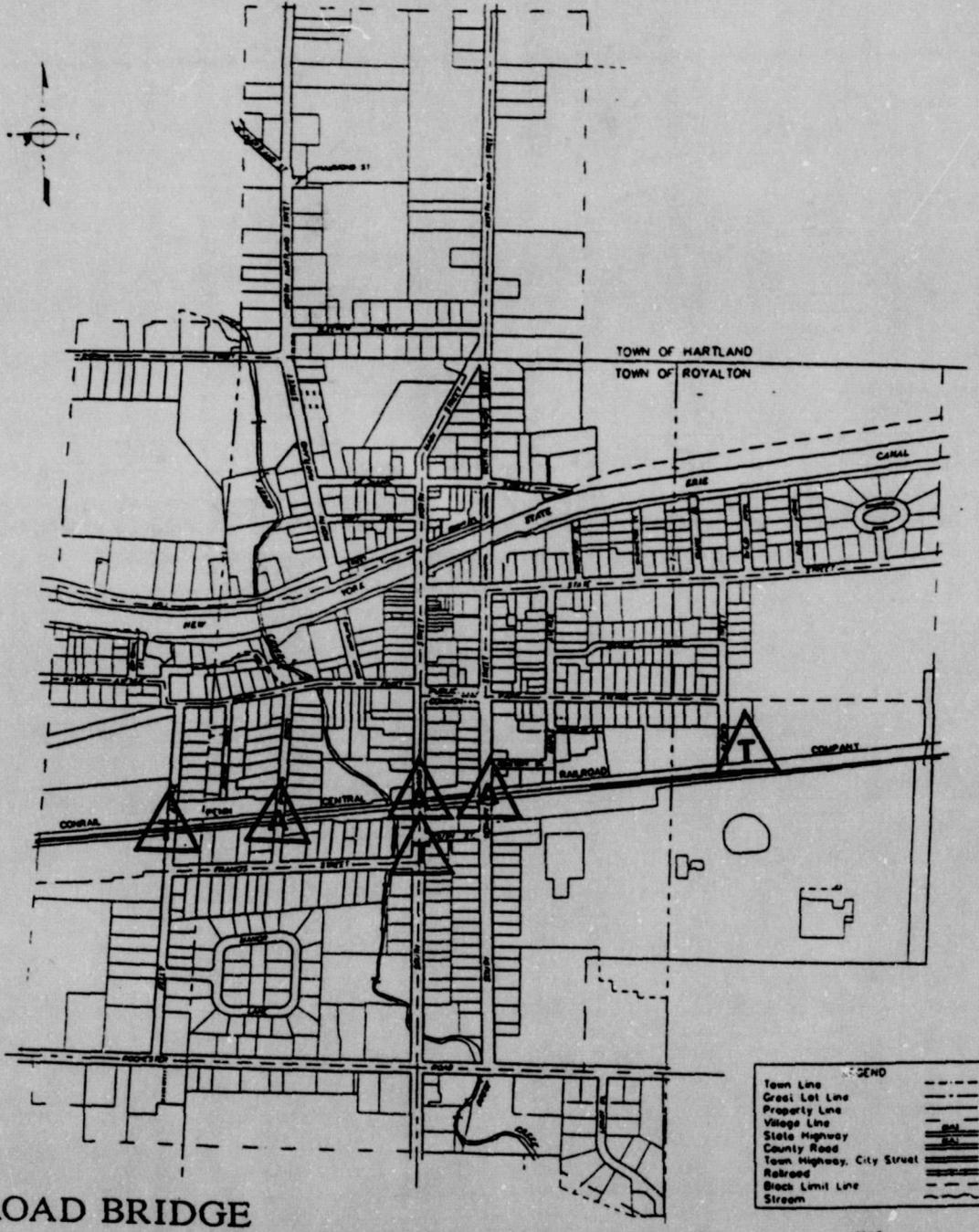
  
Don MacSwan  
Building Inspector

dm/jc

**NIAGARA COUNTY VILLAGES –  
RAILROAD BRIDGE AND CROSSINGS  
MAPS AND RESPONSES**

# VILLAGE OF MIDDLEPORT

## RAILROAD BRIDGES & CROSSINGS

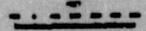


-  RAILROAD BRIDGE
-  RAILROAD CROSSING

-  ASPHALT SURFACE
-  CONCRETE SURFACE
-  RUBBER SURFACE
-  TIMBER SURFACE

LEGEND	
Town Line	---
Grid Lot Line	----
Property Line	-----
Village Line	-----
State Highway	=====
County Road	=====
Town Highway, City Street	=====
Railroad	=====
Block Limit Line	-----
Stream	~~~~~

SCALE  
1" = 100'



**VILLAGE OF MIDDLEPORT**  
24 MAIN STREET  
P.O. BOX 186  
MIDDLEPORT, NEW YORK 14105-0186  
TELEPHONE: 716-735-3303  
FAX: 716-735-3432

**DONALD H. PIEDMONT**  
MAYOR  
\* **REBECCA A. SCHWEIGERT**  
CLERK-TREASURER

TRUSTEES  
**JULIA A. MAEDL**  
**ELMER C. WAGNER, JR.**  
**THOMAS C. CONLEY**  
**STEVEN W. COOLEY**

October 2, 1999

Mr. Samuel M. Ferraro  
Commissioner, Niagara County  
Planning, Development & Tourism  
59 Park Avenue  
Lockport, NY 14094-2740

Dear Commissioner Ferraro:

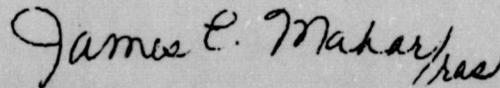
In response to your letter of October 20, 1999, regarding repairs of the railroad crossings in Middleport, as that kind of repair work is outside my jurisdiction, you should ask the railroad owners for cost estimates.

The following is the order in which the crossing should be repaired:

Kelly Avenue  
Vernon Street  
Orchard Street

If you need any more information regarding this matter, please do not hesitate to contact me.

Sincerely,



James E. Mahar  
Superintendent, Dept. Public Works

ras

FAX TRANSMITTAL # of Pages 1  
TO: Samuel Ferraro FROM: J. Mahar  
CO: NCPD&T VILLAGE OF MIDDLEPORT  
DATE 11/2/99 PHONE: (716) 735-3303  
FAX # 439-7267 FAX # (716) 735-3432  
COMMENTS \_\_\_\_\_

**RECENT LETTERS FROM  
LINDA MORGAN, CHAIR,  
SURFACE TRANSPORTATION BOARD  
AND NEWSPAPER ARTICLES**



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

November 5, 1999

The Honorable John J. LaFalce  
United States House of Representatives  
Washington, DC 20515

Re: Service in Buffalo Area

Dear Congressman LaFalce:

As you may know, last month I had the opportunity to visit Buffalo and to discuss rail service issues with area shippers and the railroads that serve them. I understand and share the concern that I know you have for improving the quality of rail service being provided and the effect of present service levels on Buffalo-area shippers.

At the end of my visit to Buffalo, I stated that I would develop a plan for addressing the current service difficulties so as to minimize their impact on shippers in the region. Today, through letters to the Chief Executive Officers of Norfolk Southern Corporation and CSX Corporation (copies enclosed), I have set such a plan in motion. Our plan, which covers many issues of concern to Buffalo-area shippers, and which requires that certain efforts be undertaken over the course of the next month, will:

1. Build on a request made by Senator Schumer that the railroads address the problems caused by the current configuration of the railroad bridge at CP Draw, by directing the filing of more specific information on all options available;
2. Focus on other ways to improve the rail infrastructure in the area, which all would agree is critical to the issue of congestion and service improvement;
3. Require the railroads to report on ways in which they are assisting one another and are using other available railroads to relieve congestion in the Buffalo area, particularly with a view toward the winter months ahead;
4. Expand upon the "Hotline" initiative currently under way by focusing on additional mechanisms to improve communication between the railroads and Buffalo-area shippers and on the resolution of service concerns such as transit times;
5. Promote communication by the railroads with shippers on how claims issues will be promptly addressed;

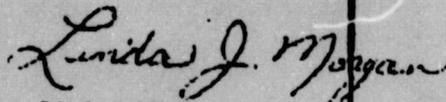
6. Initiate as a formal proceeding the 3-year rate study discussed in the Board's decision approving the Conrail transaction, which will include a review of the application of Board-ordered reduced switching charges and of fees paid by the Canadian National (CN) and Canadian Pacific (CP) railroads; and
7. Hold CSX to its representations made to the Board that it would work with CN and CP to effect increased access to these carriers for cross-border, truck-competitive traffic, and that it would promote economic development in the region.

What I am most concerned about and what will do the most for the economic health of the Buffalo area is the expeditious restoration of responsive and reliable rail service. I believe that the plan outlined herein will provide the accountability needed to achieve that goal. It also adds substantially to what the Board is already doing to monitor the Conrail implementation, and to the Board's ongoing efforts through the Office of Compliance and Enforcement to resolve shipper service complaints informally.

At the conclusion of my visit last month, I agreed to visit the Buffalo area again in 6 months to assess the situation. I would be glad to meet with you at any time to review the implementation of our plan.

If I may be of further assistance in this or any other matter, please do not hesitate to contact me.

Sincerely,

  
Linda J. Morgan

Enclosures



Office of the Chairman

Surface Transportation Board  
Washington, D.C. 20423-0001

November 5, 1999

Mr. John W. Snow  
Chairman, President and  
Chief Executive Officer  
CSX Corporation  
One James Center  
P.O. Box 85629  
Richmond, VA 23285-5629

Re: Service in Buffalo Area

Dear Mr. Snow:

I appreciate all of the hard work expended by you and your company to deal with the service quality issues that have arisen since implementation of the Conrail transaction. I know that service quality has improved in some respects, and I hope that the improvement will continue.

With respect to the Buffalo area, however, there are still service concerns among the shipping public and Members of the New York Congressional delegation, as discussed at the October 18 meeting that I attended in Buffalo. This letter addresses those concerns, in what I believe to be a constructive way, by setting out a plan of action that will show the progress being made in dealing with the service issues most prominently raised at the Buffalo meeting.

1. CP Draw. Concern was expressed about the configuration of the railroad bridge at CP Draw. I know that at the October 18 meeting Senator Schumer asked both railroads to look into the matter and to make recommendations within 30 days. Building upon what Senator Schumer has requested, please provide to the Board, by December 15, 1999, your views, together with those of NS, on the following: (a) all issues associated with rehabilitation and reconfiguration of the bridge, including engineering and financing/funding issues; (b) how a change in the U.S. Coast Guard's "navigability" designation of the Buffalo River upstream from the CP Draw might affect the financial considerations associated with rehabilitation and reconfiguration of the bridge; and (c) any viable alternatives to rehabilitating the bridge that would still provide for improved service levels.

2. Infrastructure in General. Apart from the CP Draw issue, much concern was raised at the October 18 meeting about the general state of the rail infrastructure in the Buffalo area. During the rail service crisis in the West a few years ago, the involved carriers were asked to provide us with detailed reports on their intentions with respect to infrastructure upgrades in the

Houston area. Those reports proved extremely helpful to us and to interested parties. I realize that you are already reporting generally on your infrastructure activities on a monthly basis, but I would appreciate your expanding the construction and capital projects report for November 1999 (due December 1, 1999) and each such monthly report thereafter to include your activities and plans regarding all infrastructure projects anticipated or currently underway in the Buffalo area.

3. Carrier Cooperation. One of the lessons that we learned from the service crisis in the West is that congestion can best be cleared up when all of the carriers serving a region work together. Yet, a principal concern that we heard in Buffalo was that your company and NS do not always communicate productively on issues of concern to shippers. In this regard, both you and Mr. Goode have indicated in the past that your companies have worked together, and will continue to work together and with other carriers, including smaller railroads, to help improve traffic flows and relieve congestion.

Therefore, it would be useful if you could provide information on other carriers with which you are now working or will work to assist you with service improvement in the Buffalo area. In particular, to promote continued cooperation and coordination between CSX and NS, I would like you to name formal contacts who will communicate regularly and provide, on a bi-weekly basis beginning with the reporting to be filed with the Board on December 1, 1999, an update as to what is being done and the progress that is being made in improving traffic flows and clearing congestion in the Buffalo area. Also, I would appreciate being informed about your contingency planning for your winter operations in the Buffalo area as part of your December 1<sup>st</sup> report.

4. Customer Service. One of the major sources of shipper frustration throughout the Buffalo area involves customer service, and particularly the inability of shippers to get accurate information on deliveries. In that regard, two concerns remain: first, that there has been no designated Buffalo-area representative who is knowledgeable about the Buffalo area and who can serve as a central contact point for the shippers for all Buffalo-area service issues; and second, that customer service inquiries are not responded to fully such that shippers know the status of either their inquiries or their shipments.

You have agreed to establish a toll-free "hotline" for Buffalo-area shippers. I would like you to report to the Board about your hotline effort. In particular, I would like to know the designated representative responsible for interfacing with customers in this effort, and to have a report submitted each week, beginning with the reporting to be filed on November 24, 1999, that contains a summary of the calls received on your hotline, including referrals from the Board, and indicating the number of service issues that have been resolved and the number that remain pending. As you work with individual shippers on their delivery issues, I would expect that you will also be addressing their concerns about their transit times.

5. Information Technology. Many of the service problems appear to be related to inaccurate data provided by carriers through their information technology systems. I would like

you to expand your existing monthly reporting on information technology, beginning with the December 1, 1999 report, to focus specifically on efforts impacting the Southern Tier and the Buffalo area.

6. **Claims.** Shippers have expressed concerns about claims issues not yet being addressed and about not understanding fully the procedures for the processing of claims. In this regard, you should communicate fully with shippers as to what information should be assembled and what your procedures for the expeditious resolution of claims will be when a claim is processed. I would appreciate your sharing with the Board, by December 1, 1999, general information regarding your communication with shippers about the claims handling process.

7. **Rates.** Several shippers have expressed concerns about rate levels. I wanted you to know that the Board will be initiating shortly, subject to a vote by all the Board members, the 3-year rate study for the Buffalo-area discussed in the Board's decision (ordering paragraph 38) approving the Conrail transaction. As part of that study, we will review the application of the Board-ordered reduced switching charges, including the Board's extension of the switching component of the National Industrial Transportation League agreement to certain international rail movements into and out of Niagara Falls and to situations where shortlines paid switching charges to Conrail and where Conrail received switching services from CSX or NS. The study will also examine the Board's imposition, as a condition, of CSX's representation regarding voluntary agreements providing for lower switching fees in certain instances for Buffalo-area movements involving the Canadian Pacific (CP) and Canadian National (CN) railroads. This study will be conducted by way of a formal proceeding, in which you will be asked to participate.

8. **Representations.** Finally, I would like a report from you by December 1, 1999, on how you are putting into effect the representations that your company made to the Board -- which the Board imposed as conditions to its approval of the Conrail transaction -- that it will work with CN and CP to effect increased access to these carriers for cross-border, truck-competitive traffic, and that it will work with relevant entities in the Buffalo area to promote economic development in the region, particularly through the formation of a committee to explore the issue.

9. **Summary.** To conclude, I am asking that you submit to Melvin Clemens, the Director of our Office of Compliance and Enforcement, the following information:

- Building on Senator Schumer's request, jointly, by December 15, 1999, your views concerning the CP Draw issue.
- Monthly, beginning with the December 1, 1999 capital projects report, information regarding infrastructure improvements in the Buffalo area.
- Designation of Buffalo-area contacts responsible for cooperative efforts with other railroads to improve service in the area; and a joint or separate biweekly report beginning with the reporting to be filed with the Board on December 1, 1999, to address cooperative

- efforts to improve service in the area, including winter contingency plans.
- Regarding your hotline, the designation of a representative in this effort; and a weekly report to be filed with the Board beginning on November 24, 1999, concerning the calls received and the status of customer complaint resolution, including concerns about transit times.
  - Monthly, beginning with the December 1, 1999 information technology report, an update on specific computer efforts that should affect Buffalo-area shippers in a positive way.
  - Information on your claims handling process by December 1, 1999.
  - A report by December 1, 1999, on efforts in connection with representations made to the Board about cross-border truck traffic and economic development in the Buffalo area.

As previously referenced, the rate study will be conducted separately as a formal proceeding.

I know that you are focused on improving service in the Buffalo area and throughout the East. The steps I am taking in this letter are focused on addressing service concerns raised during my visit in Buffalo, and tracking the progress in restoring service levels important to the continued economic development in the Buffalo area. I appreciate your continued cooperation in this endeavor.

Sincerely,



Linda J. Morgan



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

November 5, 1999

Mr. David Goode  
Chairman, President and  
Chief Executive Officer  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, VA, VA 23510-2191

Re: Service in Buffalo Area

Dear Mr. Goode:

I appreciate all of the hard work expended by you and your company to deal with the service quality issues that have arisen since implementation of the Conrail transaction. I know that service quality has improved in some respects, and I hope that the improvement will continue.

With respect to the Buffalo area, however, there are still service concerns among the shipping public and Members of the New York Congressional delegation, as discussed at the October 18 meeting that I attended in Buffalo. This letter addresses those concerns, in what I believe to be a constructive way, by setting out a plan of action that will show the progress being made in dealing with the service issues most prominently raised at the Buffalo meeting.

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December 1, 1999 report, to focus specifically on efforts impacting the Southern Tier and the Buffalo area.

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I know that you are focused on improving service in the Buffalo area and throughout the East. The steps I am taking in this letter are focused on addressing service concerns raised during my visit in Buffalo, and tracking the progress in restoring service levels important to the continued economic development in the Buffalo area. I appreciate your continued cooperation in this endeavor.

Sincerely,

*Linda J. Morgan*

Linda J. Morgan

STB

FD-33388

(SUB 93)

9-7-00

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199693

6 of 6

# U.S. regulator asks Norfolk, CSX to give progress report

By DOUGLAS TURNER

News Washington Bureau Chief

WASHINGTON — The nation's chief railroad regulator, Linda J. Morgan, has requested detailed progress reports from the two lines serving industries in Erie and Niagara counties as a follow-up to a summit meeting she had with anguished shippers in Buffalo on Oct. 8.

Morgan, chairwoman of the U.S. Surface Transportation Board, refrained from issuing any orders to the two rail giants, CSX and Norfolk Southern, to remedy a problem that local officials say threatens 25,000 industrial jobs.

Congressional reaction Tuesday to Morgan's long-sought comments on the plight of Niagara Frontier industries broke along political lines.

Rep. Jack F. Quinn said Morgan could have asked "the same questions months ago."

The Hamburg Republican also criticized Morgan for not imposing railroad competition in the Buffalo-Niagara region as she did in Detroit, Philadelphia, New Jersey and the New York City area.

Meanwhile, Rep. Thomas M. Reynolds, R-Clarence, said Morgan and fellow board members "screwed Western New York when they didn't give us competitive service."

Reynolds scoffed at Morgan's plan to take three years to study prices that the railroads are charging local employers to ship goods.

"You wonder after three years what we're going to have left," Reynolds said.

However, Democratic Sen. Charles E. Schumer, who brought Morgan to Buffalo for the Oct. 18 meeting, said he is pleased that she is "addressing operational issues. After those are dealt with, we can move to competitive issues."

During that conference, speakers from a two-county coalition of manufacturers complained of lost or failed rail shipments, erroneous billings and unending delays.

The situation here is "in crisis, the same as it was a month ago," said Ronald Coan, head of the Erie County Industrial Development Agency, which helped organize the coalition.

Schumer described Morgan's letters to CSX and Norfolk Southern as "a great first step."

Morgan wrote to CSX and Norfolk Southern asking them to decide what they plan to do about the gridlock on a CSX-owned bridge that spans the Buffalo River.

The Control Point drawbridge in South Buffalo, just downstream from the Mobil refinery, is one of the worst railroad bottlenecks in the Northeast, according to most analysts.

According to correspondence released by Quinn, Morgan asked the two railroads, which now control the Niagara region, for a number of other progress reports on infrastructure investments and links to the Canadian National Railroad and other lines.

Rep. John J. LaFalce, D-Town of Tonawanda, said he is "pleased that Chairman Morgan has apparently decided to take an active role in this situation. Her letter is a forceful challenge to the railroads."

A longtime aide to congressional Democrats, Morgan was named Surface Transportation Board chairwoman in 1996 by President Clinton. Her term ex-

See Railroads Page B6

## Railroads: Liaison with shippers is requested

Continued from Page B1

pires Dec. 31, but she continues to serve at the pleasure of the president.

In 1998, after CSX and Norfolk Southern bought out Conrail, Morgan refused to order competition between the two lines in the Buffalo area.

Coan said he was pleased that Morgan has written to the railroads, "but she doesn't address the chronic long-term problem, which is excessive car-switching charges

in the Erie-Niagara region — a direct result of monopolistic control by the railroads of our shippers."

The shippers' consortium has filed suit in federal court in New York to get Morgan and the Surface Transportation Board to use emergency powers to order competition, price cuts and other remedies for the Buffalo area.

In her letter to the railroads, Morgan noted that the two companies "do not always communicate productively on issues of concern to shippers." She asked them

to appoint a liaison who will report biweekly.

Addressing complaints that shippers have not been reimbursed for losses blamed on the railroads' failure to move their goods, Morgan wrote to CSX Chairman John W. Snow: "I would appreciate your sharing with the (Surface Transportation Board), by Dec. 1, general information regarding your communication with shippers about the claims handling process."

# Falls, North Tonawanda top list of w

By THOMAS J. PROHASKA

*News Niagara Bureau*

NIAGARA FALLS — As Niagara County prepares to submit a list of its worst railroad bridges and crossings in hopes of seeing them repaired, Niagara Falls and North Tonawanda have the most to gain.

The two cities have the largest number of railroad crossings in the county and the largest number in need of repair.

Low bridge clearances impede truck traffic and occasionally cause accidents, Niagara Falls officials said. North Tonawanda has a swing railroad bridge over the Little Niagara River that was recently vandalized and left stuck in a partly open position.

In mid-October, Linda Morgan, chairwoman of the federal Surface Transportation Board, visited Buffalo and was handed a list of all crossings and bridges in Erie and Niagara counties. Local leaders urged her to pressure the railroads to invest money in repairing those that need improvement or removing those that are no longer needed.

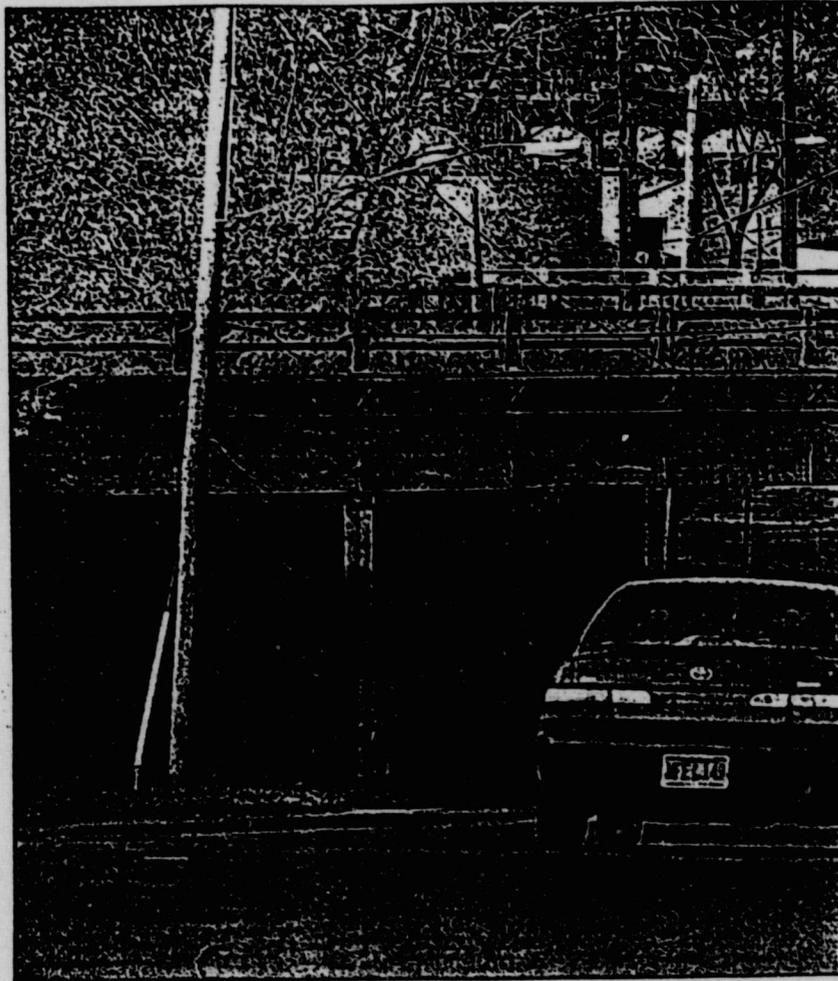
That's just one aspect of the purchase of the now-defunct Consolidated Rail Corp. by CSX Corp. and Norfolk Southern.

The two private railroads carved up Conrail's holdings, and CSX ended up with Niagara and Erie counties as part of its territory.

Although businesses that ship by rail took up much of the time during Morgan's visit Oct. 18 with tales of freight bottlenecks caused by old and inadequate rail facilities, the local congressional delegation also presented concerns about crossings and bridges that present problems to drivers every day.

Rep. John J. LaFalce, D-Town of Tonawanda, said, "I have initiated a review of trouble spots, with the assistance of the Buffalo Niagara Partnership, the Erie County Department of Environment and Planning, the Niagara County Department of Planning, Development, and Tourism and numerous local municipalities."

In Niagara County, Planning, Development, and Tourism Commissioner Samuel M. Ferraro acted on LaFalce's request, sending letters to all municipalities that have railroad bridges and crossings to seek their comments on locations that need repair or removal.



The overpass on Main Street between Ontario Street and Depot Street



MARK MULVILLE/Buffalo News

Concrete is crumbling at the 10th St. railroad crossing, between Buffalo Avenue and Falls Street in Niagara Falls.

The affected municipalities are the three cities, the Village of Middleport and eight towns.

Morgan and the Western New York congressmen received a general list of crossings and bridges, with comments from each municipality. The prioritized list, being compiled this week, will include rough cost estimates.

"Thereafter, it will be necessary to pursue public and private long-term funding so that the repairs can be made," LaFalce said.

At the Oct. 18 meeting in Buffalo, Mark G. Aron, CSX vice president for public affairs, said the company plans to invest more than \$20 million in Western New York over the next several years.

CSX spokesman Robert T. Sullivan said the company is concentrating on alleviating the freight problems shippers have been encountering.

"Our focus right now is on service and customers," he said, "which is not to minimize our interests in the crossings."

Niagara Falls City Engineer Kevin P. O'Brien said, "When it comes right down to it, we count on the railroads to fix the crossings."

O'Brien said that as far as he knows, the last railroad crossing

repairs in Niagara Falls occurred five or six years ago on Buffalo and Lafayette avenues.

One of the worst problem bridges in Niagara Falls crosses Main Street between Ontario Avenue and Depot Street.

"You can rest assured, Main Street will be near the top of the list," O'Brien said.

There are two problems with the bridge, which lies on the rail line leading to the international railroad bridge to Canada.

Its clearance is posted at only 11 feet. City traffic planner Thomas J. Miklejn said state law requires all underpasses that are not at least 14 feet high to be posted with a height one foot less than the actual height.

"I think the height of that one actually varies," Miklejn said.

The second problem is that there is a bridge support in the middle of the street. O'Brien's report to Ferraro calls it a "fixed deadily object."

O'Brien said he is hopeful the center steel supports can be removed and the clearance increased during a Main Street-Lewiston Road reconstruction project tentatively set for 2002 or 2003.

The entire job is estimated at

\$8.4 million, O'Brien said, with federal funding covering 80 percent of the cost.

"I think it would be very difficult to raise the level of the rails," O'Brien said. "Maybe the bridge could be rebuilt. I don't know if the (project) budget can support changing the road."

But the project is still in the design phase, O'Brien said.

The Main Street crossing is one of seven in Niagara Falls with clearances lower than 14 feet. Tractor-trailers are allowed to be as much as 13 feet 6 inches high without obtaining an oversized-load permit.

The low bridges cause truckers to take detours. If they don't, they live to regret it.

"There's many a time that trucks have gotten stuck under the bridge or sheared the top off," O'Brien said.

An underpass on Portage Road between Buffalo and Mackenna avenues is also posted at 11 feet. The other railroad bridges on the Niagara Falls list include:

Depot Street between Ninth and Main streets, 11 feet 4 inches; 10th Street between Buffalo Avenue and Falls Street, 12 feet 3 inches; Buffalo Avenue between 47th and 53rd streets, 12 feet 4 inches; College Avenue between Highland Avenue and Bell Street, 12 feet 7 inches; Whirlpool Street between Ontario Avenue and Depot Street, 12 feet 10 inches.

Miklejn said he couldn't think offhand of a railroad underpass in the city that met the 14-foot standard.

The city also has 20 active grade crossings. Most are listed in fair to good condition, although six are rated poor. They are on Ninth Street, Acheson Drive, Garden, Highland, Iroquois and Lafayette avenues.

In addition, a former crossing at Simmons Avenue and 47th Street was paved over, but the rails are showing through the asphalt. O'Brien rates that as a candidate for removal.

In North Tonawanda, Public Works Superintendent Gary J. Franklin handed in a list of five bridges and 44 grade crossings, although a few are paved over.

City Engineer Dale Marshall said, as far as he's concerned, the worst crossings in the city are on side streets off Erie Avenue, such as Wurlitzer Drive. The streets cross a rail line that services the Stone Container Corp. plant in



MARK MULVILLE/Buffalo News

Another focus of the call for repairs is at College Avenue between Highland Avenue and Bell Street, Niagara Falls.

# Worst rail bridges, crossings in county



MARK MULVILLE/Bufallo News

Niagara Falls is in particularly bad shape.

Wheatfield, he said.

"I'd say most of the crossings connected with that track are bad," Marshall said.

The timber crossing on Wurlitzer Drive cost the city \$50,000 to \$60,000 to build about 16 years ago, Franklin said. His report calls its replacement a high priority.

The city had to pay for the crossing because the track was there before the street. In fact, Marshall said the city paid \$2,852 a year to Conrail for rent on six crossings.

Franklin said rubber pads between the rails and two feet on either side of the tracks are considered preferable to timber or asphalt.

Such a crossing was installed recently across four-lane River near Island Street, and it cost \$50,000 to \$60,000, Franklin said.

But the city's most pressing railroad problem is the swing bridge over the Little Niagara River to Tonawanda Island.

Franklin said the span is a swing bridge, pivoted on a pier in the middle of the Little Niagara.

In order for boats to pass, the bridge had to swing and become parallel to the shore, hovering over the river.

For trains of the now-defunct Tonawanda Island Railroad to cross from the island to the mainland, the bridge would swing into a connecting position.

Franklin said that a few weeks ago, someone managed to disconnect the bridge from the shores by cutting the rails, apparently with a blowtorch, and swinging the bridge a few feet.

"I actually jumped from the abutment onto the bridge," Franklin said. "It's about four or five feet."

Clearance for boats in the river has always been low. "I don't know if you want to go underneath it if you've got a flying bridge on your boat," Franklin commented.

Marshall said it might cost \$200,000 to \$250,000 to remove the steel superstructure of the span and as much as \$600,000 to remove the whole apparatus.

"We don't own it. We don't

want it," Marshall said. "We're working with the Army Corps of Engineers and the Coast Guard."

North Tonawanda has three railroad street underpasses that don't meet the 14-foot clearance standard. They are on Sweeney Street (13 feet 3 inches), Tremont Street (11 feet 8 inches), and Goudry Street (12 feet 6 inches).

Other railroad trouble spots around the county include:

## City of Lockport

Mayor Kenneth D. Swan said that the Gooding Street underpass is posted at 12 feet 9 inches and a trestle over Eighteen Mile Creek adjacent to North Transit Road could stand to be removed. Also, a two-track timber grade crossing on Niagara Street "should be top priority" for repair.

Crossings on North Transit and Michigan streets have recently been repaired.

## Town of Cambria

The Baer Road underpass, which narrows to one lane, is "truly a hazard," Supervisor Wright H. Ellis wrote.

"The walls of the bridge underpass are cracking and falling apart. When a train crosses over the bridge, the structure vibrates the stones from the top, causing them to fall on cars. . . . Repairs to this bridge are of the utmost priority."

## Town of Lockport

Supervisor J.O. Thompson wrote that the railroad bridge on Day Road between Route 31 and the Erie Canal "poses a severe restriction on traffic and is very narrow." He said that is a "top priority" for redesign.

Also, the Wilson Road crossing presents "serious vehicle safety concerns," Thompson wrote.

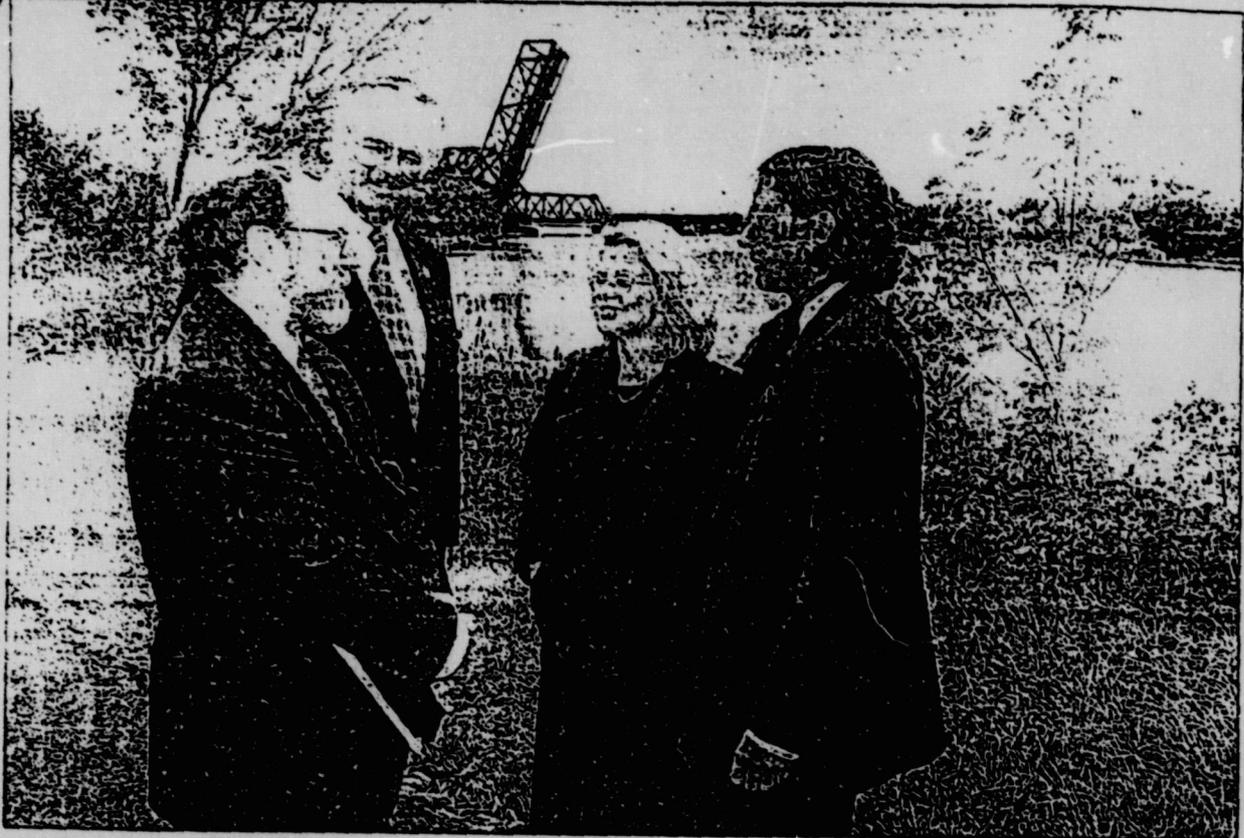
## Town of Royalton

Supervisor Lloyd L. Westcott said the State Street crossing in Gasport and the Telegraph Road crossing are concerns.

## Village of Middleport

Public Works Superintendent James E. Mahar wrote that the Kelly Avenue crossing should be the first one repaired but those on Orchard and Vernon streets also need attention.

The towns of Lewiston, Newfane and Wheatfield reported no safety concerns. Pendleton reported it no longer has any active railroad crossings. No reply from Somerset was included in Ferraro's report.



BILL WIPPERT/Bufalo News

With a railroad drawbridge in the background, Linda Morgan, right, chair of the Surface Transportation Board, hears about the area's railroad problems from local development officials, from left, Ronald Coan, Stan Keysa and Natalie Harder.

## Federal regulator says railroads must invest more in their local operations

By FRED O. WILLIAMS

News Business Reporter

Rail carriers must invest more in their Buffalo operations and work harder to end shipping nightmares that have plagued the area since the Conrail break-up this summer, a federal rail regulator said Monday.

Linda Morgan, chair of the Surface Transportation Board, said she will push CSX Corp. and Norfolk Southern to pump more money into aging Buffalo facilities that cause freight bottlenecks.

"I share their (shippers) frustration — I am not happy with where service is today and where its been since June 1," Morgan said during a meeting with shippers and rail officials Monday in Buffalo.

The Surface Transportation Board approved the takeover of Conrail by CSX and Norfolk Southern effective June 1. In the Buffalo area, CSX acquired former Conrail assets, including the Frontier Yard between Broadway and Sycamore streets and the CP drawbridge over the Buffalo River, a choke point on

a freight artery that other carriers share.

The two railroads agreed to present options for improving capacity of the critical bridge within 30 days, without committing to improvements.

The meeting laid the groundwork to end rail delays that threaten Western New York's ailing industrial sector, said Sen. Charles E. Schumer, who organized the event. Since the Conrail break-up, companies around the region have reported costly delays shipping products and receiving materials.

U.S. Rep. Jack F. Quinn (R-Hamburg) said a \$3.5 billion federal loan program might be tapped for Buffalo rail improvements. Quinn, who attended the meeting along with U.S. Rep. Thomas M. Reynolds (R-Springville), is urging Transportation Secretary Rodney Slater to implement the rail improvement loan program, which was enacted more than a year ago.

Morgan said she will return in six months and as-

See Railroads Page E7

# Railroads: 'We really want to grow the traffic'

Continued from Page E4

ness how well the carriers have met improvement goals. "I will go back to Washington and respond with a game plan," she said.

However, Morgan said she is not convinced that a lack of rail competition needs addressing, as shippers and local economic development officials charge.

The breakup, including a \$250 cap on fees for switching rail cars between carriers, has increased the level of competition since Conrail's operation, she said. While some shippers call the cap meaningless because of poor service, the board is conducting a three-year study of shipping prices that will determine if area companies are being gouged by monopoly rail prices.

Morgan visited Buffalo along with rail company officials to hear about delays that could "choke the life out of Western New York's economy," according to Schumer.

"It (the service crunch) is making Buffalo less attractive as a manufacturing and shipping hub," he said. About 25,000 jobs depend on companies that rely on rails to get materials and ship products, officials said.

The problems have caused General Mills to shift some flour production to Kansas City, transportation manager Leo J. Waschescha said.

"We can make flour in the Midwest and ship it to the East cheaper than (from) Buffalo," he said. Kansas City is now supplying Philadelphia, New York and Boston, he said.

Delays have hurt other major employers including Ford's Buffalo Stamping Plant in Hamburg, Occidental Petroleum's OxyChem unit in Niagara Falls and Delphi Harri-

**"We are committed to making this service as good and frankly better than what Conrail provided." Mark G. Aron, CSX executive vice president for public affairs**

son Thermal Systems in Lockport.

It takes an extra six days to ship from Delphi Harrison to General Motors Corp.'s assembly plant in Janesville, Wis., said Gerard P. McGonigle, production control and logistics director, one of several costly rail delays the company faces.

"That's going to affect our future business with GM," he said.

At Agway Agricultural Products, cars from Ohio that used to spend eight days en route are now in transit for 30 days, said Peter DelGobbo, director of bulk transportation. Besides the wait, the company faces higher prices because of leased cars that cost \$400 a month, he said.

"We're asking for the Surface Transportation Board to help solve the problem because right now it's absolutely terrible," he said.

Rail officials said they're working on solutions, and that service should continue to improve as Conrail's network is absorbed.

"We are committed to making this service as good and frankly better than what Conrail provided," said Mark G. Aron, CSX executive vice president for public affairs.

Buffalo, where CSX employs 900 people, is an important western gateway that is already getting increased investment, he said. The

company will spend over \$20 million in Western New York over the next several years, despite New York taxes that are three times what CSX pays in other states, he said. The company is calling for tax reform that will end what Aron called a disincentive to improve rail infrastructure.

"This is a big area for us. We really want to grow the traffic," Aron said.

Norfolk Southern is spending \$13 million to upgrade its Bison yard, a project that was accelerated so it can be complete by Dec. 1, said Jon Manetta, senior vice president of operations.

Rail cars sat idle for an average of 37.2 hours in CSX Corp.'s Buffalo yards in the first week of October, longer than the 33.4 hour system average. The "terminal dwell" time, an indicator of congestion, is higher than under Conrail. However, the railroad is seeing its peak traffic period now and congestion should ease with falling shipping volume in November, officials said.

US OFFICE PRODUCTS



**BUFFALO ECONOMIC  
RENAISSANCE CORPORATION**

Rail Presentation  
July 27, 2000

Good Morning! My name is Peter M. Cammarata, and I am the Executive Vice President of Buffalo Economic Renaissance Corporation (BERC), the City of Buffalo's economic development agency. My comments this morning are made on behalf of the Honorable Anthony M. Masiello (Mayor of the City of Buffalo) and Alan H. DeLisle (President of BERC).

Although today's open meeting is not an official Surface Transportation Board (STB) hearing, we feel it is incumbent on the representatives of Norfolk Southern Corporation (NS) and CSX Transportation to present our comments, concerns and recommendations in their fullest form to the Surface Transportation Board.

Long before CSX and NS took over the Conrail operation in 1999, many of us sat through the pre-acquisition "hoopla" which emphasized the promises of increased competition and improved service throughout the Northeast United States, and most importantly, Western New York and Buffalo. Private sector "shippers" and public sector "shapers" joined forces under the moniker of Erie/Niagara Rail Steering Committee (ENRS) to encourage the STB to consider implementing a Shared Access Area for Western New York. We felt that this type of structure would not only benefit railroad customers, but it would "spawn" functionally superior infrastructure and operational efficiencies

The sad fact is that the last year of rail operations in Western New York has included far too much "swimming upstream" and far too little "spawning" of economic development. And

what performance goals are we swimming upstream to get to?.....those established by Conrail!

There is no doubt that substantial investments need to be made to improve Western New York's rail infrastructure to raise the overall performance goals. Let's all take a step back for a moment though, and re-adjust our focus. Our focus has to be the shippers. the customers. Infrastructure investments by the railroads should not be driven by the amount of public funding participation; it should be driven by the demands of the customers and the business. in a competitive environment.

The City of Buffalo encourages the railroads to invest in intermodal and transflo facilities on underutilized land within the City. because the customer demand is there. The Buffalo Economic Renaissance Corp. will work closely with the railroads to facilitate the logistics surrounding these investments.

The BERC is grateful to the Erie County Industrial Development Agency (ECIDA) and the Erie/Niagara Rail Steering Committee for coalescing the railroad issues for our region, and we support their call for the railroads to fund an objective study of the regions rail network.

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**TESTIMONY OF STEVE FISK  
MANAGER, CORRIDOR MARKETING  
EASTERN NETWORK  
CANADIAN PACIFIC RAILWAY**

Good morning. My name is Steve Fisk. I am here today representing Canadian Pacific Railway (CPR). Thank you for the opportunity to express our views regarding rail operations in the Buffalo area.

CPR is a class 1 railroad that reaches from the Port of Vancouver, in the west, to the ports of New York and Philadelphia in the east. We serve the US midwest via the SOO Line and the northeastern US via the Delaware & Hudson (D&H). Both railways are wholly owned subsidiaries of CPR. In practice, the D&H, the eastern portion of the SOO Line and the CPR in eastern Canada are all managed as CPR's "Eastern Network", with offices in Montreal, and are operated as an integral part of the overall Canadian Pacific Railway.

CPR's interests and involvement in the Buffalo Terminal area reach back many years. Traditionally CPR has accessed Buffalo via connections at Niagara Falls, N.Y. The traffic moving over this gateway can be broken into three categories.

The first grouping of traffic originates or terminates in the Buffalo switching district connecting Canada and the mid-west to local consumers and manufactures. This represents approximately 20,000 rail movements per year.

The second grouping of traffic would be considered "through" in nature. This is traffic originates or terminates in areas outside the Buffalo switch district. An important example of this traffic is Canadian-manufactured automobiles heading for distribution terminals in Boston, New York and Baltimore. The reverse of this move is American-manufactured auto parts destined for Canada to serve the manufacturing locations. While "through" in nature a good share of this traffic has a direct impact on yards such as Frontier, Seneca and Tiff. Traffic of this type represent 75,000 rail movements per year.

The third grouping is traffic destined for CPR's SK Yard. This traffic is then fanned out to our interchange partners such as the Norfolk Southern (NS) and Buffalo & Pittsburgh (BP) railroads as well as a number of local shortlines. Another portion of this traffic will connect to our CPR network in the northeast - i.e., the D&H. CPR's northeastern traffic is generally destined to the Ports of Philadelphia and New York and is international in nature. This traffic represents 85,000 rail movements per year.

All in all, CPR traffic moving to or through Buffalo via Niagara Falls totals 180,000 movements annually.

In 1991, with its purchase of the Delaware and Hudson, CPR gained an additional interest in the Buffalo terminal district. CPR's northeastern business *i.e.*, from or to the D&H falls into three distinct categories.

As with the CPR traffic from the West, the first grouping of traffic originates or terminates in the Buffalo switching district connecting CPR's eastern franchise to New England and Pennsylvania to the local consumers and manufacturers. Through a switching arrangement, first with Conrail, then with CSX, CPR has the ability to access Buffalo switch district shippers for its customers east of Buffalo. This traffic arrives at SK yard and is delivered to CSX at Frontier where CSX delivers it to the customers. This represents approximately 5,000 rail movements per year.

The second grouping of traffic arising to or from the D&H would be considered "overhead". This is traffic that originates or terminates in areas outside the Buffalo switch district and is interchanged between CPR's northeast operation and other carriers, such as the NS, BP and Canadian National (CN). While this traffic is "through" in nature the movement of this traffic through the district has a direct impact on yards, bridges and other choke points. Traffic of this type represent 45,000 rail movements per year.

The final category is northeast traffic that originates or terminates outside Buffalo that CPR inter-changes with various shortlines, such as the Buffalo Southern Railroad (BSOR), in the area that serves local customers. This traffic represents 2,000 movements per year.

CPR's property in the northeast, the D&H, in total, represents an additional 52,000 movements bringing CPR's total volume to 232,000 rail movements annually.

As you can see, CPR has a significant stake in the smooth operation, of the Buffalo terminal area, not only from a local customer service perspective, but also from a through-put operation as well. CPR believes that, while local railfreight operations may have gotten off to a rocky start, the Buffalo area ultimately did not see anywhere near the magnitude of service failures as did other areas of the former Conrail. We believe that Buffalo terminal operations have improved significantly. However some problems still exist -- problems that currently are operational in nature rather than infrastructure-related. This is due partly to the historic summer drop off in business. CPR believes, in general, that any infrastructure improvements that can be made, such as increased yard capacity at Bison and Frontier as well as capacity improvements in the route infrastructure, will bring a new level of service to both the local customers and the customers whose traffic moves through the area.

Accordingly, CPR supports any capacity improvement CSX and NS deem necessary, as these improvements cannot help but have a positive impact on the entire terminal. We do, no

matter how obvious they are, have a brief list of improvements that we feel are necessary for improved service throughout the area. They are as follows.

- If economically feasible restore the 2nd draw bridge at CP Draw. This would allow multiple train movements through this famously congested choke point.
- Connect the Bison Runner to the Buffalo line and connect the Howard Runner to Bison. This would allow for two routes to CP Draw.
- Install a siding at Bison Yard. This would allow trains to be staged when the sidings at Marilla and Arica, on the Southern Tier, are blocked.

One additional comment we would like to make is to point out the impact that operations outside the terminal area has on Buffalo. We refer specifically to network inadequacies such as physical constraints in Selkirk and Binghamton and route structure constraints over the Water Level route and the Southern Tier. While these may not be visible local infrastructure projects they would have a direct impact on Buffalo operations.

In conclusion CPR feels that, while steady progress has been made in Buffalo since the split date, there is room to improve. Continued focus on increasing capacity for switching and freight operations is imperative. Additionally we feel that all the railroads operating in the area need to work together to identify operating problems and resolve them in a fashion that benefits all. Thank you very much.

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**Improving Rail Service in Buffalo  
and Western New York**

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STB Docket No. FD 33388 93

*CN discussion document*

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Buffalo, New York - July 27, 2000

# **Presentation**

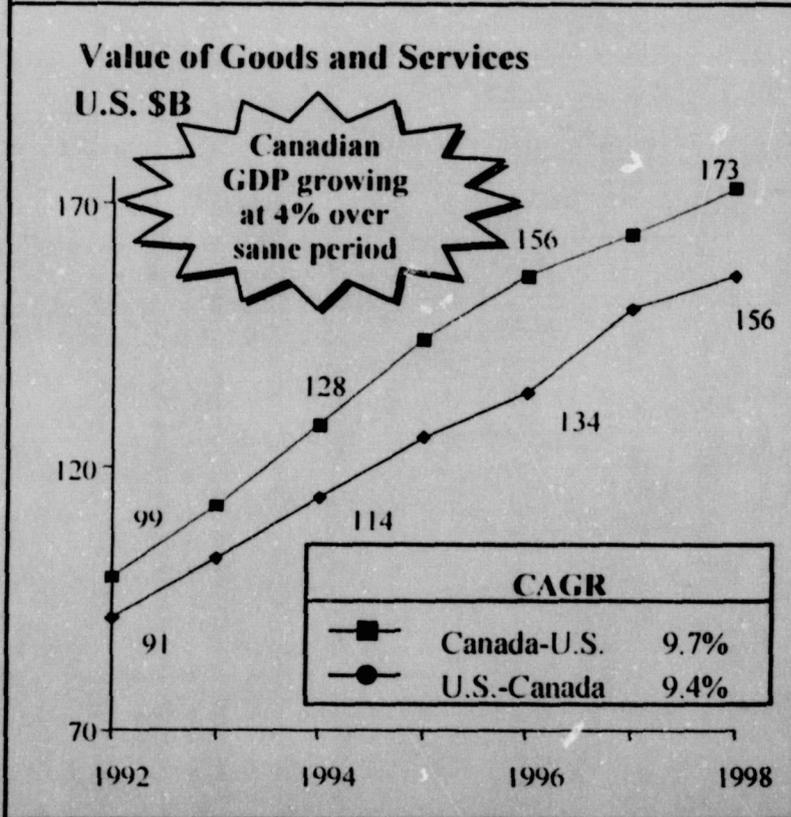
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- Background
- CN Business Base in New York
- Buffalo Operating Issues
- Proposed Solutions
- Summary

# Background

# North-South Trade Growth

## Canada-U.S. trade growing



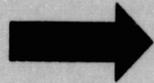
- NAFTA fuels Canada-US trade growth
- Economies of New York State and Canada are linked
- Northern border of New York important gateway/port of entry

**Buffalo is an increasingly important gateway for growing north-south traffic**

# Significant Canada-New York Trade

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Trade



- Canada is New York State's largest trading partner and largest export market
  - \$57 billion in imports at N.Y.
- Province of Ontario alone is New York State's second largest trading partner
- 22% of New York State exports are shipped to Canada

# **Buffalo Gateway**

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## **Important for CN...**

- For CN north-south and east-west traffic overall
- Traffic from CN's service territory to population centers of US Northeast
- Increasing importance with new market opportunities as a result of CN-IC merger and CN-IC-KCS alliance

## **And important for other railroads...**

- Buffalo is a growing major hub
- Essential that traffic flows and service to customers are improved
- At the same time, growth potential must be protected in the overall infrastructure and service plans

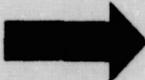
**CN will continue to support CSX and NS efforts to secure public funding for a new draw in Buffalo area**

**CN Business Base in New York**

# CN Traffic Flows Through Buffalo Gateway

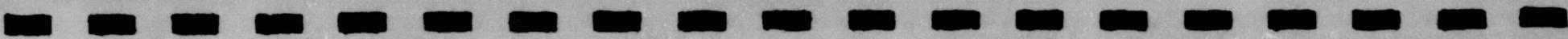
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**CN Statistics  
(1999)**



- CN handled 98,600 carloads via the Buffalo gateway
  - Autos 19,700
  - Parts 9,300
  - Lumber 10,000
  - Newsprint 6,700
  
- CN revenues: \$167 Million
  
- Over 10,000 cars to/from Buffalo area

**Over 25% of all rail traffic through Buffalo is Canadian origin and destination - this will continue to grow**

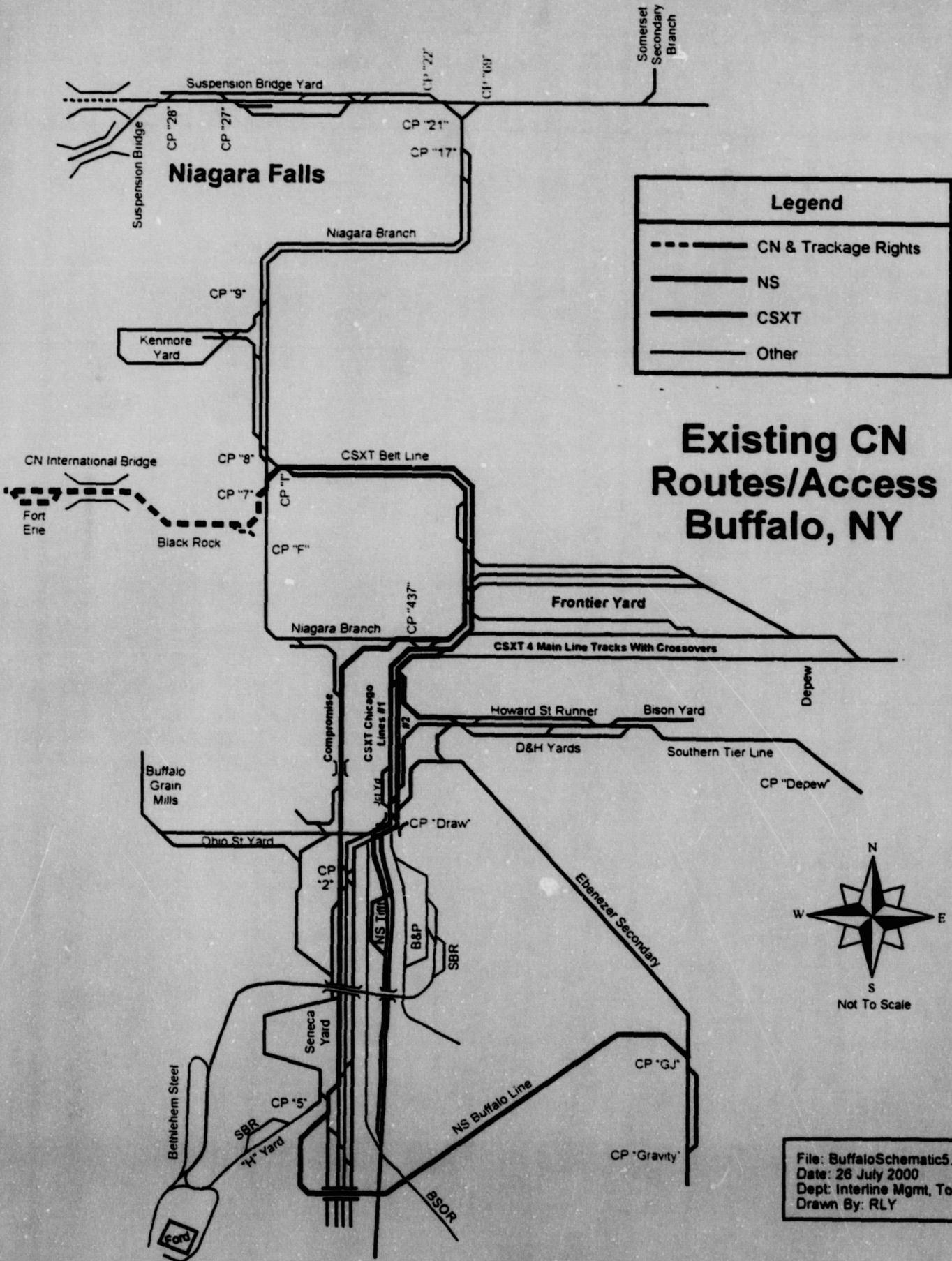


# **Buffalo Operating Issues**

# **Infrastructure and Capacity Issues**

- Belt Line congestion, access to and from Frontier Yard and crossing at CP Draw are major contributors to bottleneck in the Buffalo area
  
- CN limited in pursuing solutions to benefit Buffalo and New York shippers, and expedite traffic
  - limited access to carriers in Buffalo
  - moving interchange traffic under restricted trackage rights
  - inability to interchange with other carriers, or NS and CSX at more suitable locations

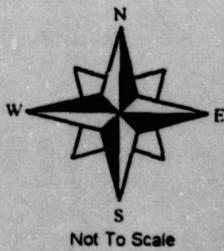
**Improved traffic flows require coordinated effort**



# Niagara Falls

Legend	
---	CN & Trackage Rights
—	NS
—	CSXT
—	Other

# Existing CN Routes/Access Buffalo, NY



File: BuffaloSchematic5.cdr  
 Date: 26 July 2000  
 Dept: Interline Mgmt, Tor  
 Drawn By: RLY

# **Proposed Solutions**

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# **Proposed Solutions**

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1. Restoring Niagara Branch for freight use
2. Trackage rights over Niagara Branch to Niagara Falls - also creates alternate route from Canada
3. Direct physical delivery to alternate locations or customer sidings, e.g. Kenmore and Ohio Street Yards
4. Plant/trackage improvements, e.g. new crossovers
5. Direct physical access to Buffalo-area carriers - allows for efficient interchange of traffic

**Lifting access restrictions would expedite traffic  
through Buffalo terminal**

# Summary

# Summary

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- CN has an important rail presence in Buffalo
- CN has a significant and positive contribution to make in resolving New York bottleneck issues - and looks to work with customers and railroads to do so
- If CSX and NS cannot provide service, shippers should have access to other carriers (i.e. Houston Emergency Order/ Shortline Industry Agreements)
- The proposed remedies are good for shippers, the rail industry and the economy of New York

**Increasing north-south trade growth creates opportunity for Buffalo as a major North American working hub**

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**Comments presented to the CSXT and Norfolk Southern (NS)  
Open Meeting on Thursday, July 27, 2000 in Buffalo, NY.  
Gary P. Edwards, Railroad Operations Manager**

On behalf of AES Eastern Energy, L.P. which is comprised of AES Somerset, L.L.C., a CSX destination, and AES Cayuga, L.L.C., AES Greenidge, L.L.C.,

AES Westover, L.L.C., and AES Hickling, L.L.C., Norfolk Southern (NS) destinations, I am here to present our comments and suggestions relative to NS and CSXT's performance subsequent to the division of Conrail between these two Class 1 carriers.

AES Eastern Energy receives large volumes of coal in both company owned and railroad supplied equipment unit trains. The cycle times we have experienced on our own equipment has not yet returned to the cycle times we consistently obtained under the former Conrail operations. This is particularly disturbing in that the size of our fleet was based on cycle times coupled with the annual coal consumption at each of the plants served by our equipment. When the Class 1 carriers are unable to meet their cycle commitments previously provided, AES must then supplement it's own equipment with railroad supplied cars which increases the cost of doing business. Although both carriers have failed to meet the operating standards of Conrail the problem is more pronounced with NS.

Three of our operations receive unit coal trains of railroad supplied equipment and these deliveries are also deficient relative to transit time today versus the Conrail operations.

Typically railroad supplied unit coal trains were loaded on a Thursday for delivery to the plant prior to the start of our day crew on Monday mornings. This scenario allowed for the unloading of each unit train within the allotted free time without incurring demurrage charges. Now, under NS operations loaded trains are being delayed in route with some delays occurring in the Buffalo terminal area or as a result of congestion in the Buffalo area and these trains are not arriving until late in the day on Tuesday. If we move our loading day earlier in the week we then are faced with the possibility of the trains arriving on Friday resulting in our expending overtime through the weekend unloading the trains to avoid demurrage charges.

Besides the delays on the long haul portion of the movement we have also experienced numerous delays in switching at our facilities. Full unit trains may make the yard at Gang Mills and a portion of the train spotted at our yard however the subsequent switch to spot the balance of the train is delayed, in some cases, by twenty four to forty eight hours. This is particularly troublesome when the delay then pushes our unloading operations into weekends creating added labor costs. We have also seen numerous times when a switch of the yard had been promised and people have been brought in to unload cars only to find the cars were not spotted. In some cases cars have not been placed for several days, again causing our operations undue delays and expenses.

It is apparent NS and CSXT continue to be plagued by crew and locomotive shortages. Numerous times we will expend additional effort to complete the unloading of a train

only to have it sit in our yard empty with the explanation they are either looking for a crew or waiting for locomotive power to be assigned. These empty train sets can sit in our yard from twenty four to forty eight hours or more at times.

We have also seen NS trains delayed in the Buffalo area due to the lack of crews to move them over the Southern Tier to Gang Mills. In some of these cases our unit trains were placed on sidings west of Buffalo and the power was pulled. Then when a crew was available it seemed power was unavailable for the train and further delays resulted. In several cases trains loaded one or two days after the original train actually passed a train still sitting on a siding awaiting power and crew.

This crew shortage has also impacted switching services to Hickling. This plant requires a daily switch to unload trains in a timely fashion. It has been the norm rather than the exception that there were no available local crews to provide a switch in the evening to Hickling, located approximately 10 miles from Gang Mills Yard.

Besides the primary coal traffic delivered by CSXT to AES Somerset we also receive individual car shipments of Anhydrous Ammonia for use in one of our environmental compliance systems. This movement is a joint NS/CSXT movement with an NS origin and a CSXT destination. We have found the transit time for a loaded car is anywhere from three to four weeks. This lengthy transit time, to us, seems absurd in that the transit time for trucks delivering the same commodity from the same origin is ten to twelve

hours. In all fairness to both railroads, this move is a new move for us beginning after the split date. We therefore do not have a comparable Conrail performance to judge it against however the contrasting transit times between a truck move and a rail move suggests the rail transit time is excessive thereby leaving a lot of room for improvement.

Finally NS's operations between Buffalo and Ashtabula continue to be slowed by congestion on this single main line track and congestion on the NS line between Ashtabula and Youngstown impacts both CSX destined unit coal trains as well as NS destined unit coal trains for AES. This route was pointed out as a choke point to NS and CSX as far back as the original STB hearings on the division of Conrail. In that NS is the owner of the Ashtabula line and is the railroad with the poor connection for train movement from the Pittsburgh Seam coal fields into the Buffalo area I will say NS has not taken adequate measures to alleviate congestion on this route. Delays over this route directly impact both railroad and in particular, the operations of NS in the Buffalo area. If trains cannot efficiently operate over the route they are likely backed up into the Buffalo area creating unneeded congestion in the Buffalo Terminal or they are delayed in arriving at the Buffalo Terminal increasing the likelihood they could be delayed from delivery to the customer in the Buffalo area.

On numerous occasions we have provided both CSXT and NS with suggestions to changes in their operations we felt would help improve the operating efficiency of both railroads and would like to take this opportunity to reiterate those suggestions. The

suggestion we believe could have the most positive impact on NS's overall congestion problems between Youngstown, Ohio and Buffalo and the Buffalo Terminal would be the rerouting of traffic over the former Erie-Lackawana line between approximately Hubbard, Ohio and Hornell, New York. This could eliminate delays occurring on the waterlevel route at Ashtabula due to the lack of facilities to allow a progressive move from the Youngstown Line east to Buffalo. Eliminating these delays could provide relief to congestion on this line for through traffic running between Buffalo and Cleveland and as a result help reduce the amount of trains backed up in the Buffalo Terminal.

When this alternative has been mentioned in the past we have heard numerous excuses why it would not work. Our contention however is a train moving across this alternative route at 10 MPH would likely reach Gang Mills sooner than being tied up in the congestion on the water level route and in the Buffalo Terminal. Rerouting of AES destined trains alone would take 320 trains annually out of the Buffalo Terminal area allowing additional capacity for existing traffic as well as capacity for new traffic.

Our next suggestion, again for NS, is the installation of a siding at our Cayuga facility to accommodate the storage of two to three locomotives while we unload the unit coal trains. Currently the crews are running light back to Ithaca Yard with the locomotives once the train has been placed in our yard. The run is approximately 14 miles and could be considered unproductive time for a train crew. By needing to run back into Ithaca with the power this move also interferes with service by the local crew to another

customer on the line, Cargill. With a siding at Cayuga once the loaded train is spotted the crew could simply put the power in the siding and taxi back to Gang Mills. Upon release of the empty train a crew would be taxied to Cayuga, tie on the train for the run back to Gang Mills thereby allowing the crew more time to actually move a train versus running light power back and forth to Ithaca.

For CSXT we would suggest the practice of leaving locomotives at Somerset, once a loaded train is delivered, become routine instead of the exception. CSXT could make the necessary arrangements to have rear end markers charged and the power serviced at our facility ready to run back to Newell Yard in Pennsylvania once we have completed unloading operations. This would at least eliminate the need to wait for locomotives when empties are made available reducing delays to our unit train cycle times. This would also improve track capacity in the Buffalo Terminal area which is reduced when you operate light power back and forth between Somerset and Frontier Yard.

Finally we would like to ask CSXT to investigate the possibility of a longhaul crew to run between Somerset and Ashtabula. This would reduce the overall number of crews required to move the unit coal train between the mine and the plant and would eliminate the need for a recrew at Buffalo. Running time between Ashtabula and Buffalo and Buffalo and Somerset would indicate a single crew could make this move without violation of the Hours of Service Laws. This type of move could add significantly to the improvement in cycle times for our unit trains.

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## SOUTHERN TIER WEST

*Regional Planning & Development Board*

*Walter M. Martelle, Chairman*

*Donald R. Rychnowski, Executive Director*

July 26, 2000

Richard F. Timmons  
Resident Vice President  
Norfolk Southern Corporation

Re: July 27, 2000 Buffalo, NY Proceeding

Dear Mr. Timmons:

I am enclosing a copy of my prepared remarks for the July 27, 2000 Buffalo NY open meeting. We look forward to working with Norfolk Southern to improve operations in the Buffalo, New York area, and throughout western New York and northwestern Pennsylvania. Please feel free to contact me with any questions.

Sincerely,

DONALD R. RYCHNOWSKI  
Executive Director



## SOUTHERN TIER WEST

*Regional Planning & Development Board*

*Walter M. Marella, Chairman*

*Donald R. Rychnowski, Executive Director*

**REMARKS OF DONALD R. RYCHNOWSKI, EXECUTIVE DIRECTOR,  
SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD  
NORFOLK SOUTHERN/CSX TRANSPORTATION OPEN MEETING  
BUFFALO, NEW YORK, JULY 27, 2000**

I am here to make two primary points relating to service and operations in the Buffalo, New York area.

**First**, infrastructure improvements and operating changes relating to Norfolk Southern's Southern Tier Extension line would positively impact the ability of Norfolk Southern to provide better service in and around the Buffalo, New York area.

**Second**, Norfolk Southern should develop a comprehensive response involving both infrastructure and operations that will reduce the safety and emergency vehicle access concerns in the City of Dunkirk in Chautauqua County, New York

I would like to expand on these two points.

**As to the first point**, the Southern Tier Extension should be seen as an alternative to congestion and shipping volume problems in the Buffalo region. Through traffic that currently passes east-west through Buffalo but which does not have to pass through Buffalo could be shipped on the Southern Tier Extension, avoiding Buffalo. This would reduce the traffic volume in Buffalo, reduce congestion in Buffalo, and consequently improve Norfolk Southern's ability to serve Buffalo region shippers.

To accomplish this, Norfolk Southern could run from Erie, Pennsylvania using its trackage rights over the Allegheny and Eastern to Corry, Pennsylvania, whereupon Norfolk Southern could run on the Southern Tier Extension to Hornell, New York, connecting with the Southern Tier line. This would have added side benefits of providing service to a number of prospective shippers in northwestern Pennsylvania and southwestern New York. Norfolk Southern also has a yard in Olean, New York on the Southern Tier Extension, with north-south connections to Buffalo on the Buffalo, NY - Keating, PA line. There also should be operating advantages to this additional connection to Buffalo that could be of benefit to Buffalo region shippers.

To accommodate this, in June 1998 Norfolk Southern entered into an agreement with New York State and the Southern Tier West Regional Planning and Development Board. In this matter, Southern Tier West was acting as the agent of the four counties in New York State in which the Southern Tier Extension is located. This agreement provided for the provision of real estate tax abatements in return for certain service commitments by Norfolk Southern. In June 2000, New

Comments of Donald R. Rychnowski  
Southern Tier West Regional Planning and Development Board  
July 27, 2000  
Page 2

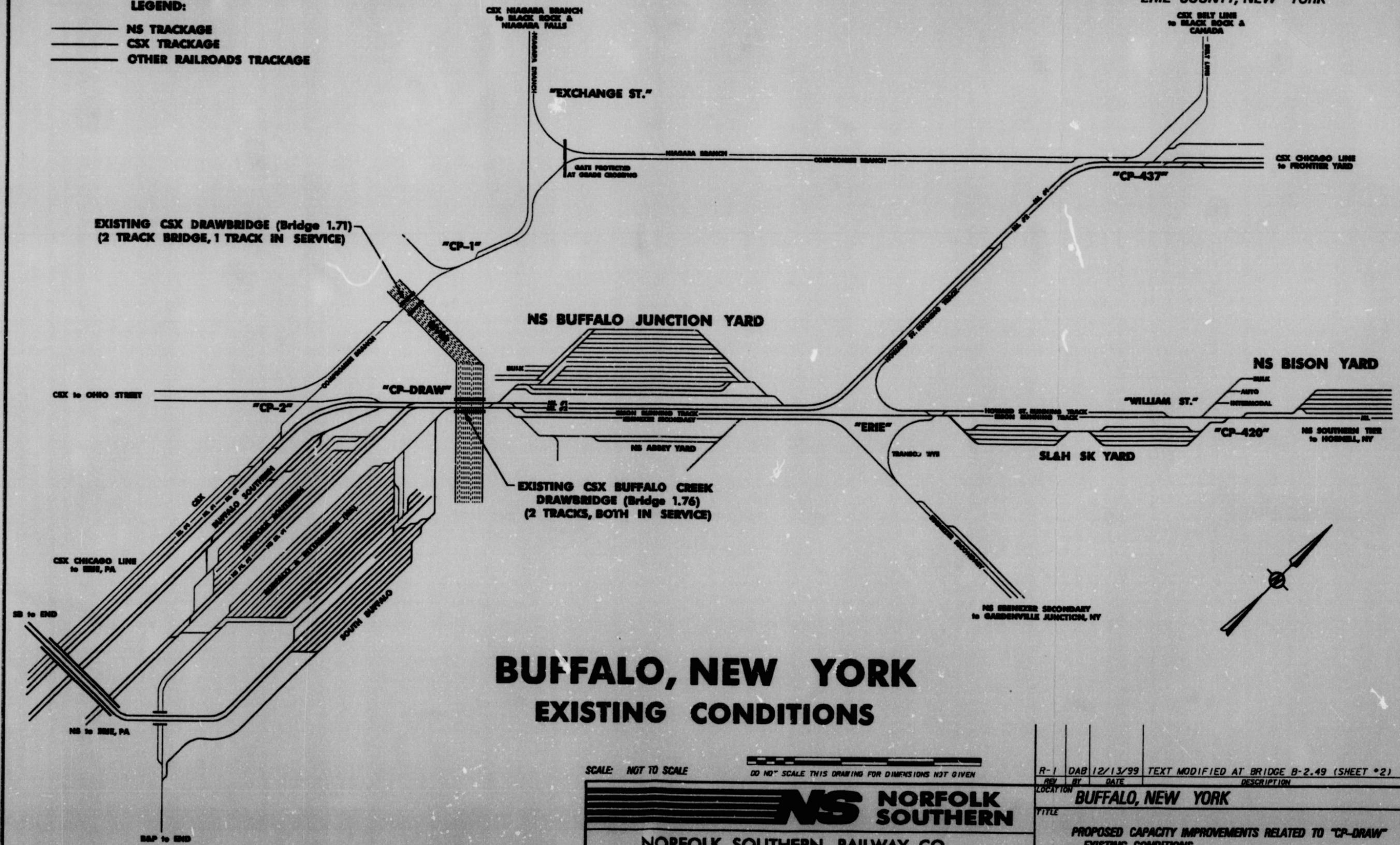
York State finally created a railroad authority to implement this agreement. Reopening the entire Southern Tier Extension, making necessary infrastructure repairs and upgrades, and operating on the entire line, either by Norfolk Southern or by a designated short line railroad, would benefit the system as a whole, as well as the shippers along the Southern Tier Extension. We request that Norfolk Southern implement this agreement, and we stand ready to assist Norfolk Southern in this regard.

**As to the second point**, the Buffalo Region includes the City of Dunkirk to the southwest of Buffalo. The number of Norfolk Southern trains in Dunkirk has increased over the past year, posing a safety issue to pedestrians and automobile traffic owing to Norfolk Southern's grade crossings in the City. This has resulted in traffic queues and flow problems, and the potential for disrupted emergency vehicle service. Norfolk Southern has proposed eliminating these grade crossings by truncating the City streets so that they do not cross the rail line. This poses an even greater traffic and safety problem, and does not address the issue of pedestrian safety. Thus far, Norfolk Southern has agreed to place signage at City grade crossings and has promised to hold crossing safety classes. We request that Norfolk Southern develop a more permanent and comprehensive solution to this problem.

As a unit of government in southwestern New York and as an advocate for rail transportation, Southern Tier West Regional Planning and Development Board offers its assistance with respect to rail issues that effect western New York and northwestern Pennsylvania. Thank you for this opportunity to present our position.

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 — CSX TRACKAGE  
 — OTHER RAILROADS TRACKAGE



# BUFFALO, NEW YORK EXISTING CONDITIONS

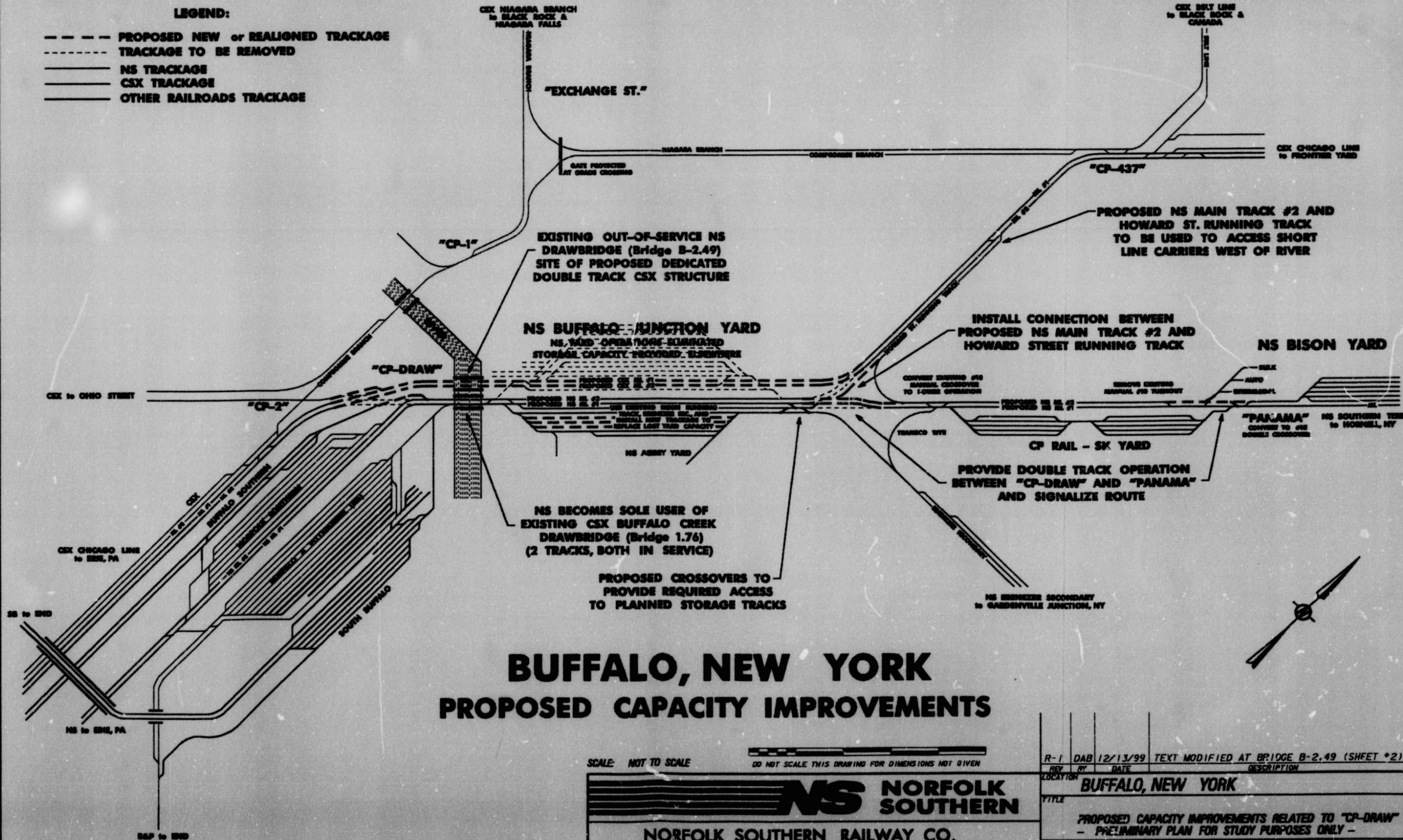
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**NS NORFOLK SOUTHERN**  
 NORFOLK SOUTHERN RAILWAY CO.  
 OPERATING DIVISION  
 LAKE  
 OFFICE OF THE CHIEF ENGINEER - DESIGN AND CONSTRUCTION - ATLANTA, GA.

REV	BY	DATE	DESCRIPTION
R-1	DAB	12/13/99	TEXT MODIFIED AT BRIDGE B-2.49 (SHEET *2)
LOCATION: <b>BUFFALO, NEW YORK</b>			
TITLE: <b>PROPOSED CAPACITY IMPROVEMENTS RELATED TO "CP-DRAW" - EXISTING CONDITIONS -</b>			
DGN	DAB	VAL SEC	VI-NY
MAP	1, 2, 3	MILE POST	422 & B-2
DRN	DAB	FILE	107-1-0143
CHK	DATE	DECEMBER 1, 1999	
DRAWING NUMBER			<b>TB-1999-87 R1</b>

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  - OTHER RAILROADS TRACKAGE



# BUFFALO, NEW YORK PROPOSED CAPACITY IMPROVEMENTS

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**NORFOLK SOUTHERN RAILWAY CO.**

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**LAKE**  
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REV	BY	DATE	DESCRIPTION
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LOCATION: <b>BUFFALO, NEW YORK</b>			
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OWN	DAB	FILE	MAP
		107-1-0143	1, 2, 3
CHK		DATE	TITLE POST
		DECEMBER 1, 1999	422 & B-2
DRAWING NUMBER: <b>TB-1999-87 R1</b>			

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## The Buffalo News

Monday, August 7, 2000

Section: EDITORIAL PAGE

Edition: FINAL

Page: B2

### HEADLINE: **RUNAWAY TAX RATES**

**TEXT:** The State Legislature's irresponsible failure to deal with ridiculously high railroad property taxes could force what should be a legislative debate into a courtroom confrontation. It's up to the Legislature to head that off, and to take prompt action when the next legislative session begins in January.

Simply put, the high tax rate for railroads in New York is a major barrier to railroad investment and system improvements here. That hurts shippers, discourages business development and hampers efforts to spur job growth.

State law imposes a different property-assessment formula for railroads than it does for other properties. The state also mandates a 99-year depreciation schedule for tracks, in effect taxing them at full value, while the federal standard is depreciation over seven years. So railroads pay about three times more in New York than they would in surrounding states.

That's a strong disincentive to investment. In fact, the railroads have actually removed unused switches and other equipment -- things that take months to replace if a new business-development need arose -- just to avoid paying taxes on them. That's a step backward, not a spur to the improvements in long-range bulk transportation systems that Western New York industries need to remain competitive.

The property-tax issue became embroiled in the railroad-service fiasco that followed last year's breakup of Conrail and distribution of its local assets to CSX and Norfolk Southern. Although the railroads have a legitimate gripe, they didn't help themselves with their abysmal performance after the Conrail breakup. Long delays and degraded service hurt local shippers.

Coming to their aid had all the appeal of seeking lower taxes for robber barons. It's why local development agencies, understandably, have called for more concrete expansion commitments from the railroads before any tax break is granted.

By all accounts, though, service has improved. Both railroads have made major local facilities investments in a concerted effort to stem the complaints and get service back on track. Future expansion now hinges on a tax-relief bill that didn't come to a vote in either the Assembly or the Senate this year but will be on the agenda again next year.

And time is a factor here. Conrail negotiated a 1997 property-tax settlement that froze railroad assessments. That freeze expires next month, and the state's Office of Real Property Services could direct local assessors statewide to reappraise tracks and yards at 2001, not 1995, land values. Already astronomical tax rates could double, railroad officials said.

Meanwhile, state legislators aren't rushing to make commitments. Any drop in railroad taxes will drop tax revenues for about 700 towns, villages, cities and school districts statewide, which collectively depend on the railroads for \$36 million a year in property taxes. That's not something lawmakers want to bring back from Albany in an election year.

The challenge in the next legislative session will be to craft property-tax relief that is fair to the railroads and encourages them to expand here rather than in other states, without dropping the whole burden on local governments and school districts. It's a job that should have been done this year, but better late than never.

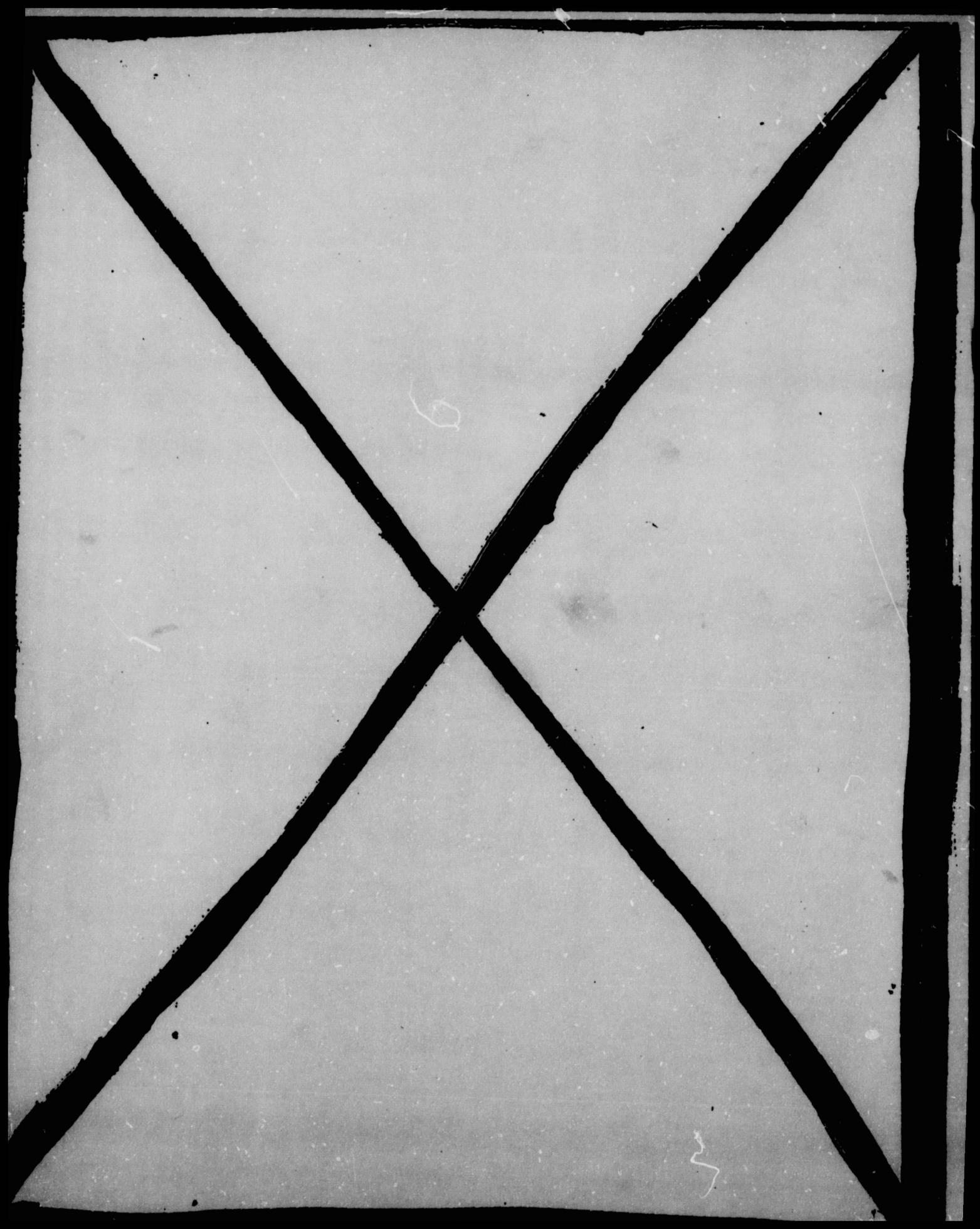
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FD-33388 (SUB 93)

6-21-00

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W. W. WHITEHURST & ASSOCIATES, INC.  
ECONOMIC CONSULTANTS  
12421 HAPPY HOLLOW ROAD  
COCKEYSVILLE, MARYLAND 21030

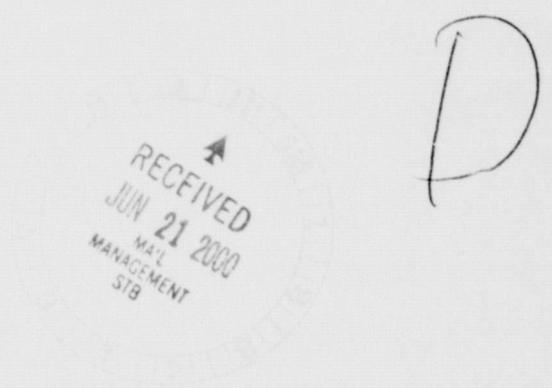
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PHONE (410) 252-2422

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June 16, 2000

Surface Transportation Board  
Office of the Secretary  
Case Control Unit  
ATTN: STB Finance Docket No. 33388 (Sub-No. 93)  
1925 K Street, N.W.  
Washington, DC 20423-0001



Dear Sirs:

Please add my name and address to the service list as a party of record ("POR") with intent to participate in STB Finance Docket No. 33388 (Sub-No. 93) 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 (Buffalo Area Infrastructure) and receive CSX and NS filings relating to Buffalo Area Infrastructure.

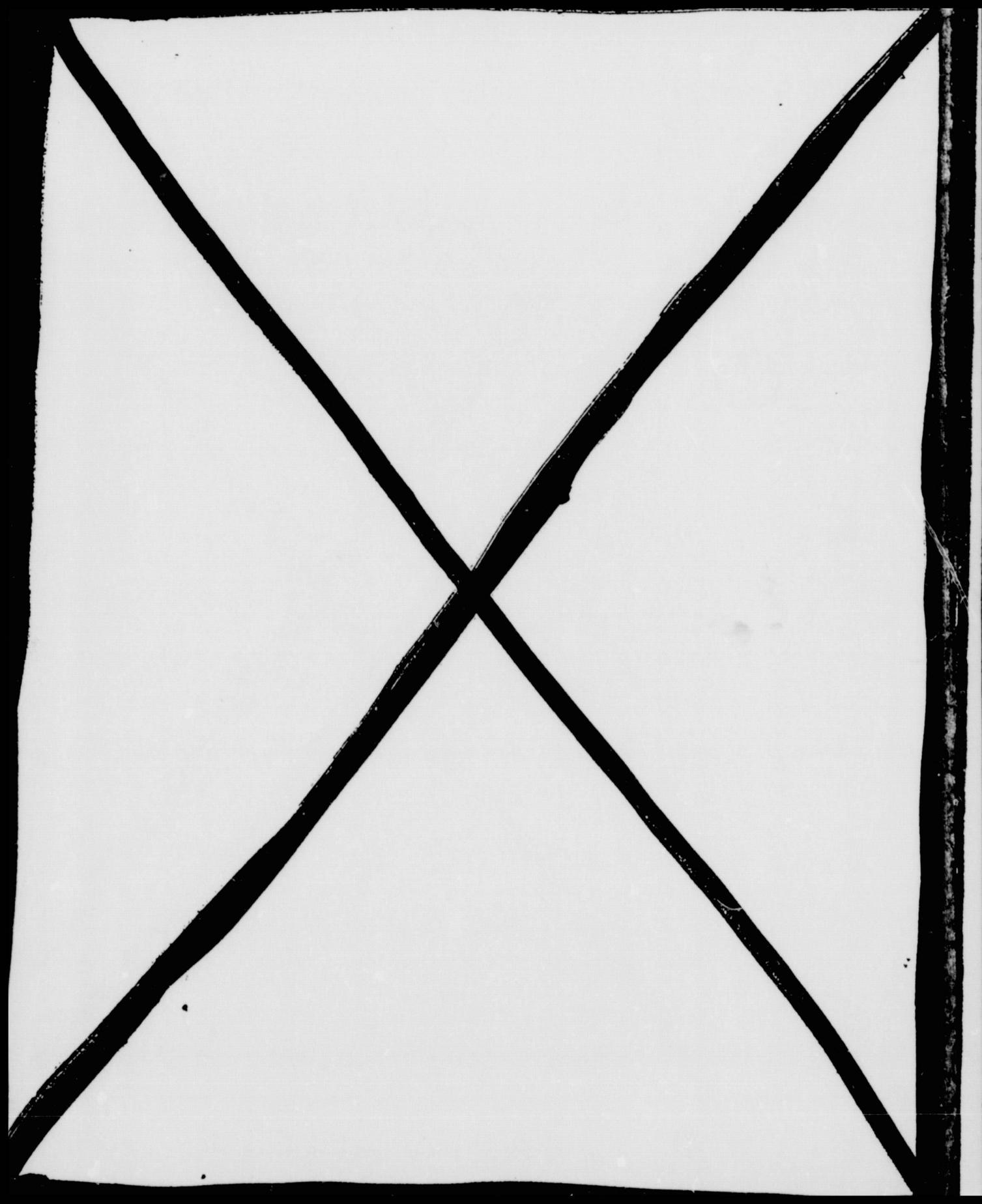
PARTY OF RECORD  
William W. Whitehurst, Jr.  
W. W. Whitehurst & Associates, Inc.  
Economic Consultants  
12421 Happy Hollow Road  
Cockeysville, MD 21030-1711

This original plus 25 copies are attached with this request. Please notify me if there are any other requirements to become a party of record in this case.

Very truly yours,  
*William W. Whitehurst Jr*  
William W. Whitehurst, Jr.

cc: Dennis G. Lyons, Esq., Arnold & Porter  
Richard A. Allen, Esq., Zuckert, Scoutt & Rasenberger, LLP

WWW:rtp



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FD-33388 (SUB 93)

6-20-00

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Fax: (202) 906-2821

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June 20, 2000

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Mr. Vernon A. Williams  
Surface Transportation Board  
Office of the Secretary  
Case Control Unit  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

Re: STB Finance Docket No. 33388 (Sub-No. 93)  
CSX Corp. and CSX Transportation Inc., Norfolk Southern  
Corp. and Norfolk Southern Ry. – Control and Operating  
Leases/Agreements – Conrail Inc. and Consolidated Rail  
Corp. (Buffalo Area Infrastructure)

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Dear Mr. Williams:

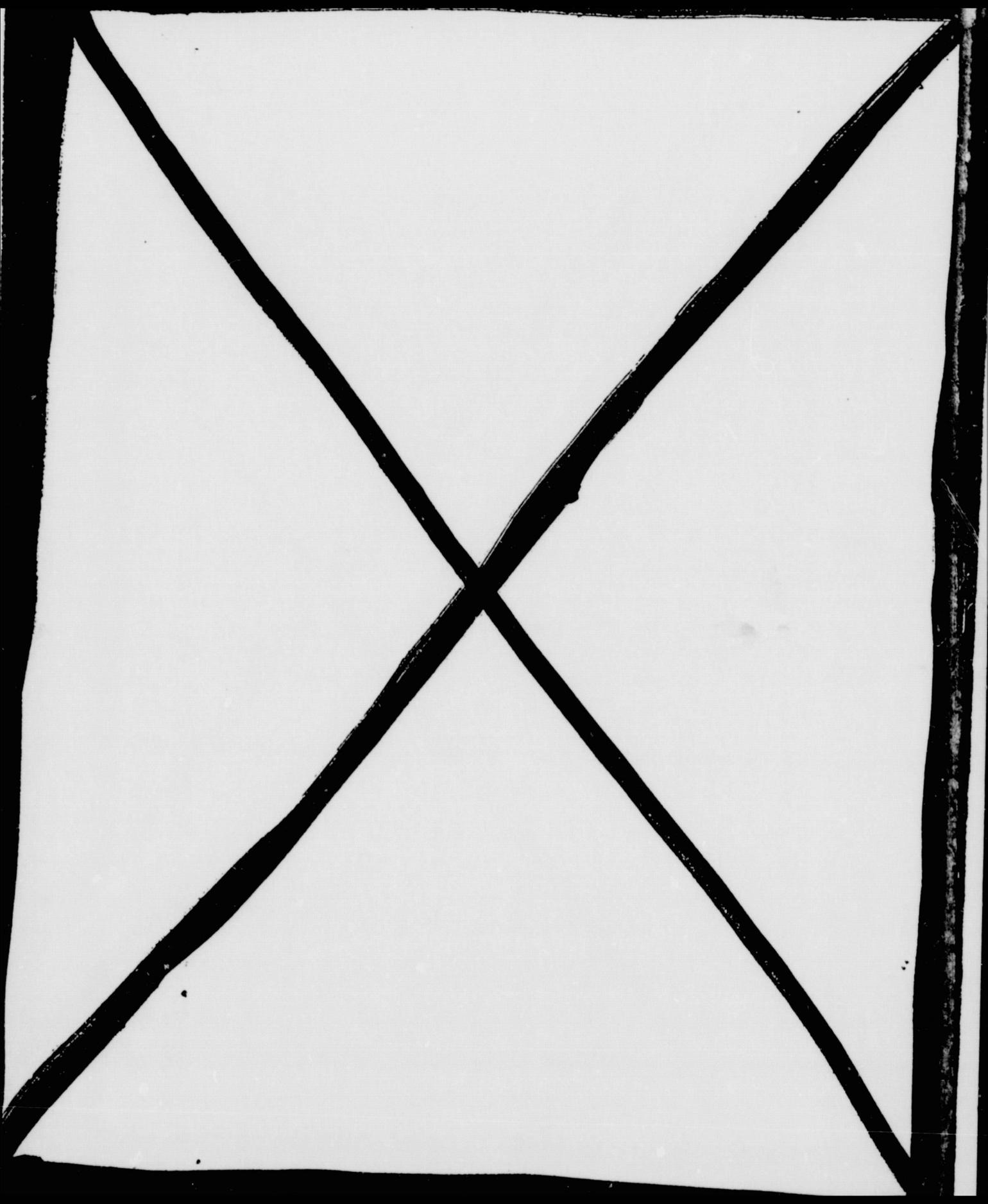
The National Railroad Passenger Corporation (Amtrak) intends to participate as a party of record in the above-captioned proceeding, and requests that its undersigned counsel be added to the service list.

Very truly yours,

*Richard G. Slattery*  
Richard G. Slattery

Counsel for the National  
Railroad Passenger Corp. (Amtrak)

cc: Dennis G. Lyons, Esq.  
Richard A. Allen, Esq.



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FD-33388 (SUB 93)

6-19-00

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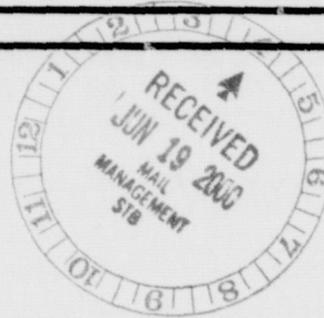
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**EASTERN  
TRANSPORT  
&  
LOGISTICS**

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JUN 20 2000

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June 14, 2000

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
The Mercury Building  
1925 K St., NW  
Washington, D.C. 20423

RE: STB Finance Docket No. 33388 (Sub No. 93)  
CSX Corporation and CST Transportation, Inc., Norfolk Southern Railway Company  
Control and Operating Leases/Agreements  
Conrail, Inc., and Consolidated Rail Corporation (Buffalo Area Infrastructure)

Dear Mr. Williams:

Eastern Transport & Logistics requests that as a party of record in STB Finance Docket Number 33388 that we also be included as a party of record in the above proceeding.

Our mailing address is:

Eastern Transport & Logistics  
1109 Lanette Drive  
Cincinnati, OH 45230

Copies of this request have been forwarded to the party indicated below representing the rail carriers.

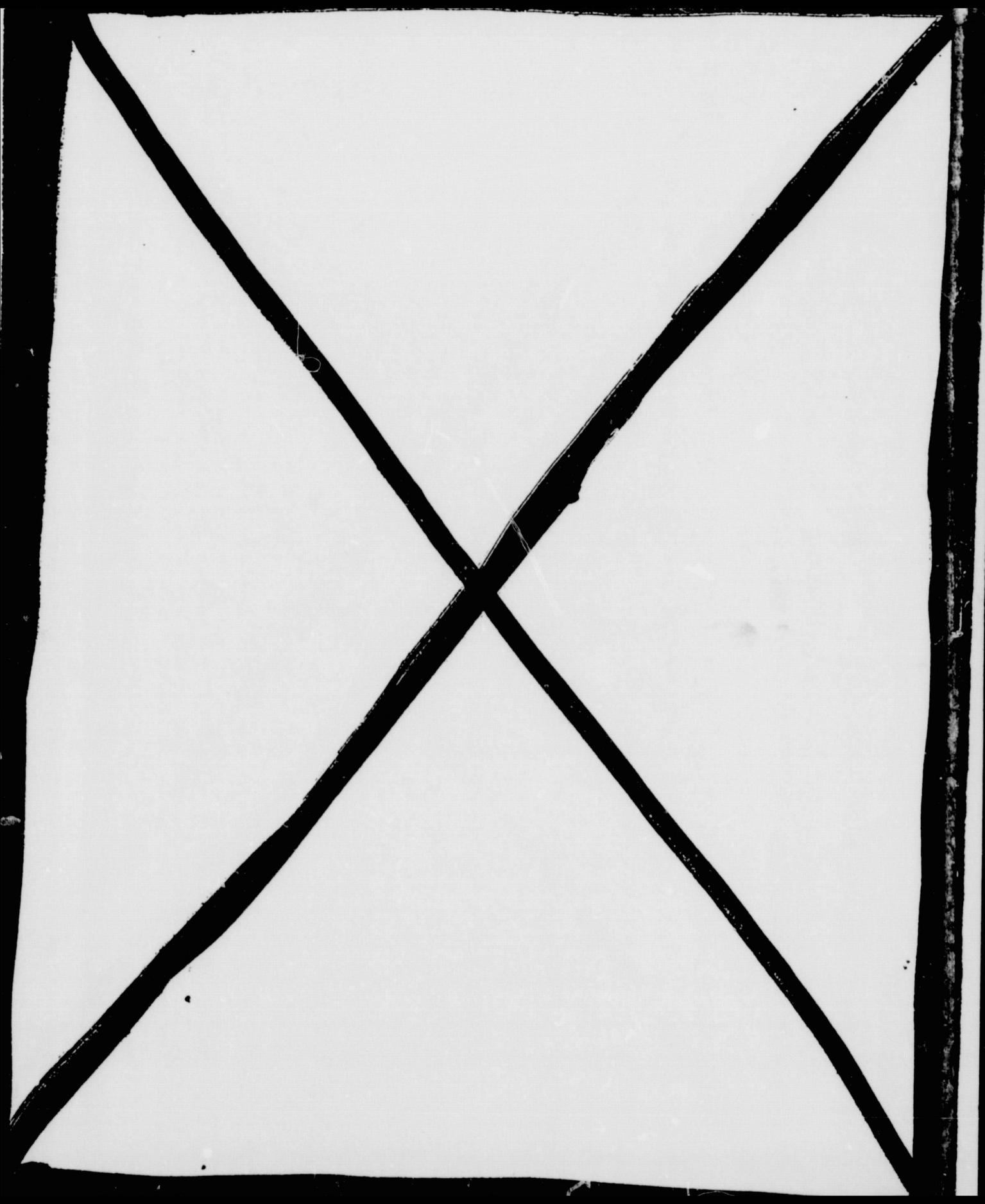
Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "R. A. Edwards".

R. A. Edwards

cc: Mr. Richard A. Allen, Attorney, Zuckert, Scutt & Rasenberger  
888 17th St., NW, Suite 600, Washington, D.C. 20006



STB

FD-33388

(SUB 93)

6-19-00

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U.S. Department of  
Transportation

Office of the Secretary  
of Transportation

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GENERAL COUNSEL

400 Seventh St., S.W.  
Washington, D.C. 20590

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June 15, 2000

Vernon A. Williams, Secretary  
Surface Transportation Board  
Suite 700  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



Re: CSX Corporation and CSX Transportation, Inc. and Norfolk  
Southern Corporation and Norfolk Southern Railway Company-  
Control and Operating Leases/Agreements-Conrail Inc. and  
Consolidated Rail Corp. (Buffalo Area Infrastructure)  
Finance Docket No. 33388 (Sub-No. 93)

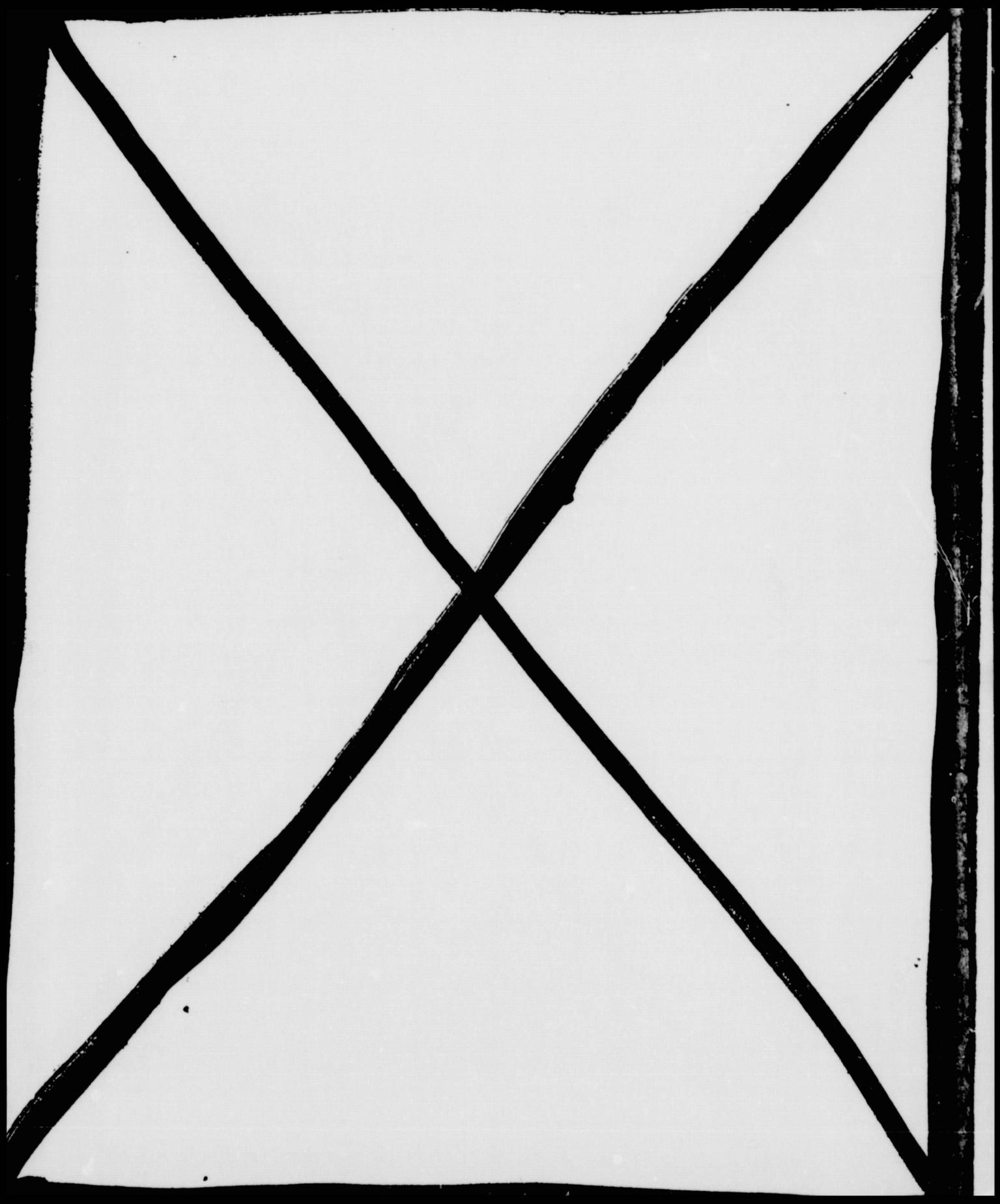
Dear Secretary Williams:

Pursuant to the Decision served June 9, 2000, the U.S. Department of  
Transportation hereby gives notice of its intent to participate in the above-  
referenced proceeding. Please include the undersigned on the service list.

Respectfully submitted,

Paul Samuel Smith  
Senior Trial Attorney  
U.S. Department of Transportation  
Room 4102 C-30  
400 Seventh St., S.W.  
Washington, D.C. 20590

cc: G. Paul Moates, Esq.  
Dennis G. Lyons, Esq.



STB

FD-33388 (SUB 93)

6-19-00

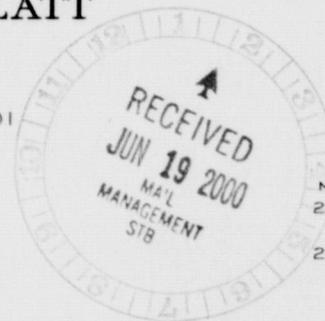
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MAYER, BROWN & PLATT

1909 K STREET, N.W.  
WASHINGTON, D.C. 20006-1101



MAIN TELEPHONE  
202-263-3000  
MAIN FAX  
202-263-3300

ERIKA Z. JONES  
DIRECT DIAL (202) 263-3232  
ejones@mayerbrown.com

June 19, 2000

VIA HAND DELIVERY

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street NW  
Washington, DC 20423

ENTERED  
Office of the Secretary

JUN 20 2000

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Re: Finance Docket No. 33388 (Sub-No. 93), *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Railway Company --Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation (Buffalo Area Infrastructure)*

Dear Secretary Williams:

Enclosed for filing in the above-captioned docket are the original and twenty-five (25) copies of Notice of Intent to Participate of The Burlington Northern and Santa Fe Railway Company (BNSF-1). Also enclosed is a 3.5-inch disk containing the text of this pleading in WordPerfect 9 format.

Copies of BNSF-1 are being served via first-class mail, postage prepaid on Dennis G. Lyons, Esq. and Richard A. Allen, Esq., representatives of CSX and NS, respectively. I would appreciate it if you would date-stamp the enclosed extra copy of the pleading and return it to the messenger for our files.

Sincerely,

Erika Z. Jones

Enclosures

cc: Dennis G. Lyons, Esq.  
Richard A. Allen, Esq.

199065

BNSF-1

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Finance Docket No. 33388 (Sub-No. 93)



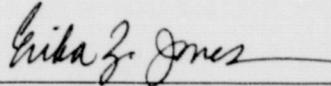
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CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation  
and Norfolk Southern Railway Company -- Control and Operating  
Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation  
(BUFFALO AREA INFRASTRUCTURE)

\_\_\_\_\_  
**NOTICE OF INTENT TO PARTICIPATE OF  
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY**

Please enter the appearance in this proceeding of the below-named attorneys on behalf of The Burlington Northern and Santa Fe Railway Company. The Burlington Northern and Santa Fe Railway Company intends to participate in this proceeding as a party of record.

Accordingly, please place the named attorneys, at the addresses provided, on the service list to receive all pleadings and decisions in this proceeding.

Respectfully submitted,

  
\_\_\_\_\_

Jeffrey R. Moreland  
Richard E. Weicher  
Michael E. Roper  
The Burlington Northern and  
Santa Fe Railway Company  
2650 Lou Menk Drive  
Fort Worth, Texas 76131  
(817) 352-1350

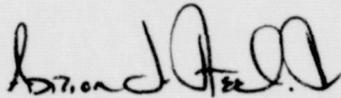
Erika Z. Jones  
Adrian L. Steel, Jr.  
Mayer, Brown & Platt  
1909 K Street NW  
Washington, DC 20006  
(202) 263-3000

Attorneys for The Burlington Northern and Santa Fe Railway Company

June 19, 2000

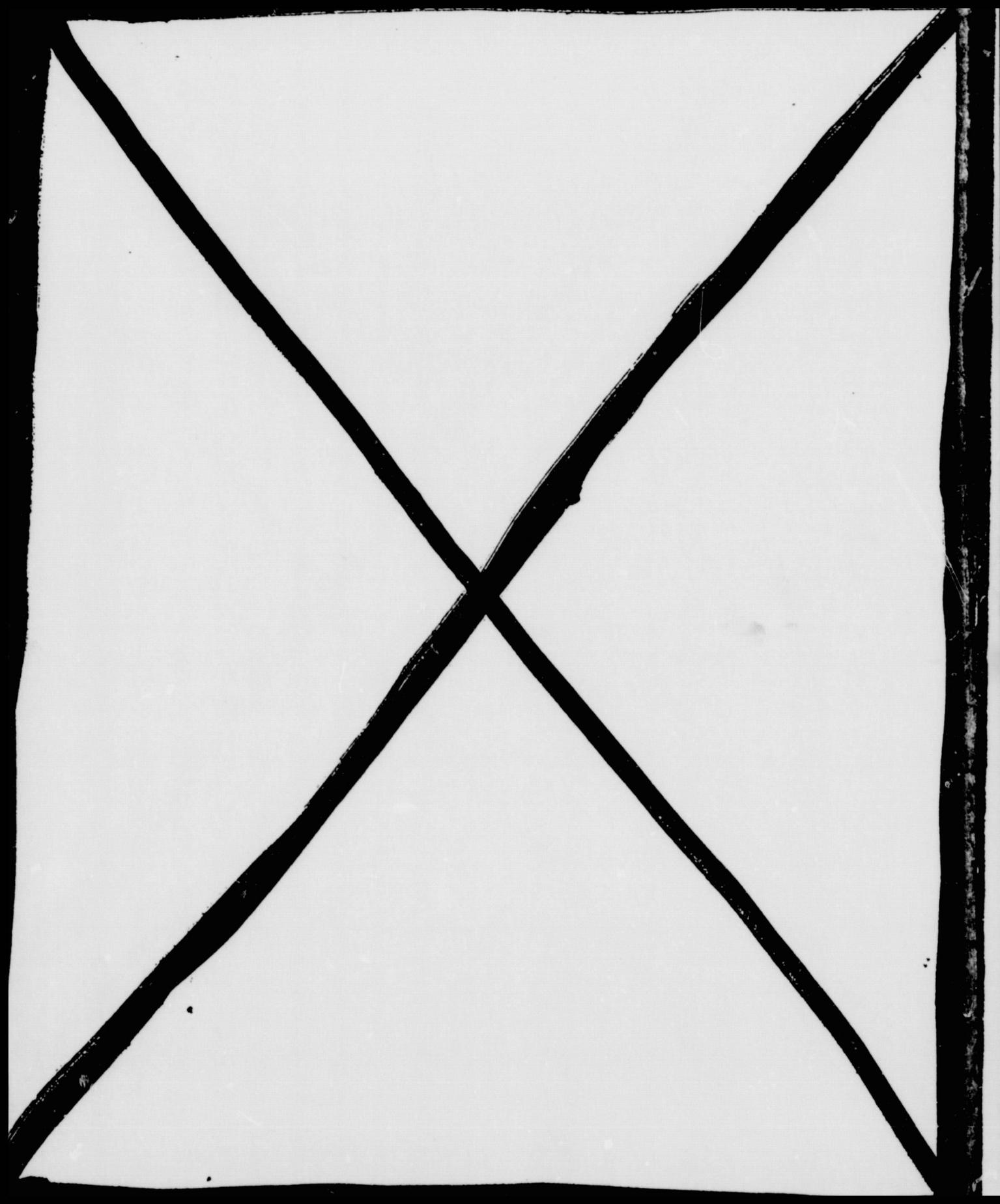
CERTIFICATE OF SERVICE

I hereby certify that copies of the Notice of Intent to Participate of The Burlington Northern and Santa Fe Railway Company (BNSF-1) have been served this 19th day of June 2000, by first-class mail, postage prepaid on Dennis G. Lyons, Esq. and Richard A. Allen, Esq.



---

Adrian L. Steel, Jr.



STB

FD-33388

(SUB 93)

6-19-00

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ENTERED  
Office of the Secretary

JUN 19 2000

Part of  
Public Record

TEL 202.312.8000  
FAX 202.312.8100

PAUL H. LAMBOLEY  
1350 EYE STREET, N.W.  
SUITE 200  
WASHINGTON, D.C. 20005-3324



DIRECT 202.312.8220

June 19, 2000



Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW  
Suite 700  
Washington, D.C. 20423

Re: F.D. No. 33388 (Sub-No. 93) (Buffalo Area Infrastructure)

Dear Secretary Williams:

Please find enclosed an original and ten (10) copies of Notice of Intent to Participate submitted on behalf of Southern Tier West Regional Planning & Development Board (STW-1) for filing in STB F.D.No. 33388 (Sub-No. 93) (Buffalo Area Infrastructure).

Please contact me should you have questions. Thank you for your assistance.

Very truly yours,

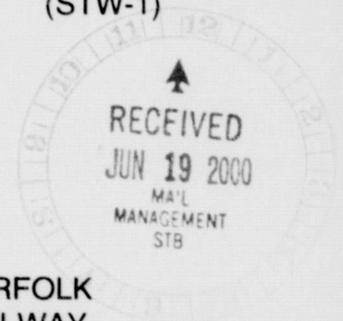
Paul H. Lamboley

Enclosure

(STW-1)

BEFORE THE  
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 33388 (Sub-No. 93)



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  
(BUFFALO AREA INFRASTRUCTURE)

**NOTICE OF INTENT TO PARTICIPATE**

Pursuant to Decision dated June 7, 2000 (served June 9, 2000) instituting this proceeding, the Southern Tier West Regional Planning and Development Board, hereby submits this Notice of Intent to Participate as a party of record (POR) under the acronym "STW" and marked STW-1. STW respectfully requests that STW's representative, as listed below, be included in the service list maintained by the Board in this proceeding so that the listed representative will receive copies of all orders, notices, and other pleadings in this proceeding.

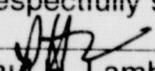
STW requests that Applicants and other parties of record serve copies of all pleadings filed in this proceeding directly upon the designated representative listed below:

*ORIGINAL*

Paul H. Lamboley, Esq.  
1350 Eye Street, NW  
Suite 200  
Washington, DC 20005-3324  
Tel: (202) 312-8220  
Fax: (202) 312-8100

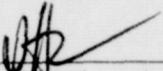
Dated: June 19, 2000

Respectfully submitted,

  
Paul H. Lamboley

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of June, 2000, copies of the foregoing Notice of Intention to Participate (STW-1) were served upon representatives of each of the applicant parties, via first class mail, postage prepaid, in accordance with the rules of the Surface Transportation Board.

  
\_\_\_\_\_  
Paul H. Lamboley

James C. Bishop, Jr.  
William C. Wooldridge  
J. Gary Lane  
James L. Howe, III  
Robert J. Cooney  
A. Gayle Jordan  
George A. Aspatore  
James R. Raschall  
Roger A. Petersen  
Greg E. Summy  
James A. Squires  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, VA 23510-2191  
(757) 629-2838

Richard A. Allen  
James A. Calderwood  
Andrew R. Plump  
John V. Edwards  
Zuckerl, Scoutt & Rasenberger, LLP  
888 Seventeenth Street, NW  
Suite 600  
Washington, DC 20006-3939  
(202) 371-7400

*Counsel for Norfolk Southern  
Corporation and Norfolk Southern  
Railway Company*

Mark G. Aron  
Peter J. Shudtz  
Ellen M. Fitzsimmons  
CSX Corporation  
One James Center  
901 East Cary Street  
Richmond, VA 23129  
(804) 782-1400

P. Michael Giftos  
Douglas R. Maxwell  
Paul r. Hitchcock  
Nicholas S. Yovanovic  
Fred R. Birkholz  
John W. Humes, Jr.  
R. Lyle Key, Jr.  
Charles M. Rosenberger  
Pamela E. Savage  
James D. Tomola  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-3100

Dennis G. Lyons  
Jeffrey A. Burt  
Richard L. Rosen  
Mary Gabrielle Sprague  
Paul T. Denis  
Drew A. Harker  
Susan T. Morita  
Susan B. Cassidy  
Sharon L. Taylor  
Jeffrey R. Denman  
Jodi B. Danis  
Chris P. Datz  
Amanda J. Paracuellos  
Arnold & Porter  
555 12th Street, NW  
Washington, DC 20004-1202  
(202) 942-5000

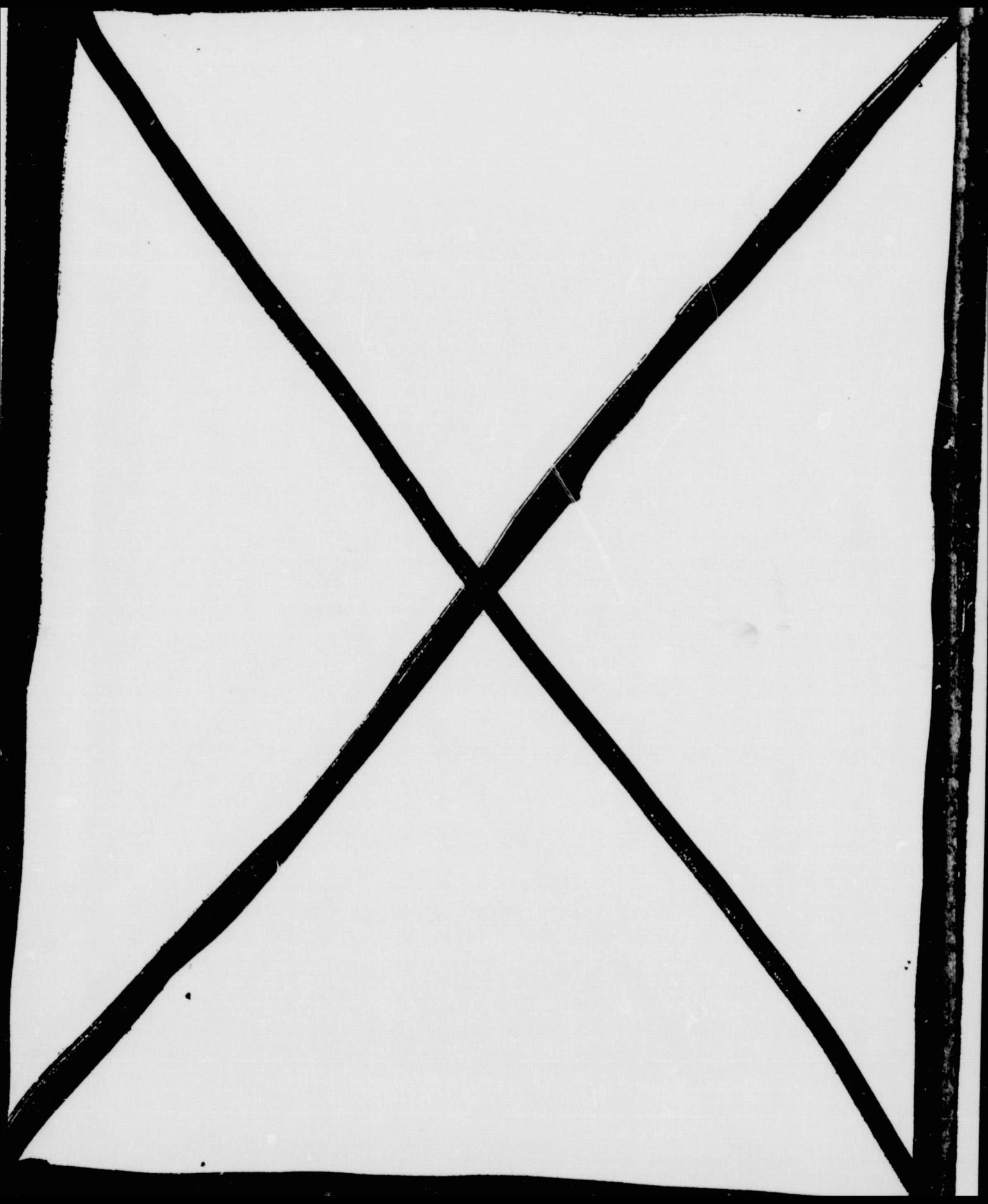
Samuel M. Sipe, Jr.  
Betty Jo Christian  
Timothy M. Walsh  
David H. Coburn  
Carolyn D. Clayton  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795  
(202) 429-3000

*Counsel for CSX Corporation and  
CSX Transportation, Inc.*

Timothy T. O'Toole  
Constance L. Abrams  
Anne E. Treadway  
John J. Paylor  
Jonathan M. Broder  
David C. Ziccardi  
Consolidated Rail Corporation  
Two Commerce Square  
2001 Market Street  
Philadelphia, PA 19101  
(215) 209-4000

Paul A. Cunningham  
Richard B. Herzog  
David A. Hirsh  
Robert M. Jenkins, III  
A. Carl Kaseman, III  
Gerald P. Norton  
James G. Rafferty  
Michael J. Gergen  
James M. Guinivan  
Joel A. Rabinovitz  
Harkins Cunningham  
1300 Nineteenth Street, NW  
Suite 600  
Washington, DC 20036  
(202) 973-7600

*Counsel for Conrail Inc., and  
Consolidated Rail Corporation*



STB

FD-33388 (SUB 93)

6-16-00

D

199050

199050

BRANCH, DEWART & WISE

ATTORNEYS AND COUNSELORS AT LAW

65 WEST BROAD STREET, SUITE 600

ROCHESTER, NEW YORK 14614-2293

(716) 546-8426

FAX (716) 546-5798

SERGEANT W. WISE  
WILLIAM F. DEWART, JR.

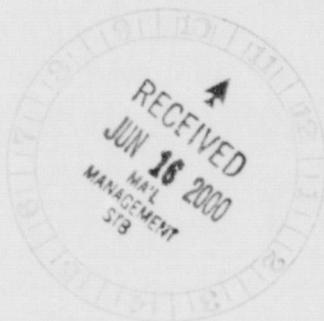
JOHN W. BRANCH  
OF COUNSEL  
HON. CAROLINE W. BRANCH  
(1911 - 1990)

June 14, 2000

ENTERED  
Office of the Secretary

JUN 19 2000

Part of  
Public Record



D

Case Control Unit  
Office of the Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

RE: **STB Finance Docket No. 33388 (Sub-No. 93)**

Dear Sir or Madam:

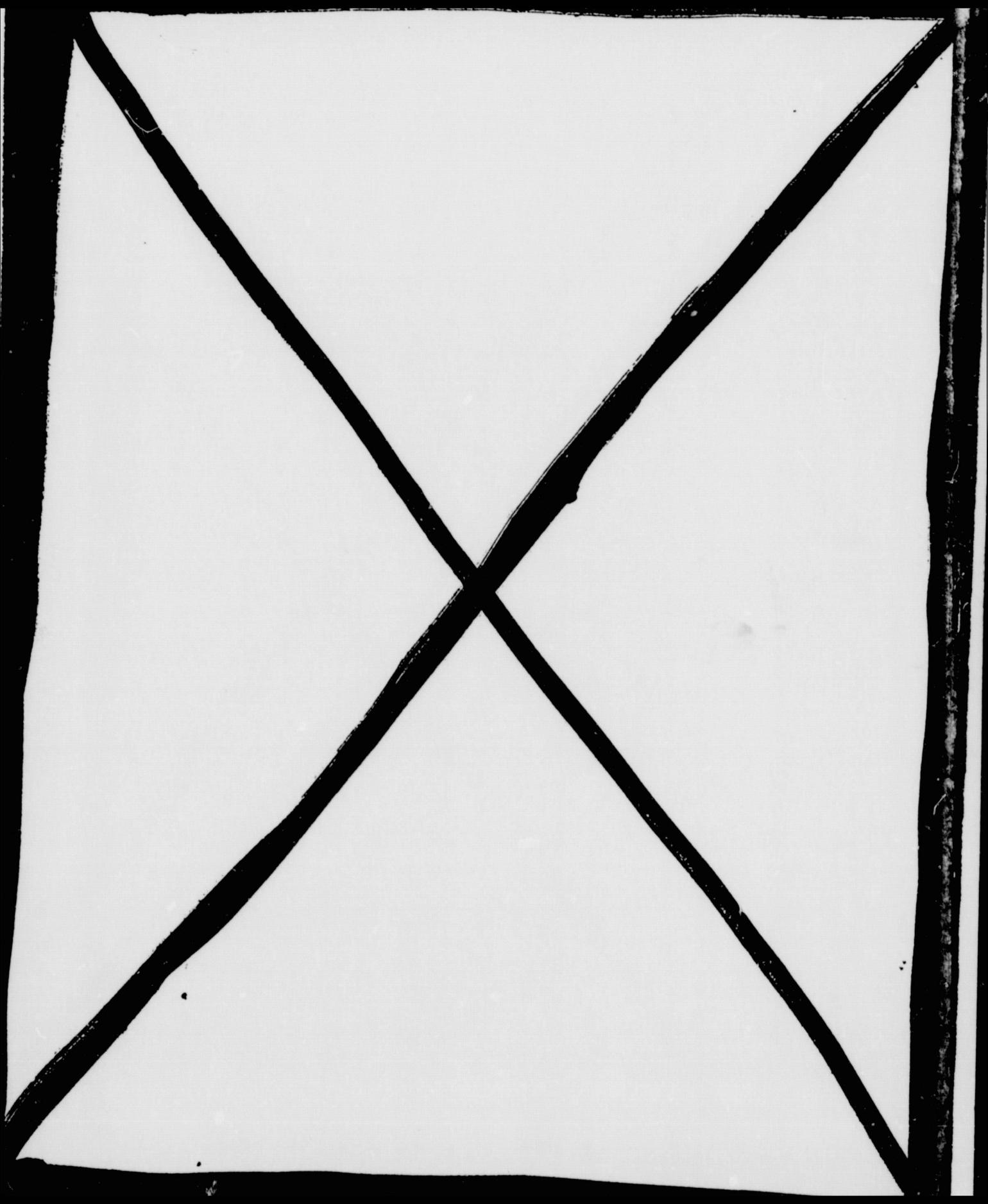
Please place the Livonia, Avon & Lakeville Railroad Corporation on the service list for the above-referenced proceeding.

Thank you for your assistance in this matter.

Respectfully,

Sergeant W. Wise  
Counsel for the Livonia, Avon & Lakeville Railroad Corporation  
P.O. Box 190-B  
Lakeville, NY 14480

cc: Dennis G. Lyons, Esq.  
Richard A. Allen, Esq.



STB

FD-33388 (SUB 93)

6-16-00

D

199047

**RICHARD R. WILSON, P.C.**

**Attorney at Law**

**A Professional Corporation**

**1126 Eighth Avenue, Suite 403**

**Altoona, PA 16602**

199047  
(814) 944-5302

888-454-3817 (Toll Free)

(814) 944-6978 FAX

rrwilson@mail.csrlink.net

Of Counsel to:

Vuono & Gray LLC

2310 Grant Building

Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 FAX

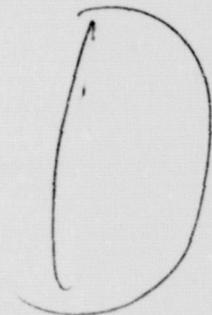
June 14, 2000

Vernon A. Williams, Secretary

Surface Transportation Board

1925 K Street, N.W.

Washington, DC 20423-001



Re: 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 (Buffalo Area Infrastructure); STB Finance Docket No: 33388 (Sub No 93)

Dear Sir:

Pursuant to the Board's recent June 7, 2000 Order in the above captioned proceeding, please enter the appearance of the undersigned on behalf of the New York & Lake Erie Railway Company. Copies of this entry of appearance have been served on counsel for CSX and NS.

Please date stamp and return a copy of this letter to the undersigned in the self addressed stamped envelope provided for that purpose.

Very truly yours,

RICHARD R. WILSON, P.C.

Richard R. Wilson

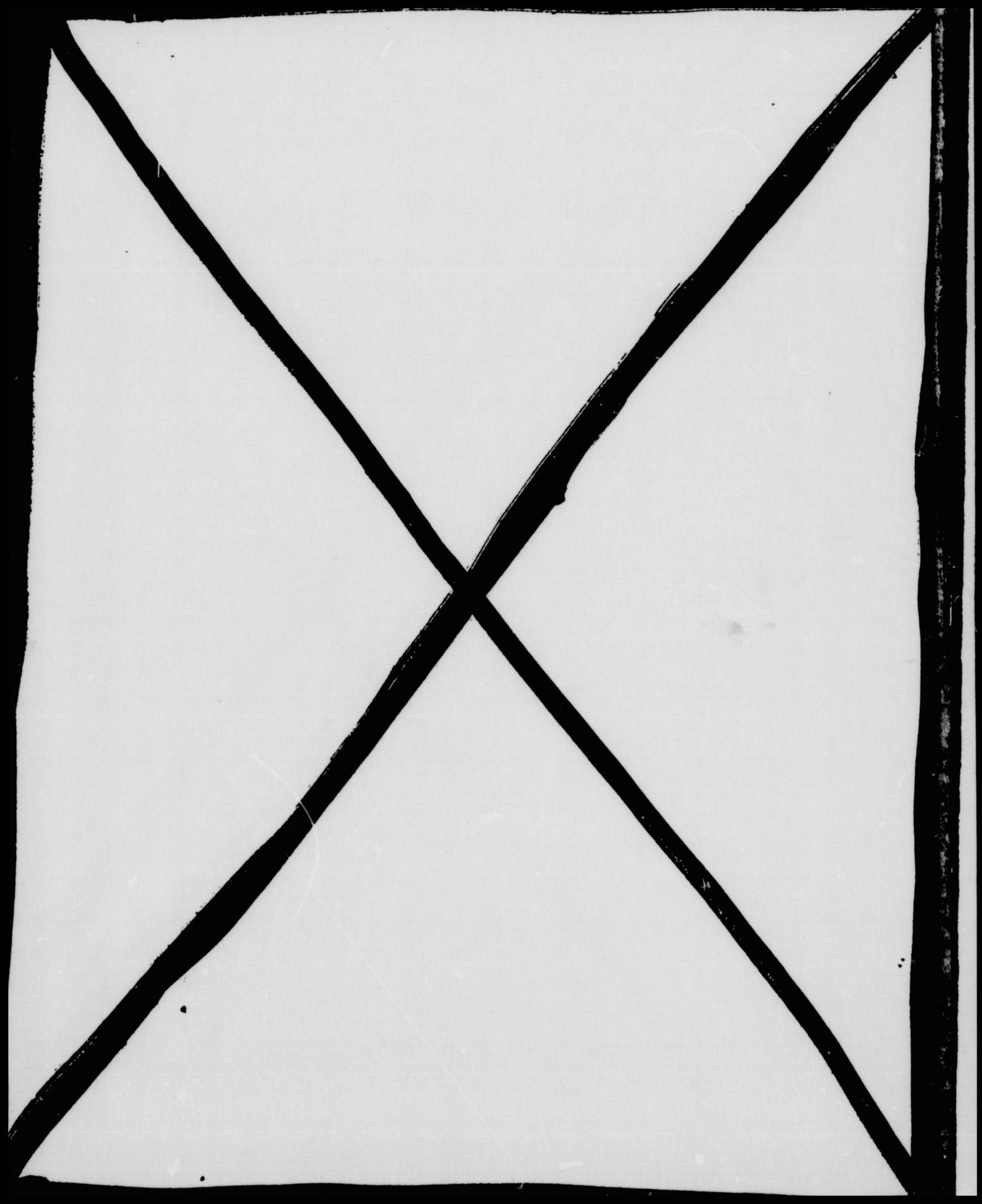
ENTERED  
Office of the Secretary

JUN 16 2000

Part of  
Public Record

RRW/klh

xc: New York & Lake Erie Railway Company  
Dennis G. Lyons, Esq.  
Richard A. Allen, Esq.



STB

FD-33388 (SUB 93)

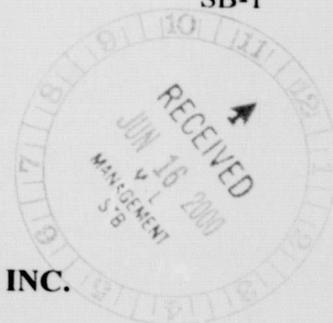
6-16-00

D

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SB-1



BEFORE THE  
**SURFACE TRANSPORTATION BOARD**  
STB FINANCE DOCKET NO. 33388 (Sub-No. 93)

**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**

ENTERED  
Office of the Secretary

JUN 16 2000  
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Public Record

**(Buffalo Area Infrastructure)**

**NOTICE OF INTENT TO PARTICIPATE**

Please take notice that South Buffalo Railway Company ("SB") intends to actively participate in this proceeding. The undersigned counsel is already on the service list in this proceeding. Please note the additional representation.

ERIC M. HOCKY  
WILLIAM P. QUINN  
GOLLATZ, GRIFFIN & EWING, P.C.  
213 West Miner Street  
P.O. Box 796  
West Chester, PA 19381-0796  
(610) 692-9116

Dated: June 13, 2000

Attorneys for South Buffalo Railway Company

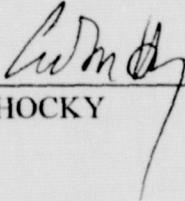
CERTIFICATE OF SERVICE

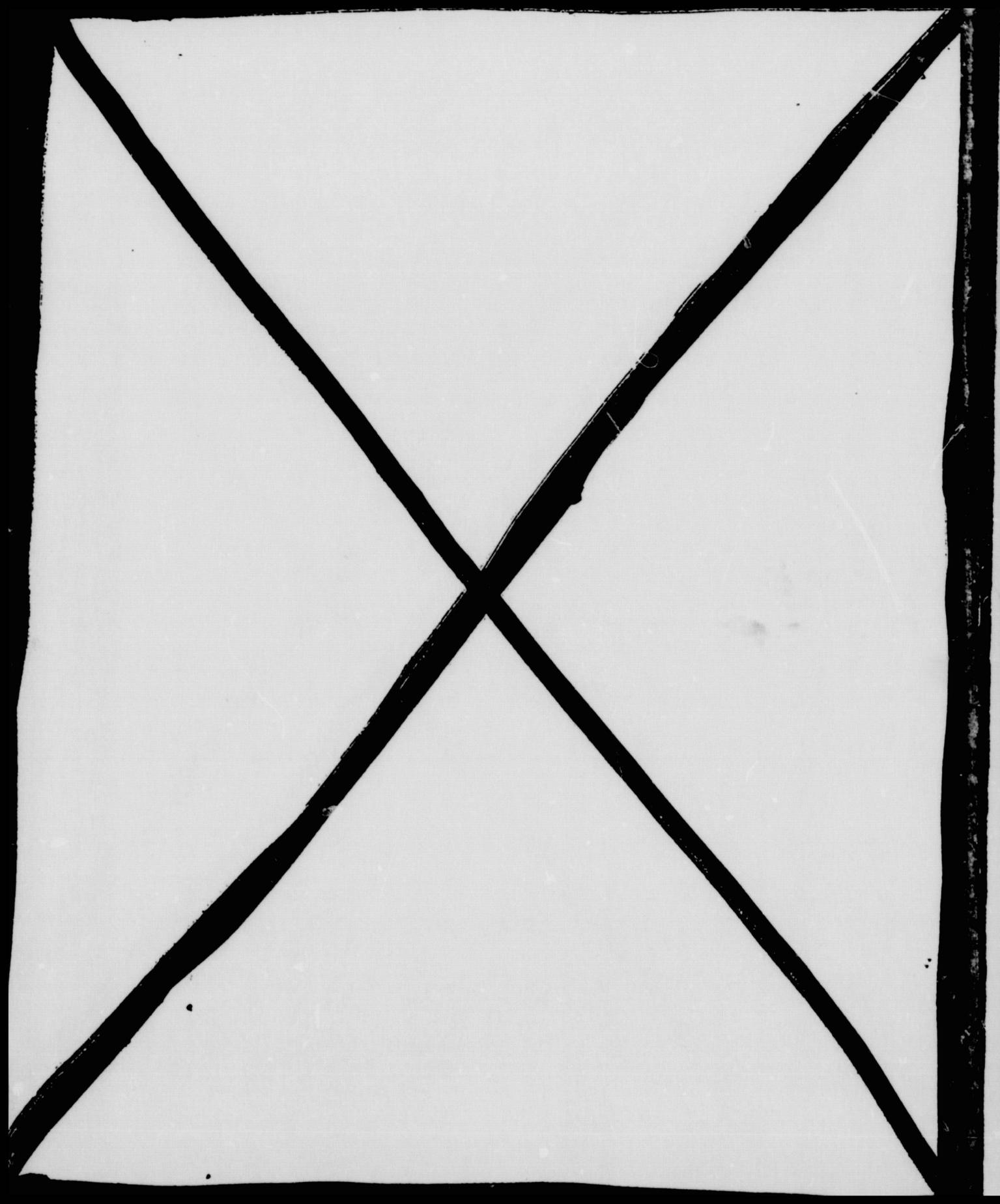
I hereby certify that on this date a copy of the foregoing Notice of Intent to Participate of South Buffalo Railway Company was served by first class mail on the following persons specified in the Board's decision served June 9, 2000:

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

Richard A. Allen, Esq.  
Zuckert, Scoutt & Rasenberger, LLP  
888 17<sup>th</sup> Street, N.W.  
Washington, DC 20006-3939

Dated: June 13, 2000

  
\_\_\_\_\_  
ERIC M. HOCKY



STB

FD-33388

(SUB 93)

6-16-00

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**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

DELAWARE COUNTY  
CONFERENCE FACILITY:  
205 N. MONROE STREET  
MEDIA, PA 19063  
(610) 565-6040

Telephone (610) 692-9116  
Telecopier (610) 692-9177  
E-Mail: gge@ggelaw.com

WILMINGTON OFFICE:  
1901 SUPERFINE LANE  
SUITE 2  
WILMINGTON, DE 19802  
(302) 428-3761

PITTSBURGH OFFICE:  
225 ROSS STREET  
2ND FLOOR  
PITTSBURGH, PA 15219  
(412) 434-7930

ENTERED  
Office of the Secretary

JUN 16 2000  
Part of  
Public Record

June 13, 2000

ERIC M. HOCKY  
emhocky@ggelaw.com

Surface Transportation Board  
Office of the Secretary  
Case Control Unit  
Attn: STB Finance Docket No. 33388 (Sub-No. 93)  
1925 K Street, N.W.  
Washington, DC 20423-0001



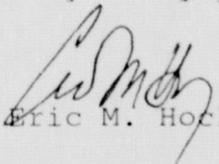
Re: **STB Finance Docket No. 33388 (Sub-No. 93)**  
CSX and Norfolk Southern-Control and  
Operating Leases-Conrail (Buffalo Area Infrastructure)  
**Notice of Intent to Participate**

Dear Sir or Madam:

Enclosed for filing in the above referenced proceeding are an original and 25 copies of Notice of Intent to Participate of South Buffalo Railway Company(SB-1).

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

Very truly yours,

  
Eric M. Hocky

Enclosures

cc: Dennis G. Lyons, Esq.  
Richard A. Allen, Esq.

ORIGINAL

199044

SB-1

BEFORE THE  
**SURFACE TRANSPORTATION BOARD**  
STB FINANCE DOCKET NO. 33388 (Sub-No. 93)

ENTERED  
Office of the Secretary

JUN 16 2000

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Public Record

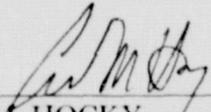
**CSX CORPORATION AND CSX TRANSPORTATION, INC.**  
**NORFOLK SOUTHERN CORPORATION AND**  
**NORFOLK SOUTHERN RAILWAY COMPANY**  
**--CONTROL AND OPERATING LEASES/AGREEMENTS--**  
**CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION**



**(Buffalo Area Infrastructure)**

**NOTICE OF INTENT TO PARTICIPATE**

Please take notice that South Buffalo Railway Company ("SB") intends to actively participate in this proceeding. The undersigned counsel is already on the service list in this proceeding. Please note the additional representation.

  
\_\_\_\_\_  
ERIC M. HOCKY  
WILLIAM P. QUINN  
GOLLATZ, GRIFFIN & EWING, P.C.  
213 West Miner Street  
P.O. Box 796  
West Chester, PA 19381-0796  
(610) 692-9116

Dated: June 13, 2000

Attorneys for South Buffalo Railway Company

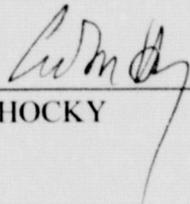
**CERTIFICATE OF SERVICE**

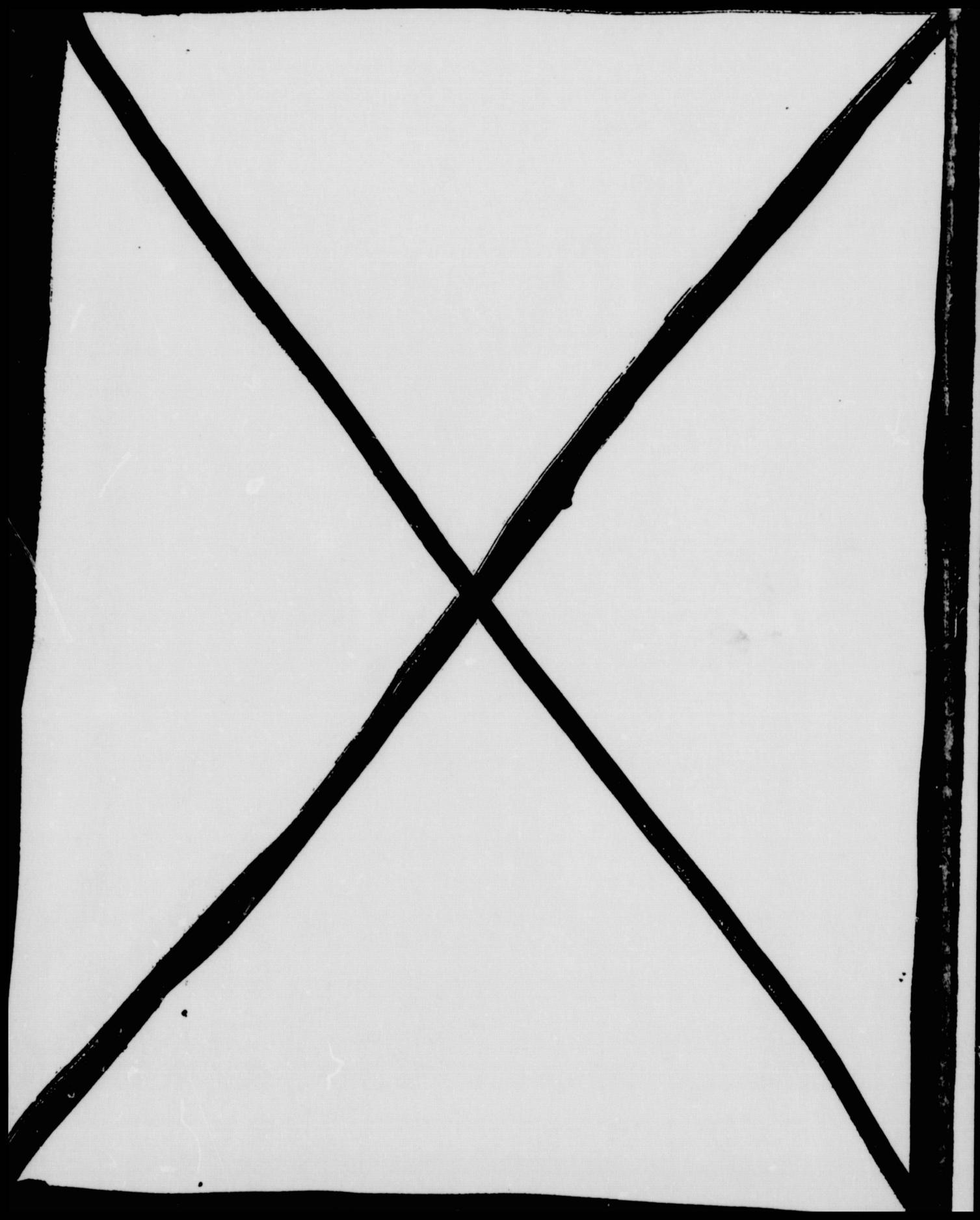
I hereby certify that on this date a copy of the foregoing Notice of Intent to Participate of South Buffalo Railway Company was served by first class mail on the following persons specified in the Board's decision served June 9, 2000:

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

Richard A. Allen, Esq.  
Zuckert, Scoutt & Rasenberger, LLP  
888 17<sup>th</sup> Street, N.W.  
Washington, DC 20006-3939

Dated: June 13, 2000

  
\_\_\_\_\_  
ERIC M. HOCKY



STB

FD-33388 (SUB 93)

6-16-00

D

199043

# TROUTMAN SANDERS LLP

ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

1300 I STREET, N.W.  
SUITE 500 EAST  
WASHINGTON, D.C. 20005-3314  
www.troutmansanders.com  
TELEPHONE: 202-274-2950

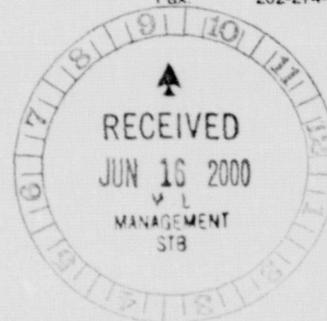
David C. Reeves  
david.reeves@troutmansanders.com

Direct Dial: 202-274-2932  
Fax: 202-274-2917

June 15, 2000

## VIA HAND DELIVERY

Surface Transportation Board  
Office of the Secretary, Case Control Unit  
Attn: Finance Docket No. 33388 (Sub-No. 93)  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



RE: Finance Docket No. 33388 (Sub-No. 93), *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, Buffalo Area Infrastructure*

Dear Secretary Williams:

The undersigned represents AES Eastern Energy (herein "AESE") in connection with the above-captioned matter. Please accept this letter as AESE's Notice of Intent to Participate in this proceeding and list the following as representing AESE as a party of record:

David C. Reeves  
TROUTMAN SANDERS LLP  
1300 I Street, N.W.  
Suite 500 East  
Washington, D.C. 20005-3314

Please also list:

Gary P. Edwards  
AES EASTERN ENERGY  
7725 Lake Road  
Barker, NY 14012

as an interested party.

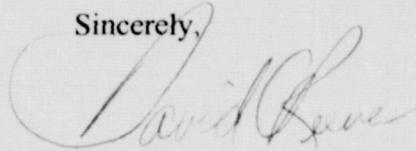
ENTERED  
Office of the Secretary  
JUN 16 2000  
Part of  
Public Record

TROUTMAN SANDERS LLP  
ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

Honorable Vernon A. Williams  
June 15, 2000  
Page 2

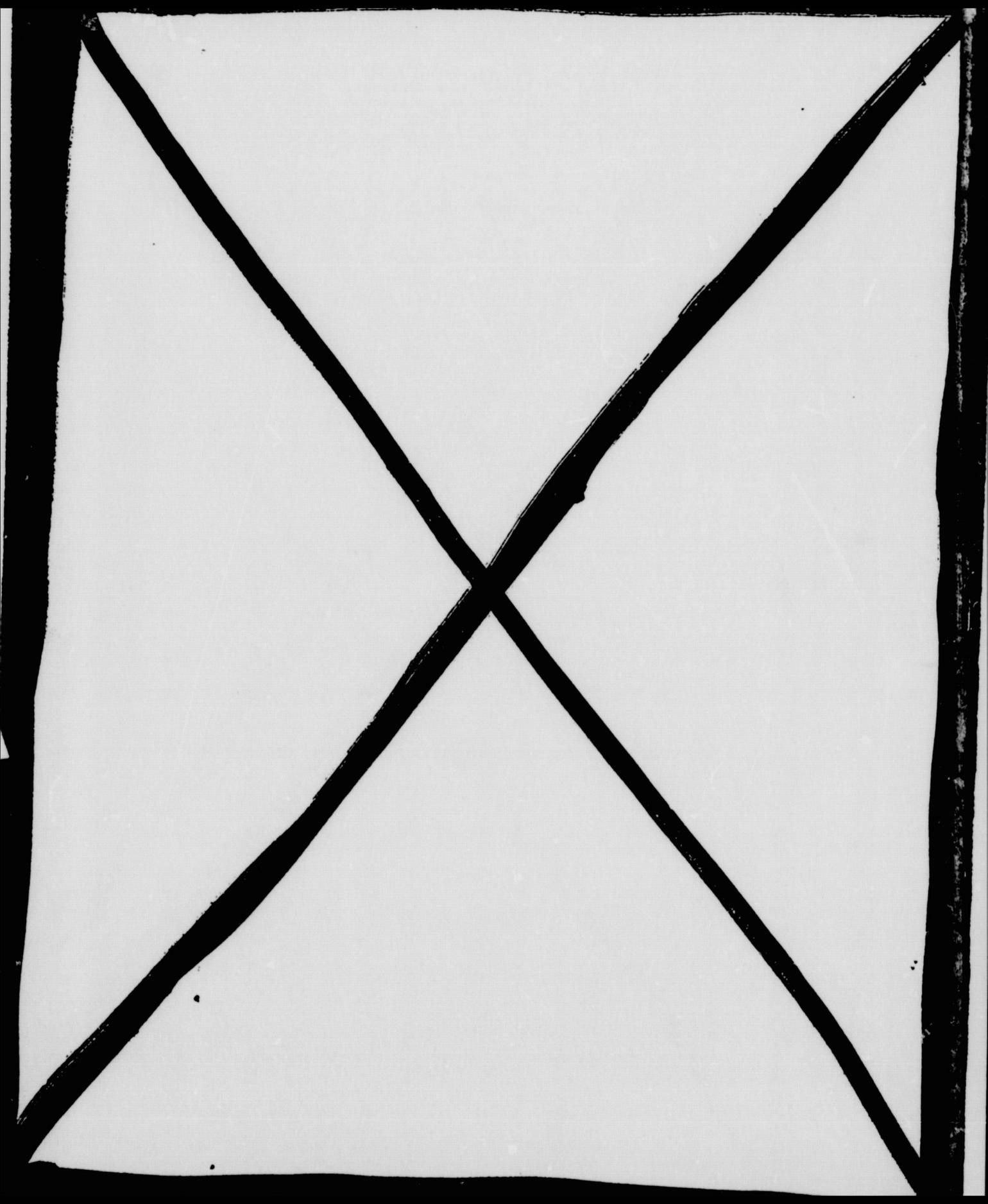
By copy of this letter, I am notifying applicants' counsel of AESE's intention to participate in the proceeding. Please acknowledge receipt and filing of this notice by date stamping the enclosed 26<sup>th</sup> copy of this letter and returning it to the messenger for our files. If you have any questions about this matter, please contact me at (202) 274-2932.

Sincerely,



David C. Reeves

cc: Gary P. Edwards  
Richard A. Allen  
Dennis G. Lyons



STB

FD-33388

(SUB 93)

6-16-00

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199042

# TROUTMAN SANDERS LLP

ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

1300 I STREET, N.W.  
SUITE 500 EAST  
WASHINGTON, D.C. 20005-3314  
www.troutmansanders.com  
TELEPHONE: 202-274-2950

David C. Reeves  
david.reeves@troutmansanders.com

189042  
ENTERED  
Office of the Secretary

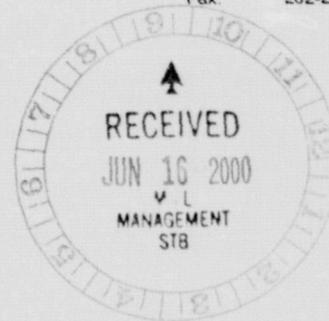
Direct Dial: 202-274-2932  
Fax: 202-274-2917

JUN 16 2000

June 15, 2000

**VIA HAND DELIVERY** Part of  
Public Record

Surface Transportation Board  
Office of the Secretary, Case Control Unit  
Attn: Finance Docket No. 33388 (Sub-No. 93)  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



RE: Finance Docket No. 33388 (Sub-No. 93), *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, Buffalo Area Infrastructure*

Dear Secretary Williams:

The undersigned represents Buffalo Crushed Stone, Inc. ("BCS") in connection with the above-captioned matter. Please accept this letter as BCS's Notice of Intent to Participate in this proceeding and list the following as representing BCS as a party of record:

David C. Reeves  
TROUTMAN SANDERS LLP  
1300 I Street, N.W.  
Suite 500 East  
Washington, D.C. 20005-3314

Please also list:

Joseph S. Laraiso  
Buffalo Crushed Stone, Inc.  
2544 Clinton Street,  
P.O. Box 710  
Buffalo, NY 14224

and

Barry L. Radlin, Esquire  
Attorney at Law  
2350 North Forest Road, Suite 12A  
Amherst, NY 14068

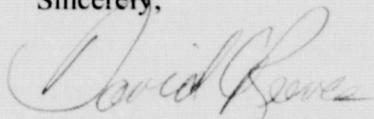
as interested parties.

TROUTMAN SANDERS LLP  
ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

Surface Transportation Board  
June 15, 2000  
Page 2

By copy of this letter, I am notifying applicants' counsel of BCS's intention to participate in the proceeding. Please acknowledge receipt and filing of this notice by date stamping the enclosed 26<sup>th</sup> copy of this letter and returning it to the messenger for our files. If you have any questions about this matter, please contact me at (202) 274-2932.

Sincerely,



David C. Reeves

cc: Joseph S. Laraiso  
Barry L. Radlin  
Richard A. Allen  
Dennis G. Lyons



STB

FD-33388

(SUB 93)

6-16-00

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199041

# TROUTMAN SANDERS LLP

ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

1300 I STREET, N.W.  
SUITE 500 EAST

WASHINGTON, D.C. 20005-3314

www.troutmansanders.com

TELEPHONE: 202-274-2950

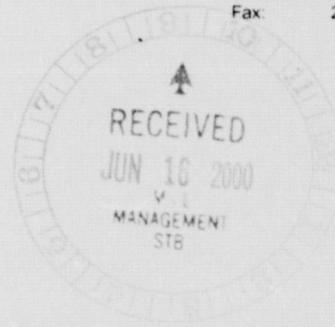
William A. Mullins  
william.mullins@troutmansanders.com

Direct Dial: 202-274-2953  
Fax: 202-274-2881

199041  
ENTERED  
Office of the Secretary

JUN 16 2000  
Part of  
Public Record

June 15, 2000



## VIA HAND DELIVERY

Surface Transportation Board  
Office of the Secretary, Case Control Unit  
Attn: Finance Docket No. 33388 (Sub-No. 93)  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

RE: Finance Docket No. 33388 (Sub-No. 93), *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, Buffalo Area Infrastructure*

Dear Secretary Williams:

The undersigned represents AES Westover, L.L.C. (herein "AESW") in connection with the above-captioned matter. Please accept this letter as AESW's Notice of Intent to Participate in this proceeding and list the following as representing AESW as a party of record:

William A. Mullins  
TROUTMAN SANDERS LLP  
1300 I Street, N.W.  
Suite 500 East  
Washington, D.C. 20005-3314

Please also list:

Jim Mulligan  
AES WESTOVER  
720 Riverside Drive  
Johnson City, NY 13790

as an interested party.

TROUTMAN SANDERS LLP  
ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

Surface Transportation Board  
June 15, 2000  
Page 2

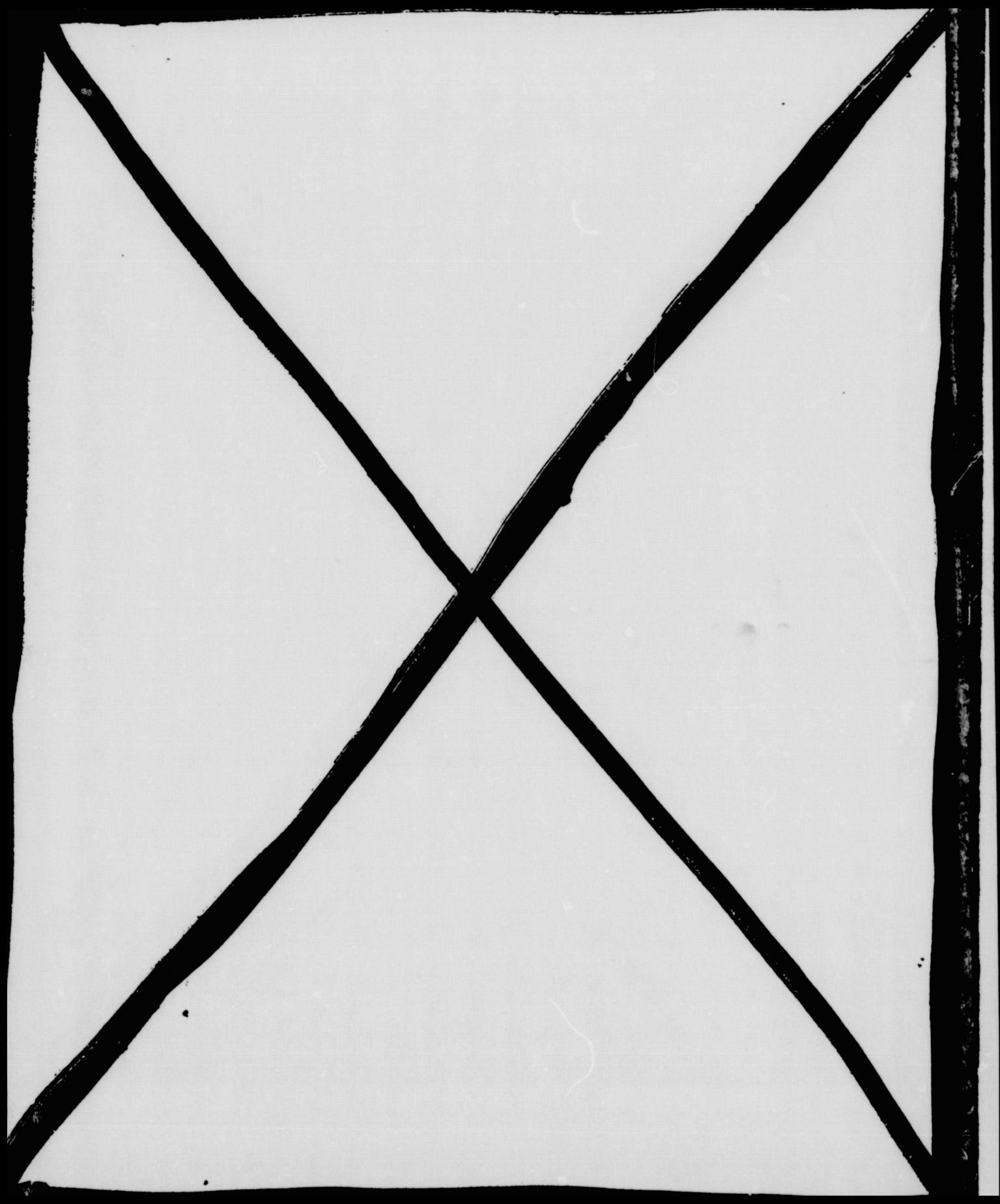
By copy of this letter, I am notifying applicants' counsel of AESW's intention to participate in the proceeding. Please acknowledge receipt and filing of this notice by date stamping the enclosed 26<sup>th</sup> copy of this letter and returning it to the messenger for our files. If you have any questions about this matter, please contact me at (202) 274-2953.

Sincerely,



William A. Mullins

cc: Jim Mulligan  
Richard A. Allen  
Dennis G. Lyons



STB

FD-33388 (SUB 93)

6-15-00

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

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

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

WILMINGTON OFFICE:  
1901 SUPERFINE LANE  
SUITE 2  
WILMINGTON, DE 19802  
(302) 428-3761

DELAWARE COUNTY  
CONFERENCE FACILITY:  
205 N. MONROE STREET  
MEDIA, PA 19063  
(610) 565-6040

Telephone (610) 692-9116  
Telecopier (610) 692-9177  
E-Mail: gge@ggelaw.com

PITTSBURGH OFFICE:  
225 ROSS STREET  
2ND FLOOR  
PITTSBURGH, PA 15219  
(412) 434-7930

ENTERED  
Office of the Secretary

JUN 15 2000

Part of  
Public Record

June 12, 2000



D

ERIC M. HOCKY  
emhocky@ggelaw.com

Surface Transportation Board  
Office of the Secretary  
Case Control Unit  
Attn: STB Finance Docket No. 33388 (Sub-No. 93)  
1925 K Street, N.W.  
Washington, DC 20423-0001

Re: **STB Finance Docket No. 33388 (Sub-No. 93)**  
CSX and Norfolk Southern-Control and  
Operating Leases-Conrail (Buffalo Area Infrastructure)  
**Notice of Intent to Participate**

Dear Sir or Madam:

Enclosed for filing in the above referenced proceeding are an original and 25 copies of Notice of Intent to Participate of Buffalo & Pittsburgh Railroad, Inc. (BPRR-1).

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

Very truly yours,

  
Eric M. Hocky

Enclosures

cc: Dennis G. Lyons, Esq.  
Richard A. Allen, Esq.

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BPRR-1

ENTERED  
Office of the Secretary

JUN 15 2000

Part of  
Public Record

BEFORE THE  
**SURFACE TRANSPORTATION BOARD**  
STB FINANCE DOCKET NO. 33388 (Sub-No. 93)



**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**

**(Buffalo Area Infrastructure)**

**NOTICE OF INTENT TO PARTICIPATE**

Please take notice that Buffalo & Pittsburgh Railroad, Inc. ("BPRR") intends to actively participate in this proceeding. The undersigned counsel should be added to the service list in this proceeding.

ERIC M. HOCKY  
WILLIAM P. QUINN  
GOLLATZ, GRIFFIN & EWING, P.C.  
213 West Miner Street  
P.O. Box 796  
West Chester, PA 19381-0796  
(610) 692-9116

Dated: June 12, 2000

Attorneys for Buffalo & Pittsburgh Railroad, Inc.

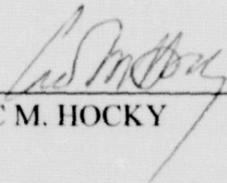
**CERTIFICATE OF SERVICE**

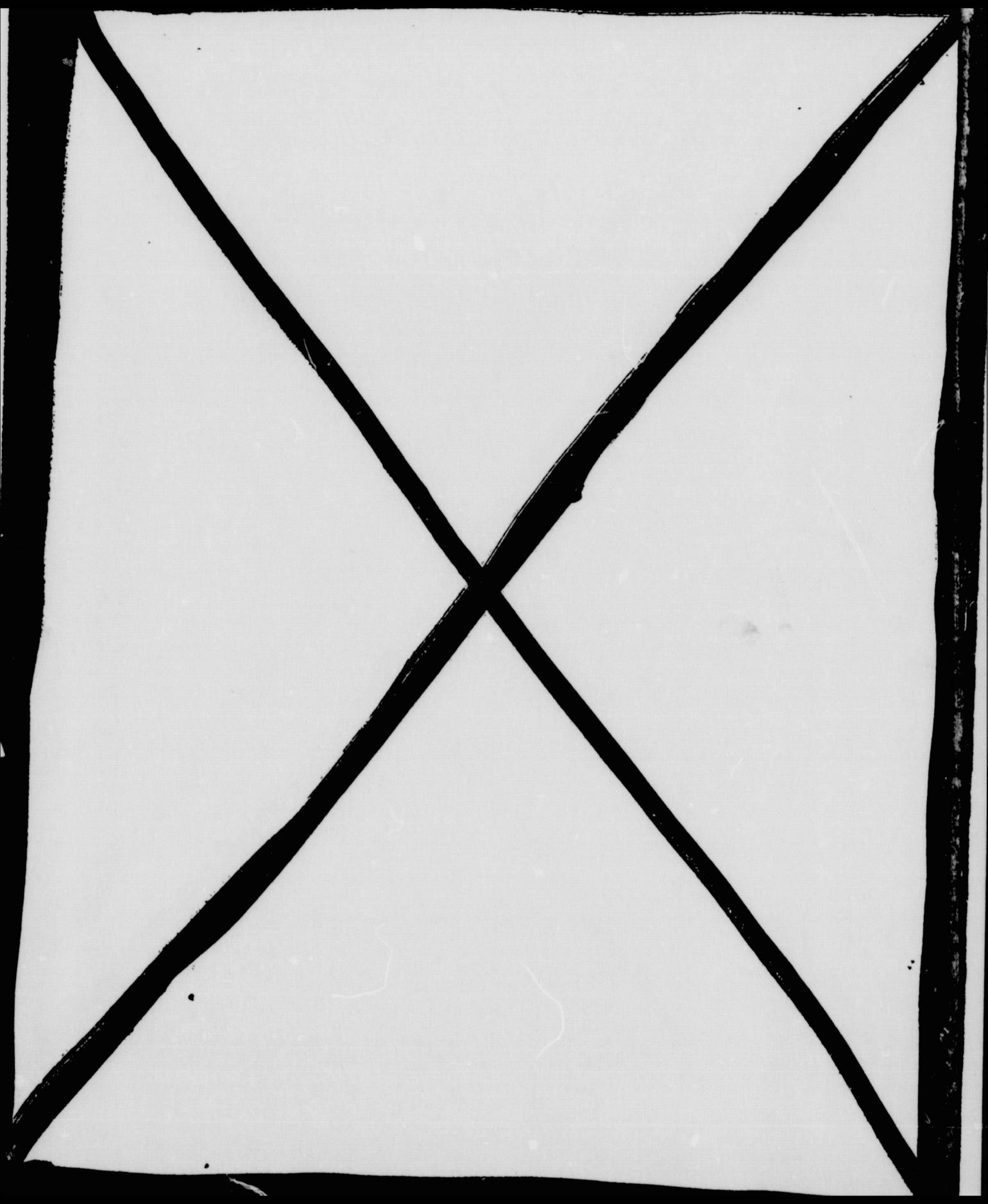
I hereby certify that on this date a copy of the foregoing Notice of Intent to Participate of Buffalo & Pittsburgh Railroad, Inc. was served by first class mail on the following persons specified in the Board's decision served June 9, 2000:

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

Richard A. Allen, Esq.  
Zuckert, Scoutt & Rasenberger, LLP  
888 17<sup>th</sup> Street, N.W.  
Washington, DC 20006-3939

Dated: June 12, 2000

  
\_\_\_\_\_  
ERIC M. HOCKY



STB

FD-33388

(SUB 93)

6-15-00

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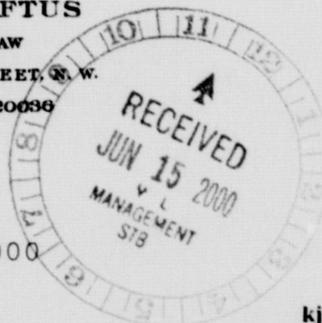
199030

**SLOVER & LOFTUS**

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N.W.  
WASHINGTON, D. C. 20036

WILLIAM L. SLOVER  
C. MICHAEL LOFTUS  
DONALD G. AVERY  
JOHN H. LE SEUR  
KELVIN J. DOWD  
ROBERT D. ROSENBERG  
CHRISTOPHER A. MILLS  
FRANK J. PERGOLIZZI  
ANDREW B. KOLESAR III  
PETER A. PFOHL  
DANIEL M. GAFFE



TELEPHONE:  
(202) 347-7170

FAX:  
(202) 347-3619

WRITER'S E-MAIL:

June 15, 2000

kjd@sloverandloftus.com

VIA HAND DELIVERY

The Hon. Vernon L. Williams  
Secretary  
Surface Transportation Board  
Case Control Unit  
Attn: STB Ex Parte No. 582  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of the Secretary

JUN 15 2000

Part of  
Public Record

D

Re: Finance Docket No. 33388 (Sub-No. 93 - Buffalo Area Infrastructure), CSX Corporation, et al. -- Control and Operating Leases/Agreements -- Conrail Inc., et al.

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding are the original and 25 copies of the State of New York's Notice of Intent to Participate in the above referenced proceeding.

Please acknowledge receipt of the filing by stamping and returning to our messenger the enclosed duplicate of the Notice.

Sincerely,

  
Kelvin J. Dowd

KJD/cbh  
Enclosures

BEFORE THE  
SURFACE TRANSPORTATION BOARD



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CSX CORPORATION AND CSX )  
TRANSPORTATION, INC., NORFOLK )  
SOUTHERN CORPORATION AND ) Finance Docket No. 33388  
NORFOLK SOUTHERN RAILWAY ) (Sub-No. 93)  
COMPANY -- CONTROL AND OPERATING )  
LEASES/AGREEMENTS -- CONRAIL, INC. )  
CONSOLIDATED RAIL CORPORATION )  
(BUFFALO AREA INFRASTRUCTURE) )

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**NOTICE OF INTENT  
TO PARTICIPATE**

The State of New York, acting by and through the New York State Department of Transportation, hereby gives notice of its intent to participate in the captioned proceeding, as its interests may appear.

Respectfully Submitted,

THE STATE OF NEW YORK,  
ACTING BY AND THROUGH THE  
NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION

By: William L. Slover  
Kelvin J. Dowd   
Peter A. Pfohl  
Slover & Loftus  
1224 Seventeenth Street, N.W.  
Washington, D.C. 20036  
(202) 347-7170

OF COUNSEL:

Slover & Loftus  
1224 Seventeenth Street, N.W.  
Washington, D.C. 20036

Dated: June 15, 2000

Attorneys & Practitioners

**CERTIFICATE OF SERVICE**

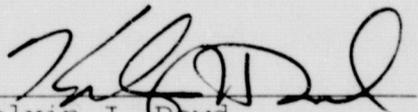
I hereby certify that on this 15th day of June, 2000, I caused copies of the foregoing Notice to be served upon counsel for the Applicants in Finance Docket No. 33388 by first-class United States mail, postage prepaid, addressed as follows:

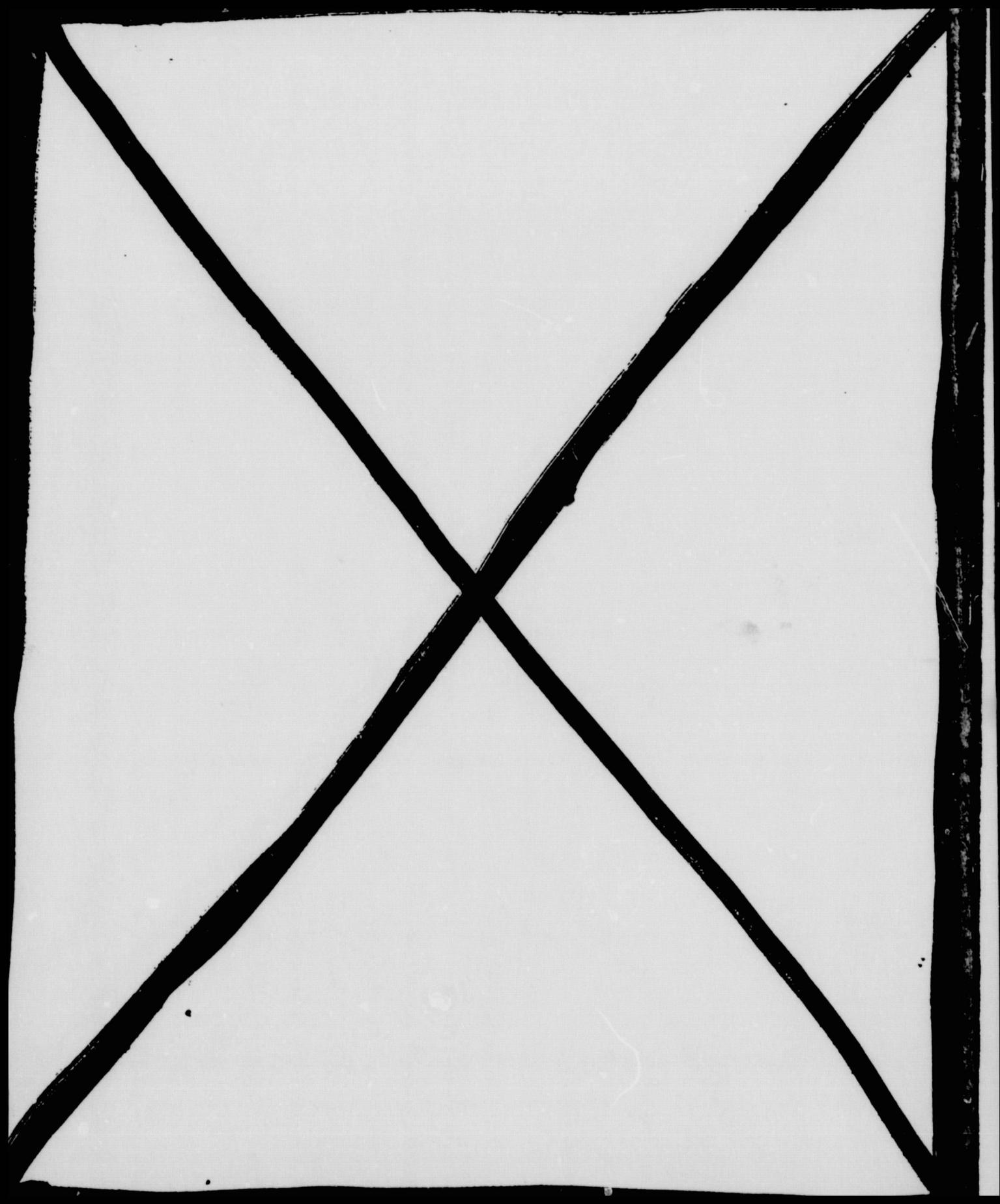
Richard A. Allen, Esq.  
Zuckert, Scoutt & Rasenberger,  
L.L.P.  
888 17th Street, N.W.  
Washington, D.C. 20006-3939

James C. Bishop  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, VA 23510-2191

Dennis G. Lyons, Esq.  
Arnold & Porter  
555 12th Street, N.W.  
Washington, D.C. 20004

Mark G. Aron  
Peter J. Shudtz  
CSX Corporation  
One James Center  
901 East Cary Street  
Richmond, VA 23129

  
Kelvin J. Dowd  
An Attorney for the State  
of New York



STB

FD-33388 (SUB 93)

6-14-00

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THOMPSON  
HINE & FLORY LLP

Attorneys at Law

199027



June 14, 2000

**VIA HAND DELIVERY**

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
Washington, DC 20423

ENTERED  
Office of the Secretary  
JUN 14 2000  
Part of  
Public Record

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Attn: Case Control Branch

**Re: STB Finance Docket No. 33388 (Sub.-No. 93) —  
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 (BUFFALO AREA  
INFRASTRUCTURE)**

Dear Secretary Williams:

Please find enclosed for filing in the above-referenced proceeding an original and ten (10) copies of the Notice of Intent to Participate submitted by Erie-Niagara Rail Steering Committee. Copies of this filing are being served upon counsel for CSX and NS in accordance with the Order of the Board herein, served June 9, 2000.

Respectfully submitted,

John K. Maser III  
Attorney for purposes of this filing for  
Erie-Niagara Rail Steering Committee

Enclosures

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ENTERED  
Office of the Secretary

JUN 14 2000

Part of  
Public Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Finance Docket No. 33388 (Sub-No.93)



**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  
(BUFFALO AREA INFRASTRUCTURE)**

**NOTICE OF INTENT TO PARTICIPATE**

Pursuant to the Board's Decision in this proceeding, served June 9, 2000, Erie-Niagara Rail Steering Committee ("ENRS") hereby submits its Notice of Intent to Participate. ENRS respectfully requests that its representative, as listed below, be included in the service list prepared by the Board in this proceeding so that the listed representative receives copies of all orders, notices and pleadings in this proceeding:

John K. Maser III, Esq.  
Frederic L. Wood, Esq.  
THOMPSON HINE & FLORY LLP  
1920 N Street, NW, Suite 800  
Washington, DC 20036

Respectfully submitted,

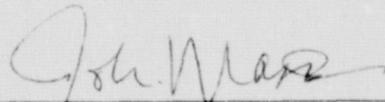
John K. Maser III  
THOMPSON HINE & FLORY LLP  
1920 N Street, NW, Suite 800  
Washington, DC 20036  
Telephone: 202/331-8800  
Facsimile: 202/331-8330  
*Attorneys for Erie-Niagara Rail  
Steering Committee*

June 14, 2000

. . .

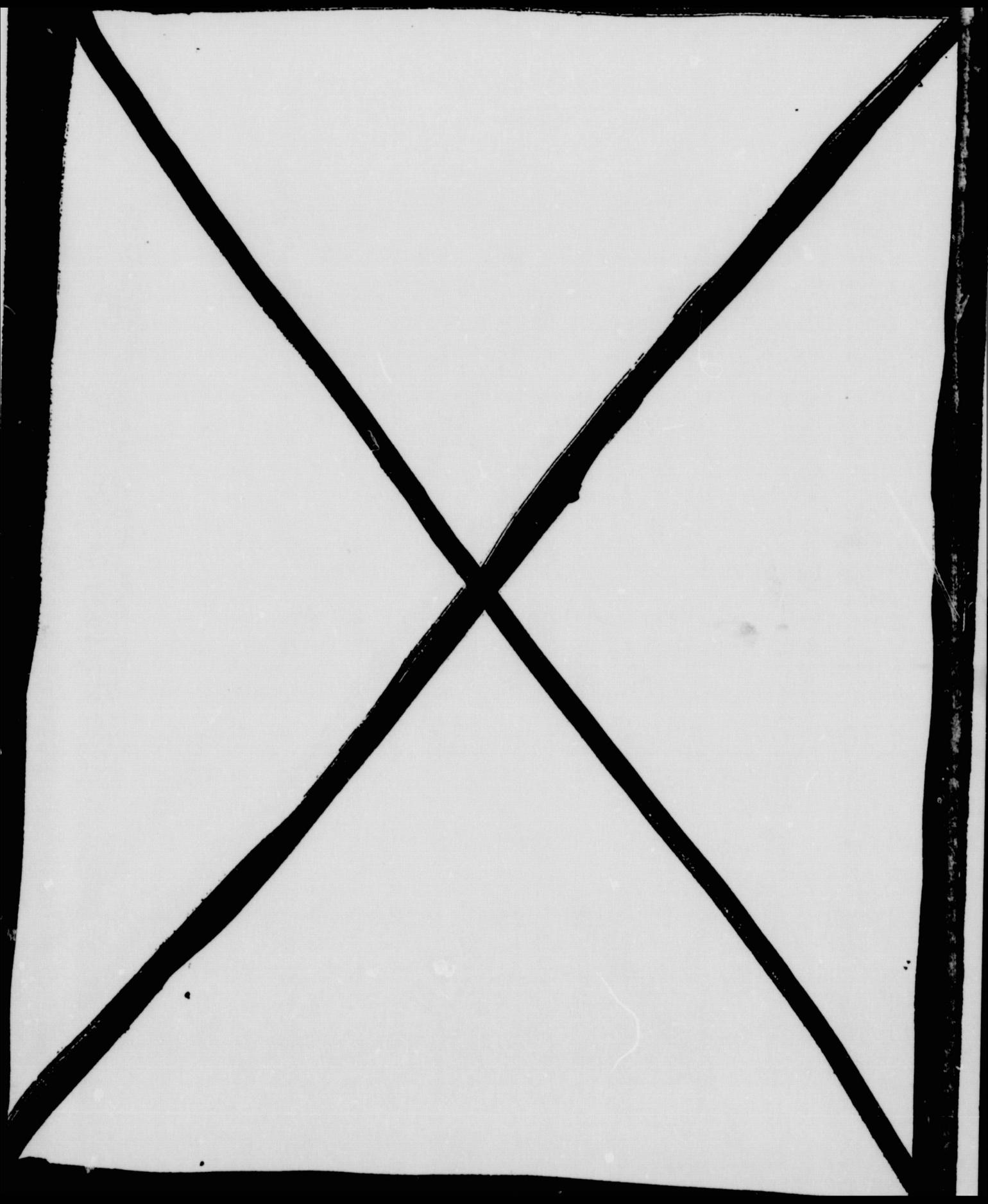
**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of June, 2000, I served copies of the foregoing Notice of Intent to Participate upon counsel for CSX Corporation and CSX Transportation, Inc., and Norfolk Southern Corporation, and Norfolk Southern Railway Company, via first-class mail, postage prepaid, in accordance with the Board's order in this proceeding and with the Board's rules of practice.



---

John K. Maser III



STB

FD-33388 (SUB 93)

6-13-00

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ORIGINAL

Before the  
SURFACE TRANSPORTATION BOARD



Finance Docket No. 33388 (Sub-No. 93)

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 (BUFFALO AREA INFRASTRUCTURE)

ENTERED  
Office of the Secretary

JUN 13 2000  
Part of  
Public Record

NOTICE OF INTENT

Samuel J. Nasca, <sup>1/</sup> for and on behalf of United Transportation Union-New York State Legislative Board, gives notice of his intent to participate as a party in this proceeding, to be placed on the service list and to receive copies of carrier filings relating to Buffalo Area Infrastructure, in accordance with the decision served June 9, 2000, at p. 3.

*Gordon P. MacDougal*  
GORDON P. MacDOUGALE  
1025 Connecticut Ave., N.W.  
Washington DC 20035

June 13, 2000

Attorney for Samuel J. Nasca

Certificate of Service

I hereby certify I have served a copy of the foregoing upon counsel for CSX and NS, by first class mail postage-prepaid, as follows: Dennis G. Lyons, 555-12th St., NW, Washington DC 20004-1202; Richard A. Allen, 888-17th St., NW, Washington DC 20006.

Washington DC

*Gordon P. MacDougal*  
Gordon P. MacDougal

<sup>1/</sup> New York Legislative Director for United Transportation Union, with offices at 35 Fuller Road, Albany NY 12205.

