



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

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The Honorable Charles E. Schumer
Democratic Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schumer:

Thank you for your recent letter regarding Bessemer & Lake Erie Railroad Company—Acquisition & Operation—Certain Rail Lines of CSX Transportation, Inc. in Onondaga, Oswego, Jefferson, Saint Lawrence, & Franklin Counties, N.Y., Docket No. FD 36347. We appreciate knowing your views on this matter.

As you may know, by a decision issued on February 7, 2020, the Board directed Bessemer and Lake Erie Railroad Company (B&LE) and CSX Transportation, Inc., to submit supplemental information addressing the potential anticompetitive effect of section 5.14(b) of the Purchase and Sale Agreement, a provision that restricts B&LE from seeking access to Finger Lakes Railway Corp. (FGLK). The Board also invited other interested parties to address potential anticompetitive effects on shippers served by FGLK, including information about the degree to which these shippers would be impacted. The supplemental filings were due by February 14, 2020, and reply comments were due by February 21, 2020. Additionally, the Board stated that a final agency decision would be served by April 6, 2020.

While we cannot comment on the merits of the proposed transaction because it is currently pending before the Board, please know that we are carefully reviewing all the filings submitted in the proceeding, including those filed by the New York State Department of Transportation.

Again, thank you for your letter, a copy of which has been placed in the docket. If you or your staff have any questions, please contact us or Lucille Marvin, Director of the Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238.

Sincerely,


Ann Begeman
Chairman


Patrick Fuchs
Board Member


Martin Oberman
Vice Chairman