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JERROLD NADLER  
879 District, New York

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JUDICIARY COMMITTEE  
SUBCOMMITTEES  
BANKING MEMBER  
COMMERCIAL AND  
ADMINISTRATIVE LAW  
CONSTITUTION  
TRANSPORTATION AND  
INFRASTRUCTURE COMMITTEE  
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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

001 20 1997

October 16, 1997



Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Suite 715  
Washington, D.C. 20423

Dear Secretary Williams:

Please accept for filing in, Finance Docket 33388, CSX Corporation et. al. Control and Operating Leases/Agreements, Conrail Inc. et. al., the enclosed original and ten copies of the Petition for Intervention of the following members of the U.S. House of Representatives: Honorable Jerrold Nadler, Honorable Christopher Shays, Honorable Charles Rangel, Honorable Ben Gilman, Honorable Major Owens, Honorable Thomas Manton, Honorable Maurice Hinchey, Honorable Edolphus Towns, Honorable Carolyn B. Maloney, Honorable Michael Forbes, Honorable Sam Gejdenson, Honorable Nydia Velazquez, Honorable Floyd Flake, Honorable Charles Schumer, Honorable Gary Ackerman, Honorable Eliot L. Engel, Honorable Louise Slaughter, Honorable John LaFalce, Honorable Nita Lowey, Honorable Michael McNulty, Honorable Nancy Johnson, Honorable Rosa Delauro, Honorable Barbara Kennelly and Honorable James Maloney.

Also enclosed please find a 3.5" diskette in Microsoft Word 6.0 for Windows format containing the text of the petition and the supporting certificate.

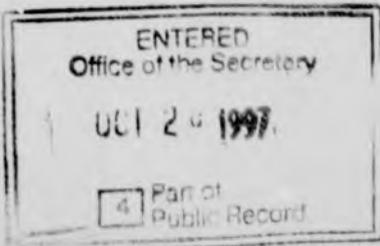
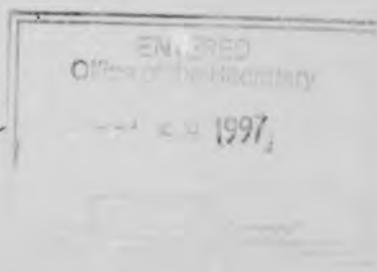
Also enclosed is an eleventh copy of these documents and a self-addressed stamped envelope as we would appreciate receiving a copy of this submission that has been stamped as having been received by your office.

We have served a copy of this letter and this submission on all parties of record. If you have any questions concerning this filing please contact me or Brett Heimov of my staff at (202)225-5635.

Thank you for your consideration.

Sincerely,

*Jerrold Nadler*  
Jerrold Nadler  
Member of Congress



BEFORE THE SURFACE TRANSPORTATION BOARD

Finance Docket No. 33388



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

INTERVENTION PETITION OF UNITED STATES REPRESENTATIVES  
HONORABLE JERROLD NADLER, HONORABLE CHRISTOPHER SHAYS,  
HONORABLE CHARLES RANGEL, HONORABLE BEN GILMAN, HONORABLE  
BARBARA KENNELLY, HONORABLE NANCY JOHNSON, HONORABLE  
CHARLES SCHUMER, HONORABLE ROSA DELAURO, HONORABLE MICHAEL  
FORBES, HONORABLE SAM GEJDENSON, HONORABLE NITA LOWEY,  
HONORABLE MAJOR OWENS, HONORABLE THOMAS MANTON, HONORABLE  
MAURICE HINCHEY, HONORABLE ED TOWNS, HONORABLE CAROLYN B.  
MALONEY, HONORABLE NYDIA M. VELAZQUEZ, HONORABLE FLOYD  
FLAKE, HONORABLE GARY ACKFRMAN, HONORABLE ELIOT L. ENGEL,  
HONORABLE LOUISE M. SLAUGHTER, HONORABLE JOHN LAFALCE,  
HONORABLE MICHAEL MCNULTY, AND HONORABLE JAMES MALONEY  
FOR INCLUSION OF A CROSS -HARBOR FLOAT OPERATION, THE BAY RIDGE  
LINE OF THE LONG ISLAND RAILROAD, THE NEW YORK CONNECTING  
RAILROAD, OAK POINT YARD, HARLEM RIVER YARD, THE NEW YORK  
TERMINAL PRODUCE MARKET, 65TH STREET YARD AND FRESH POND  
JUNCTION IN THE JOINT FACILITIES RAILROAD PROPOSED BY THE  
PETITIONERS AS A CONDITION OF THE ACQUISITION REQUESTED

The Intervenors are elected representatives of the people of the States of New York and Connecticut in the House of Representatives of the United States (hereinafter referred to as the Intervenors). Intervenors urge the Surface Transportation Board to approve the petition of Norfolk Southern and CSX (hereinafter referred to as the Petitioners) to acquire the assets of Conrail only subject to the modifications requested by the Intervenors, which are designed to provide improved and competitive rail services within the City of New York, in Westchester County and on Long Island, all in the State of New York, and in southern New England. The goal of this intervention is to enhance the economy of this region and to reduce dependence on trucks for freight services east of the Hudson River, thereby reducing unhealthful levels of particulate emissions originating from such traffic on highways passing through New York City. It is submitted that the modifications here demanded are reasonable and consistent with national transportation policy.

The Intervenors demand that the Petitioners' joint facilities carrier, to be created to operate prime lines and terminals in Northern New Jersey, be expanded to include a cross-harbor car float service across New York Harbor, the Bay Ridge Line from Bay Ridge, Brooklyn, New York to Fresh Pond Junction in Queens, New York, the New York Connecting Railroad from Fresh Pond Junction to Oak Point Yard in The South Bronx and the connecting tracks between Oak Point Yard and Harlem River Yard, including Harlem River Yard, in the South Bronx and to the New York Terminal Produce Market (Hunt's Point Market). The Board should set just and reasonable terms for the

use of this system. These terms should assure that both Petitioners and the Long Island Railroad freight service operator and any other responsible operator having a connection with this line have equal access to these facilities, and that all customers on these facilities and on the Long Island Railroad have equal access to the line haul services of Petitioners and of the Providence and Worcester Railroad, which has been granted trackage rights to Fresh Pond Junction from its southern terminal at New Haven, Connecticut. The Board has been given the specific power to condition its approval of any consolidation upon the inclusion of other railroads operating in the territory involved upon request, 49 U.S.C. 11324 (c). The Board has also been given jurisdiction and authority to require joint use of terminal facilities, including main line trackage, owned by a rail carrier, subject to reasonable terms and conditions, 49 U.S.C. 11102. To the extent that this petition would require the Board to order the sale of rail assets and operating rights from one carrier to another, such sale is authorized by 49 U.S.C. 10907(c)(1). Therefore, the demands of the Interveneing Congressional Representatives lie well within the Board's enumerated powers.

## BACKGROUND

The City of New York, Long Island, Westchester and Connecticut have no modern rail service at this time. Conrail, the region's only line haul carrier, declined to undertake the difficult task of providing modern services to this region. A nineteenth century infrastructure was the major barrier to such services, blocking access to

innovations such as piggyback cars, high cube boxcars, auto-rack cars, jumbo tank cars, large hopper cars, etc. Correcting these obstructions required expensive capital investments. While investing in clearance improvements on lines to its New Jersey terminals, Conrail declined to participate in such investments East of the Hudson, instead deciding to divest itself of as much physical plant as possible in that territory.

Prior to 1962, the New York Harbor carfloats were the best access to the south from all points east of the Hudson, south of the Albany area. The most efficient of these services were operated by the New Haven Railroad, between Bay Ridge in Brooklyn and Greenville in Bayonne, N.J. This was a main line operation on which whole trains crossed the river between the New Haven and the Pennsylvania Railroads. In 1962, the New Haven entered receivership. Its trustee shut down most float operations, substituting service via Maybrook Yard over the Poughkeepsie Bridge. In 1968, the New Haven was made part of the Penn-Central, by decree of the Interstate Commerce Commission. Penn-Central was an east west carrier which planned to route all eastern freight through its Selkirk, N.Y. classification yards, Baltimore & Ohio R.R. Co. v. U.S. 386 U.S. 372, 380 (1967). It had no interest in maintaining float services, which were needed only for southern freight on which it had a short haul.

Upon acquiring the New Haven, the Penn Central terminated all float service immediately, and destroyed the Bay Ridge float bridges and all New Haven carfloat facilities in New York City. In 1954, 302,720 cars crossed via the Bay Ridge-Greenville floats. In 1962, when the service was downgraded, 226,004 cars crossed. The

last full year of service, 1967, saw 132,798 cars using the service, 367 per day.<sup>1</sup> With this abandonment, all service across New York Harbor for traffic originating beyond the waterfront ceased, cutting off the City, Long Island and Southern New England from effective access to the Nation's railroad system.<sup>2</sup>

Traffic detoured by the New Haven to the other Hudson River gateways, Maybrook via the Poughkeepsie Bridge, Selkirk and Mechanicville, did not stay on the rails. Between 1962 and 1967, cars passing over all other gateways dropped by 44,364 cars. Only 13,033 additional cars were handled via the New Haven's Maybrook route, Selkirk lost 20,348 cars and Mechanicville lost 37,049<sup>3</sup>. Thus, the New Haven's refusal to provide direct service via the floats denied shippers access to useable rail services. Subsequent to Penn Central's acquisition, the Maybrook gateway was closed. From that date on the rail system operators have refused to provide services required by the residents of the City and its eastern neighbors an area where 32 million people live. The de-acquisition of regional rail assets by class I freight carriers has created an unworkable hodgepodge of small operators who are incapable of providing required services. The Board must act in the national interest to correct this situation.

The economic consequences of this loss of rail service were extreme and immediate. Between 1968, when Penn Central took over the car floats and terminated that service and 1976, the City of New York lost 342,000 manufacturing jobs, one third

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<sup>1</sup> Improving Intermodal Service in New England, the Selkirk Hurdle, The New England Regional Commission, Boston, Mass. June 1976, pg 12. (hereinafter "The Selkirk Hurdle").

<sup>2</sup> The Long Island Railroad, then a subsidiary of the Pennsylvania Railroad the only other operator with the capacity to serve more than limited dockside facilities on the East side of the harbor via car float closed its carfloat operation in 1963 transferring its eight remaining 19 car floats to the Bay Ridge operation Steel Rails to the Sunrise Ron Ziel and George Foster, Hawthorn Books, 1965 pg. 102.

<sup>3</sup> The Selkirk Hurdle, id.

of such jobs which existed in the City in 1967. During that same period, the nation saw an 18.7% increase in such employment<sup>4</sup>. No factor can explain the enormity of the City's employment losses among industrial, warehouse, wholesale, harbor and other blue collar workers other than the degradation, and then the termination, of quality rail freight services to the City's freight users, who were, in fact, using those services up to the day they were terminated by the carriers. New York City's losses were in marked contrast to national trends. New York City's losses in such employment have, since these events, generally continued as a multiple of losses anywhere else in the United States. Indeed, while the Northeast has recovered from job losses of the early 90's, New York's recovery lags way behind.

Exhibit A -1 is a compilation of statistics from the Department of Labor tracing manufacturing job losses in New York City from 1958. Exhibit A-2 contains the national manufacturing employment figures for the comparable period. New York's manufacturing employment in 1962 was 990 thousand, while the national figure was 16.853 million. By 1976, New York's manufacturing employment had decreased to 620 thousand, while the national figure increased to 18.997 million.

The Final System Plan left in place the New York Dock Railway as the only carfloat operator in the Port of New York. That entity inherited a collection of float bridges on the Brooklyn waterfront and the right to use the remaining operating float bridge at Bayonne, New Jersey. It had no connection beyond its waterfront yards<sup>5</sup>. The

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<sup>4</sup> A.O. Sulzberger Jr., Job Growth Since 1976 is mostly in Manhattan The New York Times, (Oct. 6, 1981) pg. B3. The loss for all blue collar was over 600,000 jobs. The manufacturing job losses are traced in the Bureau of Labor Statistics Data Exhibit A hereto.

<sup>5</sup> It connected only with the South Brooklyn Railway operated by the New York City Subways.

City and State, operating without the guidance or interest of any major rail carrier, attempted to improve the physical plant operated by New York Dock. Its improvements were slow and incomplete. When a connection was finally provided between the isolated New York Dock Railway and the Bay Ridge Line of the Long Island Railroad, with then theoretical access to Long Island and New England, the New York Dock Railway was financially unable to take advantage of the opportunity. No improvement was made to the line's float operation, which still used a nineteenth Century float bridge for this, now, through connection.

The New York Dock Railway is no longer in business. The current, undercapitalized, system is grossly inadequate. Conrail, a carrier with substantial market power, has been unwilling to share traffic with the current cross-harbor operation, essentially a bridge carrier which Conrail did not need for the traffic it desired -- i.e., high-rated long-haul east-west carloads accessible via its own line. It was reluctant to cooperate on service issues. Thus, the rail float operation has been unreliable and has failed to capture market share.

The rail share of New York City, Long Island and southern Connecticut intercity freight traffic is 2.8%<sup>6</sup>. Nationally, rail handles a growing 40% of such traffic. Not only does the economy of the City suffer from that anomaly, the Bronx, the Borough of New York City which must endure most of the truck traffic due to the location of the George Washington Bridge and the routes to Long Island and New England, has the

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<sup>6</sup> Intermodal Goods Movement Study: Task I Report New York City Rail Freight Access, New York City Economic Development Corporation, January 31, 1997 Page 1-9.

highest incidence of respiratory disease of any place in the nation<sup>7</sup>. Respiratory disease, including aggravated asthma, the major disease of the Bronx, has been convincingly traced to particulate exhaust from trucks<sup>8</sup>. National environmental policy, national economic policy and national defense policy each require that all agencies of government attempt to balance transportation mode choices to maximize efficiency for the carriers, maximize economic efficiency for the consumers of freight transportation services and minimize adverse environmental consequences of economic activity. None of these goals has been served by any prior order concerning the rail freight system of New York City and its Eastern environs. We believe that it is time for a change.

#### THE UN-SERVED MARKET EAST OF THE HUDSON

335,000 rail intermodal units arrived at New Jersey rail terminals in 1989. 68% were destined for the 11 million customers within the port district, east of the Hudson River<sup>9</sup>. This traffic moves by truck along with millions of additional tons of break bulk cargo unloaded from rail cars into trucks for shipment across the Harbor. While the region reports a total of 25,000 inter-regional truck trips a day<sup>10</sup>, 15,000 of these cross the George Washington Bridge alone<sup>11</sup>.

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<sup>7</sup> Asthma Common and on Rise In the Crowded South Bronx, Adam Nossiter, New York Times, Sept 5, 1995 pg. 1.

<sup>8</sup> An Association Between Air Pollution and Mortality in Six U.S. Cities, Dockerty et al, The New England Journal of Medicine, December 9, 1993. and Air Pollution and Daily Mortality in Philadelphia, Dr. Joel Schwartz, presented at the 1991 meeting of the American Lung Association, Anaheim, Ca. may 1991.

<sup>9</sup> The NY/NJ Circumferential Corridor The Port Authority of NY & NJ June 1991, pg 8.

<sup>10</sup> Id. pg. 4.

<sup>11</sup> Id. pg. 6.

The lack of adequate terminals for freight trains, and the physical lack of access of such trains to New York City, due to physical obstacles and the distribution of assets among numerous carriers, are the major problems which prevent any material increase in freight service here. Petitioners have not provided a plan to overcome these problems and serve this market. Where, as here, a huge market is not served by the plan offered by Petitioners, the Board must require modifications, which do not jeopardize the viability of the carriers, in order to assure adequate services where needed Baltimore & Ohio Railroad Co. v. United States 386 U.S. 372, 389-390 (1967). The City's and Long Island's sole all rail link to the nation can not remain its only access to a major carrier, a carrier whose singular access is limited by its lack of terminal facilities<sup>12</sup> and whose system, thus, does not reach most of the market. Nor can this market continue to be served by carriers which do not have the resources to address either area infrastructure or political problems which limit the rail system's access and market share. The un-served market is huge. Lack of access of the rail system to this, the largest market in the world, reduces the national rail market share, resulting in untold costs to the taxpayer from unnecessary highway use by heavy trucks.

In 1993, the State of New York commissioned a study of the market for intermodal freight service East of the Hudson in the New York City area. It found an un-served, immediately available, market for such services totaling about 600,000 trailer loads a year<sup>13</sup>. All of this is existing traffic which now enters, or exits, or passes through

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<sup>12</sup> CXS is to operate the freight service directly into New York City. That line terminates at Oak Point yard in the Bronx. That yard has only six tracks and is operating at capacity with one train a day in each direction. Meanwhile, 65th Street Yard in Brooklyn is unused for want of a competent operator.

<sup>13</sup> Oak Point Link, Freight Market Potential, Task 1 Report New York State Department of Transportation by Transmode Consultants, 1993 pg 5-13.

the City by highway, on the most congested roads in the nation. This study is just the most recent review of the transportation crisis caused by the lack of efficient rail service in this region. As early as 1976, a study by the New England Regional Commission (created by the governors of the New England States) determined that the closing of the carfloat system in New York Harbor had crippled all industrial activity in Southern New England, in New York City and on Long Island.<sup>14</sup> That report concluded:

Continued use of the Selkirk Hurdle by Conrail as the southernmost rail gateway adversely effects southern New England interregional rail service. Compared to alternative gateways across the Hudson River further south, routing rail traffic through Selkirk adds a minimum of one day to the transit time and imposes circuitry ranging from 92 to 246 miles depending upon the Southern New England city. Approximately 200,000 cars per year are affected. In the context of total New England interregional rail traffic, this is 29.5% of the inbound freight and 28.4% of the outbound freight. Although the rates are equalized southern New England manufacturers who use rail service suffer because they incur higher costs because it takes longer for them to receive needed materials and to deliver merchandise to their customers. The rail carrier suffers from increased operating costs which lessen ability to compete effectively. Finally, the consumers suffer because they ultimately must bear the cost of freight transportation inefficiency...

Similar conclusions were reached by the New York State Department of Transportation in its "Intermodal Study" of 1979 which also found that service quality, i.e. transit time, was the most critical factor in modal choice by shippers<sup>15</sup>. This is identical to the conclusions reached in 1995 by a study conducted by the Long island Railroad<sup>16</sup>. The New England study strongly recommended reopening of the cross harbor floats:

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<sup>14</sup> Id. The Selkirk Hurdle pg. 4

<sup>15</sup> New York Intermodal Study Appendix E Cost/Service Analysis, New York State Department of Transportation, by Reebie Associates may 1979 pg E1. This

<sup>16</sup> New York Downstate Rail Freight Study, Long island Railroad by Mercer Management Consulting march 1995 pg II-9

The most cost effective and service competitive rail gateway to southern New England is the New York harbor carfloat operation between Greenville, New Jersey and Bay Ridge, Brooklyn. Based on a comparison of incremental costs associated with using each of the gateways, the routing of southern New England traffic via the New York harbor carfloats operation was shown to be less costly than using ....the Selkirk Hurdle route.

While not stressing that conclusion, the New York study also deemed a cross-harbor railcar ferry a solution. The New England report found that the cost of floating a car across the harbor using modern equipment would be about \$19.00<sup>17</sup>. More recent studies indicate that the transfer from Greenville to Bay Ridge by float should have a direct cost of about \$21 per car.<sup>18</sup> This figure could be reduced by modern equipment and by retaining a competent water carrier to accomplish the maritime aspects of the transfer.

The benefits to shippers are substantial, indicating that such a service would increase rail market share. As an example of the advantage direct rail service has over rail services which use highway services from West of the river, a study commissioned by the New York State Department of Transportation in 1993 found that a single stack intermodal terminal operating in the Bronx could deliver a loaded trailer to an employer in Long Island City, five miles distant for \$109 in shipping costs less than a similar load could be delivered from a double stack terminal in New Jersey<sup>19</sup>. Directly to the point, however, a study by the New York City Economic Development Corporation has estimated that an improved carfloat operation will increase the rail share of the

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<sup>17</sup> Id pg. The Selkirk Hurdle pg 58

<sup>18</sup> New York City Rail Freight Access, Intermodal Goods Movement Study, Executive Summary, Mercer Management, January 1997, pg

<sup>19</sup> Oak Point Link, Freight Market Potential, Task 2 Report, New York State Department of Transportation by Transmode Consultants 1993 pg 2-8.

region's inter-regional freight by 40%, or an increase of 4.2 million tons of freight annually, nearly all of which would be carload shipments to or from the middle Atlantic, southeastern, southwestern and midwestern regions of the nation. The estimated total cost of the needed capital improvements is \$83 million. Thus, while using floats to close the gap in the northeastern rail system will have a cost, that cost is dwarfed by the savings shippers will experience from having efficient rail services. By incurring some portion of that cost,<sup>20</sup> Petitioners will assuredly increase their combined market share, substantially benefiting the region and the national transportation system.

The current float operation can not provide the needed services, despite the huge market. Unless a rail float operation is included in the Joint Facilities Railroad, the lack of service experienced by this region since 1962 will continue. The public convenience and necessity require, therefor, that these services be made available by a responsible, financially secure, operator owned by the Petitioners. Based upon the above studies, completed by numerous expert consultants over the last quarter century, the public will benefit substantially from this service being provided by the Joint Facilities Railroad.

#### SPECIFIC ACTION DEMANDED

To accomplish this goal, the Intervenors seek merely to expand a good idea that the Petitioners have already presented for service to part of the metropolitan region.

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<sup>20</sup> Various State and Federal funding sources are available to assume the cost of needed infrastructure, such as new carfloats and float bridges and eventually a tunnel under the harbor. With the participation of these carriers it is assumed that such funds will be better directed at timely, cost effective improvements than in the past.

Petitioners have agreed to operate prime lines and terminals in northern New Jersey as joint facilities. To accomplish this, they intend to create a jointly owned entity, which they refer to as the "joint facilities railroad". Both railroads will have equal access to all traffic originating or terminating on the "joint facilities railroad," and will share responsibility for the capital and operating needs of the resulting terminal carrier. To achieve a near term service improvement in the City, on Long Island, in Westchester County and in southern New England, we demand that a cross-harbor float operation and a core system of rail lines and terminals east of the Hudson be included in the Joint Facilities Railroad. This would simply extend the plan presently proposed for North Jersey across the Harbor, across Brooklyn and Queens and into the Bronx. It is critical that this terminal railroad be one entity serving both sides of the Hudson River, with identical rail rates for moves from any rail terminal in the region to and from any rail customer in the region. This type of rate structure is not unusual for terminal carriers in other major metropolitan areas.

The goal of this delegation is to place a responsible operator in charge of the cross-harbor float operation and of the main tracks connecting regional rail assets to the floats and to the Full Freight Access line to Selkirk. The existing operators of the various parts of this line, and the floats, have declined (been unable) to serve the a majority of potential shippers on this line since 1968, forcing, at this time, 4.2 million tons of freight onto the highways. The Petitioner's new joint facilities railroad will have the advantage of being backed, financially, by two major transportation companies with market power. It will also have the advantage of their respective marketing operations,

which are fully capable of promoting their competitive services to Long Island, New England and City shippers.

Within the City, the core system, which should be made the responsibility of the "joint facilities railroad", should include, in addition to a cross-harbor float operation, the 65th Street yard in Brooklyn, the Bay Ridge Line from Bay Ridge to Fresh Pond Junction, the New York Connecting Railroad (Conrail) line from Fresh Pond to Oak Point Yard in the Bronx, the rail terminal to be built within the Harlem River Yard in the Bronx and the Hunt's Point Terminal Market. The joint facilities operator's rights to use these facilities need not be exclusive, but should be trackage rights on facilities owned by the City, State and Conrail or its successors. The Board must direct the carriers to set just and reasonable rates of compensation for the New York and Atlantic which now has the right to operate freight services on the Long Island Railroad, which owns the line from Bay Ridge to Fresh Pond Junction. Absent a timely agreement, the Board should set the rates. A float system, however, must be operated by the joint facilities operator.

As demonstrated above, the imposition of a carfloat operation on the Joint Facilities Railroad and, thus, upon Petitioners, will have no adverse financial effect on them. When compared with the cost to the region of continued overdependence on trucking, the costs, if any, to Petitioners<sup>21</sup> are de minimis. In its report, the Department of Transportation of the State of New York estimated that the cost to the public of a single truck trip from Newark, New Jersey (the site of most rail intermodal terminals) to the Bronx, including the cost of road maintenance, congestion, emissions, noise,

administrative costs, less the tolls actually paid by the truck, was \$183.23. To Bay Ridge, Brooklyn, the public cost is \$264.67 and to Deer Park in central Long Island it is \$437.13<sup>22</sup>. These costs are to society at large, and are in addition to the cash costs paid by the trucker for fuel, labor, capital etc. When multiplied by the 600,000 truck trips which could be avoided if adequate rail access and terminals were in place, the saving to the public treasury and to the public health and convenience are extraordinary.

As an immediate example of the benefit to the public of this proposal, at the present time the City of New York is in the process of closing its landfills for municipal solid waste. That waste is to be shipped, increasingly, to landfills in other states. Most waste now moving is being shipped to landfills in Virginia. Due to the unreliability of the present float operator, such traffic as moves by rail is all routed through Selkirk. This adds well over 300 miles to each car movement. This traffic will grow to several train loads a day when all City landfills are finally closed in the next few years. The savings to the public and to the rail carriers just from the logical routing of this traffic alone via float rather than via Selkirk is astronomical.

#### CONCLUSION

With no road capacity to spare in this most congested region, and with unacceptable rates of respiratory disease clustered in neighborhoods adjacent to our major trucking highways, finding ways to get heavy trucks off the roads, while providing employers with needed freight transportation services, must be our region's highest

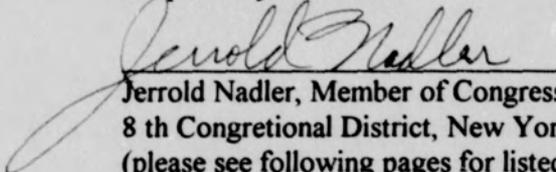
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<sup>22</sup> Oak Point Link, Freight Market Potential, Task 2 Report, Supra. pg. 5-12.

economic priority as well as environmental priority. The addition of a cross-harbor float operation and the rail line from the Brooklyn waterfront to Harlem River Yard via Oak Point Yard to the NS-CSX joint facilities railroad, with its vast, well-documented public and private benefits, is a sound program which achieves these public benefits at minimal, if any, cost to the Petitioners. We therefore urge that this acquisition be made a condition of any acquisition of Conrail assets by Norfolk Southern and CSX.

Dated, New York, New York  
October 8, 1997

Respectfully submitted

  
\_\_\_\_\_  
Jerrold Nadler, Member of Congress  
8 th Congretional District, New York  
(please see following pages for listed  
petitioners signatures)

McHugh & Sherman, Esqs.  
Attorneys for the Intervienors

John F. McHugh  
20 Exchange Place  
New York, N.Y. 10005  
212-483-0875

CERTIFICATION OF SERVICE

Petition to STB concerning Conrail merger

Jerold Nadler

J.R. Manton

E. Brown

Hydio M. Valquez

Charles Sel

Mike Tobias

Louise M. Slaughter

Carl D. [unclear]

[unclear]

Robert A. Gilman

Walter J. [unclear]

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And. B. Maloz

Ray D. [unclear]

Aery A. Kerma

Erin L. Engel

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Jo [unclear]

Nita Lowey

Michael R. McHarty

Petition to STB concerning Conrail merger

Jim Maloney

Barbara Kennelly

Rosa E. Lane

Nancy Johnson

**THE FOLLOWING PORTION OF THE PETITION IS ADDED BY THE INTERVENORS  
REPRESENTING THE STATE OF CONNECTICUT**

Finance Docket No. 33388

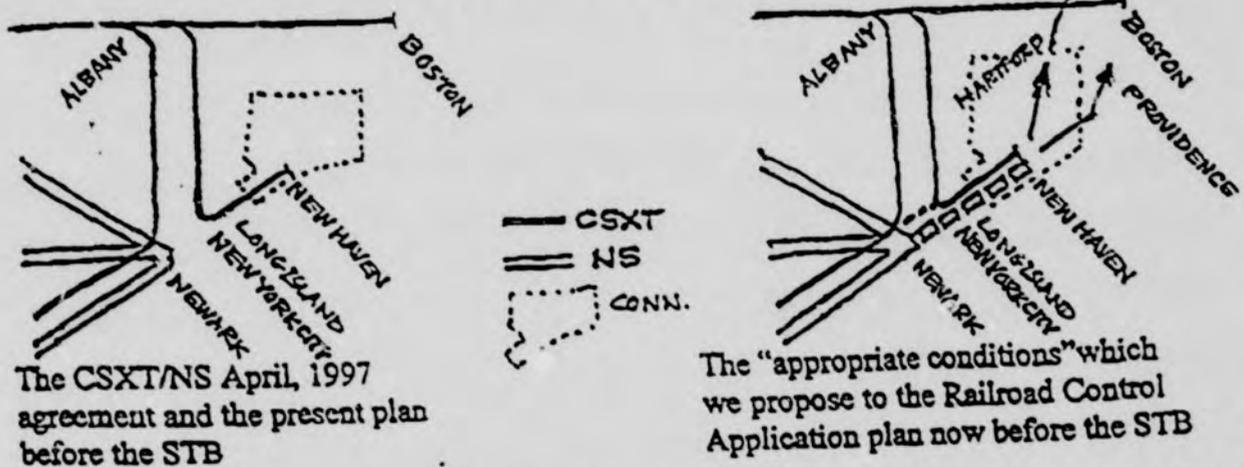
**ADDITION TO INTERVENTION  
PETITION OF REPRESENTATIVES**

**SUBJECT: DIVISION OF CONRAIL BETWEEN THE CSXT AND NORFOLK  
SOUTHERN RAILROADS - RAILROAD CONTROL APPLICATION**

**ISSUE**

The consideration and ultimate public decision on this proposed plan presents a major and lasting opportunity to improve rail freight service in the Northeast U.S. This improvement can include reducing long distance heavy truck traffic on I-95 by transferring some of it to the Northeast Corridor rail line as intermodal rail freight.

The two diagrams below illustrate what is at issue:



Intermodal rail freight operation directly along the Northeast Corridor using "Road Railers" and single container-on-flat-car trains is possible today and is a highly effective way for the railroads to directly compete with trucks on I-95.

**PROBLEMS**

Vehicular traffic congestion on I-95 has long been a serious problem, and is expected to worsen. A significant part of this problem are the large number of tractor trailers which operate every hour of the day. By contrast, not one through freight train of any kind operates over the parallel Northeast Corridor rail line north of Newark, N.J. This heavy truck traffic could be reduced, were competitive, north-south intermodal rail freight service provided directly along the Northeast Corridor rail line.

**OPPORTUNITY**

The division of the Conrail system between the Chessie System (CSXT) and Norfolk Southern (NS) railroads presents a major opportunity to improve rail freight service in the Northeastern U.S. The Surface Transportation Board (STB) review of the proposed division should maximize this opportunity.

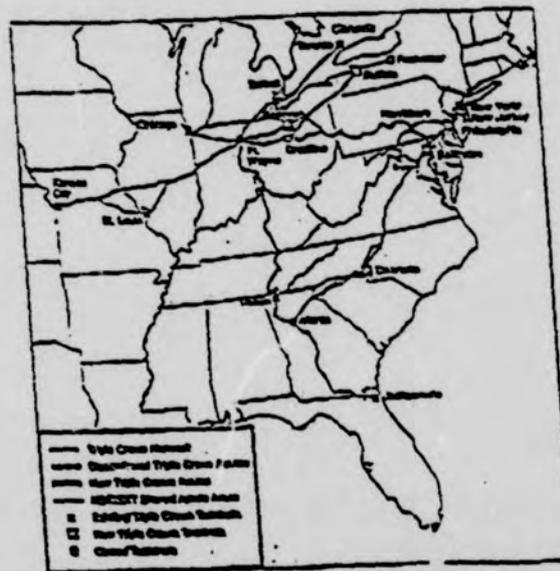
Improvements will come from direct competition between CSXT and NS and between both railroads and the trucking industry. This competition should be reflected in 1) lower freight rates, 2) longer single line service without costly interchange between different railroads, 3) new and greatly improved north-south rail services instead of only the east-west service provided by Conrail, and finally 4) shared use of the Northeast Corridor (NEC) for high-speed, truck-competitive intermodal rail freight trains.

**LESS SERVICE EAST OF HUDSON RIVER**

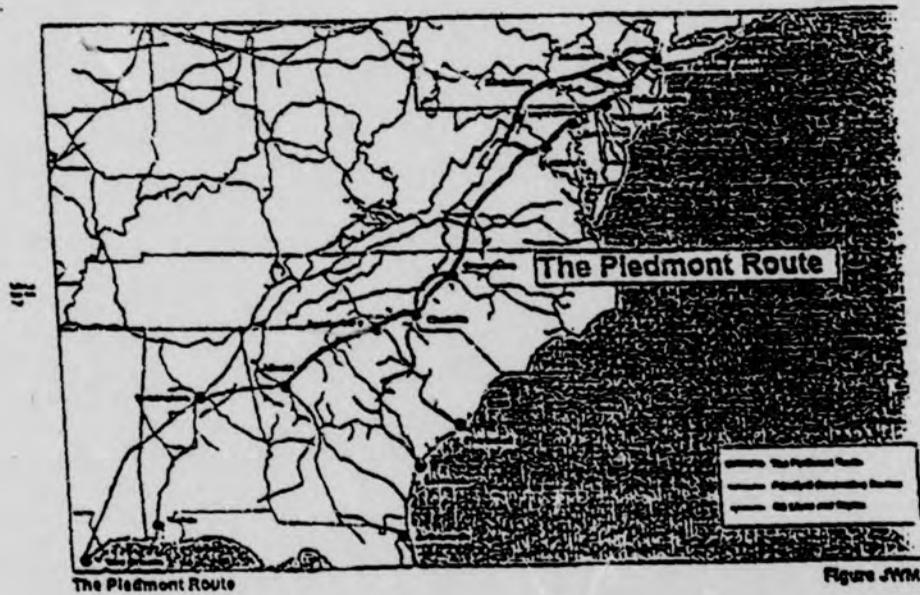
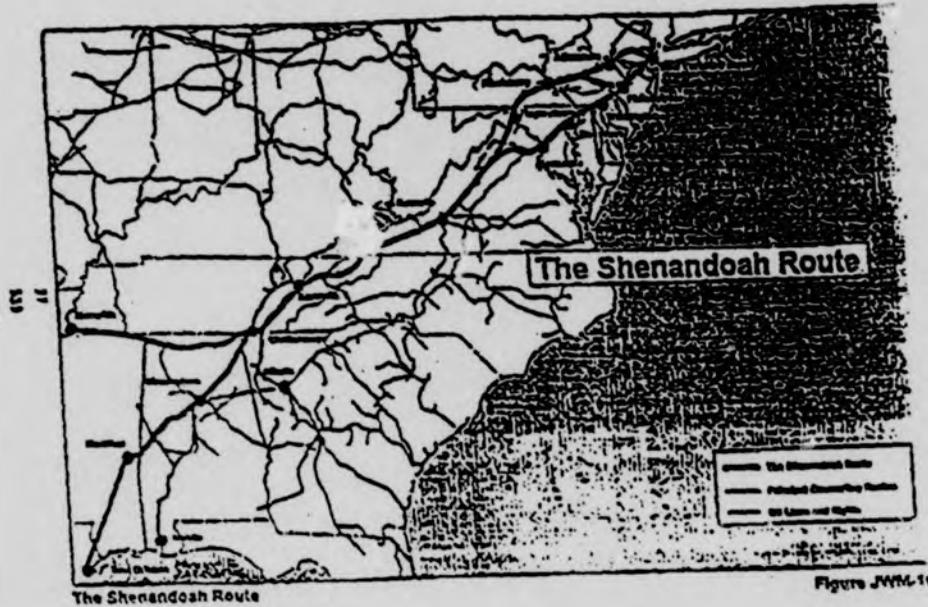
Unfortunately, New York City, Long Island, Connecticut and New England will not fully share in these improvements. See following three maps for Triple Crown Network and north-south Routes which, unfortunately, do not extend east of the Hudson River.

**NEW YORK CITY, LONG ISLAND AND NEW ENGLAND  
WILL NOT BE DIRECTLY SERVED BY THE RAIL NETWORK OF  
THE NEW TRIPLE CROWN NETWORK**

Figure TLF - 14  
The New Triple Crown Network



**NEW YORK CITY, LONG ISLAND AND NEW ENGLAND  
WILL NOT BE DIRECTLY SERVED BY EITHER THE  
SHENANDOAH OR THE PIEDMONT ROUTES**



### **BACKGROUND AND PROPOSED CSXT/NS PLAN**

The April, 1997 agreement between CSXT and NS, which constitutes the plan now before the STB, provides that only CSXT will operate east of the Hudson River, denying or significantly reducing the major benefits of direct competition, lower freight rates and direct, truck-competitive intermodal service to New York City, Long Island, Connecticut and New England.

Prior to this agreement, NS had stated its intention of operating directly along the entire NEC, through Penn Station, New York City, using "Roadrailer" type intermodal equipment and single container-on-flatcar type trains, both of which can operate in the restricted overhead clearance environment of the NEC. It reported that success was being achieved in solving the operating concerns of Amtrak and the commuter railroads. NS, which operates the Roadrailer trains, wants to use the NEC so it can directly compete with trucks.

Unfortunately, CSXT has no such plans for direct service along the NEC through New York City. Instead, only one conventional intermodal train is planned, operating between Atlanta, Georgia and Boston, Massachusetts, using the longer, slower route via Albany, New York.

Unfortunately, too, under the present plan now before the STB, the low profile Roadrailer trains will not provide service east of the Hudson River because only NS (and not CSXT) operates this type of equipment.

Roadrailers, which can operate through Penn Station New York City and the river tunnels and which can operate at passenger train speeds, will, however, for the first time, be operated by NS on the NEC, but only on the southern half, from Washington, DC to Newark, NJ.

The northern half of the NEC from Newark, New Jersey to Boston, Massachusetts, with fewer passenger trains than the southern half, will remain underutilized during off peak hours. Late at night, and until early dawn, it will be essentially empty. Such underutilization is particularly disturbing because the NEC is, like the highway system, owned, maintained and operated by the public. The public sector, like the private sector, should expect and receive the best possible return on its investment. (See following pages for Comparative Train Densities on NEC.)

The existing joint CSXT/NS application proposes joint passenger and freight operation of the Northeast Corridor (NEC) from Washington, DC north to Newark, NJ, which proposal we fully and enthusiastically support.

## COMPARATIVE TRAIN DENSITIES NORTHEAST CORRIDOR RAIL LINE (NEC)

NORTHERN HALF (NEC) Newark, N.J. - Boston, Mass.							
LOCATION	MILES	EXISTING		PROPOSED		TOTAL	CHANGE
		PASS.	FRT.	PASS.	FRT.		
Mass. Mansfield - Readville	15.9	70	4	70	4	74	0
Attleboro - Mansfield	7.2	44	4	44	4	48	0
Conn. Bridgeport - New Haven	16.0	102	3	102	3	105	0
Norwalk - Bridgeport	15.5	92	2	92	2	94	0
N.Y./Conn. New Rochelle - Norwalk	25.0	192	5	192	5	197	0
SOUTHERN HALF (NEC) Washington, D.C. - Newark, N.J.							
LOCATION	MILES	EXISTING		PROPOSED		TOTAL	CHANGE
		PASS.	FRT.	PASS.	FRT.		
N.J. Lane - Union	7.1	240	3.4	240	11.0	251	+7.6
Union - Midway	21.6	166	3.4	166	11.0	177	+7.6
Midway - Morrisville, PA.	17.3	156	3.4	156	11.0	167	+7.6
PA. Morrisville - Zoo (Phila.)	28.5	132	3.4	132	7.1	139	+3.6
Arsenal (Phila.) - Davis, Del.	25.0	116	2.3	116	10.5	127	+8.2
Del/Md. Davis - Perryville	21.1	67	4.5	67	12.4	79	+7.9
Md. Perryville - Baltimore	32.4	77	14.3	77	15.6	93	+1.3
Baltimore - Bowie	28.6	99	2.4	99	7.7	107	+5.3
Bowie - Landover	8.3	99	3.2	99	12.5	112	+9.3

SOURCE: Joint CSXT/NS Railroad Control Application, June 1997.

Note: See other side for LOCATION MAP OF NORTHEAST CORRIDOR RAIL LINE (NEC)  
Locations listed above are identified with a dot.

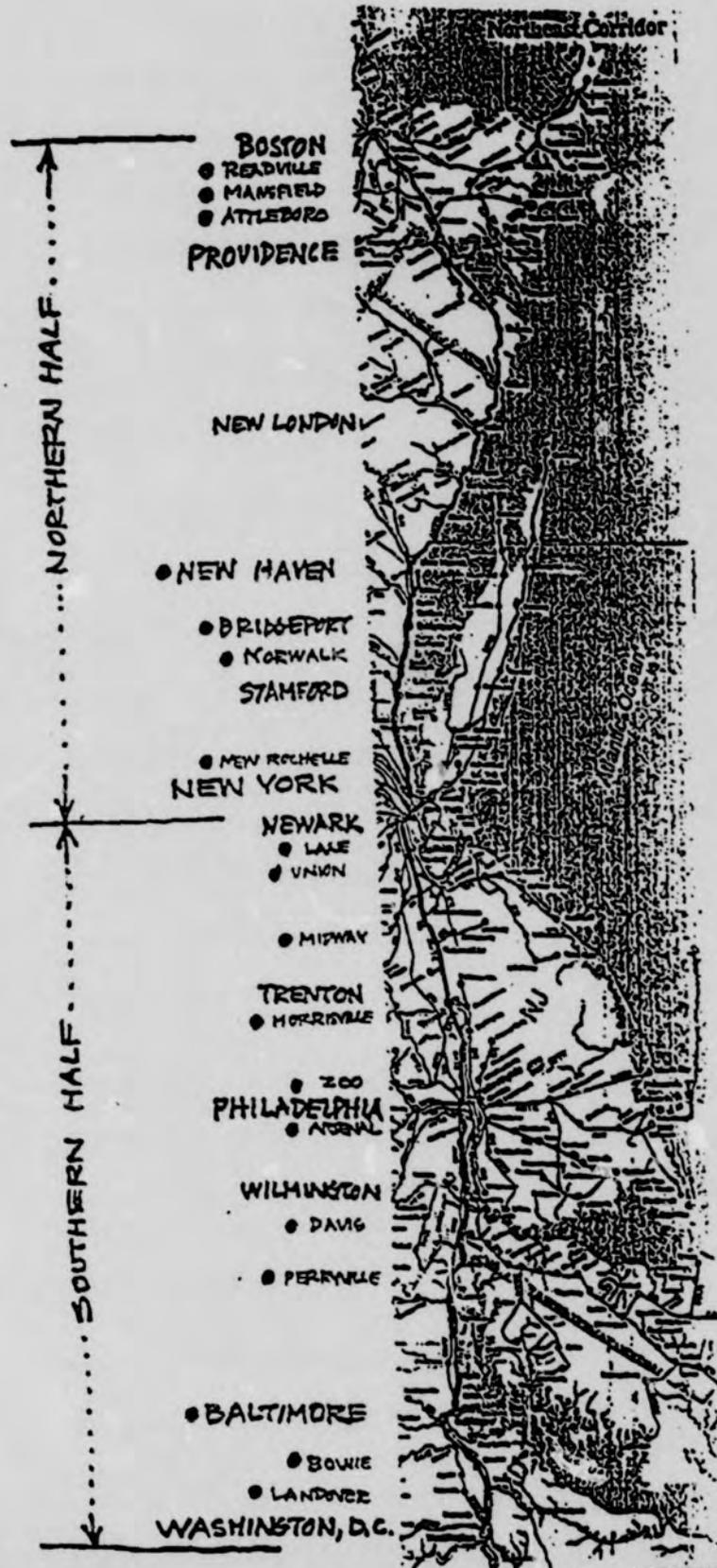
COMPARATIVE TRAIN DENSITIES

10/14/97

# LOCATION MAP OF NORTHEAST CORRIDOR RAIL LINE (NEC)

10/14/97

LOCATION MAP OF NORTHEAST CORRIDOR RAIL LINE (NEC)



10/14/97

The joint use of the NEC is also important to Norfolk Southern, and we quote from p. 226 of Vol. 33 of 8 (NS Operating Plan)

*"The existing Roadrailer round trip between Newark and Atlanta, which operates five days a week, will be rerouted from the Hagerstown route to the NEC. Substantial mileage will be saved. This new route will permit TCS (Triple Crown Service) to compete with motor carriers for traffic between the Northeast and the Carolinas, something it cannot do using the Hagerstown route."*

As may be seen, direct intermodal rail freight operation on the NEC is shorter in miles and permits direct competition with trucks, thus fulfilling one of the primary stated objectives of the Railroad Control Application presently before the STB.

North of Newark, New Jersey, the alternate routes to the NEC stated in the CSXT and NS operating plans are the proposed CSXT route to Boston via the existing Conrail lines: i.e. River Line to Albany and the Boston Line to Boston, or, as proposed by NS, the Hagerstown/Harrisburg/Scranton/Binghamton/Schenectady/Hoosac Tunnel route via Norfolk Southern, Delaware & Hudson (Canadian Pacific) and Guilford Transportation Industries lines.

Based on the NS statement quoted above, neither of these routes permit Triple Crown Services (TCS) or single container-on-flatcar intermodal (which can also operate through Penn Station) to directly and effectively compete with highway trucking along the entire north-south I-95 route.

Thus, extension of joint passenger/freight operations along the NEC through New York City and northeast to Boston and New England is the only practical competitive intermodal alternative to continued highway truck congestion.

#### **PROPOSED ACTION BY THE SURFACE TRANSPORTATION BOARD**

The STB should grant approval of the Railroad Control Application with appropriate conditions, namely, 1) permit and require operation of Roadrailer and single container-on-flatcar service through New York City via Penn Station to New Haven, Connecticut and beyond, and 2) require, in the interest of competitive rail freight service, joint access along this route to both CSXT and NS, or in the alternative, allow Amtrak to licence any responsible operator to provide such services. This alternative is explained in greater detail in the following pages.

We fully acknowledge and appreciate that the freight service on the NEC should be high speed and compatible with safety and intercity passenger and commuter rail operations.

**"AMTRAK ALTERNATIVE"  
LOW PROFILE RAIL INTERMODAL SERVICES**

Rail intermodal equipment has operated through the Penn Station tunnels before. In the 1970's, Penn Central operated mail trains 16 and 17 between Philadelphia, PA and Springfield, Mass. These trains used "Flexi-van" type equipment, used system-wide by the former New York Central Railroad.

Low profile "Road Railer" type intermodal equipment was tested through Penn Station, New York, by the Inter Rail Express Company in 1982. Those tests proved that high quality intermodal service to the territory east of the Hudson and East Rivers could be provided safely. Other tests conducted at that time found that "Road Railer" equipment could operate at high speeds, in the company of Amtrak and local commuter services, and could be slotted between such services causing no conflicts due to speed limitations. Norfolk Southern successfully operates such "Roadrailer" services throughout its system and on Conrail lines. But that service terminates in Newark, N.J. arriving circuitously and not on the Corridor.

Conrail, which had rights to operate freight services on the Corridor, has declined to provide service via that line where an alternative is available, preferring to run southern freight through Hagerstown, Md., a circuitous route. Conrail was a partner with NS in the "Roadrailer" operation. It has made no effort to place such service on the Corridor.

The Northeast Corridor is primarily owned by the United States through Amtrak, which can not handle freight service due to the limitations of its franchise. The remainder is owned by public commuter rail agencies like New York MTA, Connecticut DOT and the Massachusetts Bay Transportation Authority. Neither Conrail nor NS have chosen to exercise rights they had to operate high quality intermodal services on the corridor using the Road Railer system. Indeed, Inter Rail Express is the only entity which ever negotiated with Amtrak for the right to operate such services through New York City. We also understand that early in 1997, Norfolk Southern proposed the operation of "Road Rainers" and single containers on flatcars through the Penn Station tunnels.

Therefore, noting this history, and the tremendous overdependence on trucking which we share with New York, and which is fully documented in the congressional petition which we join, we urge that the North East Corridor from Harrisburg and Washington on the south and west, to Springfield and Boston, on the north and east be deemed open to any entity which wishes to operate freight services on it using intermodal equipment which fits through New York's tunnel and which passes Federal Railroad Administration standards and any reasonable standards set by Amtrak. Rates for such use should be set by direct negotiations between Amtrak and the carrier, subject to Surface Transportation Board oversight if an agreement cannot be reached.

10/14/97

The goal here is to obtain service. The first responsible operator who provides such services should have precedence to the extent of that operation. What we seek to avoid, is to have operators who will not or can not provide needed services due to either a lack of will or of financial ability having exclusive rights on tracks owned by the people of the United States or of the various States along the Northeast Corridor. Thus, we seek to require this open access only on tracks owned by Amtrak or State agencies and not on tracks owned by private carriers, except for limited distances within terminal areas between terminal facilities and the Amtrak Corridor tracks.

See page 6 for a Location Map of Northeast Corridor Rail Line which shows the "northern half" which should be allowed to benefit from the same direct rail intermodal service now planned for the southern half.

See page 5 for Comparative Train Densities and existing and proposed operations on the Northeast Corridor, compiled from the CSXT/NS plan. It strongly indicates that room exists for the operation anticipated here and indeed that there will be no increase in freight service north of Newark, N.J., under the plan proposed by NS and CSX.

#### **PROPOSED ACTION BY THE SURFACE TRANSPORTATION BOARD**

Therefore, we request that the STB grant approval of the Railroad Control Application subject to the additional condition that, in addition to the trackage rights granted to CSX and NS by acquisition of Conrail's rights, Amtrak, the operator of passenger services on the Northeast Corridor from Washington, D.C. and its environs, from Harrisburg, Pa. and its environs, to Springfield, Mass and to Boston, Mass., be allowed to grant trackage rights to any railroad operator on a first come first serve basis. These rights shall be limited to low profile intermodal services which can and do pass through the Hudson and East River Tunnels in the City of New York. And further, that Amtrak will be allowed to contract with such railroads to provide pulling services. Such trackage rights will not unreasonably interfere with any pre-existing operations of CSX or NS. Finally, that no trackage rights agreement shall be exclusive and that Amtrak may price and therefore allocate available time slots based upon their value.

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John F. McHugh certifies that on October 17, 1997 I served a copy of this Intervention Petition upon the following parties by mail to the following addresses:

SERVICE LIST FOR STB FD 33388 0  
Records: 321

CSX CORPORATION AND CSX TRANSPORTATION, INC., NORFOLK  
SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY  
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THE EAST NEW JERSEY RAILROAD COMPANY  
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Page 4

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Page 5  
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Records: 321

CSX CORPORATION AND CSX TRANSPORTATION, INC., NORFOLK  
SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY  
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LEASES/AGREEMENTS--CONRAIL INC. AND CONSOLIDATED RAIL  
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Page 9

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WILLIAM DICKERSON  
U S ENVIRONMENTAL PROTECTION AGENCY  
401 M STREET SW (2252A)  
WASHINGTON DC 20460 US

Represents:

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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  
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PARTY OF RECORD  
NICHOLAS J. DIMICHAEL  
DONELAN, CLEARY, ET AL.  
1100 NEW YORK AVENUE N W STE 750  
WASHINGTON DC 20005-3934 US

Represents: ANKER ENERGY CORPORATION  
BUFFALO COAL CO., INC.  
EVERGREEN MINING COMPANY  
MARYLAND COAL ASSOCIATION  
METTIKI COAL CORPORATION  
PBS COALS INC  
TRI-STATE COAL ASSOCIATION  
VENTURE COAL SALES  
WEST VIRGINIA COALS, INC.

MEMBER OF CONGRESS  
HONORABLE JOHN D. DINGELL  
U. S. HOUSE OF REPRESENTATIVES

WASHINGTON DC 20515 US

Represents:

PARTY OF RECORD  
DAVID W. DONLEY  
3361 STAFFORD ST  
PITTSBURGH PA 15204-1441 US

Represents: WEIRTON STEEL CORPORATION

PARTY OF RECORD  
PAUL M. DONOVAN  
LAROE, WINN, ETAL  
3506 IDAHO AVE NW  
WASHINGTON DC 20016 US

Represents: PORT AUTHORITY OF NEW YORK AND NEW JERSEY  
PORT OF AUTHORITY OF NEW YORK AND NEW JERSEY  
THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

PARTY OF RECORD  
KELVIN J. DOWD  
SLOVER & LOFTUS  
1224 17TH STREET N W  
WASHINGTON DC 20036 US

Represents: CONSUMERS ENERGY COMPANY  
GPU GENERATION INC

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PARTY OF RECORD  
DANIEL DUFF  
AMERICAN PUBLIC TRANSIT ASSOC  
1201 NEW YORK AV NW  
WASH DC 20005 US

Represents: AMERICAN PUBLIC TRANSIT ASSOCIATION

PARTY OF RECORD  
JOHN K DUNLEAVY  
ASSISTANT ATTORNEY GENERAL  
133 STATE STREET STATE ADM BLDG  
MONTPELIER VT 05633-5001 US

Represents: STATE OF VERMONT

PARTY OF RECORD  
DONALD W DUNLEVY

230 STATE STREET  
UTU STATE LEG DIR  
PA AFL-CIO BLDG 2ND FL  
HARRISBURG PA 17101-1138 US

Represents: UNITED TRANSPORTATION UNION PENNSYLVANIA STATE  
LEGISLATIVE BOARD

PARTY OF RECORD  
FAY D DUPUIS, CITY SOLICITOR  
CITY HALL  
801 PLUM STREET ROOM 214  
CINCINNATI OH 45202 US

Represents: CITY OF CINCINNATI OHIO

PARTY OF RECORD  
MARTIN T DURKIN ESQ  
DURKIN & BOGGIA ESQS  
PO BOX 378  
71 MT VERNON STREET  
RIDGEFIELD PARK NJ 07660 US

Represents: VILLAGE OF RIDGEFIELD PARK NEW JERSEY

PARTY OF RECORD  
DAVID DYSARD  
TMACOG  
PO BOX 9508  
300 CENTRAL UNION PLAZA  
TOLEDO OH 43697-9508 US

Represents: TOLEDO METRO AREA COUNCIL OF GOVT

PARTY OF RECORD  
GARY A EBERT  
CITY OF BAY VILLAGE  
350 DOVER CENTER ROAD  
BAY VILLAGE OH 44140 US

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Represents: CITY OF BAY VILLAGE OHIO

PARTY OF RECORD  
RICHARD S. EDELMAN  
HIGSAW MAHONEY CLARKE  
1050 SEVENTEENTH STREET N W, SUITE 210  
WASHINGTON DC 20036 US

Represents: ALLIED RAIL UNIONS

PARTY OF RECORD  
ROBERT EDWARDS

EASTERN TRANSPORT AND LOGISTICS  
1109 LANETTE DRIVE  
CINCINNATI OH 45230 US

Represents: EASTERN TRANSPORT AND LOGISTICS

PARTY OF RECORD  
GARY EDWARDS SUPERINTENDENT OF RR OPERATIONS  
SOMERSET RAILROAD  
7725 LAKE ROAD  
BARKER NY 14012 US

Represents: SOMERSET RAILROAD CORPORATION

PARTY OF RECORD  
DANIEL R. ELLIOTT III ASST GENERAL COUNSEL  
UNITED TRANSPORTATION UNION  
14600 DETROIT AVENUE  
CLEVELAND OH 44107 US

Represents: UNITED TRANSPORTATION UNION

PARTY OF RECORD  
TERRELL ELLIS  
CAEZVW  
P O BOX 176  
CLAY WV 25043 US

Represents: CENTRAL APPALACHIA EMPOWERMENT ZONE OF WEST VIRGINIA

PARTY OF RECORD  
ROBERT L. EVANS  
OXYCHEM  
P O BOX 809050  
DALLAS TX 75380 US

Represents: OCCIDENTAL CHEMICAL CORPORATION

PARTY OF RECORD  
SARA J FAGNILLI DIRECTOR OF LAW  
CITY OF LAKEWOOD  
12650 DETROIT AVENUE  
LAKEWOOD OH 44107 US

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Represents: CITY OF LAKEWOOD OHIO

PARTY OF RECORD  
GERALD W. FAUTH, III  
G. W. FAUTH & ASSOCIATES INC.  
P O BOX 2401

ALEXANDRIA VA 22301 US

Represents: G. W. FAUTH & ASSOCIATES, INC.  
GERALD W FAUTH III

PARTY OF RECORD

CARL FELLER  
DEKALB AGRA INC  
P. O. BOX 127  
4743 COUNTY ROAD 28  
WATERLOO IN 46793-0127 US

Represents: DEKALB AGRA INC

PARTY OF RECORD

MICHAEL P. FERRO  
MILLENNIUM PETROCHEMICALS, INC.  
11500 NORTHLAKE DRIVE  
CINCINNATI OH 45249 US

Represents: MILLENNIUM PETROCHEMICALS INC F/K/A QUANTUM CHEMICAL  
CORPORATION

PARTY OF RECORD

EDWARD J FISHMAN  
OPPENHEIMER WOLFF & DONNELLY  
1020 NINETEENTH ST NW STE 400  
WASHINGTON DC 20036 US

Represents: NEW JERSEY DEPARTMENT OF TRANSPORTATION  
NEW JERSEY TRANSIT CORPORATION  
NORTHERN VIRGINIA TRANSPORTATION COMMISSION-POTOMAC

AND

RAPPAHANNOCK TRANSPORTATION COMMISSION  
VERMONT RAILWAY INC

PARTY OF RECORD

J D FITZGERALD  
UTU, GENERAL CHAIRPERSON  
400 E EVERGREEN BLVD STE 217  
VANCOUVER WA 98660-3264 US

Represents: UNITED TRANSPORTATION UNION-GENERAL COMMITTEE OF  
ADJUSTMENT

GO 386

PARTY OF RECORD

STEPHEN M FONTAINE  
MASSACHUSETTS CENTRAL RAILROAD CORPORATION  
ONE WILBRAHAM STREET  
PALMER MA 01069 US

Represents: MASSACHUSETTS CENTRAL RAILROAD CORPORATION

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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  
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-----  
GOVERNOR

HONORABLE KIRK FORDICE, GOVERNOR  
STATE OF MISSISSIPPI  
P O BOX 139  
JACKSON MS 39205 US

Represents:

MEMBER OF CONGRESS

HONORABLE TILLIE K FOWLER  
US HOUSE REPRESENTATIVES  
WASHINGTON DC 20515 US

Represents:

NON-PARTY

ROBERT C. FREAS  
SR. VICE PRESIDENT, MARKETING FRANKLIN INDUSTRIAL MINERALS  
612 TENTH AVENUE, NORTH  
NASHVILLE TN 37203 US

Represents:

PARTY OF RECORD

GARLAND B GARRETT JR  
NC DEPT OF TRANSPORTATION  
P O BOX 25201  
RALEIGH NC 27611 US

Represents:

PARTY OF RECORD

MICHAEL J GARRIGAN  
BP CHEMICALS INC  
4440 WARRENSVILLE CTR RD  
CLEVELAND OH 44128 US

Represents: BP AMERICA INC

PARTY OF RECORD

RICHARD A GAVRIL

16700 GENTRY LANE NO 104  
TINLEY PARK IL 60477 US

Represents: RICHARD A GAVRIL

PARTY OF RECORD

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PETER A GILBERTSON  
LOUISVILLE & INDIANA RAILROAD COMPANY  
53 W. JACKSON BOULEVARD, STE 350  
CHICAGO IL 60604 US

Represents: LOUISVILLE & INDIANA RAILROAD COMPANY

PARTY OF RECORD

PETER A GILBERTSON  
REGIONAL RRS OF AMERICA  
122 C ST NW STE 850  
WASHINGTON DC 20001 US

Represents: REGIONAL RAILROADS OF AMERICA

PARTY OF RECORD

LOUIS E GITOMER  
BALL JANIK LLP  
1455 F STREET NW SUITE 225  
WASHINGTON DC 20005 US

Represents: APL LIMITED  
DELAWARE VALLEY RAILWAY COMPANY INC  
HURON AND EASTERN RAILWAY COMPANY INC  
RAILAMERICA INC  
SAGINAW VALLEY RAILWAY COMPANY INC

MEMBER OF CONGRESS

HONORABLE JOHN GLENN  
U. S. SENATE ATTN: ANISA BELL  
200 N HIGH STREET S-600  
COLUMBUS OH 43215-2408 US

Represents:

PARTY OF RECORD

DOUGLAS S GOLDEN  
MAIN LINE MANAGEMENT SERVICES INC  
520 FELLOWSHIP ROAD SUITE A-105  
MOUNT LAUREL NJ 08054-3407 US

Represents: PENNSYLVANIA SENATE TRANSPORTATION COMMITTEE

PARTY OF RECORD

ANDREW P. GOLDSTEIN  
MCCARTHY, SWEENEY ET AL.  
1750 PENNSYLVANIA AVE NW  
WASHINGTON DC 20006 US

Represents: NATIONAL GRAIN AND FEED ASSOCIATION

PARTY OF RECORD

JOHN GORDON  
NATIONAL LIME & STONE COMPANY  
P. O. BOX 120  
FINDLAY OH 45840 US

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Represents: NATIONAL LIME & STONE COMPANY

MEMBER OF CONGRESS

HONORABLE BOB GRAHAM  
UNITED STATE SENATE  
WASHINGTON DC 20510 US

Represents:

PARTY OF RECORD

EDWARD D. GREENBERG  
GALLAND, KHARASCH, MORSE & GARFINKLE  
1054 THIRTY-FIRST STREET NW  
WASHINGTON DC 20007-4492 US

Represents: PROVIDENCE AND WORCESTER RAILROAD COMPANY  
STEEL WAREHOUSE CO INC  
THE INTERNATIONAL PAPER COMPANY

PARTY OF RECORD

PETER A. GREENE  
THOMPSON HINE FLORY  
1920 N STREET N W, SUITE 800  
WASHINGTON DC 20036 US

Represents: BAY STATE MILLING COMPANY  
BELVIDERE & DELAWARE RIVER RAILWAY  
BLACK RIVER & WESTERN RAILROAD  
EAST PENN RAILWAY INC  
LANCASTER NORTHERN RAILWAY

PARTY OF RECORD

ROBERT E GREENLESE  
TOLEDO-LUCAS COUNTY PORT AUTHORITY  
1 MARITIME PLAZA SUITE 700  
TOLEDO OH 43604 US

Represents: TOLEDO-LUCAS COUNTY PORT AUTHORITY  
TOLEDO-LUCAS COUNTY PORT AUTHORITY

NON-PARTY  
R A GRICE  
GENERAL CHAIRPERSON UTU  
11017-F GRAVOIS INDUSTRIAL PLAZA  
ST LOUIS MO 63128 US

Represents:

PARTY OF RECORD  
DONALD F GRIFFIN  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
400 N CAPITOL ST NW SUITE 852  
WASHINGTON DC 20001 US

Represents:

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□  
PARTY OF RECORD  
JOHN J GROCKI  
GRA INC  
115 WEST AV ONE JENKINTOWN STA  
JENKINTOWN PA 19046 US

Represents: GRA INCORPORATED

PARTY OF RECORD  
VAUGHN R GROVES  
PITTSTON COAL COMPANY  
PO BOX 5100  
LEBANON VA 24266 US

Represents: PITTSTON COAL COMPANY

PARTY OF RECORD  
JOSEPH GUERRIERI, JR.  
GUERRIERI, EDMOND, ET. AL  
1331 F STREET N W, 4TH FLOOR  
WASHINGTON DC 20004 US

Represents:

PARTY OF RECORD  
DAVID L HALL  
COMMONWEALTH CONSULTING ASSOCIATES  
720 NORTH POST OAK ROAD SUITE 330  
HOUSTON TX 77024 US

Represents: SHELL CHEMICAL COMPANY  
SHELL OIL COMPANY

MEMBER OF CONGRESS  
HON. LEE N. HAMILTON  
UNITED STATES HOUSE OF REPRESENTATIVES  
WASHINGTON DC 20515 US

Represents:

PARTY OF RECORD  
MICHAEL P HARMONIS  
U S DEPT OF JUSTICE  
325 7TH STREET SUITE 500  
WASHINGTON DC 20530 US

Represents: U S DEPARTMENT OF JUSTICE  
U. S. DEPARTMENT OF JUSTICE

PARTY OF RECORD  
JAMES W HARRIS  
THE METROPOLITAN PLANNING ORGANIZATION  
1 WORLD TRADE CENTER STE 82 EAST  
NEW YORK NY 10048-0043 US

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Represents:

PARTY OF RECORD  
NICOLE HARVEY  
THE DOW CHEMICAL COMPANY  
2020 DOW CENTER  
MIDLAND MI 48674 US

Represents: THE DOW CHEMICAL COMPANY

PARTY OF RECORD  
JOHN D. HEFFNER, ESQ.  
REA, CROSS & AUCHINCLOSS  
1920 N STREET NW SUITE 420  
WASHINGTON DC 20036 US

Represents: EMPIRE STATE PASSENGER ASSOCIATION  
FORT ORANGE PAPER COMPANY  
NEW YORK CROSS HARBOR RAILROAD TERMINAL CORPORATION  
WABASH & WESTERN RAILWAY CO D/B/A MICHIGAN SOUTHERN  
RAILROAD INC

PARTY OF RECORD  
R J HENEFELD

PPG INDUSTRIES INC  
ONE PPG PLACE  
PITTSBURGH PA 15272 US

Represents: PPG INDUTRIES INC.

NON-PARTY

G W HERKNER JR  
NJ TRANSIT RAIL OPERATIONS  
ONE PENN PLAZA EAST  
NEWARK NJ 07105 US

Represents:

PARTY OF RECORD

WILLIAM P HERNAN JR GENERAL CHAIRMAN  
P O BOX 180  
HILLIARD OH 43026 US

Represents:

PARTY OF RECORD

CHARLES S HESSE, PRESIDENT  
CHARLES HESSE ASSOCIATES  
8270 STONEY BROOK DRIVE  
CHAGRIN FALLS OH 44023 US

Represents: OHIO STEEL INDUSTRY ADVISORY COUNCIL

NON-PARTY

LYNN A. HISER

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A. E. STALEY MFG. CO  
2200 E ELDORADO STREET  
DECATUR IL 62525 US

Represents:

PARTY OF RECORD

ERIC M. HOCKY  
GOLLATZ, GRIFFIN, EWING  
213 WEST MINER STREET  
WEST CHESTER PA 19381-0796 US

Represents: ALLEGHENY & EASTERN RAILROAD INC  
BETHLEHEM STEEL CORPORATION ET AL  
BUFFALO & PITTSBURGH RAILROAD INC  
BUFFALO & PITTSBURGH RAILROAD, INC.  
NEW YORK SUSQUEHANNA AND WESTERN RAILWAY CORPORATION  
PITTSBURG & SHAWMUT RAILROAD INC

PITTSBURG & SHAWMUT RAILROAD INC  
READING BLUE MOUNTAIN & NORTHERN RAILROAD COMPANY  
READING BLUE MOUNTAIN AND NORTHERN RAILROAD COMPANY  
ROCHESTER & SOUTHERN RAILROAD INC  
ROCHESTER & SOUTHERN RAILROAD INC

PARTY OF RECORD  
JAMES E. HOWARD  
90 CANAL STREET  
BOSTON MA 02114 US

Represents: COALITION OF NORTHEASTERN GOVERNORS

PARTY OF RECORD  
JOHN HOY  
P O BOX 117  
GLENN BURNIE MD 21060 US

Represents: BALTIMORE AREA TRANSIT ASSOCIATION

PARTY OF RECORD  
BRAD F HUSTON  
CYPRUS AMAX COAL SALES CORP  
400 TECHNECENTER DRIVE STE 320  
MILFORD OH 45150 US

Represents:

PARTY OF RECORD  
SHEILA MECK HYDE CITY ATTORNEY  
CITY HALL  
342 CENTRAL AVENUE  
DUNKIRK NY 14048 US

Represents: CITY OF DUNKIRK NEW YORK

PARTY OF RECORD

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ERNEST J IERARDI  
NIXON HARGRAVE DEVANS DOYLE LLP  
PO BOX 1051  
CLINTON SQUARE  
ROCHESTER NY 14603-1051 US

Represents: ROCHESTER GAS AND ELECTRIC CORPORATION

PARTY OF RECORD  
WILLIAM P. JACKSON, JR.  
JACKSON & JESSUP, P. C.  
P O BOX 1240  
3426 NORTH WASHINGTON BLVD

ARLINGTON VA 22210 US

Represents: A T MASSEY COAL COMPANY INC ET AL

PARTY OF RECORD  
JAMES R JACOBS  
JACOBS INDUSTRIES  
2 QUARRY LANE  
STONY RIDGE OH 43463 US

Represents: JACOBS INDUSTRIES

GOVERNOR  
HONORABLE FOB JAMES  
GOVERNOR  
STATE OF ALABAMA  
MONTGOMERY AL 36130 US

Represents:

PARTY OF RECORD  
DOREEN C JOHNSON CHIEF ANTITRUST SECTION  
OHIO ATTY GENERAL OFFICE  
30 E BROAD STREET 16TH FLOOR  
COLUMBUS OH 43215 US

Represents: OHIO ATTORNEY GENERALS OFFICE

PARTY OF RECORD  
ERIKA Z JONES  
MAYER BROWN & PLATT  
2000 PA AV NW  
WASH DC 20006-1882 US

Represents: BURLINGTON NORTHERN RAILROAD AND SANTA FE RAILWAY  
COMPANY  
BURLINGTON NORTHERN RAILROAD  
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

PARTY OF RECORD  
TERRENCE D JONES  
KELLER & HECKMAN  
1001 G ST NW STE 500 WEST  
WASHINGTON DC 20001 US

Represents: NORTH AMERICAN LOGISTIC SERVICES A DIVISION OF MARS

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INCORPORATED

PARTY OF RECORD  
FRANK N JORGENSEN  
THE ELK RIVER RAILROAD INC

P O BOX 460  
SUMMERSVILLE WV 26651 US

Represents: THE ELK RIVER RAILROAD INC

PARTY OF RECORD  
FRITZ R KAHN  
1100 NEW YORK AVENUE NW SUITE 750 WEST  
WASHINGTON DC 20005-3934 US

Represents: MARTIN MARIETTA MATERIALS INC  
SHINTECH INC

PARTY OF RECORD  
STEVEN J. KALISH  
MCARTHY, SWEENEY & HARKAWAY  
1750 PENNSYLVANIA AVE NW  
WASHINGTON DC 20006-4502 US

Represents: THE TOWN OF HAYMARKET

MEMBER OF CONGRESS  
HON MARCY KAPTUR  
U S HOUSE OF REPRESENTATIVES  
WASHINGTON DC 20515 US

Represents:

PARTY OF RECORD  
LARRY B. KARNES  
TRANSPORTATION BUILDING  
PO BOX 30050  
425 WEST OTTAWA  
LANSING MI 48909 US

Represents: MICHIGAN DEPARTMENT OF TRANSP

PARTY OF RECORD  
RICHARD E. KERTH, TRANS. MGR.  
CHAMPION INTERNAT'L CORP  
101 KNIGHTSBRIDGE DRIVE  
HAMILTON OH 45020-0001 US

Represents: CHAMPION INTERNATIONAL CORPORATION

PARTY OF RECORD  
DAVID D KING  
BEAUFORT AND MOREHEAD RR CO  
PO BOX 25201  
RALEIGH NC 27611-5201 US

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Represents:

PARTY OF RECORD

L P KING JR  
GENERAL CHAIRPERSON UTU  
145 CAMPBELL AVE SW STE 207  
ROANOKE VA 24011 US

Represents: UNITED TRANSPORTATION UNION GENERAL COMMITTEE OF  
ADJUSTMENT

N & W-C

PARTY OF RECORD

MITCHELL M KRAUS GENERAL COUNSEL  
TRANSPORTATION COMMUNICATIONS INTERNATIONAL UNION  
3 RESEARCH PLACE  
ROCKVILLE MD 20850 US

Represents: TRANSPORTATION COMMUNICATIONS INTERNATIONAL UNION

PARTY OF RECORD

HON DENNIS J KUCINICH  
UNITED STATES HOUSE REPRESENTATIVES  
WASHINGTON DC 20515 US

Represents: CITIZENS 10TH CONGRESSIONAL DISTRICT OF OHIO

MEMBER OF CONGRESS

HONORABLE JOHN J. LAFALCE  
UNITED STATES HOUSE OF REPRESENTATIVES  
WASHINGTON DC 20515 US

Represents:

PARTY OF RECORD

PAUL H. LAMBOLEY  
1020 NINETEENTH STREET, N.W., STE 400  
WASHINGTON DC 20036-6105 US

Represents: RESOURCES WAREHOUSING & CONSOLIDATION SERVICES INC  
SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT

BOARD

TRANSPORTATION INTERMEDIARIES ASSOCIATION

MEMBER OF CONGRESS

HON. STEVE LATOURETTE  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON DC 20515 US

Represents:

NON-PARTY  
LAURENCE R. LATOURETTE  
PRESTON GATES ELLIS ETAL

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1735 NY AVE NW SUITE 500  
WASHINGTON DC 20006 US

Represents: STATE OF MARYLAND

MEMBER OF CONGRESS  
STEVEN C. LATOURETTE  
CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON DC 20515 US

Represents:

PARTY OF RECORD  
J PATRICK LATZ  
HEAVY LIFT CARGO SYSTEM  
PO BOX 51451  
INDIANAPOLIS IN 46251-0451 US

Represents: HEAVY LIFT CARGO SYSTEMS

PARTY OF RECORD  
JOHN K. LEARY, GENERAL MANAGER  
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY  
1234 MARKET STREET 5TH FLOOR  
PHILADELPHIA PA 19107-3780 US

Represents: SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY

PARTY OF RECORD  
SHERRI LEHMAN DIRECTOR OF CONGRESSIONAL AFFAIRS  
CORN REFINERS ASSOC  
1701 PA AV NW  
WASH DC 20006-5805 US

Represents: CORN REFINERS ASSOCIATION INC

ADMINISTRATIVE LAW JUDGE  
JUDGE JACOB LEVENTHAL, OFFICE OF HEARINGS  
FEDERAL ENERGY REGULATORY COMMISSION  
888 - 1ST ST, N.E. STE 11F  
WASHINGTON DC 20426 US

Represents:

MEMBER OF CONGRESS  
HON. WILLIAM O. LIPINSKI  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON DC 20515 US

Represents:

PARTY OF RECORD  
THOMAS J. LITWILER  
OPPENHEIMER WOLFF & DONNELLY

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180 N STETSON AVE 45TH FLOOR  
CHICAGO IL 60601 US

Represents: CEDAR RIVER RAILROAD COMPANY  
FOX VALLEY & WESTERN LTD  
ILLINOIS CENTRAL RAILROAD COMPANY CHICAGO CENTRAL &  
PACIFIC RAILROAD COMPANY AND CEDAR RIVER RAILROAD COMPANY  
R J CORMAN PARTIES  
R J CORMAN RAILROAD COMPANIES  
SAULT STE MARIE BRIDGE COMPANY  
TRANSTAR INC AND BESSEMER AND LAKE ERIE RAILROAD  
COMPANY TRANSTAR INC AND ELGIN JOLIET AND EASTERN RAILROAD  
COMPANY WISCONSIN CENTRAL LTD  
WISCONSIN CENTRAL TRANSPORTATION CORPORATION

PARTY OF RECORD  
EDWARD LLOYD  
RUTGERS ENVIRONMENTAL LAW CLINIC  
15 WASHINGTON STREET  
NEWARK NJ 07102 US

Represents: TRI-STATE TRANSPORTATION CAMPAIGN

PARTY OF RECORD  
C MICHAEL LOFTUS  
SLOVER & LOFTUS  
1224 SEVENTEENTH STREET NW  
WASHINGTON DC 20036 US

Represents: CENTERIOR ENERGY CORPORATION  
DETROIT EDISON COMPANY  
EAST CHICAGO INDIANA-HAMMOND INDIANA-GARY INDIANA-  
WHITING INDIANA THE FOUR CITY CONSORTIUM  
POTOMAC ELECTRIC POWER COMPANY  
POTOMAC ELECTRIC POWER COMPANY

THE DETROIT EDISON COMPANY

PARTY OF RECORD

DENNIS G LYONS  
ARNOLD & PORTER  
555 TWELFTH STREET NW  
WASHINGTON DC 20004 US

Represents: CSX CORPORATION INC  
CSX TRANSPORTATION INC  
CSX TRANSPORTATION INC

PARTY OF RECORD

GORDON P. MACDOUGALL  
1025 CONNECTICUT AVE NW SUITE 410  
WASHINGTON DC 20036 US

Represents: CHARLES D BOLAM  
FRANK R PICKELL  
JOHN D FITZGERALD  
JOSEPH C SZABO

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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

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MEMBER OF CONGRESS

HONORABLE CONNIE MACK  
UNITED STATES SENATE  
WASHINGTON DC 20510-0904 US

Represents:

NON-PARTY

LARRY D MACKLIN  
INDIANA DIVISION OF HISTORIC PRESERVATION  
402 W WASHINGTON STREET RM 274  
INDIANAPOLIS IN 46204 US

Represents:

PARTY OF RECORD

RON MARQUARDI  
LOCAL UNION 1810 UMWA

R D #2  
RAYLAND OH 43943 US

Represents:

PARTY OF RECORD  
ROBERT E MARTINEZ  
VA SECRETARY OF TRANSP  
P O BOX 1475  
RICHMOND VA 23218 US

Represents: COMMONWEALTH OF VIRGINIA

PARTY OF RECORD  
JOHN K. MASER, III  
DONELAN, CLEARY, WOOD, MASER  
1100 NEW YORK AVE NW SUITE 750  
WASHINGTON DC 20005-3934 US

Represents: ACME STEEL COMPANY  
AK STEEL CORPORATION  
CARGILL INCORPORATED  
ERIE-NIAGARA RAIL STEERING COMMITTEE  
INSTITUTE OF SCRAP RECYCLING INDUSTRIES INC  
JOSEPH SMITH & SONS INC  
NIAGARA MOHAWK POWER CORPORATION

NON-PARTY  
THEODORE H MATTHEWS  
N J DEPARTMENT OF TRANSPORTATION  
1035 PARKWAY AVENUE CN-600

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10/08/1997  
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 TRENTON NJ 08625 US

Represents:

PARTY OF RECORD  
DAVID J MATTY  
CITY OF ROCKY RIVER  
21012 HILLIARD ROAD  
ROCKY RIVER OH 44116-3398 US

Represents: CITY OF ROCKY RIVER OHIO

PARTY OF RECORD  
GEORGE W MAYO JR  
HOGAN & HARTSON L.L.P.  
555 THIRTEENTH STREET NW  
WASHINGTON DC 20004-1109 US

Represents: CANADIAN PACIFIC RAILWAY COMPANY

DELAWARE AND HUDSON RAILWAY COMPANY INC  
DELAWARE AND HUDSON RAILWAY COMPANY INC  
SOO LINE CORP  
SOO LINE RAILROAD CO  
SOO LINE RAILROAD COMPANY  
SOO LINE RAILROAD COMPANY  
ST LAWRENCE & HUDSON RAILWAY COMPANY LIMITED

PARTY OF RECORD

MICHAEL F. MCBRIDE  
LEBOEUF LAMB GREENE & MACRAE, L. L. P.  
1875 CONNECTICUT AVE N W, STE 1200  
WASHINGTON DC 20009 US

Represents: AMERICAN COAL SALES COMPANY  
AMERICAN ELECTIC POWER SERVICE CORPORATION ET AL  
AMERICAN ELECTRIC POWER  
ATLANTIC CITY ELECTRIC COMPANY  
CSX-NS  
DELMARVA POWER & LIGHT COMPANY  
FERTILIZER INSITUTE  
INDIANAPOLIS POWER & LIGHT COMPANY  
OHIO MINING AND RECLAMATION ASSOCIATION  
THE FERTILIZER INSTITUTE  
THE OHIO VALLEY COAL COMPANY

PARTY OF RECORD

R. LAWRENCE MCCAFFREY, JR.  
NEW YORK & ATLANTIC RAILWAY  
405 LEXINGTON AVENUE 50TH FLOOR  
NEW YORK NY 10174 US

Represents: NEW YORK & ATLANTIC RAILWAY COMPANY

PARTY OF RECORD

EDWARD C MCCARTHY  
INLAND STEEL INDUSTRIES INC  
30 WEST MONROE STREET  
CHICAGO IL 60603 US

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Represents: INLAND STEEL INDUSTRIES INC

PARTY OF RECORD

CHRISTOPHER C MCCrackEN  
ULMER & BERNE LLP  
1300 EAST NINTH STREET SUITE 900  
CLEVELAND OH 44114 US

Represents: ASHTA CHEMICAL INC  
ASHTA CHEMICALS INC

PARTY OF RECORD

THOMAS F. MCFARLAND, JR.  
MCFARLAND & HERMAN  
20 NORTH WACKER DRIVE, SUITE 1330  
CHICAGO IL 60606-3101 US

Represents: KOKOMO GRAIN CO INC

PARTY OF RECORD

JAMES F. MCGRAIL  
COMMONWEALTH OF MASS. EXEC. OFFICE OF TRANSPT. & CONST.  
10 PARK PLAZA ROOM 3170  
BOSTON MA 02116-3969 US

Represents: COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF  
TRANSPORTATION AND CONSTRUCTION

PARTY OF RECORD

FRANCIS G. MCKENNA  
ANDERSON & PENDLETON  
1700 K ST NW SUITE 1107  
WASHINGTON DC 20006 US

Represents: WEST VIRGINIA STATE RAIL AUTHORITY

PARTY OF RECORD

COLETTA MCNAMEE SR  
CUDELL IMPROVEMENT INC  
11500 FRANKLIN BLVD STE 104  
CLEVELAND OH 44102 US

Represents: CUDELL IMPROVEMENT INC

MEMBER OF CONGRESS

HONORABLE MICHAEL MCNULTY  
U. S. HOUSE OF REPRESENTATIVES  
WASHINGTON DC 20515-3221 US

Represents:

NON-PARTY

GEORGE MESIRES  
STATE OF NY ASSISTANT ATTORNEY GENERAL

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10/08/1997

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120 BROADWAY SUITE 2601  
NEW YORK NY 10271 US

Represents:

PARTY OF RECORD

H DOUGLAS MIDKIFF

65 WEST BROAD ST STE 101  
ROCHESTER NY 14614-2210 US

Represents: GENESEE TRANSPORTATION COUNCIL

MEMBER OF CONGRESS  
HON. BARBARA A. MIKULSKI  
UNITED STATES SENATE  
WASHINGTON DC 20510 US

Represents:

PARTY OF RECORD  
CLINTON J MILLER, III, GENERAL COUNSEL  
UNITED TRANSPORTATION UNION  
14600 DETROIT AVENUE  
CLEVELAND OH 44107-4250 US

Represents:

PARTY OF RECORD  
G. PAUL MOATES  
SIDLEY & AUSTIN  
1722 EYE STREET NW  
WASHINGTON DC 20006 US

Represents: MOATES SIDLEY & AUSTIN

PARTY OF RECORD  
C V MONIN  
BROTHERHOOD OF LOCOMOTIVE ENGINEERS  
1370 ONTARIO STREET  
CLEVELAND OH 44113 US

Represents: BROTHERHOOD OF LOCOMOTIVE ENGINEERS

NON-PARTY  
JEFFREY R. MORELAND  
THE BURLINGTON NORTHERN SANTA FE CORPORATION  
1700 EAST GOLF ROAD  
SCHAUMBURG IL 60173 US

Represents:

PARTY OF RECORD  
KARL MORELL  
BALL JANIK LLP

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10/08/1997  
Page 29  
 1455 F STREET NW SUITE 225

WASHINGTON DC 20005 US

Represents: ANN ARBOR RAILROAD  
CHICAGO RAIL LINK LLC  
CONNECTICUT SOUTHERN RAILROAD INC  
GEORGIA WOODLANDS RAILROAD L L C  
INDIANA & OHIO RAILWAY COMPANY  
INDIANA AND OHIO RAILROAD INC  
INDIANA SOUTHERN RAILROAD INC  
MANUFACTURERS JUNCTION RAILWAY L L C  
NEW ENGLAND CENTRAL RAILROAD INC  
NEWBURGH & SOUTH SHORE RAILROAD LTD  
NORTHERN OHIO & WESTERN RAILWAY L L C  
PITTSBURGH INDUSTRIAL RAILROAD INC

NON-PARTY

JEFFREY O. MORENO  
DONELAN CLEARY WOOD MASER  
1100 NEW YORK AVENUE N W, SUITE 750  
WASHINGTON DC 20005-3934 US

Represents:

PARTY OF RECORD  
IAN MUIR  
BUNGE CORPORATION  
P O BOX 28500  
ST LOUIS MO 63146 US

Represents: BUNGE CORPORATION

PARTY OF RECORD  
WILLIAM A. MULLINS  
TROUTMAN SANDERS LLP  
1300 I STREET NW SUITE 500 EAST  
WASHINGTON DC 20005-3314 US

Represents: GATEWAY EASTERN RWY COMPANY  
GATEWAY WESTERN RAILWAY COMPANY  
NEW YORK STATE ELECTRIC & GAS CORPORATION  
THE GATEWAY EASTERN RAILWAY COMPANY  
THE GATEWAY WESTERN RAILWAY COMPANY  
THE KANSAS CITY SOUTHERN RAILWAY COMPANY

PARTY OF RECORD  
JOHN R NADOLNY, VICE PRESIDENT & GENERAL COUNSEL  
BOSTON & MAINE CORPORATION  
IRON HORSE PARK  
NO BILLFRICA MA 01862 US

Represents: B&M  
BOSTON AND MAINE CORPORATION  
MAINE CENTRAL RAILROAD COMPANY  
SPRINGFIELD TERMINAL RAILWAY COMPANY

PARTY OF RECORD  
SAMUEL J NASCA

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UTU STATE LEGISLATIVE DIRECTOR  
35 FULLER ROAD SUITE 205  
ALBANY NY 12205 US

Represents: UNITED TRANSPORTATION UNION NEW YORK STATE LEGISLATIVE  
BOARD

MEMBER OF CONGRESS

ROBERT W. NEY HONORABLE  
CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON DC 20515 US

Represents:

NON-PARTY

GERALD P NORTON  
HARKINS CUNNINGHAM  
1300 19TH ST NW SUITE 600  
WASHINGTON DC 20036 US

Represents:

PARTY OF RECORD

SANDRA L NUNN  
FROST & JACOBS LLP  
201 EAST FIFTH STREET  
CINCINNATI OH 45202 US

Represents: SOUTHWEST OHIO REGIONAL TRANSIT AUTHORITY

PARTY OF RECORD

PETER Q. NYCE, JR.  
U. S. DEPARTMENT OF THE ARMY  
901 NORTH STUART STREET  
ARLINGTON VA 22203 US

Represents: DEPARTMENT OF DEFENSE VA  
U. S. DEPARTMENT OF THE ARMY

PARTY OF RECORD

KEITH G O'BRIEN  
REA, CROSS AND AUCHINCLOSS  
1920 N STREET NW, STE 420  
WASH DC 20036 US

Represents: OHIO RAIL DEVELOPMENT COMMISSION  
PUBLIC UTILITIES COMMISSION OF OHIO

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**WOODHARBOR ASSOCIATES**  
Consultants to Management



July 24, 1997

BY HAND DELIVERY

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W., Room 700  
Washington, DC 20423

*I*  
*Andrea - Done 7/24/97*  
*AKL*  
*copy to A. Richards*

**Re: Finance docket No. 33388, CSX Corporation and CSX Transportation Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation -- Transfer of Railroad Line by Norfolk Southern Railway Company to CSX Transportation, Inc.**

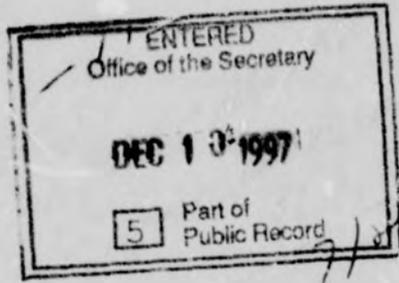
Dear Secretary Williams:

Effective with this letter, I withdraw as a party of record in the above-captioned proceeding. Please remove my name from the service list. I am listed as follows:

Richard J. Schiefelbein  
Woodharbor Associates  
7801 Woodharbor Drive  
Fort Worth, TX 76179

Respectfully submitted,

*Richard J. Schiefelbein*  
Richard J. Schiefelbein



WOODHARBÖR ASSOCIATES  
*Consultants to Management*

CERTIFICATE OF SERVICE

I hereby certify that I have served this 24th day of July, 1997, a copy of the foregoing notice of withdrawal by first class mail on the Director of the Office of Proceedings, the Honorable Jacob Leventhal, and outside counsel for the Applicants.



Richard J. Schiefelbein