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December 9, 2019

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
December 9, 2019
Part of
Public Record

Re: **Docket No. FD 36347, *Bessemer and Lake Erie Railroad Company - Acquisition and Operation - Certain Rail Lines of CSX Transportation, Inc. in Onondaga, Oswego, Jefferson, Saint Lawrence, and Franklin Counties, N.Y.***

Dear Ms. Brown:

CSX Transportation, Inc., the seller of the rail lines in Onondaga, Oswego, Jefferson, Saint Lawrence, and Franklin Counties, N.Y., is submitting Comments in this proceeding.

This letter is being efiled. Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,

/s/ *Louis E. Gitomer*

Louis E. Gitomer
Attorney for CSX Transportation, Inc.

Attachment

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36347

BESSEMER AND LAKE ERIE RAILROAD COMPANY-
ACQUISITION AND OPERATION-
CERTAIN LINES OF CSX TRANSPORTATION, INC. IN ONONDAGA, OSWEGO,
JEFFERSON, SAINT LAWRENCE, AND FRANKLIN COUNTIES, N.Y.

COMMENTS OF CSX TRANSPORTATION, INC.

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Attorneys for: CSX TRANSPORTATION,
INC.

Dated: December 9, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36347

BESSEMER AND LAKE ERIE RAILROAD COMPANY-
ACQUISITION AND OPERATION-
CERTAIN LINES OF CSX TRANSPORTATION, INC. IN ONONDAGA, OSWEGO,
JEFFERSON, SAINT LAWRENCE, AND FRANKLIN COUNTIES, N.Y.

COMMENTS OF CSX TRANSPORTATION, INC.

The Bessemer and Lake Erie Railroad Company, an indirect and wholly owned subsidiary of Canadian National Railway Company, filed with the Surface Transportation Board (the “Board”) a minor application (the “Application”) to acquire from CSX Transportation, Inc. (“CSXT”) and operate an approximately 236.3 miles of rail line in New York (the “Massena Line”).

CSXT supports the Application and is submitting this comment to ensure the Board and CSXT’s adversely affected employees that CSXT will abide by the representations made in the Application concerning those employees.

The Application indicated that CSXT currently employs 50 employees on the Massena Line who may be adversely affected by the proposed sale and acquisition of the Massena Line. The Application also stated that the CSXT employees who are adversely affected by the transaction will be entitled to the employee protective conditions and other procedures adopted in *New York Dock—Control—Brooklyn Eastern District Terminal*, 360 I.C.C. 60, *aff’d sub nom. New York Dock Ry. v. United States*, 609 F.2d 83 (2d Cir. 1979), as modified by *Wilmington*

Terminal Railroad—Purchase & Lease—CSX Transportation Inc., 6 I.C.C.2d 799, 814-26 (1990), *aff'd sub nom. Railway Labor Executives' Ass'n v. ICC*, 930 F.2d 511 (6th Cir. 1991) (the “Protective Conditions”).

Pursuant to the requirements of the Protective Conditions, CSXT has begun the process of negotiating implementing agreements with the representatives of the employees who will be affected.

CSXT reserves the right provided in Decision No. 1 to respond to comments, protests, requests for conditions and other opposition and to provide rebuttal in support of the application by January 8, 2020.

Respectfully submitted,

/s/ *Louis E. Gitomer*

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Attorneys for: CSX TRANSPORTATION, INC.

Dated: December 9, 2019

CERTIFICATE OF SERVICE

I certify that these Comments have been served by email or first class mail postage prepaid on the following parties of record.

/s/ *Louis E. Gitomer*

Louis E. Gitomer
December 9, 2019

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